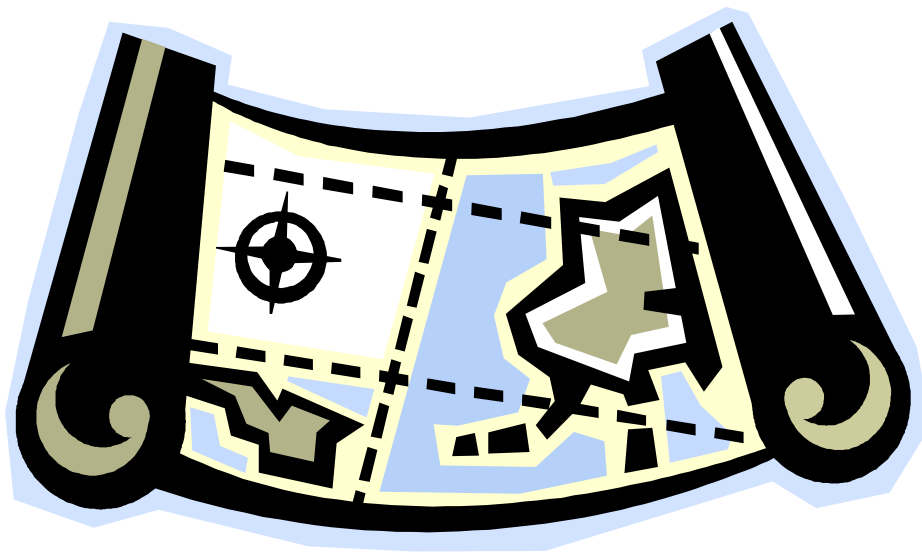


**GRAND COUNTY
ZONING REGULATIONS**



**LAST AMENDED
September 13, 2022**

GRAND COUNTY ZONING REGULATIONS
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SECTION I
APPLICATION OF REGULATIONS

Except as hereinafter provided, no building or other structure, or land shall be used and no building or other structure shall be erected, reconstructed, or structurally altered except in conformance with the regulations herein specified for the district in which such building, structure or use is located, nor shall a yard or lot area be reduced in dimension to an amount less than the minimum requirements specified by these Regulations.

SECTION II
MAP DISTRICTS

2.1 ESTABLISHMENT OF DISTRICTS

In order to carry out provisions of this Regulation, Grand County, Colorado is hereby and in the future may be divided into the following zoning districts:

- E - Estate District**
- R - Residential District**
- A - Accommodations District**
- F - Forestry and Open District**
- M - Mobile Home District**
- T - Tourist**
- B - Business District**
- U - Unclassified**

2.2 BOUNDARIES

The boundaries of these districts are established as shown on area maps on file in the Community Development Department. These maps and all future amendments thereto are hereby made a part of these Regulations.

Unless otherwise defined on the zoning area maps, district boundary lines are lot lines; the centerlines of streets, roads; highway rights-of-way; alleys; railroad rights-of-way or such lines extended; section lines; municipal corporate lines; centerlines of stream beds; or other lines drawn to scale on the zoning area maps.

SECTION III
E - ESTATE DISTRICT

3.1 DECLARATION OF INTENT – ESTATE DISTRICT

The purpose of the Estate District is to provide areas for low density, single-family residential use; to stabilize and protect the characteristics of these areas; and to maintain a suitable environment for family living. Uses by Right in the Estate District include:

USES PERMITTED:

1. Single - Family dwellings;
2. Schools, and churches;
3. Parks, playgrounds and golf courses;
4. Accessory uses and structures as defined in Section XIII;
5. Reservoirs and dams engineered to contain one hundred (100) acre feet of water or less;
6. Water diversion structures, ditches, and pipeline structures engineered to convey fifteen (15) cubic feet of water per second of time or less;
7. Private riding stables;
8. Small Wind Energy System thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (10);
9. Telecommunications infrastructure thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (7) as well as those systems deemed rooftop designs. All applicable building permit requirements apply;
10. Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental.

USES PERMITTED BY SPECIAL REVIEW:

1. Reservoirs and dams engineered to contain more than one hundred (100) acre feet of water;
2. Water diversion structures, ditches and pipeline structures engineered to convey more than fifteen (15) cubic feet of water per second of time;
3. Public utility facilities, excluding business offices and repair facilities;
4. Facilities for a trans-basin diversion;
5. Golf Courses;
6. Small Wind Energy System above thirty five (35) feet in height and/or more than one (1) small wind energy system on any single parcel of land;
7. Telecommunications infrastructure above thirty five (35) feet in height and not deemed a rooftop design.

3.2 MINIMUM AREA OF LOT:

For each principal use:

1. On un-subdivided land two (2) acres.
2. On subdivided land not served by public water and public sewage facilities - one (1) acre.
3. On subdivided land served by either public water or public sewage facilities - 20,000 sq. ft.
4. On subdivided land served by both public water and public sewage facilities - 10,000 sq. ft.

3.3 MINIMUM LOT WIDTH:

For each principal use:

1. On un-subdivided land 200 feet
2. On subdivided land not served by public water and public sewage facilities - 150 feet
3. On subdivided land served by either public water or public sewage facilities - 75 feet
4. On subdivided land served by both public water and public sewage facilities - 75 feet

3.4	MINIMUM FRONT YARD	30 feet
3.5	MINIMUM SIDE YARD	10 feet
3.6	MINIMUM REAR YARD	20 feet
3.7	MAXIMUM HEIGHT OF BUILDINGS	Refer to Definitions, Section XX (10).
3.8	WATER QUALITY SETBACK	Setback from the edge of a water body shall be a minimum of 30 feet.

SECTION IV
R - RESIDENTIAL DISTRICT

4.1 DECLARATION OF INTENT - RESIDENTIAL ZONE DISTRICT

It is the purpose of the Residential Zone to provide areas for single-family residential use as well as multi-family residential use; to ensure other community facilities are available to properly serve said residential developments; to leave ample area available for on-site parking, recreational and outdoor activity areas; and to protect the existing character of the area.

USES PERMITTED:

1. Single- family dwellings;
2. Multiple-family dwellings;
3. Boarding and rooming houses, rest homes, and bed and breakfasts each containing no more than five (5) total bedrooms provided a commercial well or municipal owner water system is available for service;
4. Schools, and churches;
5. Private riding stables;
6. Parks and playgrounds;
7. Accessory uses and structures as defined in Section XIII;
8. Reservoirs and dams engineered to contain one hundred (100) acre feet of water or less; Water diversion structures, ditches and pipeline structures engineered to convey fifteen (15) cubic feet of water per second of time or less;
9. Small Wind Energy System thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (10);
10. Telecommunications infrastructure thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (7) as well as those systems deemed rooftop designs. All applicable building permit requirements apply;
11. Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental.

USES PERMITTED BY SPECIAL REVIEW:

1. Reservoirs and dams engineered to contain more than one hundred (100) acre feet of water;
2. Water diversion structures, ditches and pipeline structures engineered to convey more than fifteen (15) cubic feet of water per second of time;
3. Public utility facilities, excluding business offices and repair facilities;
4. Facilities for a trans-basin diversion;
5. Golf Courses;
6. Bed and breakfasts, rooming and boarding houses, and rest homes with over five (5) total bedrooms;
7. Small Wind Energy System above thirty five (35) feet in height and/or more than one (1) small wind energy system on any single parcel of land;
8. Telecommunications infrastructure above thirty five (35) feet in height and not deemed a rooftop design.

4.2 MINIMUM AREA OF LOT - For each principal use:

1. On un-subdivided land two (2) acres
2. On subdivided land not served by public water and public sewage facilities - 30,000 sq. ft.
3. On subdivided land served by either public water or public sewage facilities - 15,000 sq. ft.
4. On subdivided land served by both public water and public sewage facilities - 7,000 sq. ft.

4.3 MINIMUM LOT WIDTH - For each principal use:

1. On un-subdivided land - 200 feet

2. On subdivided land not served by public water and public sewage facilities - 120 feet
3. On subdivided land served by either public water or public sewage facilities - 60 feet
4. On subdivided land served by both public water and public sewage facilities - 60 feet

4.4	MINIMUM FRONT YARD	30 feet
4.5	MINIMUM SIDE YARD	5 feet
4.6	MINIMUM REAR YARD	20 feet
4.7	MAXIMUM HEIGHT OF BUILDINGS	Refer to Definitions, Section XX (10).
4.8	WATER QUALITY SETBACK	Setback from the edge of a water body shall be a minimum of 30 feet.

SECTION V
A – ACCOMMODATIONS DISTRICT

5.1 DECLARATION OF INTENT - ACCOMMODATIONS ZONE DISTRICT

The purpose of the Accommodations Zone District is to provide lodging facilities with accessory uses to serve the traveling public, mainly to be located along federal and state highways. Residential uses are permitted in this zone district.

USES PERMITTED:

1. Single-family dwellings;
2. Multiple-family dwellings;
3. Boarding and rooming houses, rest homes, and bed and breakfasts (any bed and breakfast, rooming house or boarding house that wishes to have over five (5) total bedrooms must be constructed or modified to meet R-1 requirements of the current County Building Code); provide a commercial well or municipal owner water system is available for service;
4. Schools, and churches;
5. Offices and Clinics and other structures in which a professional occupation is located, provided the uses generate twenty (20) or less ADT's and that the uses are not obnoxious, offensive, or objectionable because of excessive noise, odors, dust or vibration;
6. Parks and playgrounds;
7. Accessory uses and structures as defined in Section XIII;
8. Hotels, motels, lodges, resort cabins, including incidental businesses within the principal buildings; incidental businesses may include places serving food and beverages, newsstands, gift shops, sports shops and conference facilities provided that: All such businesses are clearly incidental to the primary use;
9. Outdoor recreational areas and incidental facilities, provided all such uses retain natural environmental conditions, do not involve the storage of equipment outside of a building and are not obnoxious, offensive or objectionable because of excessive noise, odors, dust or vibration;
10. Reservoirs and dams engineered to contain one hundred (100) acre feet of water or less;
11. Water diversion structures, ditches, and pipeline structures engineered to convey fifteen (15) cubic feet of water per second of time or less;
12. Small Wind Energy System thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (10);
13. Telecommunications infrastructure thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (7) as well as those systems deemed rooftop designs. All applicable building permit requirements apply.
14. Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental.

USES PERMITTED BY SPECIAL REVIEW:

1. Commercial camping;
2. Private Camping;
3. Reservoirs and dams engineered to contain more than one hundred (100) acre feet of water;
4. Water diversion structures, ditches and pipeline structures engineered to convey more than fifteen (15) cubic feet of water per second of time;
5. Public utility facilities, excluding business offices and repair facilities;
6. Facilities for a trans-basin diversion;
7. Golf Courses;
8. Commercial outdoor Recreational areas and accessory facilities;
9. Private Riding Stables;
10. Small Wind Energy System above thirty five (35) feet in height and/or more than one (1) small wind energy system on any single parcel of land;

11. Telecommunications infrastructure above thirty five (35) feet in height and not deemed a rooftop design.

5.2	MINIMUM AREA OF LOT	one (1) acre
5.3	MINIMUM LOT WIDTH	150 feet
5.4	MINIMUM FRONT YARD	30 feet
5.5	MINIMUM SIDE YARD	10 feet
5.6	MINIMUM REAR YARD	20 feet
5.7	MAXIMUM HEIGHT OF BUILDINGS	Refer to Definitions, Section XX (10).
5.8	WATER QUALITY SETBACK	Setback from the edge of a water body shall be a minimum of 30 feet.

SECTION VI
F - FORESTRY AND OPEN DISTRICT

6.1 DECLARATION OF INTENT - FORESTRY AND OPEN ZONE DISTRICT

The purpose of the Forestry and Open Zone District is to protect lands suitable for agricultural and uses related to forestry, mining and recreation after additional permitting. Higher impact uses are allowed when permitted and mitigated properly. Low density single-family residential uses are permitted in this zone district.

USES PERMITTED:

1. Single-family dwellings;
2. Schools, churches and hospitals;
3. Offices and Clinics and other structures in which a professional occupation is located, provided the uses generate twenty (20) or less ADT's and that the uses are not obnoxious, offensive, or objectionable because of excessive noise, odors, dust or vibration;
4. Parks and playgrounds;
5. Outdoor recreational areas and incidental facilities, provided all such uses retain natural environmental conditions, do not involve the storage of equipment outside of a building and are not obnoxious, offensive or objectionable because of excessive noise, odors, dust or vibration;
6. Accessory uses and structures as defined in Section XIII;
7. Lodges and resort cabins, including incidental business within the principal building; incidental businesses may include conference facilities provided that said conference facilities are clearly incidental to the primary use. Bed and breakfasts with no more than five (5) total bedrooms; must be constructed or modified to meet R-1 requirements of the current County Building Code); provided a commercial well or municipal owner water system is available for service;
8. Private riding stables;
9. Commercial feed yards, fur farms, kennels, veterinary hospitals, and commercial riding stables, provided all such uses are located at least five hundred feet (500) from schools, churches, and dwellings on other lots;
10. Reservoirs and dams engineered to contain one hundred (100) acre feet of water or less;
11. Water diversion structures, ditches and pipeline structures engineered to convey fifteen (15) cubic feet of water per second of time or less;
12. Small Wind Energy System thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (10);
13. Telecommunications infrastructure thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (7) as well as those systems deemed rooftop designs. All applicable building permit requirements apply;
14. Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental.
15. Private camping subject to the provisions of Section 11.8, Private Camping

USES PERMITTED BY SPECIAL REVIEW:

1. Commercial camping;
2. Airports;
3. Cemeteries;
4. Sanitary landfills, composting facilities, transfer stations, recycling centers, and junk yards;
5. Lumber and ore mills;
6. Mines, quarries, sand & gravel operations, concrete batch plants, and asphalt plants;
7. Reservoirs and dams engineered to contain more than one hundred (100) acre feet of water;
8. Water diversion structures, ditches and pipeline structures engineered to convey more than fifteen (15) cubic feet of water per second of time;
9. Public utility facilities, excluding business offices and repair facilities;

10. Facilities for a trans-basin diversion;
11. Construction businesses, heavy equipment storage areas, earth moving businesses;
12. Commercial greenhouses and nurseries;
13. Camps and lodges with over five (5) bedrooms;
14. Bed and Breakfasts, rooming and boarding houses, and rest homes with over five (5) bedrooms;
15. Indoor storage of recreational vehicles;
16. Commercial outdoor storage facilities, including recreational vehicles;
17. Golf Courses;
18. Commercial outdoor recreational areas and accessory facilities;
19. Oil and gas exploration and production;
20. Small Wind Energy System above thirty five (35) feet in height and/or more than one (1) small wind energy system on any single parcel of land;
21. Telecommunications infrastructure above thirty five (35) feet in height and not deemed a rooftop design.

6.2 MINIMUM AREA OF LOT:

1. Located Outside the Growth Boundary as defined in the Grand County Master Plan - Five (5) acres
2. Located Inside the Growth Boundary as defined in the Grand County Master Plan - Two (2) acres

6.3	MINIMUM LOT WIDTH	200 feet
6.4	MINIMUM FRONT YARD	30 feet
6.5	MINIMUM SIDE YARD	10 feet
6.6	MINIMUM REAR YARD	20 feet
6.7	MAXIMUM HEIGHT OF BUILDING	Refer to Definitions, Section XX (10).
6.8	WATER QUALITY SETBACK	Setback from the edge of a water body shall be a minimum of 30 feet.

SECTION VII
M - MOBILE HOME DISTRICT

7.1 DECLARATION OF INTENT - MOBILE ZONE DISTRICT

The purpose of this zone district is to allow the use and placement of mobile homes and travel trailers on either a permanent or temporary basis. Mobile homes and travel trailers are restricted to this zone district except as allowed by Section XI. Residential uses are permitted in this zone district.

USES PERMITTED:

1. Single-family dwellings;
2. Individual mobile homes;
3. Multiple-family dwellings;
4. Boarding and rooming houses, rest homes, and bed and breakfasts, each containing no more than five (5) total bedrooms; provided a commercial well or municipal water system is available for service;
5. Schools, churches and hospitals;
6. Parks and playgrounds;
7. Accessory uses and structures as defined in Section XIII;
8. Reservoirs and dams engineered to contain one hundred (100) acre feet of water or less;
9. Water diversion structures, ditches, and pipeline structures engineered to convey fifteen (15) cubic feet of water per second of time or less;
10. Small Wind Energy System thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (10);
11. Telecommunications infrastructure thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (7) as well as those systems deemed rooftop designs. All applicable building permit requirements apply;
12. Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental.

USES PERMITTED BY SPECIAL REVIEW:

1. Mobile home parks;
2. Private camping;
3. Bed and Breakfasts, rooming and boarding houses, and rest homes with over five (5) bedrooms;
4. Small Wind Energy System above thirty five (35) feet in height and/or more than one (1) small wind energy system on any single parcel of land;
5. Telecommunications infrastructure above thirty five (35) feet in height and not deemed a rooftop design.

7.2 MINIMUM AREA OF LOT:

For all uses permitted in the "M" district and individual mobile homes

1. On un-subdivided land two (2) acres
2. On subdivided land not served by public water and public sewage facilities - 30,000 sq. ft.
3. On subdivided land served by either public water or public sewage facilities - 15,000 sq. ft.
4. On subdivided land served by both public water and public sewage facilities - 7,500 sq. ft.

7.3 MINIMUM LOT WIDTH:

For all uses permitted in the "M" district and individual mobile homes:

1. On un-subdivided land 200 feet
2. On subdivided land not served by public water and public sewage facilities - 120 feet
3. On subdivided land served by either public water or public sewage facilities - 60 feet
4. On subdivided land served by both public water and public sewage facilities - 60 feet

7.4	MINIMUM FRONT YARD	30 feet
7.5	MINIMUM SIDE YARD	5 feet
7.6	MINIMUM REAR YARD	20 feet
7.7	MAXIMUM HEIGHT OF BUILDINGS	Refer to Definitions, Section XX (10).
7.8	WATER QUALITY SETBACK	Setback from the edge of a water body shall be a minimum of 30 feet.

SECTION VIII
T - TOURIST DISTRICT

8.1 DECLARATION OF INTENT - TOURIST ZONE DISTRICT

The purpose of the Tourist Zone is to provide areas to accommodate related retail businesses to serve the traveling and recreation oriented public, mainly to be located along federal and state highways. Residential uses are permitted in this zone district.

USES PERMITTED:

1. Single-family dwellings;
2. Multiple-family dwellings.
3. Boarding and rooming houses, rest homes, and bed and breakfasts (any bed and breakfast, rooming house or boarding house that wishes to have over five (5) total bedrooms must be constructed or modified to meet R-1 requirements of the current County Building Code);
4. Schools, churches and hospitals;
5. Medical and dental offices and clinics;
6. Parks and playgrounds;
7. Outdoor recreational areas provided all such uses retain natural environmental conditions, do not involve the storage of equipment outside of a building and are not obnoxious, offensive or objectionable because of excessive noise, odors, dust or vibration;
8. Accessory uses and structures as defined in Section XIII;
9. Hotels, motels, lodges, resort cabins, and conference facilities including accessory businesses within the principal buildings;
10. Private riding stables and commercial riding stables provided all such uses are located at least one hundred feet (100') from schools, churches and dwellings on other lots;
11. Commercial uses, including but not limited to the following provided that all previous listed uses do not allow objectionable or obnoxious amounts of noise, odor, dust, smoke, vibration or other similar causes to be disseminated beyond individual lot lines, and that all outdoor storage areas are completely screened including:
 - Antique Stores
 - Bakeries
 - Banks
 - Barber and Beauty Shops
 - Clothing Stores
 - Drug Stores
 - Eating and Drinking Establishments
 - Florists
 - Grocery Stores
 - Home Improvement Stores
 - Mini-Storage Warehouse Facilities
 - Retail and Rental Sporting Goods Stores
 - Indoor Theatres
12. Reservoirs and dams engineered to contain one hundred (100) acre feet of water or less;
13. Water diversion structures, ditches and pipeline structures engineered to convey fifteen (15) cubic feet of water per second of time or less;
14. Small Wind Energy System thirty five (35) feet in height and below that comply with the provisions contained within section 11.8 (10);
15. Telecommunications infrastructure thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (7) as well as those systems deemed rooftop designs. All applicable building permit requirements apply.

16. Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental.

USES PERMITTED BY SPECIAL REVIEW:

1. Commercial camping;
2. Private Camping;
3. Reservoirs and dams engineered to contain more than one hundred (100) acre feet of water;
4. Water diversion structures, ditches and pipeline structures engineered to convey more than fifteen (15) cubic feet of water per second of time;
5. Public utility facilities, excluding business offices and repair facilities;
6. Facilities for a trans-basin diversion;
7. Camps and lodges with over five (5) bedrooms;
8. Bed and Breakfasts, rooming and boarding houses, and rest homes with over five (5) bedrooms;
9. Commercial outdoor recreational areas and accessory facilities;
10. Gasoline stations;
11. Automotive repair facilities;
12. Cleaning and dyeing shops;
13. Marinas;
14. Small Wind Energy System above thirty five (35) feet in height and/or more than one (1) small wind energy system on any single parcel of land;
15. Telecommunications infrastructure above thirty five (35) feet in height and not deemed a rooftop design.

8.2	MINIMUM AREA OF LOT	one (1) acre
8.3	MINIMUM LOT WIDTH	150 feet
8.4	MINIMUM FRONT YARD	30 feet
8.5	MINIMUM SIDE YARD	10 feet
8.6	MINIMUM REAR YARD	20 feet
8.7	MAXIMUM HEIGHT OF BUILDINGS	Refer to Definitions, Section XX (10).
8.8	WATER QUALITY SETBACK	Setback from the edge of a water body shall be a minimum of 30 feet.

SECTION IX
B - BUSINESS DISTRICT

9.1 DECLARATION OF INTENT - BUSINESS ZONE DISTRICT

The purpose of the Business District is to provide convenience to County residents and visitors to commercial goods and services. The Business District is designated to provide a wide range of commercial uses. There may be some emphasis upon wholesale and business services. Light manufacturing and some types of processing are also permitted.

USES PERMITTED:

1. Single -family dwellings;
2. Multiple-family dwellings;
3. Boarding and rooming houses, rest homes, and bed and breakfasts (any bed and breakfast, rooming house or boarding house that wishes to have over five (5) total bedrooms, must be constructed or modified to meet R-1 requirements of the current County Building Code);
4. Hotels, motels, lodges, resort cabins, and conference facilities including accessory business within the principal buildings;
5. Schools, churches and hospitals;
6. Medical and dental offices and clinics;
7. Parks and playgrounds;
8. Small Wind Energy System thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (10);
9. Accessory uses and structures as defined in Section XIII;
10. Outdoor recreational areas provided all such uses retain natural environmental conditions, do not involve the storage of equipment outside of a building and are not obnoxious, offensive or objectionable because of excessive noise, odors, dust or vibration;
11. Any general commercial activity, retail or wholesale, including but not limited to the following:
 - Antique Shops
 - Bakeries
 - Banks
 - Barber and Beauty Shops
 - Bottling Works
 - Clothing Stores
 - Construction Businesses, Heavy Equipment Storage Area and Earth-Moving Businesses
 - Dairies
 - Drug Stores
 - Eating and Drinking Establishments
 - Florists
 - Furniture Repair and Sales
 - Commercial Nurseries and Retail Greenhouses
 - Grocery Stores
 - Home Improvement Stores
 - Light Manufacturing
 - Mini-Storage Warehouse Facilities
 - Personal Service Shops
 - Retail and Rental Stores
 - Theatres, Indoor
 - Warehouse Facilities

Provided that all previous listed uses do not allow objectionable or obnoxious amounts of noise, odor, dust, smoke, vibration or other similar causes to be disseminated outside the "B" – Business District.

12. Reservoirs and dams engineered to contain one hundred (100) acre feet of water or less;
13. Water diversion structures, ditches and pipeline structures engineered to convey fifteen (15) cubic feet of water per second of time or less;
14. Small Wind Energy Systems thirty five (35) feet in height and below that comply with the provisions contained within section 11.8 (10);
15. Telecommunications infrastructure thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (7) as well as those systems deemed rooftop designs. All applicable building permit requirements apply.
16. Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental.

USES PERMITTED BY SPECIAL REVIEW:

1. Commercial camping;
2. Private Camping
3. Mobile Home Parks;
4. Reservoirs and dams engineered to contain more than one hundred (100) acre feet of water;
5. Water diversion structures, ditches and pipeline structures engineered to convey more than fifteen (15) cubic feet of water per second of time;
6. Public utility facilities, excluding business offices and repair facilities;
7. Facilities for a trans-basin diversion;
8. Commercial outdoor recreational areas and accessory facilities;
9. Gasoline stations;
10. Automotive repair facilities;
11. Cleaning and dyeing shops;
12. Automobile sales;
13. Marinas;
14. Small Wind Energy System above thirty five (35) feet in height and/or more than one (1) small wind energy system on any single parcel of land;
15. Telecommunications infrastructure above thirty five (35) feet in height and not deemed a rooftop design;
16. Adult Oriented Uses

9.2	MINIMUM AREA OF LOT	one (1) acre
9.3	MINIMUM LOT WIDTH	50 feet
9.4	MINIMUM FRONT YARD	30 feet
9.5	MINIMUM SIDE YARD (Except when adjacent to residential use, public rights-of-way, and/or when roof drainage is to side yard)	0 feet 10 feet
9.6	MINIMUM REAR YARD	10 feet
9.7	MAXIMUM HEIGHT OF BUILDINGS	Refer to Definitions, Section XX (10).
9.8	WATER QUALITY SETBACK	Setback from the edge of a water body shall be a minimum of 30 feet.

SECTION X
U - UNCLASSIFIED DISTRICT

10.1 DECLARATION OF INTENT - UNCLASSIFIED ZONE DISTRICT

This district permits all uses not otherwise prohibited by law, except that the following uses shall only be permitted to the provisions of Section XI of these regulations.

USES PERMITTED:

All uses not otherwise prohibited by law, except that the following uses shall only be permitted pursuant to the provisions of Section XI of these Regulations:

- alfalfa dehydrators;
- automobile wrecking yards;
- cement, lime or gypsum manufacturing;
- chemical plants;
- fertilizer manufacturing;
- fireworks or explosives manufacturing;
- garbage, offal or dead animal dumping or reduction operations;
- glue manufacturing or fat rendering or distillation of bones;
- junkyards;
- slaughter houses and packing houses;
- smelting of ore;
- public utility facilities, excluding business offices and repair facilities;
- reservoirs and dams, if engineered to contain more than one hundred (100) acre feet of water;
- water diversion structures, ditches and pipeline structures, if engineered to convey more than fifteen (15) cubic feet of water per second of time;
- facilities for a trans-basin diversion;
- Small Wind Energy System thirty five (35) feet in height and below that comply with the provisions contained within section 11.8 (10);
- Telecommunications infrastructure thirty five (35) feet in height and below that comply with the provisions contained within Section 11.8 (7) as well as those systems deemed rooftop designs. All applicable building permit requirements apply.

USES PERMITTED BY SPECIAL REVIEW:

1. Small Wind Energy System above thirty five (35) feet in height and/or more than one (1) small wind energy system on any single parcel of land;
2. Telecommunications infrastructure above thirty five (35) feet in height and not deemed a rooftop design.

All uses which may be obnoxious, offensive, hazardous or detrimental to the public welfare by the emission of unusual and excessive amounts of dust, smoke, fumes, gas, noxious odors or noises shall be subject to County review should any issues or complaints arise.

10.2	MINIMUM LOT AREA	two (2) acres
10.3	MINIMUM LOT WIDTH	200 feet
10.4	MINIMUM FRONT YARD	30 feet
10.5	MINIMUM SIDE YARD	10 feet
10.6	MINIMUM REAR YARD	30 feet
10.7	MAXIMUM HEIGHT OF BUILDINGS	Refer to Definitions, Section XX (10)
10.8	MINIMUM DISTANCE OF ANY BUSINESS OR INDUSTRIAL USE FROM AN ADJOINING ZONING DISTRICT BOUNDARY	200 feet
10.9	WATER QUALITY SETBACK	Setback from the edge of a water body shall be a minimum of 30 feet.

SECTION XI
USES PERMITTED BY SPECIAL REVIEW AND TEMPORARY USES

11.1 PURPOSE - USES PERMITTED BY SPECIAL REVIEW

Due to their unusual and unique features which, in certain situations, could be injurious to the health, safety or welfare of inhabitants of Grand County, Special Uses shall be permitted in the designated zoning districts only after receiving favorable approval of the Board of County Commissioners.

11.2 CONDITIONS AND GUARANTEES

Prior to the granting of any Special Use Permit, the Planning Commission may recommend and the County Board shall stipulate such conditions and restrictions, upon the establishment, location, construction, maintenance and operation of the special use as are deemed necessary for the protection of the public health, safety and welfare. Any Special Use Permit granted by the Board of County Commissioners may incorporate such conditions as it deems necessary to require compliance with the standards for issuing permits as set forth in this Section.

Prior to issuance of a Special Use Permit, the Planning Commission and Board of County Commissioners shall consider the following:

1. The visual, environmental, physiographic and socioeconomic characteristics of the land to be used;
2. Evaluation of the broad ecosystems, topography, soils, hydrology, geology, vegetation, wildlife, climate and unique fractures so that approved special use shall result in the least possible adverse impacts within any zoning district;
3. Such uses shall serve an obvious public need;
4. Satisfactory proof shall be given that areas will be properly maintained.

11.3 REVIEW PROCEDURE

Prior to submittal of a Special Use Permit Application, the applicant is required to have a pre-application meeting with the Community Development Department. This conference will be to discuss the general feasibility of the request and specific submittal requirements.

Unless waived by the Board of County Commissioners (BOCC) pursuant to the provisions contained in Section XI, no application for a Special Use Permit shall be scheduled for consideration by the Board of County Commissioners of Grand County until all of the required material is first filed with the Grand County Community Development Department. The Board of County Commissioners will be guided in their review by the provisions and purposes of these regulations, by the unique conditions of the surrounding neighborhood, and by the countywide need for each use. No use shall be granted under this section without a public hearing being held thereon; notice of which, including a description of the property, the proposed use, and the time and place of hearing, has first been published at least once in a newspaper of general circulation within the area and has been mailed to all property owners within one thousand (1000) feet of the proposal, at least twenty (20) days prior to the scheduled hearing. This procedure shall be pursued in the following manner:

1. **Publication:** Public Notice shall be published at least once in a newspaper of general circulation within Grand County where the property in question is located at least twenty (20) days prior to the scheduled hearing; and

2. **Mailing:** Written notice shall be mailed by certified mail to all property owners within five hundred (500) feet and by first class mail to all property owners within one thousand feet (1000) feet of the proposal; and
3. **Signage:** A sign of twenty four by thirty inches (24"x30") shall be furnished by the Applicant and shall be posted in a location fully visible from the street or county road and no further than ten (10) set back from the road. Photographic proof of the sign shall be provided to the Community Development Department and the sign shall be in the following format:

NOTICE OF (DEVELOPMENT NAME, DATE)

APPLICANT NAME: _____

APPLICANT PHONE: _____

APPLICANT EMAIL: _____

PROPOSED PROJECT: _____

LEGAL DESCRIPTION AND ADDRESS:

Contact the Community Development Department at 970-725-3255 or email planning@co.grand.co.us with questions and concerns. The Planning Commission Agendas and Board of County Commissioner Agendas are available online at www.co.grand.co.us

4. **Fees:** The cost of publication, certified mailings and sign shall be paid by the applicant for the Special Use Permit.

11.4 MINERAL ESTATES NOTIFICATION

The Applicant shall certify that notice has been provided to the mineral estate owner pursuant to C.R.S. § 24-65.5-101 et al., for any Special Use Permit Application pursuant to Section XI of these Regulations where such applications are in anticipation of new surface development. The notice shall include the time and place of the initial public hearing before the Board of County Commissioners, nature of the hearing, location of the property that is the subject of the hearing, and the name of the applicant. The name and the address of the mineral estate owner are required to be provided within said certification of notice. Grand County shall, pursuant to C.R.S. § 24-6-402 (7) et. al., provide notice of subsequent hearings to Mineral Estate Owners who register for such notification.

11.5 FEES

In order to assign the burden of review to an applicant seeking a Special Use Permit, the Board of County Commissioners shall consider and, if found advisable, adopt a specific fee schedule to defray the costs to Grand County for the review of a Special Use Permit pursuant to this Section XI. A fee schedule is published annually by the Community Development Department.

11.6 AMENDMENTS AND RENEWAL

1. An Administrative Amendment will be considered when there are changes to the original permit, such as but not limited to a change in the name of the Permittee or other minor changes that do not otherwise affect the operation or intensity of the permit. An Administrative Amendment shall only require an approval by Resolution by the Board of County Commissioners and shall not require a public hearing or notice, as described in Section 11.3.
2. A Permit Amendment will be considered when there are changes to the original permit, and shall be reviewed by the Board of County Commissioners during a public hearing following public notice, as described in Section 11.3.

3. A Permit Renewal shall be reviewed by the Board of County Commissioners during a public hearing following public notice, as described in Section 11.3.

11.7 REVOCATION

If the Permittee fails to comply with the conditions of the permit, the County Board may, upon no less than ten (10) days notice in writing to the Permittee, conduct a public hearing to consider actions regarding the permit, including but not limited to revocation. Notice shall be deemed to have been furnished at the time of the mailing to the Permittee at the address shown on the Permit.

11.8 SPECIAL USES

The following provisions are required for the applicable Special Uses as allowed within these regulations:

1. **Commercial camping is designed for temporary living quarters and it is the intent of these provisions to ensure that the occupancy space within a campground will not be perpetuated beyond the time limits set forth in these regulations. No recreational camping vehicle, tent or similar shelter shall be allowed to occupy space within the campground for periods exceeding one-hundred fifty (150) days, unless otherwise approved by the Board of County Commissioners. Commercial Camping is subject to the following additional provisions:**
 - a. Such areas may be occupied only by persons using mobile homes, travel trailers, truck campers and tents for overnight or short duration camping;
 - b. Each space for travel trailers, truck campers and tents shall be at least one thousand five hundred (1500) square feet in the area;
 - c. Each space shall be at least thirty feet (30') in width;
 - d. Each camping area shall provide a central water supply and shall have one (1) sewerage system;
 - e. The source, quality, quantity, distribution system, volume and method of storage of water and the method of collection and treatment of sewage and waste water shall be approved by the Colorado State Department of Public Health;
 - f. No dependent mobile home, travel trailer, truck camper or tent shall be located more than two hundred feet (200') from a service building;
 - g. Provisions shall be made for adequate all weather walkways to each space.
2. **Private camping is subject to the following additional provisions:**

Private camping is permissible for the non-commercial use of a recreational camping vehicle or other camping shelter (such as a tent) on property consisting of 35 acres or more.

 - b. Private camping is not permitted in a Residential or Estate Zoned District;
 - c. Private camping is a use by right in the Forestry and Open District and is therefore not subject to the provisions in this section;
 - d. Private camping in the Business District, Tourist District, Mobile Home District, and Accommodations Districts is a use permitted by special review and must obtain a camping permit. A camping permit is a no-fee Temporary Use Permit issued by the Community Development Department. Section 11.8 (2)(b) does not apply to the Forestry and Open

District. In addition to requirements of the Temporary Use Permit, the following requirements apply:

- (i) Applications must be submitted at least fourteen (14) days prior to commencement of camping;
 - (ii) The permit shall be posted on the required address post, visible at all times;
 - (iii) By applying for a camping permit the applicant(s)/owner(s) authorizes the County to access the parcel(s) to verify compliance.
- e. Exemptions: Any seasonal work crews and/or outfitting type business;
 - f. Compensation: There shall be no compensation to the owner of the parcel involved;
 - g. Time Limit: The recreational camping vehicle, tent or other camping shelter may only be used for camping for a period that does not exceed a total of fourteen (14) days during any consecutive three months on the same parcel;
 - h. Utilities: Utilities are not permitted to be extended to the camping unit.
3. **Airports, cemeteries, radio transmitting stations, sanitary landfill operations, and junk yards are subject to the following additional provisions:**
- a. Such uses shall serve an obvious public need;
 - b. Sufficient distance shall separate such uses from damaging abutting property;
 - c. Satisfactory proof shall be given that such areas will be properly maintained.
4. **Lumber and ore mills, mines, quarries and sand and gravel operations are subject to the following additional provisions:**
- a. Truck traffic to and from such uses shall not create hazards in developed Estate, Residential, Accommodations and Tourist areas;
 - b. Truck traffic to and from such uses shall not unduly damage public roads;
 - c. A satisfactory general rehabilitation plan for the land shall be submitted prior to the start of operations and implemented thereafter;
 - d. Quarry, sand and gravel operations shall require a well permit issued by the Office of the State Engineer if groundwater is exposed or water is required for operations;
 - e. A Colorado Department of Transportation (CDOT) access permit is acquired, if necessary.
5. **Mobile home parks are subject to the following additional provisions:**
- a. Complete engineering plans and specifications shall be prepared to adequately describe all proposed improvements;
 - b. Conditions of soils, groundwater level, drainage and topography shall not create hazards;

- c. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion shall be subject to unpredictable and/or sudden flooding or erosion;
- d. Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust;
- e. Mobile homes shall be separated from each other and from other buildings and structures by at least fifteen feet (15');
- f. All mobile homes shall be located at least twenty-five feet (25') from any park property boundary line;
- g. In parks accommodating or designed to accommodate twenty-five (25) or more mobile homes, there shall be one (1) or more recreational area(s) which shall be easily accessible to all park residents;
- h. All parks shall be furnished with adequate lighting units;
- i. All streets shall be paved with a smooth, hard and dense surface and shall be at least twenty-four feet (24') in width;
- j. All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended uses;
- k. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the Colorado State Department of Public Health;
- l. An adequate and safe sewerage system shall be provided in all mobile home parks for conveying and disposing of all waste water. Such systems shall be designed, constructed and maintained in accordance with regulations of the Colorado State Department of Public Health;
- m. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems;
- n. For every twenty (20) dependent mobile homes the following facilities shall be provided in a service building: two (2) toilets for each sex, one (1) shower for each sex, and a service sink;
- o. All refuse shall be stored in fly tight, watertight, bear and rodent proof containers, which shall be located not more than one hundred fifty feet (150') from each mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse;
- p. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation;
- q. Natural gas piping systems and liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

6. **Individual mobile homes for occupancy of the owners, operators or employees of owners or operators, of an agricultural use are subject to the following additional provisions:**

- a. The Board of County Commissioners in the granting of permits under this provision, shall determine that the proposed permit will promote the continuation of agriculture within Grand County and in the granting of said permits, they will be guided by the principle that this provision has been enacted for the purpose of promoting the traditional American concepts relating to the family ranch traditionally operated in Grand County;
- b. The Board of County Commissioners shall determine that the applicant and/or the occupant of the proposed mobile home is in fact engaged in an agricultural use and regardless of who the applicant may be, the Board shall determine that the occupant of the mobile home is an integral part of an agricultural operation;
- c. The Board of County Commissioners shall determine that the applicant is the owner of, or has control of, by lease, option, contract or otherwise, a minimum tract of land used primarily for an agricultural operation, before a permit shall be issued or renewed;
- d. Upon application for a permit the Board of County Commissioners shall require a minimum deposit of two hundred and fifty dollars (\$250.00) cash or certified funds. Said deposit shall be held in escrow by the Board to defray any expenses which may be incurred to enforce the conditions of any permit granted or remove any mobile home which is not removed by the owner or applicant upon termination of the permit. If no permit is granted or if the permit terminates and all conditions thereof are complied with, the two hundred and fifty dollars (\$250.00) deposit shall be returned to the applicant;
- e. No permit shall be granted or renewed if the Board of County Commissioners determines that the proposed occupancy is for temporary employees rather than permanent employees;
- f. No permit shall be granted until the applicant has provided evidence, satisfactory to the Board of County Commissioners, that adequate water and sanitation facilities are available for location of the mobile home;
- g. In order to renew the permit, the permit holder must request the renewal in writing and provide a notarized affidavit which states the name(s) of the occupant(s) of the mobile home and their position of employment with the farm or ranch operation. Said information shall be sent to the Community Development Department at least thirty (30) days prior to the permit termination date. The Community Development Director shall determine whether the applicant is still in compliance with the original permit. If the applicant is clearly in compliance with the permit requirements, Staff shall renew the permit for a period of five (5) years. If the Community Development Director determines that the applicant is not in compliance with the original permit, or if the Community Development Director receives written complaints concerning the permitted use, Staff shall schedule a meeting with the Board of County Commissioners to determine as to whether the permit shall be renewed.

7. **Public utility facilities, excluding business offices and repair facilities, are subject to the following provisions:**

- a. To avoid unnecessary administrative complexity for providing public utility services to individuals, construction, extension and location of public utility lines for permanent central service plants to individual users which are capable of serving no more than seventy-five (75) dwellings, shall not require a special permit. Except that electrical transmission lines

designed to transmit a nominal voltage of 34,500 volts (34.5 kV) or less, natural gas pipelines that transmit gas at 75 pounds per square inch (75 PSI) or less, and communication lines that do not connect wire centers (telephone exchanges) or receiver sites, shall not require a special permit. This exemption, from the provisions of this section, shall not be cumulative and to effect this provision the Grand County Planning Commission or the Board of County Commissioners of Grand County may request from all or any class of public utilities, or a utility of any class, a certification by map of such utility or utilities used and useful central service plant. All approved facilities or extensions shall become a part of a utility's central service plant;

- b. Public utility facilities existing in zoning districts at the time of the adoption of these Regulations, that is the twenty first (21st) day of June, 1977, shall be considered permanent facilities and a permitted non-conforming use, unless and until abandoned. Any construction, extension or relocation not exempt pursuant to (a) above shall require a Special Use Permit and the provisions of Section 15.6, relating to enlargement of a building containing a non-conforming use, shall not apply to public utility facilities;
- c. Prior to issuance of a Special Use Permit pursuant to this section, the Planning Commission and Board of County Commissioners shall consider the visual, environmental, physiographic and socioeconomic characteristics of the land to be used and shall evaluate the broad ecosystems, topography, soils, hydrology, geology, vegetation, wildlife, climate and unique fractures so that approved sites or routes result in the least possible adverse impacts within any zoning district;
- d. The proposed location of a public utility facility, in view of the substantial ownership of land by the United States of America and the State of Colorado within Grand County, shall maximize the use of federal and state owned land and the applicant shall demonstrate the maximum use of such lands for the proposed construction, extension and location of a public utility facility after considering all alternatives including, but not limited to, not constructing the facility, burial of normally above-ground facilities, and consolidation, realignment, relocation or unitization with other facilities. All proposed public utility facilities shall serve an obvious public need;
- e. All proposed public utility lines shall be routed and constructed (by special techniques if necessary) wherever possible to: maximize use of federal and state owned lands; minimize damage to private landowners over which the line passes and adjacent to the proposed line; avoid paralleling of major transportation routes; cross any such transportation routes at as close to a right angle as possible; avoid "tunnel" effect of clearing which would be visible from a population concentration or major transportation route; avoid clear stripping of right-of-way; avoid soils particularly subject to erosion; avoid historic and archeological sites; avoid visually unique scenic vistas and unique natural phenomenon; avoid adverse impact on wildlife and fish and their habitat; preserve as much as possible the natural landscape; minimize conflict with existing and planned uses shown on the County master plan map; maximize the natural screening potential of vegetation and topography; avoid interference with any fisheries; avoid isolated stands of spruce, fir and aspen, streams, lakes and ponds; avoid skylines visible from a population concentration or major transportation route; and, to minimize alteration of the slope or aspect of any hillside;
- f. All construction of proposed extensions of public utility facilities, wherever possible, shall: reflect avoidance of the applicable impacts of (e) above; provide for re-compaction to restore the original density of disturbed ground; provide for restoration and revegetation of the original slope of hillsides and ridge cuts and future maintenance of such restoration and revegetation after construction; and, by innovative construction techniques, minimize the

width of clearing and cuts, including installation of normally buried facilities above ground where such might be less disturbing to the sum of criteria of these sections;

- g. All extensions of public utility facilities shall give due regard to topsoil, to geologic and watershed characteristics, to which end all extensions shall: consider geologic and natural hazard areas including floodplains and, if applicable, wildfire areas; reflect selection to minimize adverse impact on subsequent development of mineral resources or mineral resource areas; approved or planned reservoir sites; and deposit of construction aggregate. Historic and archeological sites and discoveries should be treated pursuant to guidelines therefore approved by the County of Grand or other entity having statutory jurisdiction;
- h. The Board of County Commissioners may adopt, and may from time to time amend, administrative guidelines consistent with the above principals.

8. Telecommunication related facilities and support structures shall be subject, but not limited, to the following additional provisions:

- a. Such uses shall serve an obvious public need;
- b. Coverage information shall be submitted, detailing the areas of Grand County that will benefit from the proposed telecommunication facilities;
- c. All telecommunication carriers shall comply with the requirements of the Grand County Emergency Telephone Service Authority;
- d. Co-location on existing facilities and at existing sites is encouraged;
- e. An Alternative Site Analysis shall be provided for proposed telecommunication facilities. This analysis shall address alternative strategies which may minimize the number, size, and adverse visual and environmental impacts of facilities necessary to provide services to Grand County. Further, it shall explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Thus, enabling the County to determine the benefits and impacts associated with each proposal, in relation to possible alternatives;
- f. Detailed Site Plan – all scaled infrastructure specific to each proposed location shall include types of adjacent land uses, surrounding topography and vegetation, and height of proposed tower;
- g. Sufficient distance shall separate such uses from damaging abutting property. The intent and purpose is to ensure that visual impacts associated with the provision of telecommunication facilities be mitigated in relation to site location, design, and height. The applicant shall assess the cumulative impacts of the proposed facility on surrounding areas and uses, and identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service;
 - (1) Aesthetics – All telecommunication towers and support structures shall be located as close to the ground as possible to reduce visual impact, without compromising the function of the structure. Placement of telecommunication facilities on top of ridge lines and other visually sensitive areas are discouraged, unless otherwise proven to be a critical location for network and/or service plan and visual impacts can be properly mitigated. The incorporation of “stealth” tower design, which attempts to mimic/blend in with surrounding features, shall be addressed within each application. If “stealth” design is not incorporated within the proposal, rationale for not including this type of design shall be included;

- (2) A Visual Simulation specific to the request shall be presented in the form of Computer/ Photo Visual representations, Balloon Tests, Scaled Models, or other medium which visually identifies the proposal in relation to the surrounding site characteristics;
 - (3) Materials/Colors – all components and infrastructure of each telecommunication facility shall be constructed of non-reflective materials and painted to blend into the natural environment and backdrop of each site to minimize visual impacts and furthermore be repainted as necessary. The color shall be selected by the Grand County Community Development Department or other appropriate decision-making body on a site specific basis;
- h. An executed lease agreement shall be provided prior to issuance of any Special Use Permit. This shall include contact information for property owner/landlord;
 - i. The Applicant shall provide ingress and egress easements necessary to access the site which shall include access by Grand County Personnel, Emergency Services Personnel, and Grand County Emergency Service Authority Personnel (along with each of their officials, employees, contractors, representatives, and designees). The Applicant irrevocably consents that Grand County reserves the right to enter the site at any time for any reason whatsoever;
 - j. A maintenance and security plan shall be provided for any telecommunication facility. This plan shall include provisions to prevent unauthorized access and vandalism, in addition to ensuring that the property will be properly maintained. The Applicant shall provide cash, bond, or other security acceptable to Grand County in the amount of \$25,000 to ensure maintenance and complete rehabilitation of the site.
9. **Camps and Lodges, Bed and Breakfasts, rooming and boarding houses, and rest homes with over five (5) total bedrooms are subject to the following provisions:**
- a. Traffic to and from the site shall not create hazards in developed Estate or Residential areas;
 - b. The source, quality, quantity, distribution system, volume and method of storage, collection and treatment of sewage and waste water shall be approved by Grand County;
 - c. Adequate fire protection provisions. Plans shall include proposed facilities and adequate access for emergency vehicles;
 - d. The use shall not create negative offsite impacts such as water pollution, noise, dust or glare;
 - e. Proof that public access is adequate to serve the development;
 - f. Offsite uses, if any, shall be identified. If public lands are to be used, proper permitting from the applicable Federal or State agency must be provided;
 - g. Proof of financial capability to install public improvements if required. This could include a financing mechanism or financial guarantees;
 - h. If more than five (5) total bedrooms are desired, the structures must be constructed or modified to meet the R-1 requirements of the current County Building Code;

- i. An appropriate number of solid fuel burning devices shall be allowed on commercially operated facilities in the Forest and Open Zone District on parcels of thirty-five (35) acres or more.

These conditions can be addressed by submitting fifteen (15) copies of the following items:

- j. A narrative describing the proposed operation in detail;
- k. A site plan showing the proposed development of the entire site, to scale. Said site plan must show all proposed and existing structures, surface water drainage, access routes and wetlands;
- l. A vicinity map;
- m. Identify adjacent property owners or platted subdivisions and proposed screening or buffering, if necessary;
- n. Legal description of the property to be developed with total acreage;
- o. Estimated maximum density.

10. Indoor Storage Facilities, Warehouses and Indoor Light Manufacturing:

In determining whether or not to grant a Special Use Permit for an Indoor Storage Facility, the Board of County Commissioners shall consider the following:

- a. Proximity of the property to recreational lakes, reservoirs (over 100 acre-foot in size) and rivers;
- b. Proximity of the property to other recreational areas;
- c. Proximity of the property to adjacent uses;
- d. Proximity of property to public highways and county roads;
- e. Visibility;
- f. Traffic (both existing and generated traffic by proposed use);
- g. Countywide need for the facility;
- h. Character of adjoining neighborhood;
- i. Remonstrance, if any, of adjacent landowners or towns;
- j. Health, safety and welfare of the citizens of Grand County;
- k. Size of tract of land on which proposal is to be located;
- l. Type of recreational equipment to be stored in proposed Indoor Storage Facility;
- m. Type of building(s) proposed;
- n. Other relevant matters.

As a condition to grant a Special Use Permit pursuant to this section, the Board of County Commissioners may condition the Permit upon the following:

- o. Size of building;
- p. Color of exterior finish;
- q. Landscaping/berming/fencing;
- r. Highway or County road access permit;
- s. Lighting;
- t. Signage;
- u. Hours of operation;
- v. Any other conditions necessary, in the opinion of the Board of County Commissioners, to mitigate the impact of the Indoor Storage Facility.

11. Construction businesses, heavy equipment storage areas and earth-moving businesses are subject to the following provisions:

- a. The equipment storage areas can be adequately screened from public highways and adjacent lands;
- b. Truck traffic to and from such use shall not create hazards to Residential and Tourist areas;
- c. Truck traffic to and from such use shall not unduly damage public road;
- d. The use shall not create negative offsite impacts such as water pollution, noise, dust, glare and odor.

These conditions are to be addressed by submitting fifteen (15) copies of the following items:

- e. A narrative statement describing the operation in detail;
- f. A site plan showing the proposed development of the entire site, to scale. Said site plan must show all proposed and existing structures, surface water drainage, access routes and wetlands;
- g. A vicinity map;
- h. A screening plan.

12. Small Wind Energy Systems:

In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community, Grand County finds these regulations are necessary to ensure that wind energy conversion systems are appropriately designed and safely sited and installed. Windmills installed for livestock on agricultural ranches are excluded from these regulations.

- a. Definitions:
- (1) “Small Wind Energy System” refers to a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of not more than 20 kW and which is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for onsite use, except when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for onsite use may be used by the utility company (i.e. net metering).
 - (2) “Wind Turbine” means a structure that uses moving air to generate electricity (wind power) through the use of blades that are easily turned by the wind. Wind turbines typically have one, two, or three blades.
 - (3) “Tower” means the vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground. Tower height shall be measured to the turbine mounting point.
- b. Small wind energy systems in excess of thirty five feet (35’) in height or any request for more than one (1) small wind energy system on a single parcel of land shall require a Special Use Permit in all zoning classifications where structures of any sort are allowed. Any such system shall be subject to all provisions of these regulations, including setback requirements, and is required to obtain a building permit from the Grand County Building Department.
- c. The following criteria will be used, at a minimum, in all reviews for a building permit and for Special Use Permit requests:
- (1) For all systems thirty five feet (35’) in height or less, in all zone districts, the use shall be allowed subject to the criteria established below. For all Special Use Permits, the allowable height will be determined based, in part, upon the criteria established below and reviewed on a case by case basis.
 - (2) If approval of a Special Use Permit is granted for a small wind energy system, the height limitation established within the Grand County Zoning Regulations shall not apply.
 - (3) All Special Use Permits issued for a small wind energy system shall be for the life of the small wind energy system. Any replacement or alterations shall be required to obtain an amendment to the existing Special Use Permit.
 - (4) No portion of the small wind energy system blade sweep shall extend within twenty (20) feet off the ground. No blade sweep may extend over parking areas, driveways or sidewalks.
 - (5) Setbacks for the system tower shall be no closer from the property line than the height of the tower, with a minimum setback of fifty (50) feet inside all property lines. Guy wire anchor points may extend to within ten (10) feet from inside the property line and may not extend to within ten (10) feet horizontally from the nearest power line conductor. Building mounted systems shall be required to be no closer than fifty (50) feet from the inside of all property lines. The tower shall be no closer to any overhead power lines than the height of the tower plus ten (10) feet.

- (6) All wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the small wind energy system. Turbine/blade systems shall be rated to wind speeds of no less than 110 MPH, measured at sea level.
- (7) Wind energy systems shall not exceed 50 dBA, as measured from a property line at a distance of twenty five (25) feet or more. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- (8) No artificial lighting shall be allowed unless such lighting is required by the Federal Aviation Association.
- (9) All signs, other than the manufacturer's or installer's identification signs, on any part of a small energy system are prohibited.
- (10) All wind towers and generators shall be non-reflective and shall remain painted or finished the color that was originally applied by the manufacturer.
- (11) All wind turbines must be approved under an Emerging Technology program such as the California Energy Commission, IEC or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified small wind turbines must submit a description of the safety features of the turbine prepared by a registered mechanical engineer.
- (12) All wind turbines shall be required to obtain a building permit. Applications for wind systems shall be accompanied by a site plan showing the proposed tower location, height, blade clearance, setbacks, color, and all existing improvements including sidewalks, driveways and parking areas. An engineering analysis of the tower, guy wires, and anchors showing compliance with the Current County Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is typically supplied by the manufacturer.
- (13) If the request is located within either the Granby or Kremmling Airport Review Area, Federal Aviation Administration (FAA) approval shall be required.
- (14) Building Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- (15) No small wind energy system shall be installed until written evidence has been provided stating that the utility company has been informed of the customer's intent to install an interconnected, net metered customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (16) All adjacent property owners shall be notified by certified mail on the proposed wind turbine installation.
- (17) All wind turbines located within the Three Lakes Design Review Area shall be required to comply with the requirements of this area.

13. **Reservoirs and dams engineered to contain more than one hundred (100) acre-feet of water in all zoning districts are subject to the following additional provisions:**
- a. Such uses shall serve an obvious public need;
 - b. Evidence shall be presented that said structure will not create a hazard both in construction and afterwards to the existing populated areas of Grand County;
 - c. Satisfactory proof shall be given that such areas will be properly maintained;
 - d. Satisfactory proof shall be provided that such reservoir or dam site will not adversely affect wildlife, the environment or stream flows of existing streams to the detriment of the fish population;
 - e. Satisfactory proof that said dam or reservoir is located in such a manner that minimum damage will be caused to owners of private land and water rights in the vicinity;
 - f. Satisfactory proof that the water level of the dam or reservoir will be maintained even in drought years as to prevent dry mud flats which may give rise to dust storms, creating a hazard to surrounding roadways and land owners;
 - g. Satisfactory proof that said reservoir or dam will not create a burden upon existing supplies of electrical energy so as to jeopardize existing domestic and future domestic use;
 - h. Said reservoirs and dams shall be engineered in such a manner so that they will not be placed near existing public roadways; both so as to prevent hazards to the public created by said proximity and the unsightly visual impact;
 - i. Satisfactory proof that the bed of the dam or reservoir will be adequately cleared and that said clearing will not create a burden upon the public sanitary landfill.
14. **Water diversion structures, ditches and pipeline structures engineered to convey more than fifteen (15) cubic feet of water per second of time in all zoning districts are subject to the following additional provisions:**
- a. Such uses shall serve an obvious public need;
 - b. Satisfactory proof that there are sufficient supplies of electrical energy to serve said diversion, ditch, pipeline and any accessory pumping facilities, so as to not jeopardize existing or future domestic requirements;
 - c. Satisfactory proof that said ditch, pipeline, or diversion will be built in a safe and prudent manner in order to protect the public safety from breakage;
 - d. Satisfactory proof that said ditch, diversion or pipeline is environmentally engineered to provide the least environmental impact;
 - e. Satisfactory proof that said ditch, diversion, or pipeline is engineered in such a manner so as to utilize the minimum amount of private land;
 - f. Satisfactory proof that said facilities will not adversely affect fish populations, wildlife habitat, or migratory ranges;

- g. Satisfactory proof that the facility will not adversely affect private property owners in the vicinity, and that appropriate studies have been conducted to show the impact of said diversions, ditches, and pipelines upon the entirety of water users in Grand County.

15. **Facilities for a transbasin diversion in all zoning districts are subject to the following additional provisions:**

- a. The words and terms used in this sub-section shall have the meaning set forth below unless the context requires otherwise:
 - (1) **"Facilities for a transbasin diversion"** means any headgate, pipeline, stream, lake, reservoir, ditch or other structure whether natural or manmade, to be employed or used for the transbasin diversion of water.
 - (2) **"Operation"** means the use of any facilities for the transbasin diversion of water.
 - (3) **"Proposed facility" or "facility"** means facilities for a transbasin diversion.
 - (4) **"Transbasin diversion"** means diversion of waters by any applicant or person by any means whatsoever from any reservoir, lake, stream, groundwater aquifer, or other water resource situated within any natural drainage basin, in whole or in part, within the County.
 - (5) **"Water quality classification"** means the application of a standard or standards to a segment or segments of the waters of the State by the Water Quality Control Commission of the Colorado Department of Health adopted January 15, 1974 and effective June 19, 1974 or as amended by later action of the Water Quality Control Commission if such amendment is more stringent than the standards effective on June 19, 1974.
- b. An application for a permit to construct or operate facilities for a transbasin diversion shall be accompanied by fifteen (15) copies of the following documents and information:
 - (1) General requirements:
 - (a) An abstract of the proposal indicating the scope and need for the facility;
 - (b) Preliminary review and comment on the proposal by the appropriate agency of the Colorado Department of Health within sixty (60) days;
 - (c) Alternatives to the proposed facility, including but not limited to, alternative locations and the no development alternative;
 - (d) For each alternative, the information required by this subsection;
 - (2) Any demographic data needed to fulfill the requirements of this section shall be consistent with those used for the 208 Areawide Treatment Management Plan;
 - (3) The application shall also contain the following information:
 - (a) Name, address and telephone number of the applicant;
 - (b) General narrative describing the nature, location and purpose of the proposed facility;

- (c) Engineering data and drawings for the proposed facility including the distribution and collection networks whether fully or partially within the County;
 - (d) A description of all existing or approved proposed trans-basin diversion facilities whether fully or partially within the County.
- (4) Land use information including but not limited to the following:
- (a) Identification of significant changes in population density, interference with the provision of phased services and facilities and impacts on the community or surrounding areas, if any.
 - (b) Provide a map (at an appropriate scale) and textual matter detailing existing land uses of adjacent lands which may be impacted. The land use map and textual description should include, but not necessarily be restricted to, the following categories: residential, commercial, industrial, extractive, transportation, communication and utility, institutional, open space, outdoor recreational, agricultural, forest land and water bodies.
 - (c) All immediately affected public land boundaries shall be indicated on the map. Potential impacts on the proposed facility upon public lands will be visually illustrated on the map as well as described in textual form, including a copy of the final approved Environmental Impact Statement (EIS) or the Negative Declaration when such are required by law.
 - (d) Specify whether the proposed facility falls within a matter of state interest designated by this County as set forth by the "Grand County Administrative Regulations for Areas and Activities Designated as Matters of State Interest" and if so, whether a permit for such development or activity has been obtained from the Grand County Permit Authority.
 - (e) Specify whether the proposed facility conforms to regional and state planning policies.
 - (f) Specify whether the proposed facility conforms to federal land management policies.
 - (g) Detail the agricultural productivity capability of the land in the area of the proposed facility (SCS classification).
 - (h) Specify how the proposed facility would utilize existing easements or rights-of-way for distribution or collector networks and the extent such distribution or collector networks will cross privately owned land.
- (5) Water resource information is subject but not limited to the following:
- (a) Legal description proposed point(s) of diversion and all pipelines, reservoirs, streams, lakes, headgates, ditches, and other structures or water sources to be used as facilities for the proposed diversion.

- (b) Description and map of relevant surface water bodies (streams, lakes, and reservoirs), groundwater aquifers and other water sources in the area and their uses.
- (c) Copies of all water court applications filed for conditional or absolute rights on either direct flow or storage rights, decrees granted and applications for transfers of points of diversion and nature of use.
- (d) Cubic feet per second and acre feet to be diverted.
- (e) Detail on existing water utilization including historic yield from rights and use by category such as agricultural, municipal and industrial.
- (f) Specify the predominate type of uses to be served by the proposed transbasin diversion.
- (g) Indicate any floodplain associated with the proposed development. Documentation of historical flooding activities and detail on potential adverse impacts of the associated floodplain should be included.
- (h) Set forth and identify, if appropriate, salt water intrusion and total dissolved solid intrusion and other adverse environmental affects upon surface, groundwater or other water resources which may result in the reduction of fresh water by the obstruction of groundwater or by the diversion of fresh water flow.
- (i) Identification of salt water and total dissolved solids intrusion which may result from extraction of groundwater and fresh water flow diversion shall be guided by the principals as set forth in the publication entitled "Identification and Control of Pollution From Salt Water Intrusion" as published by the United States Environmental Protection Agency (publication EPA-430/9-73-013) pursuant to 33 U.S.C. 1314 (1972), and by the publication titled "The Control of Pollution from Hydrographic Modifications" as published by the United States Environmental Protection Agency (publication E.P.A. 430/9-73-017).
- (j) Identify and set forth, in detail, any increase in total dissolved solids which may result in the construction or operation of the transbasin diversion facility.
- (k) The application shall set forth details describing how the proposed facilities shall be designed, constructed and operated in such a manner that the present appropriations of water, and in addition thereto, prospective uses of water for irrigation and other beneficial use purposes, including consumptive uses for domestic, mining and industrial purposes within the natural basin from which water is exported, will not be impaired nor increased in cost at the expense of the water users within the natural basin. The facilities and other means for the accomplishment of said purposes shall be incorporated into and made a part of any application for a permit for the construction or operation of transbasin diversion facilities.

- (6) Significant environmentally-sensitive factors: Identify and locate on a map of appropriate scale in the juxtaposition of any of the following features present in the proposed facility and its environs and detail the present impact of the proposed facility upon each feature:
- (a) Marshlands and wetlands;
 - (b) Groundwater recharge areas;
 - (c) Potential natural hazards;
 - (d) Forest and woodlands;
 - (e) Fish and wildlife habitats;
 - (f) Public outdoor recreation areas;
 - (g) Unique areas of geological, historical and archeological importance;
 - (h) Other natural resources within the County or those outside the County which significantly affect resources within the County.
- (7) Visual aesthetics and nuisance factors: Identify any significant deterioration of existent natural aesthetics, such as the creation of visual blight, noise, pollution or obnoxious odors which may stem from the development.
- c. An application shall not be accepted unless it is complete. If the application is considered incomplete by the Board of County Commissioners, the Board of County Commissioners shall specify in writing what additional information is required. When a submitted application is considered to be complete by the Board of County Commissioners, the Board shall note upon the application, the date and hour of receipt.
- d. The Board of County Commissioners may waive any part, but not all, of the application requirements imposed by this sub-section upon petition of the applicant. The petition shall state that full compliance with the submission requirements would be unreasonably burdensome for the applicant and that the proposed facility will have an insubstantial impact upon the surrounding area. Such a waiver may be granted, after due consideration by the Board of County Commissioners, upon a written determination that the information to be submitted is sufficient for the Board to arrive at a permit decision in full compliance with the laws and this sub-section, that the proposed facility will have an insubstantial impact on the surrounding area.
- e. The petition for waiver of requirements or an application for permit shall be considered and determined by the Board of County Commissioners at a public hearing held in compliance with sub-section 11.3. In addition to the criteria set forth in Section XI, a Special Use Permit for construction and operation of facilities for transbasin diversion shall be granted by the Board of County Commissioners, provided that the Board shall first find from the evidence, including the documents and information presented with or in an application, presented at the hearing that:
- (1) The proposed construction and operation of the transbasin diversion facility does not significantly increase, directly or indirectly, the salinity or total dissolved solid concentrations in the waters within the county.

- (2) The proposed transbasin diversion facility does not cause a water source within the County to fall from one quality class to a lower quality class or to fall from one use class to a lower use class, as those classes are defined and applied to waters of the State of Colorado under the water quality classification by the water quality control commission.
- (3) Development of the proposed facility, if it falls within a designated matter of state interest as set forth by the "Guidelines and Regulations for Areas and Activities of State Interest of the County of Grand", has been permitted by the Grand County Permit Authority.
- (4) The benefits of the proposed facility outweigh the losses of any natural resources or agricultural lands rendered unavailable as a result of the proposed facility.
- (5) The proposed facility or its associated collector or distribution systems does not significantly deteriorate aquatic habitats, marshlands and wetlands, groundwater recharge areas, steeply sloping or unstable terrain, forest and woodlands, critical wildlife habitats, big game migratory routes, calving grounds, migratory ponds, nesting areas and the habitats of rare or endangered species, public outdoor recreation areas, and unique areas of geological, historic or archeological importance.
- (6) The proposed facility or its associated collector or distribution system does not significantly degrade existing natural scenic characteristics, create blight, or cause other nuisance factors such as excessive noise or obnoxious odors.
- (7) Any transbasin or diversion facilities situated fully or partly within the County is to be designed, constructed and operated in such a manner that the present appropriations of water, and in addition thereto, prospective uses of water for irrigation and other beneficial consumptive use purposes including consumptive uses for domestic, mining and industrial purposes, within the basin situated within the County from which the water will be exported, will not be impaired nor increased in cost at the expense of water users within the basin in the county. The facilities and other means for the accomplishment of said purpose is to be incorporated into and made a part of any transbasin diversion facility.
- (8) Municipal and industrial water projects, as those terms are defined in C.R.S., 1973, 524-65.1-101, et seq. emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling and reuse of water in the basin to which the water is diverted. Means for the accomplishment of said purpose is to be incorporated into and made a part of any transbasin diversion facility.
- (9) A final determination has been reached regarding any Environmental Impact Statement (EIS) or Negative Declaration of environmental impact required by law.

16. **Golf Courses**

Shall be located within an approved growth boundary as defined by the Grand County Master Plan or, if outside an approved growth boundary, it must be in conjunction with an approved Rural Land Use Plan with the golf course coverage NOT considered as part of the required two thirds (2/3) natural open space.

a. Statement of Purpose:

To provide guidance in all aspects of golf course development ensuring that:

- (1) Habitat for terrestrial and aquatic wildlife and plant species is protected and offered;
 - (2) All golf courses be developed and managed with consideration for the unique conditions of the ecosystem of which it is a part;
 - (3) Uses of natural resources are done so in an efficient manner;
 - (4) Adjacent land use is respected when planning, constructing, maintaining, and operating golf courses.
- b. The following review agencies will be contacted prior to the Planning Commission meeting, bringing potential issues forward that may need to be resolved or stated for the site of the golf course. The applicant will be responsible for the cost of agency review if required.
- (1) Colorado Division of Wildlife
 - (2) Northwest Colorado Council of Governments.
 - (3) Grand County Engineering Department
 - (4) Colorado State Division of Water Resources
 - (5) U.S. Soil Conservation Service
 - (6) Headwaters Trail Alliance
 - (7) Any Town within a two (2) mile radius of the proposed site.
 - (8) Any appropriate federal agency determined necessary by County Staff.
 - (9) Any Grand County Recreation District deemed appropriate.
 - (10) Any Grand County Sanitation District and/or Water and Sanitation District deemed appropriate.
- c. Cost estimates for the entire golf course development. This will include a 10% improvements bonding agreement.
- d. Golf courses in all zone districts in Grand County are subject to the following additional provisions:
- (1) An Environmental Assessment that provides the entire scope of environmental impacts including, but not limited to:
 - (a) Waterbodies - All waterbody impacts, including rivers, streams, lakes, and wetlands should be avoided and plans should be devised to incorporate them with a protective buffer area. All waterbodies must be depicted on a site plan with a development overlay and protected throughout every phase of development and operation.
 - (b) Wildlife Habitat and Migration Patterns - Golf course siting, design, construction, and management shall be done so in a manner that minimizes effects on wildlife habitat and migration corridors. Endangered and

threatened species must be researched, documented, and protected. Government agencies such as the U.S. Division of Wildlife, U.S. Forest Service, or local entities may provide the information necessary to compile a quality report and map.

- (c) Vegetation - A re-vegetation plan must be submitted and approved by Grand County prior to construction. All vegetation to be removed should be documented and illustrated on a site map prior to construction. Native vegetation should be replanted where possible to provide habitat and viability to the non-play areas. Endangered and threatened species must be documented and protected. Areas to be replaced with turf grass must be shown on a site map and a report on the type of turf grass to be used must be included in this plan. Type of current vegetation must be stated and its current condition shall be specified.
 - (d) Soils - Areas of soil disturbance must be documented with type and topography and illustrated prior to disturbance. A soil erosion and sedimentation plan must accompany any golf course development. This plan must incorporate pre, during, and post construction soil erosion and sedimentation control methods. In order to reduce the erosion of exposed soil, a schedule must be included in this plan illustrating how and when soil disturbance and re-vegetation coordination will take place.
 - (e) Hazardous Chemicals - Hazardous chemicals include oil, gasoline, fertilizers, pesticides, herbicides and any other substance that has the potential of contaminating water/soil resources. A plan must be provided to and approved by Grand County illustrating the placement, storage, containment, disposal, and safety measures taken that will ensure no hazardous environmental contamination occurs. These measures must protect both ground water and surface water. Storage facilities must be placed in low visual impact areas and designed to blend in with the surrounding environment. A Waste Management Plan and Best Management Practices (BMPs) must be implemented, ensuring proper disposal of all hazardous waste and encouragement of recycling.
 - (f) Water Supply - The determination of an adequate water supply must be approved by Grand County. This supply must provide for irrigation and potable uses for the golf facilities. Water conservation techniques are encouraged.
 - (g) Drainage/Slope Plan - A plan and site map must be approved by Grand County that will depict and explain the slope and drainage pattern before and after construction of the golf course. These patterns will determine where the top soil erosion will be most likely to occur and where native vegetative buffers should remain along water sources. Buffers and erosion controls shall be depicted in this plan. A Storm Water Management Plan shall also accompany this plan.
- (2) Complete engineering plans and specifications shall be prepared to adequately describe all proposed improvements. All accessory uses must be included in these plans along with a detailed site plan.
 - (3) Must comply with 208 Regional Water Quality Standards: NWCCOG Review.

- (4) A traffic analysis study must be completed illustrating the impacts, if any, that are expected to occur on public roads due to an increase in usage. Plans must be submitted for road improvements if they are required. All plans must be approved by the Grand County Road and Bridge Department.
 - (5) Adequate parking shall be provided.
 - (6) A plan and the method of collection and treatment of sewage and waste water shall be approved by Grand County.
 - (7) A hydrological study shall be implemented with the installation of monitoring wells. Parameters, duration, and frequency of sampling will be identified, along with rationale. Well and surface water quality shall be tested, illustrating the site from which the water came from and type (well or surface), and a report shall be submitted to the Grand County Planning Department and East Grand Water Quality Board.
 - (8) Additional Best Management Practices (BMP) shall be incorporated if the water quality is affected in any negative manner.
 - (9) An Integrated Pest Management (IPM) system that will minimize pest problems shall be approved by Grand County. This IPM will include:
 - (a) Reliable and accurate pest identification;
 - (b) Monitoring pest populations and related damage to ensure treatments will only be applied when necessary and when they will be most effective;
 - (c) Establishment of injury levels that can be tolerated before controls are implemented;
 - (d) Use of combinations of the following treatment methods to control pests in a manner that achieves a high level of effectiveness while minimizing environmental impact;
 - (e) Biological controls - release of predatory/parasitic insects;
 - (f) Cultural controls - use of resistant cultivars, encouragement of diverse plant communities, and using optimal irrigation management and other techniques to maximize plant vigor;
 - (g) Physical Controls - sanitation, pruning, protective weed barriers;
 - (h) Chemical Controls - use of products that are target specific, have short lived residual lives and have low environmental impacts;
 - (i) Continuous evaluation of turf management practices and pest treatment effectiveness to determine if changes are necessary.
- e. No disturbance or construction may occur on the proposed golf course site unless approved by the Grand County Board of Commissioners.

17. **Oil and gas exploration and production**

This section shall apply to all oil and gas operations within the unincorporated areas of Grand County, with the exception of those lands where the County's jurisdiction is preempted by federal or state law. In recognition of the need to avoid operational conflicts, yet recognizing the rights of surface owners, the right of the County to determine land uses and the right of the mineral estate to extract minerals, the following additional submittal requirements, review standards and criteria for approval shall apply.

a. **Submittal Requirements**

The Applicant shall submit the following:

- (1) Copies of application forms for all applicable local, state, or federal permits, including Colorado Oil and Gas Conservation Commission (COGCC) forms;
- (2) Evidence of surface owner notification, of mineral lease agreements and of surface agreements where the surface owner is not a party to the mineral lease;
- (3) A detailed drawing of the site at a scale of 1 inch to 100 feet, including the dimensions of the site, indicating area in square feet and acres, and the area of the site to be disturbed;
- (4) The location of all structures, flow lines or pipelines, tanks, well pits, and any other oil and gas operation facilities or equipment;
- (5) Existing and proposed roads within the site as well as ingress and egress from public or private road;
- (6) Lease lines, if applicable;
- (7) On-site features such as floodplain designations, water courses, drainage, utility lines and easements, ditches, wetlands or aquatic habitat, significant plant ecosystems, wildlife habitat and migration routes, geologic features, vegetative cover, dams, reservoirs, mines, and known cultural resources;
- (8) Existing and proposed topography of the site at intervals of five feet, existing and proposed vegetation, buffers, berms, fences, and other screening devices;
- (9) Vicinity map, drawn to scale, including: section, township, and range of the site, surrounding public roads and municipal boundaries, adjacent properties and the approximate location of building and their uses within a distance of 1000 feet of any proposed structure, facility, or area to be disturbed;
- (10) Copies of financial guarantees in the form of bonds, letters of credit, cash, certificates of deposit, or other guarantees acceptable to the County, if the Board of County Commissioners determines that financial guarantees are necessary to assure the performance of specific conditions of approval of the development plan. This requirement may be waived by the Board of County Commissioners if the Board is satisfied that individual bonds posted with the COGCC for the proposed operation cover the conditions of the development plan approval granted under this article, or if the operator posts a blanket bond with the County covering all operations conducted in the County in an amount of \$500,000 or more;

- (11) An operation plan including the method of and schedule for the drilling completion, production, abandonment and reclamation phases of the operation.

b. **Liability Insurance**

For any facility permitted under this article, the applicant shall submit a certificate of insurance to the Grand County Community Development Department, showing that a policy of comprehensive general liability insurance or a self-insurance program approved by the Colorado Insurance Commission, in the amount of no less than \$400,000.00 per occurrence, insures the applicant against all claims or causes of action made against the applicant for damages arising out of the drilling, maintenance, operation or other work done with respect to such proposed facilities. The policy shall be written by a company authorized to do business in the State of Colorado, unless the applicant is self-insured. The certificate shall require at least 30 days' notice to the County prior to termination of coverage for any reason. If the insurance policy lapses or becomes void for any reason whatsoever, the approval shall cease to be valid until a new insurance certificate is provided and filed with the Grand County Community Development Department. All approved oil or gas or related activity shall cease, consistent with safety considerations, until the applicant provides evidence that insurance coverage in the prescribed amount is in effect.

c. **Performance Security**

The applicant shall provide one form of the following security to ensure compliance with mitigation requirements set forth in this article and specific conditions of approval for facilities: \$5,000.00 performance bond for each facility; \$50,000.00 countywide blanket bond for all facilities operated by the applicant within the County; irrevocable letter of credit; or equivalent financial security acceptable to the County. Conditions of approval covered by this performance security shall consist of mitigation measures addressing specific impacts affecting the general public and/or adjacent landowners by the applicable performance standards contained in these Regulations. Reclamation activities which fall under Colorado Oil and Gas Conservation Commission jurisdiction are exempt from this performance security coverage.

d. **Location of Oil and Gas Wells**

- (1) The siting of a facility shall adhere to the standards outlined in the Grand County Zoning Regulations to the maximum extent practical and shall lie within the Colorado Oil & Gas Conservation Commission (CCOGCC) drilling window, or in a location that complies with CCOGCC rules and regulations;
- (2) No facility shall be sited in a geologic hazard area; an area with slopes exceeding 30 percent; an area of wetlands under the jurisdiction of the U.S. Army Corps of Engineers; an area within a floodway of a stream or river as determined by a state licensed professional engineer;
- (3) Wells and any associated oil and gas operation facility or structure requiring a building permit shall not be located in subdivisions containing lots of ten (10) acres or less;
- (4) At the request of either the operator, surface owner, or any other landowner, County Planning Staff will conduct a public site visit with all interested parties to evaluate locations, compliance with County Regulations and mitigation that may be required. When possible this site visit will be coordinated with site visits required by CCOGCC rules;

- (5) If the CCOGCC spacing rules require a well to be located contrary to the sitting required by these Regulations, the applicant shall apply for a variance with the CCOGCC to meet the County's well location requirements. If such a variance is not granted, the location, as required by these Regulations, shall be complied with to the maximum extent possible. The Board of County Commissioners may impose additional mitigation measures as necessary to protect the public health, safety, and welfare when the well is not located as required by these regulations;
- (6) No oil and gas operation shall violate the setbacks of the applicable zoning district in which the operation is located. In order to buffer oil and gas operations from surrounding properties, wells, and any associated oil and gas operation facility or structure requiring a building permit, the following setbacks shall apply:
 - (a) A minimum of five hundred feet (500') from the site perimeter of the facility to any occupied building or occupied building permitted for construction, unless verified written consent is obtained from the affected property owner;
 - (b) A minimum of three hundred feet (300') from the site perimeter of the facility to the closest platted subdivision lot line, unless verified written consent is obtained from the affected property owner(s);
 - (c) A minimum of two hundred feet (200') from the site perimeter of the facility to any public right-of-way;
 - (d) A smaller setback may be granted if the surface owner agrees and if there is no adverse impact on adjacent properties created by the reduced setback;
- (7) If the CCOGCC spacing rules require location of wells at a distance less than these minimum requirements, the applicant shall apply for a variance with the CCOGCC to meet the County's setback requirements. If such a variance is not granted, the setbacks specified in these regulations shall be complied with to the maximum extent possible. The Board of County Commissioners may impose additional mitigation measures as necessary to protect the public health, safety, and welfare where these setbacks cannot be met.

e. A maximum of one oil/or gas well is allowed per 40 acres.

f. **Review Standards and Criteria for Approval**

A permit for oil and gas operations shall be approved, conditionally approved or denied in accordance with the standards set forth in Section XI and the following standards and criteria:

- (1) Noise
 - (a) Any equipment used in drilling, completion, or production of a well must comply with the maximum permissible noise levels set forth in CCOGCC Regulation 802.
 - (b) Where a facility does not comply with the required setback or other portions of the performance standards, additional noise mitigation may be required. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to, the nature and proximity of adjacent development, prevailing weather patterns, including wind directions, vegetative cover on or adjacent to the site and topography.

- (c) One or more of the following additional noise abatement measures may be required:
- i. Acoustically insulated housing or covers enclosing any motor or engine;
 - ii. Screening of the site or noise emitting equipment by fence or landscaping;
 - iii. Solid wall or fence of acoustically insulating material surrounding all or part of the facility.
 - iv. A noise management plan specifying the hours of maximum noise and the type, frequency, and level of noise to be emitted; and
 - v. Any other noise mitigation measures required by the CCOGCC.
 - vi. Construction of buildings or other enclosures may be required where facilities create noise and visual impacts non-mitigatable because of proximity, density and/or intensity of adjacent land use.

(2) Visual Mitigation in Visually Sensitive Areas: Well sites located within a visually sensitive area shall be mitigated according to the provisions of this section. Visually sensitive areas shall be defined as any area within 1000 feet of a residence, school, health care facility, or place of public assembly, 500 feet from a public road, and 500 feet from a property line. Any facility within a visually sensitive area shall utilize the following mitigation measures:

Visual Mitigation Measures

Landscaping Requirements	Equipment and Size
<ul style="list-style-type: none"> • Five (5) foot berm with no greater than a 3:1 slope ratio; • Min. 15% of total developed area; • Placed on perimeter of site; • One specimen tree per 200 s.f. of landscaped area; • Min. 50% of trees must be evergreen; • One 5-gal. shrub per 100 s.f. of landscaped area; • Landscape plan by certified landscape architect or arborist and include species suitable for climate and soils type; • Landscaping may be placed on adjacent property; • Irrigation plan required for first 2 years after establishment of vegetation; • Financial guarantee provided to County in amount equal to value of landscaping. 	<p>Reclaim drilling pad up to the drilling anchors.</p> <p>Production equipment will be no greater than 10 feet tall (i.e. horizontal separator/dehydrator and low profile pumps*.)</p> <p>There will be no motorized production equipment on the site or production equipment will use electric motors instead of gas-reciprocating engines.</p>

- (3) Air Quality: Air contaminant emissions shall be in compliance with the permit and control provisions of the Colorado Air Quality Control Program, Title 25, Article 7, C.R.S.
- (4) Water: An approved well permit shall comply with the following requirements:
- (a) All CCOGCC water well testing and water-bearing formation protection procedures and requirements;
 - (b) All applicable state water quality standards and classifications established by the Water Quality Control Commission;
 - (c) Water Right Determination and Administration Act and the Ground Water Management Act for beneficial uses of produced water related to coal bed methane production;
 - (d) All Bradenhead and water well testing data shall be forwarded to the Grand County Community Development Department.
- (5) Hydraulic Fracturing
The permit holder shall provide a list of all chemicals used in Hydraulic Fracturing operation to the Grand County Community Development Department for review and approval.
- (6) Inspections
Any site under an approved development plan may be inspected by the County at any time, to ensure compliance with the requirements of the approved development plan, provided that one hour's prior notice is given to the contact person at the telephone number supplied by the applicant. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one hour in advance of the proposed inspection shall constitute sufficient prior notice if the contact person does not answer. By accepting an approved development plan, the applicant grants its consent to such inspections.
- (7) Operational Conflict
Special exceptions to these regulations may be granted where the requirements of these regulations actually conflict in operation with the requirements of the Colorado Oil and Gas Conservation Act or implementing regulations. All applications where a special exception due to operational conflicts is requested shall be heard in a noticed public hearing by the Board of County Commissioners acting in a quasi-judicial capacity. The applicant shall have the burden of pleading and proving an actual, material, irreconcilable operational conflict between the requirements of these regulations and those of the COGCC in the context of a specific application.

For the purpose of this section, an operational conflict exists where the County's condition of approval or regulation actually conflicts in operation with the state statutory or regulatory scheme, and such conflict would materially impede or destroy the state's interest in the development, production, and utilization of oil and gas resources in the state, and the protection of the public health, safety and welfare. An operational conflict may occur where the County regulation prohibits an activity which the COGCC, or its valid regulations, has clearly authorized, or where the County regulation authorizes an activity which the COGCC, or its valid regulations, has clearly prohibited.

Additional County requirements in areas regulated by the COGCC, which also falls within County land use powers and which are necessary to protect the public health, safety and welfare under the facts of the specific application presented, and which do not impose unreasonable burdens on the applicant, shall be presumed not to present an operational conflict. If the Board of County Commissioners finds, based upon competent evidence in the record, that compliance with the requirements of this section shall result in an operational conflict with the state statutory and regulatory scheme, a special exception may be granted, in whole or in part, but only to that extent. The Board of County Commissioners may condition the approval of a special exception as necessary to protect the public health, safety and welfare by mitigating any adverse impacts arising from the grant of approval.

18. **ADULT ORIENTED USES shall be subject to the following additional provisions:**

1. No person may operate or cause to be operated an adult oriented use within 1,000 feet of any of the following uses or property boundaries, whether the use or zone district listed below is unincorporated Grand County, an adjacent county, or within an incorporated Town:
 - a. Any church, school, child care or day care facility, public park, playground, outdoor recreational area or recreation facility, public facility or library.
 - b. Any single family or multi-family dwelling or any boundary of any R-Residential, E-Estate or M-Mobile Home Zone Districts.
 - c. Any establishment holding a liquor license.
 - d. Of another adult oriented uses.
2. For purposes of this section, the distance between any adult oriented use and any use or zone district boundary outlined in Section 16(a) above, shall be measured in a straight line, without regard to intervening structures or objects or political boundaries, from the closest property line of any adult oriented use to the nearest property line of any use or zone district boundary outlined in Section 16(a) above. No person may operate or cause to be operated an adult oriented use within 1,000 feet of another adult oriented use.
3. No person may cause or permit the operation, establishment or maintenance of more than one adult oriented use within the same building or structure or portion thereof, such as in a shopping center. An adult oriented use may include one or more types of adult oriented use provided it has one address and is operated as a single use entity that has one sales tax license number.
4. If two or more adult oriented uses are within 1,000 feet of one another and are otherwise in a permissible location, the adult oriented use which was first established and continually operating at its particular location will be deemed to be in compliance with this Zoning Resolution and the later established use(s) will be deemed to be in violation of this Zoning Resolution.
5. An adult oriented use lawfully operating is not rendered in violation of this Section by the subsequent location of any use or zone district boundary outlined in Section 16(a) above within 1,000 feet of the adult oriented use.
6. All adult oriented use shall blacken their windows or arrange the use so that the interior of the use and its stock in trade cannot be viewed from the exterior of the use.
7. No alcohol is to be served in any type of adult oriented use.

8. Adult oriented uses may be subject to additional requirements and conditions, including but not limited to: age limits, hours of operation, liquor licensing, sheriff background checks, standards of conduct, state of dress, tips, parking, lighting, signs, etc. at the sole discretion of the Grand County Board of County Commissioners as deemed necessary.

11.9 TEMPORARY USE PERMITS

Temporary uses do not require any new permanent structures or improvements for the operation. They are active only on a seasonal or short term basis and do not result in any long term impact on surrounding properties. Examples of such uses include summer stables, Nordic ski centers or seasonal outdoor vendors. Activities such as those sponsored by non-profits and family oriented gatherings are excluded.

11.10 SUBMITTAL REQUIREMENTS AND REVIEW

Requests for temporary uses shall be reviewed by the Board of County Commissioners and require a permit issued by Resolution. Each request will be reviewed individually, and criteria shall include, but not be limited to such things as parking, sanitation and evidence that all necessary permits have been obtained.

SECTION XII
USES NOT ITEMIZED

Upon application, or on its own initiative, the Board of County Commissioners may, by resolution, add to the uses listed for a zoning district any other similar use which conforms to the conditions set forth in the following special findings:

1. Such use is appropriate in the use group to which it is added;
2. Such use conforms to the basic characteristics of the use group to which it is added;
3. Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influence or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added;
4. When any use has been added to any use group in accordance with this section, such use shall be deemed to be listed in the appropriate zoning district, and shall be added thereto in the published text of these regulations at the first convenient opportunity.

SECTION XIII
ACCESSORY BUILDINGS AND USES

13.1 DEFINITIONS

1. **An "accessory building and use" is a subordinate use of a building, other structure, or tract of land, or a subordinate building or other structure which:**
 - a. Is clearly incidental to the use of the principal building, other structure or use of land;
 - b. Is customary in connection with the principal building, other structure or use of land;
 - c. Is ordinarily located on the same lot with the principal building, other structure or use of land;

2. **"Accessory buildings and uses" may include, but are not limited to the following:**
 - a. Home occupations;
 - b. A garage, outbuilding or shed to store building materials or recreational type equipment for non-commercial purposes;
 - c. Storage of merchandise in Business and Unclassified Districts;
 - d. Storage and sale of crops, vegetables, plants and flowers produced on the premises.
 - e. One (1) additional dwelling unit within, and not legally sub-dividable from, the principal structure. This additional dwelling unit shall be no greater than 50% of the square footage of the primary dwelling unit, or 1500 square feet, whichever is the lesser size.
 - (1) The dwelling must be in a continuous enclosure. Any dwelling spaces joined by a garage or breezeway are not considered to be a single-dwelling.
 - (2) The entire dwelling must function as a unit without any permanent physical separation such as wall or floor with no means of connection.
 - (3) Any dwelling that cannot meet these two criteria is not considered to be a single-family dwelling by the Office of the State Engineer, and therefore could not be served by an in-house hold use only well permit.
 - (4) An approved building permit with adequate proof of water and sanitation to service this accessory use will be required.
 - f. One (1) recreational camping vehicle as defined by the Grand County Zoning Regulations for use during the construction of an owner built single-family dwelling. The recreational camping vehicle must be entirely self-contained, or must be connected to the well and septic, or water and sewer service for the property on which the single-family dwelling will be located. This accessory use is allowed for one (1) continuous year. The time period for this one (1) year allowance will begin with the Grand County Building Department's footing inspection. This accessory use is not available until an approved building permit has been issued. Only one (1) continuous one (1) year period is allowed per building permit for a dwelling unit. At the end of the one (1) year period, the recreational camping vehicle must be

removed if construction has not been completed, or the building permit will be rescinded. No extensions of this time period will be allowed.

- g. One (1) temporary real estate office shall be allowed provided that:
- (1) The office is located within the area of a recorded final plat (greater than 20 lots/units).
 - (2) The office is a minimum of 120 square feet and a maximum of 500 square feet in size.
 - (3) The temporary sales office is located and subsequently designed to minimize disturbances of the site and blend into the surrounding natural environment.
 - (4) A building permit has been approved and issued by the Grand County Building Department.
 - (5) Adequate access, off-street parking and sanitary facilities are provided.
 - (6) Sales are limited to those lots/units within the subdivision in which the office is located.
 - (7) A temporary permit has been issued by the Department of Planning and the Applicant has deposited \$2,000.00 cash or certified funds with the Grand County Treasurer to be used by Grand County in accordance with the temporary permit. If no permit is granted or when the permit terminates, then, and in that event, the \$2,000.00 shall be returned to the applicant.
 - (8) The office is removed after three (3) years of the recording date of the final plat or when the last lot/unit is sold, whichever occurs first. No permit shall be renewed.
- h. Columbarium: "a columbarium adjacent to and on the same lot as a church."

13.2 HOME OCCUPATIONS

A home occupation shall be allowed as a permitted accessory use provided all the following conditions are met:

1. Such use shall be carried on by the inhabitants living on the premises and no others;
2. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof;
3. There shall be no exterior advertising other than identification of the home occupation;
4. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

13.3 SIGNS

Signs shall be permitted as accessory uses in accordance with the following regulations:

General Provisions

The provisions of this Article 13.3 shall apply to the display, construction, erection, alteration, use, maintenance and location of all signs in all Zone Districts in unincorporated areas of Grand County.

1. **Purpose:** It is the intent of these regulations to authorize the use of signs and sign structures that are compatible with their surroundings, appropriate to the activity that displays them, and legible in the circumstances in which they are seen. These regulations are intended to create a framework for signs and sign structures that:
 - a. Promote use of signs that are aesthetically pleasing, of appropriate scale and integrated with surroundings in order to meet the County's expressed desire for quality development and protection of view sheds;
 - b. Protect the public from injury and property damage caused by, or partially attributable to, distracting or hazardous signage;
 - c. Minimize visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance;
 - d. Provide communication between people and their environment;
 - e. Preserve the right of free speech and expression.

2. **Sign Permit Required:** A sign permit shall be required for all new signs prior to installation or placement, except as described in Section 13.3.18. A sign permit shall be required whenever the area of a permitted sign is modified. Routine maintenance, repair, and repainting which does not alter a sign may be performed on previously permitted signs without first obtaining a new permit. A sign permit fee shall be based on the fee schedule approved by the Grand County Board of County Commissioners.

Signs located within the "Three Lakes Design Review Area" (DRA) shall also be compatible with location and the pastoral environment, rustic in nature, and harmoniously colored to blend in with surrounding vegetative cover in compliance with Section 14.5(1)(g) Design Review Area of the Grand County Zoning Regulations and this Section 13.3.

3. **Sign Permit Application:** A complete application for a sign permit shall be submitted to the Grand County Community Development Department by the owner or his/her authorized agent and shall include, at a minimum, the following information:
 - a. Name and address of the owner or other person in control of the real property upon which the sign is to be constructed, erected, posted or displayed and proof of ownership or interest in the property.
 - b. The name of the person erecting the sign.
 - c. The address and legal description of the property upon which the proposed sign is to be located.
 - d. The type of sign.

- e. The proposed location of the sign on the property. The location and total surface area of all other permitted signs and building existing on the property.
- f. Detailed drawings, drawn to scale, containing complete plans and specifications which indicate the method of construction and anchoring to the building or ground, the total area of the proposed sign in square feet and the height of the proposed sign from the ground level.
- g. A detailed site plan, drawn to scale, which shall indicate all existing and proposed signs for the site including dimensions, colors, materials and/or illumination, if applicable, for each sign. All applicable property lines must be depicted on the site plan and flagged on-site to verify setbacks.
- h. Building elevations with signs depicted.
- i. Any other information deemed necessary by the Community Development Director.
- j. Sign permit fee as established by the current fee schedule.

4. **Safety Standards**

- a. **Wind Load.** Signs over ten (10) feet in height and/or thirty-five (35) square feet in surface area should be engineered to withstand a wind loading minimum of thirty (30) pounds per square foot of sign area without failure of the face retention system or sign structure.
- b. **Electrical Wiring.** Electrical wiring for the sign shall be underground in the case of freestanding signs, and behind the sign cabinet in the case of wall or projecting signs. A State electric permit may be required.
- c. **Support.** Wall signs or projecting signs shall be engineered in such a manner that no downward attached guy wires are needed for support. All freestanding signs shall be self-supporting, erected on or permanently attached to a sufficient foundation.
- d. **Protection of Anchors and Supports.** Anchors and supports shall be protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. No anchor or support for any sign, except flat wall signs, shall be connected to or supported by a parapet wall that is not braced.
- e. **Liability.** Grand County specifically disclaims any and all liability for the construction, improvement, maintenance and repairs or replacement of any signs. The liability for construction, improvement, maintenance, repairs and replacement is with the owner of the sign(s) who shall be liable in the event of any injury caused by those activities and shall indemnify and hold Grand County harmless from any liability.

5. **Sign Permit Review and Issuance**

Within ten (10) days of filing a completed application, the Grand County Community Development Department shall review the sign application in accordance with the established review criteria. The Community Development Department shall approve, approve with conditions, or deny the sign permit application.

6. **Sign Permit Review Criteria**

The following review criteria will be used by the Community Development Department to evaluate all sign permit applications:

- a. Sign meets the requirements of this Article and other applicable codes;
- b. Sign conforms to the requirements of the Zoning Code for the Zone District in which it is located;
- c. Sign will not interfere with pedestrian or vehicular safety;

7. **Appeal of Sign Permit Denial or Approval with Conditions**

Any appeal of the Community Development Department staff's interpretation of these Regulations resulting in denial of a sign permit or approval with conditions shall be made to the Board of Adjustment. The Board of Adjustment shall review the application at the next regularly scheduled meeting. The decision by the Board of Adjustment to approve, approve with conditions or deny the application shall be final.

8. **Variances**

Any request for an increase in the maximum allowable area for a sign, a variance from any of the requirements of Section 13.3, or for signs not expressly permitted in these regulations, must be approved through a variance granted by the Board of Adjustment in accordance with the provisions of the Zoning Regulations.

9. **Obsolete Signs**

Signs that are located on property that become vacant and unoccupied for a period of six (6) months or more shall be removed by the owner of the sign or the owner of the property.

This provision shall not apply to signs officially designated as landmarks, permanent signs accessory to businesses which are open only on a seasonal basis, provided there is clear intent to continue operation of the business, or signs displayed on a business temporarily suspended due to a change in ownership or management unless property remains vacant or the business is closed for a period of six (6) months or more.

10. **Maintenance**

Signs and sign structures shall be maintained in good repair at all times and shall not constitute a hazard to safety, health or public welfare by reason of inadequate maintenance or deterioration. Signs and sign structures shall be constructed and maintained such that they are able to withstand the extreme wind and weather conditions of Grand County. The County Building Department shall have the authority to order the repair, alteration or removal of a sign or structure that constitutes a hazard to life or property. Any sign that has not been repaired, altered or removed within 30 days after written notification from the County Building Department shall be removed by the County at the expense of the owner of the premises on which the sign is located.

11. **Nonconforming Signs**

A sign that was lawfully constructed or installed prior to adoption or amendment of this regulation and was in compliance with all provisions of any regulation in effect at the time of construction or installation, but which does not currently comply with this regulation is a nonconforming sign. Any nonconforming sign may be continued in operation and maintained after the effective date of this regulation, provided, however, that no such sign shall be changed in any manner that increases the noncompliance of such sign with the provisions of this regulation and provided, further, that the

burden of establishing a sign to be non-conforming under this regulation rests entirely upon the person or other entity claiming such status for a sign. The right to maintain a nonconforming sign terminates immediately upon any of the following:

- a. Abandonment of a sign for a continuous period of six (6) months.
- b. Any violation of Grand County Zoning Regulations on this property.
- c. Destruction, damage or obsolescence whenever the sign is damaged or destroyed by any cause whatsoever, or becomes obsolete or substandard under any applicable regulation of Grand County such that the sign becomes a hazard or danger.
- d. Failure to Maintain. The right to continue use of a nonconforming sign shall terminate if the sign is not maintained in compliance with the requirements set forth in Section (10) Maintenance.
- e. Signs may not be structurally altered, relocated or replaced in a manner that increases or continues nonconformity.

12. **Sign Types Permitted**

a. **Directional Sign**

An on or off-site sign located and designating the entrance or exit of a property or providing off-site directional information. Directional signs shall comply with Sign Standards and shall not be located within public right-of-way or on public property.

b. **Freestanding Sign**

An on-site sign which is supported by one or more columns, poles, posts or braces extended from the ground or from an object on the ground, with air space between the ground and the sign area, and no part of the sign attached to any part of the building, structure, or other sign.

- (1) Shall not exceed fifteen (15) feet in height and comply with all Sign Standards.
- (2) A premise may display one (1) freestanding sign on each street or highway on which it has frontage. A multi-use building may display one (1) freestanding sign facing each street or highway on which the building has frontage provided that no freestanding signs are displayed by the individual occupants of the building.

c. **Ground or Monument Sign**

An on-site sign permanently affixed to the ground at its base, supported entirely by a base structure and not mounted on a pole.

- (1) A premise may display one (1) ground sign on each street or highway on which it has frontage. A multi-use building may display one ground sign facing each street or highway on which the building has frontage, provided that no ground signs are displayed by the individual occupants of the building.
- (2) Shall not exceed eight feet (8') in height and comply with all Sign Standards.
- (3) Shall be designed as an integral architectural element of the site and/or building to which it principally relates;

- (4) Shall incorporate predominantly natural construction materials such as wood and native stone. Natural colors (earthen tones) are favored. Use of penetrating stains rather than paint on wood surfaces is encouraged. Any metal flashing or trim must be anodized or painted so as to be non-reflective.

d. **Projecting Sign**

An on-site sign which is attached and projecting from the wall of a building twelve inches (12") or more and is not on the same plane as the wall.

- (1) Projecting signs shall not be located above the eave line or parapet wall of any building.
- (2) No projecting sign shall extend more than six feet (6') from a building wall.
- (3) There shall be a minimum clearance of at least eight feet (8') between the bottom of the projecting sign and the ground at grade.

e. **Sign**

A device, fixture, placard, structure or visual display that uses any form, graphic, illumination, symbol or writing to advertise, announce, direct, inform or identify that is visible from the public right-of-way.

- (1) A double sided sign, one having two faces that are parallel but not more than one (1) foot apart, shall be regarded as a single sign if mounted on a single supporting structure and both sides of the sign are identical.
- (2) A sign having two (2) non-parallel and angled faces shall also be regarded as a single sign if mounted on a single supporting structure, both sides of the sign are angled apart no greater than forty-five (45) degrees, and both sides of the sign are identical. The sign size of a double sided sign having non-parallel faces and angled apart greater than forty-five (45) degrees, shall be the total area of both sign faces used to display a sign, not including supporting poles or structures.

f. **Temporary Sign**

An on-site sign that is displayed for a limited period of time, not to exceed thirty (30) days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

g. **Wall Sign**

An on-site sign painted on, incorporated in or affixed to the building wall, on the same plane as the wall and dependent on the wall for support.

- (1) Wall signs shall not be mounted higher than the parapet wall or eave line of the principal building.
- (2) No part of the sign may project from the surface upon which it is attached more than twelve inches (12").
- (3) A principal building with more than five (5) independent businesses shall be allowed twenty (20) square feet of wall per independent business [twelve (12) square feet of wall sign per independent business shall be permitted within the Three Lakes Design Review Area (DRA)].

13. **Sign Standards Table**

Standards related to sign area, sign type, square footage, height, setbacks and projections with each Zone District and within the “Three Lakes” Design Review Area (DRA) are outlined in the following Sign Standards Table. Refer to specific Sections herein for detailed regulations regarding sign area, height, setbacks, illumination, etc.

SIGN STANDARDS - TABLE

Zone District	*Total Max. Signage	*Sign Type and Use	*Max. Sign Type	*DRA Max. Sign Type	*Max. Height, Projection, Setback	
E-Estate R-Residential F-Forestry & Open M-Mobile Home	35 SF 20 SF (DRA)	One (1) Free Standing, Ground, Projecting or Wall Sign per: <ul style="list-style-type: none"> • Community Facility • Approved Special Use Permit 	35 SF	20 SF	Free Standing 15' max. height 10' setback (<10' height) 15' setback (≥10' height)	Ground or Monument 8' max. height 10' setback
		One (1) Free Standing, Projecting or Wall Sign identifying any other use permitted in Zone District	12 SF	12 SF		
		One (1) Free Standing or Ground or Monument Sign per subdivision entrance	35 SF	20 SF		
T-Tourist A-Accommodation	50 SF 35 SF (DRA)	One (1) Free Standing Sign	50 SF	35 SF	15' max. height 10' setback (<10' height) 15' setback (≥10' height)	
		One (1) Ground or Monument Sign	50 SF	35 SF	8' maximum height 10' setback	
		One (1) Projecting Sign per principal use	50 SF	35 SF	8' min. height clearance. 6' max. projection. At or below parapet wall or eave line.	
		One (1) Wall Sign per principal use	50 SF	35 SF	At or below parapet wall or eave line. 12" max. projection	
		Wall Signs on buildings with more than five (5) independent businesses	20 SF	12 SF	At or below parapet wall or eave line. 12" max. projection	
		On-site signs advertising sale of products on premises	35 SF	35 SF	At or below parapet wall or eave line.	
		Directional Sign	6 SF	6 SF	8' maximum	
B-Business	100 SF 35 SF (DRA)	One (1) Free Standing Sign	50 SF	35 SF	15' max. height 10' setback (<10' height) 15' setback (≥10' height)	
		One (1) Ground or Monument Sign	50 SF	35 SF	8' maximum height 10' setback	
		One (1) Projecting Sign per principal use	50 SF	35 SF	8' min. height clearance. 6' max. projection. At or below parapet wall or eave line.	
		One (1) Wall Sign per principal use	50 SF	35 SF	At or below parapet wall or eave line. 12" max. projection	
		Wall Signs on buildings with more than five (5) independent businesses	20 SF	12 SF	At or below parapet wall or eave line. 12" max. projection	
		On-site signs advertising sale of products on premises	35 SF	35 SF	At or below parapet wall or eave line.	
		Directional Sign	6 SF	6 SF	8' maximum	

*Refer to specific Sign Standard sections for detailed regulations regarding sign area, height, setbacks, illumination, etc.

SF = Square Feet

DRA = Three Lakes Design Review Area

Min. = Minimum

Max. = Maximum

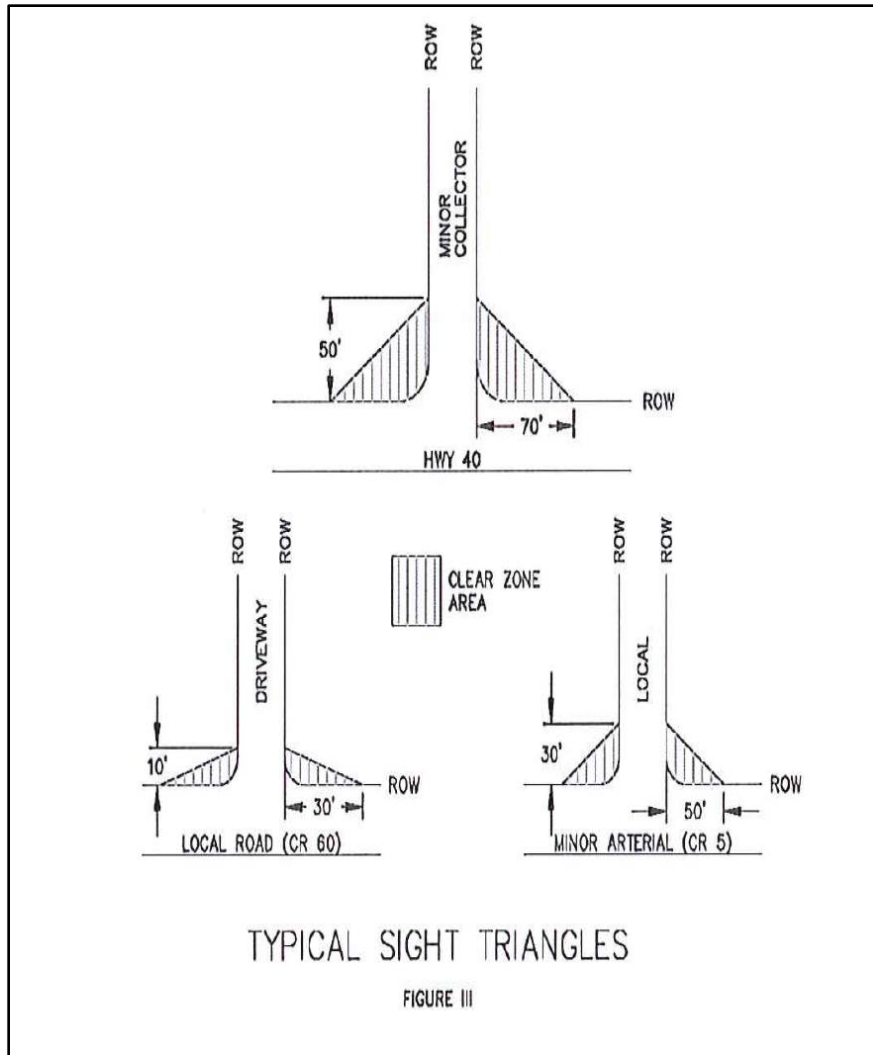
14. **Sign Area Standards**

- a. Sign area shall be the total area of the individual face used to display a sign, not including supporting poles or structures.
- b. For a wall sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
- c. For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements.
- d. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
 - (1) A pole or other structural support that is internally illuminated or otherwise so designed to constitute a display device, or part of a display device.
 - (2) Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

15. **Sign Setbacks and Height Standards**

Signs shall not be located within utility easements or public right-of-ways, or closer than ten feet (10') from the property line. Signs are restricted to a maximum height of fifteen feet (15').

- a. **Sight Distances:** Signs within the sight distance area at intersections of roads and driveways, as defined by the Grand County Road and Bridge Standards, may be reviewed and approved by the Grand County Engineer (See Figure III). Cost of review shall be paid by the Applicant.
- b. **Temporary Signs:** Temporary signs not exceeding six (6) square feet shall not be required to meet minimum setback; however, such signs shall not impair visibility for traffic movement.
- c. **Setbacks Related to Height:** Signs less than ten feet (10') in height shall be setback a minimum of 10 feet (10') from the property line. Signs ten feet (10') in height and greater shall be setback a minimum of fifteen feet (15') from the property line.
- d. **Sign Height:** Height shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign structure. A freestanding or ground sign located on a man-made base, including a graded earth mound or berm, shall be measured from finished construction grade, excluding any and all mound or berming.



16. **Illuminated Sign Standards**

a. **Externally Illuminated:**

Fixtures to illuminate signs shall be shielded, shaded or hooded to direct the light inward and downward onto the sign and away from adjoining properties and adjacent public right-of-way; no light shall trespass into the sky.

Ground-mounted light fixtures shall be permanently secured to prevent inadvertent or accidental misalignment. Illumination of a flag on a flagpole is permitted, provided that a narrow spread lamp is used and aimed to illuminate only the top of the flagpole. The source of illumination must be shielded in a manner so as not to be visible from adjacent property or public right-of-way.

b. **Internally Illuminated:**

No sign will be allowed to have any internal lighting that projects outward through translucent material such as plastic to illuminate the sign, other than the sign letters and graphic. All internally illuminated sign backgrounds shall be opaque, non-translucent material.

c. **Subdued Lighting:**

The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent right-of-way; and the illumination of a sign shall not be noticeably brighter than other lighting in the vicinity or objectionable to surrounding areas.

- (1) No sign shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color. Beacon or strobe lights are not permitted.
- (2) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices; neither the external nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (3) Electrical supply to free standing illuminated signs must be underground. A State electrical permit may be required per electrical code for illuminated signs.

17. **Signs Subject to a Permit**

No person shall display, erect, relocate or alter the physical characteristics of any sign without first filing a written application with the Grand County Community Development Department, pursuant to Section 13.3.2, and obtain a sign permit, except for those signs described in Section 13.3.18. Signs subject to a permit within the “Three Lakes” Design Review Area (DRA) have also been included within the Zone Districts below.

a. **Signs in the “E,” “R,” “F” and “M” Districts**

On-site identification signs shall have the minimum number of graphic elements needed to convey the sign’s major message and shall be composed in proportion to the area of the sign face. The following sign types are allowed, subject to permitting:

- (1) One (1) freestanding or monument sign per subdivision entrance for residential developments, provided such sign does not exceed thirty-five (35) square feet in sign area per face [twenty (20) square feet in sign area per face within the DRA]; or
- (2) One (1) on-site freestanding, ground, projecting or wall sign identifying any other use authorized in the zone district, provided such sign does not exceed twelve (12) square feet in sign area per face; or
- (3) One (1) on-site freestanding, ground, projecting or wall sign identifying a community facility, provided such sign does not exceed thirty-five (35) square feet in sign area per face [twenty (20) square feet in sign area per face within the DRA]; or
- (4) One (1) on-site freestanding, ground, projecting or wall sign for uses approved by special review, provided such sign does not exceed thirty-five (35) square feet in sign area per face [twenty (20) square feet in sign area per face within the DRA].

b. **Signs in the “A” and “T” Districts**

On-site identification signs shall have the minimum number of graphic elements needed to convey the sign’s major message and shall be composed in proportion to the area of the sign face. A combined maximum of fifty (50) square feet in sign area [thirty-five (35) square feet in sign area within the DRA] is permitted within the following sign types, subject to permitting:

- (1) All signs allowed in the “E,” “R,” “F” and “M” Districts.
- (2) One (1) free standing or ground sign per principal building, provided such sign does not exceed fifty (50) square feet in sign area per face [thirty-five (35) square feet in sign area per face within the DRA]; and
- (3) One (1) projecting sign per principal use, provided such sign does not exceed fifty (50) square feet in sign area per face [thirty-five (35) square feet in sign area per face within the DRA]; and
- (4) One (1) wall sign per principal use, provided such sign does not exceed fifty (50) square feet in sign area per face [thirty-five (35) square feet in sign area per face within the DRA], with the exception that a principal building with more than five (5) independent businesses shall be allowed twenty (20) square feet of wall sign per independent business [twelve (12) square feet of wall sign per independent business within the DRA]; and
- (5) On-site signs advertising the sale of products produced on the premises, provided the total area of all such signs does not exceed thirty-five (35) square feet in area per face; and
- (6) On or off-site directional signs, not exceeding six (6) square feet in area per face, and limited to not more than two (2) such off-site signs per principal use.

c. **Signs in the “B” District**

On-site identification signs shall have the minimum number of graphic elements needed to convey the sign’s major message and shall be composed in proportion to the area of the sign face. A combined maximum of one-hundred (100) square feet in sign area [thirty-five (35) square feet in sign area within the DRA] is permitted within the following sign types, subject to permitting:

- (1) One (1) free standing or ground sign per principal building, provided such sign does not exceed fifty (50) square feet in sign area per face [thirty-five (35) square feet in sign area per face within the DRA]; and
- (2) One (1) projecting sign per principal use, provided such sign does not exceed fifty (50) square feet in sign area per face [thirty-five (35) square feet in sign area per face within the DRA]; and
- (3) One (1) wall sign per principal use, provided such sign does not exceed fifty (50) square feet in sign area per face [thirty-five (35) square feet in sign area per face within the DRA], with the exception that a principal building with more than five (5) independent businesses shall be allowed twenty (20) square feet of wall per independent business [twelve (12) square feet of wall sign per independent business within the DRA]; and
- (4) On-site signs advertising the sales of products on the premises, provided the total area of all such signs does not exceed thirty-five (35) square feet in area; and
- (5) On or off-site directional signs, not exceeding six (6) square feet in sign area per face, and limited to two (2) such off-site signs per principal use.

18. **Signs NOT Subject to a Permit**

The following signs do not require a permit under this Article and may be placed in any Zone District subject to the provisions of this Article.

a. **Public Purpose Signs**

Signs required by law or signs specifically authorized for a public purpose do not require a permit. Uniform directional signs, traffic signs, public facility signs, or interpretive or historical signs that provide instructions, as required by law or necessity, or are approved by Grand County or the Colorado Department of Transportation, do not require a permit.

b. **Residential Building Identification Signs**

Such signs shall be used to identify individual residences and shall be limited in content to the name of the owner or occupant and the address of the premises. No more than one (1) sign may be placed on the frontage of each dwelling unit. Such signs shall be limited to four (4) square feet for each dwelling unit or twelve (12) square feet for a multi-family building.

c. **Bulletin Boards**

On-site bulletin boards, notice boards, menu boards or display boards not exceeding six (6) square feet in gross surface area and accessory to a church, school, public or nonprofit institution or restaurant as primarily intended for pedestrians.

d. **Construction Signs**

On-site construction signs are exempt, provided that:

- (1) Signs in conjunction with any residential use shall not exceed six (6) square feet each.
- (2) Signs in conjunction with all other uses shall not exceed twenty (20) square feet each.
- (3) Only one (1) such sign shall be permitted per lot.
- (4) Such signs shall identify an architect, contractor, subcontractor, material supplier, owner and/or financial lender only.
- (5) Such signs shall be removed within thirty (30) days after completion of the project.

e. **Garage, Estate, or Yard Sale**

Signs not in excess of six (6) square feet which advertise a garage sale, estate sale or yard sale on the lot of which the sign is located may be erected no sooner than two (2) days prior to the date of the sale. All signs must be removed within twenty four (24) hours after the date of sale.

f. **Warning Signs**

Any sign erected by a public entity, public utility company or construction company to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices. Warning signs may be an electronic message or reader board.

- g. **Historical Markers**
Cornerstones, commemorative tablets, or historical signs not exceeding six (6) square feet in size and permanently affixed to buildings or structures for the purpose of identifying the name of a building or other historical information.
- h. **Real Estate Signs**
Temporary signs used to offer for sale, lease or rent the land or buildings upon which the sign is located are exempt, provided that:
- (1) One (1) sign per lot advertising real estate does not to exceed six (6) square feet in area.
 - (2) All such temporary signs shall be removed within seven (7) days after the real estate closing or lease transaction.
- i. **Seasonal Decorations**
Temporary, noncommercial decorations or displays (including strings of lights), when such are clearly incidental to, and are customarily and commonly associated with any national, state, local or religious holiday or celebration; provided that such decorations or displays are maintained and do not constitute a hazard.
- j. **Vehicle Signs and Advertising Devices**
Signs permanently affixed to a vehicle, such as advertisements painted on trucks and cars, unless the vehicle is parked specifically for advertising purposes, in violation of Section 19 (m).
- k. **Signs Identifying a Place of Religion Assembly**
Signs identifying a building as a place of religious assembly or as a religious institution, provided that the sign complies with maximum standards, restrictions and conditions set forth in these Regulations.
- l. **Trespassing Signs**
Signs located on a property, posting prohibitions on trespassing, hunting, fishing, snowmobiling or other prohibited activities, provided such sign does not exceed four (4) square feet in area per face and is not illuminated.
- m. **Sandwich Boards**
Sandwich boards used to attract attention to a business establishment, provided that:
- (1) Businesses may display a maximum of one (1) sandwich board, provided that the total square footage does not exceed six (6) square feet in area per side.
 - (2) Sandwich boards shall be placed in a location which will not cause an inconvenience to adjoining property owners and/or to the public or interfere with public safety, road maintenance and snow removal operations.
 - (3) Sandwich boards may only be displayed during business hours and shall be removed after hours.
 - (4) Sandwich boards must be immediately removed if damaged or in disrepair.

n. **Banners**

Banners applied to paper, plastic or fabric used to decorate or attract attention to a business establishment, provided that:

- (1) Banners are displayed in conjunction with a grand opening celebration or a special event or sale. As a general rule, banners cannot be displayed for more than ten (10) consecutive days.
- (2) Businesses may display a maximum of two (2) banners with a combined total area of not more than fifty (50) square feet. If a business is situated on a corner lot with two (2) street frontages, the owner may be permitted to display up to fifty (50) square feet per street frontage.
- (3) Banners shall be securely attached to the wall of the establishment, freestanding signs or light poles on private property. Banners must be removed immediately if damaged or in disrepair.
- (4) A business can display a banner as its main identification for up to one (1) month while permanent signage is being made. Banners shall not be used in lieu of permanent signage.

o. **Tourist-Oriented Direction Signs**

A sign approved and permitted by the Colorado Department of Transportation containing one or more authorized business' plaques which provide directional information for tourists.

p. **Entryway Identification**

An overhead entryway located at a driveway entrance or front gate of a property for the purpose of identifying the property owner, property name or residence located thereon. The entryway structure shall not exceed Grand County's maximum building height.

q. **Temporary Political Campaign Signs**

Signs announcing candidates seeking public office, with pertinent data, and signs relating to ballot issues, with pertinent data. All such signs shall not interfere with public safety or road maintenance operations. All such signs shall be removed within seven (7) days after the election.

19. **Prohibited Signs**

The following are prohibited in all zoning districts within Grand County:

- a. Signs with any type of flashing, rotating or blinking light component; signs with any type of animation or intermittent lighting effects; electric reader boards or message center signs, except for time and temperature devices.
- b. Signs with any sound-emitting component.
- c. Strobe lights, searchlights, beacons and laser light or similar upward or outward oriented lighting.
- d. Signs in the public right-of-way or on public property.
- e. Flags, banners or other devices designed or allowed to wave, flap or rotate with the wind.

This provision does not apply to flags of any government or its agencies, or any person, civic, charitable, religious or fraternal organization.

- f. Any sign that could be confused with or interfere with a traffic control device or that may be determined to interfere with the safe flow of traffic. Any sign that interferes with sight distance triangles at intersections as required by Grand County Department of Road and Bridge.
- g. Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress.
- h. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation.
- i. Any sign which projects a distance of more than six (6) feet perpendicular from the building to which it is attached.
- j. Any sign attached parallel to the wall of a building but mounted more than twelve (12) inches from the wall.
- k. Any roof-mounted sign or sign which projects above the highest point of the roof line or fascia of a building.
- l. Off-premise advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located.
- m. Signs mounted, attached or painted on motor vehicles, trailers or boats that are parked or located for the apparent purpose of advertising a product, service or activity or to direct people to a business or activity on or near the premises and not used in conducting a business or service.
- n. Signs identifying a home occupation.
- o. Any sign, including its supporting structure, in existence for a period of six (6) months or more after the premises have been vacated, which advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located.
- p. Portable signs which are not permanently affixed to any structure on the site or permanently mounted to the ground, except as allowed in Section 18 (m).
- q. Signs or pictures of an obscene, indecent or immoral character that will offend public morals or decency, based upon constitutional standards.

SECTION XIV
SUPPLEMENTARY REGULATIONS

14.1 SUPPLEMENTARY AREA OF LOT AND LOT WIDTH REGULATIONS

1. If an individual lot was held in separate ownership from adjoining properties or was platted in a recorded subdivision approved by the Board of County Commissioners prior to the effective date of these regulations or any amendment thereto applicable to such lot, such lot may be occupied according to the permitted uses provided for the district in which such lot is located without regard for "minimum area of lot" and "minimum lot width" requirements otherwise specified in these regulations.
2. No part of a lot area or width required for a lot, for the purposes of complying with the provisions of these regulations, shall be included as a lot area or width required for another lot.
3. The "minimum area of lot" regulations shall be increased in any district where percolation tests show the soil incapable of handling the septic system required for the maximum population density of the proposed use.
4. The "minimum area of lot" requirements stated in these regulations may include one-half the width of all adjacent rights-of-way for each lot, which is one (1) acre or more in size.

14.2 SUPPLEMENTARY YARD REGULATIONS

1. In any district where a lot comprises fifty percent (50%) or more of the frontage on one side of a street between intersection streets are developed with buildings having an average front yard with a variation of not more than ten feet (10'), the average front yard of such buildings shall be the minimum required.
2. Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than three feet (3').
3. Fire escapes may extend into a required rear yard not more than six feet (6').
4. No part of a yard required for a building, for the purpose of complying with the provisions of these regulations, shall be included as a yard for another building.
5. Accessory buildings may be located in rear yards required for principal buildings.

14.3 OFF-STREET PARKING

1. These parking requirements are the minimum, and based on individual circumstances which may be increased at the discretion of the County.
 - a. Single-family or multi-family dwellings with one (1) bedroom or less - one and one-half (1-1/2) spaces per dwelling unit.
 - b. Single-family or multi-family dwellings with two (2) bedrooms or more - two (2) spaces per dwelling unit.
 - c. Single-family or multi-family dwellings with three (3) bedrooms or more - three (3) spaces per dwelling unit.

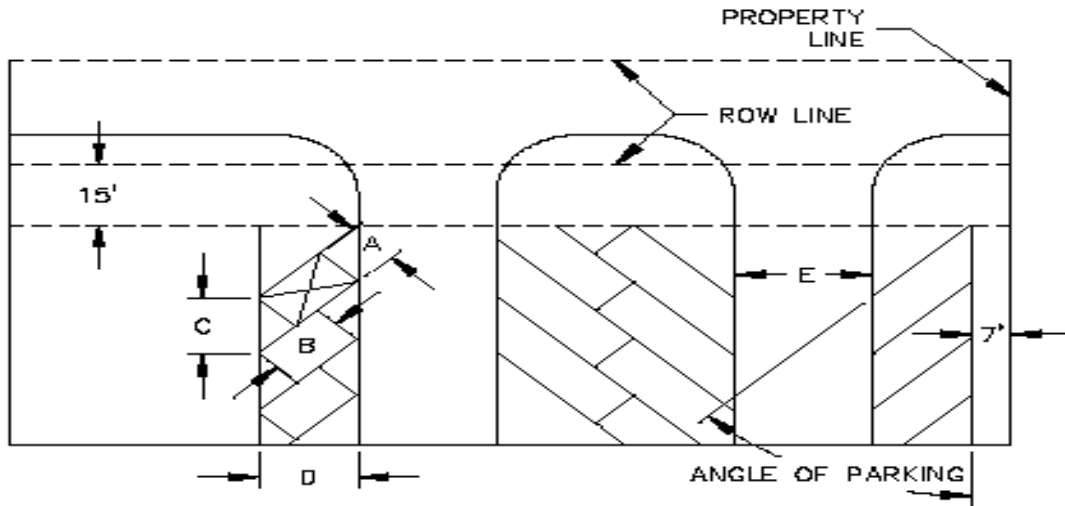
- d. Mobile homes - two (2) spaces per dwelling unit.
- e. Hotels, motels, lodges, boarding and rooming houses - one and one-half (1-1/2) spaces per rental unit.
- f. Rest homes, hospitals, sanitarium - one (1) space per unit.
- g. Offices (professional or non-professional) - one (1) space per three hundred (300) square feet of gross floor area.
- h. Eating and drinking establishments - one (1) space per one hundred (100) square feet of gross floor area.
- i. Retail sales - one (1) space per three hundred (300) square feet of gross floor area, excluding areas devoted exclusively to storage and warehousing.
- j. Auditoriums, churches, theaters - one (1) space per eight (8) seats if fixed seating or one (1) space per one hundred (100) square feet of floor area in the seating area.
- k. For uses not listed or not fitting within one (1) of the above categories, the Grand County Department of Development and the Grand County Planning Commission shall determine the parking requirements subject to the approval of the Board of County Commissioners of Grand County.

2. Location and Description of Parking Space and Aisles

- a. Minimum size of parking spaces and aisles.
- b. All parking spaces shall be set back a minimum of fifteen (15) feet from all rights-of-way.
- c. No parking shall be permitted in side yard setbacks.
- d. Required parking spaces must be provided on the same property as the principal building or use.
 - (1) In multi-family developments, parking shall be within two hundred (200) feet of the principal use. Details regarding ownership of the parking areas shall be based on the homeowner's association covenants.
 - (2) In commercial or industrial developments, the parking area shall be within six hundred (600) feet of the principal building or use.
 - (3) All parking areas shall be owned by the owner of the principal use for which parking spaces are being provided.
- e. Parking areas shall be surfaced with asphalt, or concrete, or compacted gravel which shall be treated with environmentally sensitive material(s) to control fugitive dust.
- f. Parking areas shall be designed to manage storm water drainage and prevent non-point source pollution. Design shall be based on the Grand County Storm Water Drainage Design and Criteria Manual, meeting federal and state regulations.
- g. Access drives shall be designed per the Grand County Road & Bridge Manual.

- h. A land owner with access to a state highway will be required to contact the Colorado Department of Transportation regarding specific permit and design requirements.
- i. Parking shall comply with all applicable federal and state accessibility requirements.
- j. Except as provided in 14.3(2) above, all parking areas shall be separate from adjacent property by the use of open space areas of a minimum distance of seven (7) feet. Such open space areas shall define the parking area and help define traffic flow so as to allow snow removal from parking areas without trespassing upon or interfering with adjacent property owners.

ANGLE OF PARKING	(A) STALL WIDTH	(B) STALL LEN.	(C) CURB LEN.	(D) STALL DEPTH	(E) MIN. DRIVE WAY	
					1-WAY	2-WAY
0°	10'	20'	23'	10'	12'	24'
45°	10'	20'	14' 2"	21' 3"	18'	N/A
60°	10'	20'	11' 8"	22' 4"	18'	24'
90°	10'	20'	10'	20'	24'	24'



PARKING REQUIREMENTS

FIGURE IV

REFERENCE: ITE TECHNICAL COUNCILING COMMITTEE 5D-8, GUIDELINES FOR PARKING FACILITY LOCATION AND DESIGN, ITE, 1994, FIG. 3.

14.4 THREE LAKES DESIGN REVIEW AREA

The following regulations shall apply to the geographical area(s) of Grand County which are depicted on the Three Lakes Design Review Area maps, approved by the Grand County Planning Commission and Board of County Commissioners. Said maps are located at the Grand County Administration Building in Hot Sulphur Springs, Colorado. This area does not constitute a new zoning district, and is an overlay area laid upon the zoning districts encompassed within the overlay area boundaries, which does not alter the Uses permitted, or Uses permitted by Special Review, allowed within said zoning districts so overlaid.

1. Definitions:

Aspect: The directional (in terms of the cardinal points of a compass) facing of the slope of a particular land area or piece of land.

Association boathouses/boat docks: A facility providing boat storage in slips exclusively for the use of residents of a multi-family residential development with commonly owned and occupied shore front property or a group of shore front property owners without common ownership who form a legal entity for the groups common interest and specifically designate a property for dock location. Association boathouses and boat docks may be allowed on a case-by-case basis.

Boat Dock: A facility used for the storage of boats and water craft only. An individual boat dock (excluding the gangway) and associated boats must occupy no more than six hundred (600) square feet of a water body surface as determined by the exterior dimensions of dock and/or boats. A gangway to the dock may be permitted, if appropriate, but in no case can it exceed 4 feet in width and 20 feet in length. One (1) boathouse or boat dock is permitted per single-family dwelling.

Boathouse: A structure used for the storage of boats and water craft only which must occupy no more than six hundred (600) square feet of land and/or water body surface as determined by the exterior dimensions of the building. These structures may not be used for the conversion to habitable structures or designed for human habitable use for any length of time. A boathouse is an “accessory building and use” and is not permitted without an existing single-family dwelling. One (1) boathouse or boat dock is permitted per single-family dwelling.

Cover Type: In relation to any piece of land, the kind of vegetation or lack of said on the land.

Disturbance: Any modification to a natural landform including contouring, excavation and the removal of vegetative cover.

Mitigate: To neutralize or compensate for the physical impacts of a man-made development upon a particular land area or piece of land such that the land will function as it did before the development took place.

Public Roadway: Any vehicular thoroughfare that is dedicated and maintained for public use by a federal, state, county, or municipal jurisdiction or homeowner's association.

Public Use: Any use for which the general public is allowed access.

Riparian: Lands adjacent to streams, creeks, lakes and other waterways whether intermittent or constantly flowing.

Structures: Anything constructed or erected such as buildings, mobile homes, fences, etc. which requires location on the ground or attached to something having a location on the grounds. Excluded are docks, posts, pilings, other boat mooring devices, headgates and other structures necessary for agricultural, public (municipal, etc.) and private water diversion facilities.

2. **Design Criteria**

Introduction: This section specifies the various design criteria to be used when developing construction plans and documents for all building types within the Design Review Areas of Grand County. General categories such as building locations, site, etc. are subdivided into various elements. It is the intent of these standards to first foster sensitive and creative solutions to design problems rather than pose a rigid architectural formula to follow in developing building plans. The key element of design that is to be stressed is the achievement of "harmony", "blending" and "appropriateness" of building form and texture in relation to the natural, surrounding environment. In short, buildings are to be as unobtrusive as possible in the natural settings in which they are constructed. Second, the protection and perpetuation of ascertain panoramic mountain and scenic views from parks and public spaces within the Design Review Area is required in the interests of pride, enjoyment, environmental enrichment and maintenance of a major economic asset for residents and visitors alike. This concern and the pressure of physical development has established the "visual landscape" as a basic resource that needs to be conserved. To that end, these regulations have been instituted by Grand County.

a. **Applicable Regulations**

(1) **Zoning Requirements**

Development proposals and buildings must meet all requirements of the Grand County Zoning Regulations. In a case where the Design Regulations are in conflict with the Zoning Regulations, the more restrictive regulations shall apply.

(2) **Subdivision and Planned Unit Development Regulations**

Proposals and structures must meet all requirements of the Grand County Subdivision and Planned Unit Development Regulations, the more restrictive regulations shall apply.

(3) **Building Code**

The regulations contained in the Uniform Building Code as amended and adopted by Grand County will apply to all structures. In addition, these regulations will also apply to all structures that are either residential, agricultural, commercial/office or light industrial in nature.

b. **Site Planning – General Provisions**

(1) **Physical Setting of Development**

- (a) The following shall apply except where it would make property unbuildable. The proposed development shall be located, sited and designed to protect and enhance the visual quality of the surrounding environment. In addition to the design criteria contained herein, environmental site planning and architectural design information is available from the U.S. Forest Service. Visual quality maps and other information are also available from the Grand County Department of Planning and Development.
- (b) In areas of existing high visual quality, the proposed development shall be unobtrusive in nature and carefully fit its environment so that its presence is subordinate to the pre-existing character of the site and its surroundings are maintained to the maximum extent practicable.
- (c) In areas where the visual quality has been degraded by alterations of the natural landforms and vegetation, signs and billboards that block views and

create visual clutter, and development that is mediocre in design and out of character with the surrounding environment, the new development shall serve to restore the area to a high visual quality.

- (d) Buildings, when viewed from various angles, should conform to foreground contours in shape and scale while blending in with middle ground and background landforms to the greatest extent possible. All designs are to be conceived utilizing current principles and practices of environmental design, landscape design and building architecture. All development shall be sited and designed to minimize the impacts of light and glare on adjacent properties and the community at large.
- (e) Except where it would make property unbuildable (given the constraints of other County regulations) structures shall not be located in open grasslands where they would be highly visible, but clustered near hills, forests and other natural terrain features, or existing development to the greatest extent possible. In addition, development on hilltops and ridges shall not be obtrusive from public roadways. In riparian and lake shoreline areas, development shall be subordinate to the natural form of the waterway by being located near groves of trees, rock outcroppings, or other natural features and setback from the edge of the waterway or waterbody a minimum of thirty (30) feet.

(2) Alteration of Natural Landforms

- (a) No development or its support facilities (such as road or utility expansions) shall be permitted where grading, cutting or filling are required that would alter the appearance of natural landforms, without a re-vegetation plan that restores the disturbed land to as near a natural looking state as possible.
- (b) The proposed development shall minimize the visual destruction of natural land forms caused by cutting, filling, grading or vegetation removal. The development shall be concentrated on level areas so that hillsides can be left undisturbed. Necessary road and utility expansions should be routed along natural topographic contours.
- (c) Where the alteration of natural landforms is permitted during construction, the topography shall be restored to as close to the natural contours as possible, and the area shall be planted with vegetation common to the area.

(3) Scale

Any proposed development shall be of compatible scale to the surrounding area or shall be of a scale which will enhance the quality of the area that has been degraded by existing development. The development proposal shall provide for:

- (a) Structures should be located so they do not tower above ridge lines, and do not compete with the visual dominance of the hillsides, open meadow, lake waters, or other features of the natural terrain.
- (b) In developed areas, structures shall generally conform with the character of the surrounding area, or enhance the area if it has already been degraded.

(4) Landscaping

(a) Forested Portions of the Site

While the development proposal shall strive to place structures under tree cover to the greatest extent possible and developments shall protect existing vegetation and plants common to the region shall be used as the predominant re-vegetation material.

(b) Meadows or Low Brush Portions of the Site

Meadows or low brush covered portions of the site screening techniques are to be used for purposes of maintaining, to the greatest extent possible, the original pastoral setting when viewed from public roadways and observation points.

(5) Site Preparation

(a) Grading and Excavation

All grading will be accomplished using the design standards of the Grand County Subdivision Regulations. All removed topsoil should be stored and then replaced on the surface after grading is complete and before landscaping is begun. The graded area should be kept to a minimum practical size for equipment movement taking care to retain as many trees or other significant natural vegetative or other cover materials as possible considering such aspects as fire hazards, etc. No grading or excavation will be allowed other than that required for buildings, roads, landscaping and utilities.

(b) Utilities

Electric utilities and communication facilities to minimize the visual degradation of the landscape caused by power and communication lines and towers, the following principals shall be applied to any proposed development:

- i. Utility distribution and transmission facilities shall be designed as coordinated system to avoid duplication.
- ii. Non-reflective cables, poles, and guy wires shall be used for all electric and communication lines.
- iii. Television antennas, ham radio operation masts, roof mounted FM dipole aerials, and other facets of wirescape must be located in an unobtrusive manner.

(c) All proposed major public utility facilities will follow the special Permit review process of Grand County and shall be located and constructed to:

- i. Maximize the use of Federal and State owned land.
- ii. Minimize damage to private landowners over which the line passes and adjacent to the proposed line.
- iii. Minimize side effects such as wildlife habitat disruption, low level radiation, noise and other health hazards on humans and wildlife.

- iv. Avoid paralleling of major transportation routes unless adequate natural screening or other means of camouflage are available.
- v. Cross any such transportation routes at as close to a right angle as possible.
- vi. Mitigate the "tunnel" effect of clearing vegetation that is visible from a population concentration or public roadway by means of minimizing clear-cut widths and other established landscape techniques. In all cases a revegetation plan must accompany any Permit application.
- vii. By-pass historic and archeological sites.
- viii. Minimize conflict with existing and planned land uses.

(d) **Sewer, Water and Gas Lines**

- i. Utility lines shall be designed as a coordinate system to avoid duplication.
- ii. All distribution facilities and service connections shall be placed underground.
- iii. All proposed utility facilities will follow the special Permit review process and/or 1041 Regulations of Grand County as applicable and shall be located and constructed to:
 - b. Minimize damage to private and public lands: All development proposals must be accompanied by a revegetation plan;
 - c. Mitigate the "tunnel" effect of clearing vegetation that is visible from a population concentration or public roadway by means of minimizing clear-cut widths and other established landscape techniques;
 - d. By-pass historic and archeological sites;
 - e. Minimize conflict with existing and planned land uses.

(e) **Drainage**

All buildings must have an adequate drainage slope; minimum of five (5) percent, away from foundation walls or incorporate a French drain. Generally, water should be directed away from buildings, driveways, paths, play areas and other high use areas.

c. **Site Activities**

(1) **Trash Storage**

All trash storage areas shall be aesthetically screened from public view. Storage areas must be well drained but located out of drainage courses and must be inaccessible to animals either by fencing or through the use of suitable containers.

(2) **Snow storage (single-family building Permits exempted)**

A snow removal and storage plan must accompany all development proposals. Storage sites must be well drained and preferably located in a sunny well drained spot.

(3) **General Storage and Service Activities**

All general storage areas shall be aesthetically screened from public view. All service activities and facilities shall be provided within the boundaries of the individual building parcel which it serves. All propane gas tanks are to be screened with vegetation and other natural objectives.

(4) **Transportation and parking facilities (single-family building Permits exempted):**

The proposed development shall minimize the number of access roads and individual parking areas. Development access roads shall be combined, with the intent of minimizing intersections on public roadways. Traffic loops shall be used to the maximum extent possible. All access roads shall be visually screened from public roadways to the greatest extent possible. All parking facilities are to be landscaped, preferably with evergreen varieties and large shrubs. Parking design should facilitate use, snow removal, drainage, emergency access and must be screened or buffered from public roadways. Use of vegetative islands within parking areas are encouraged. Underground parking must be either integrally connected to a habitable building or covered and landscaped. Street alignments should be designed in such a way as to facilitate solar gain for fronting buildings.

d. **Building Location**

(1) **Site Characteristics**

The building should be located and subsequently designed to minimize disturbances of the site and blend into the surrounding natural environment.

(2) **Energy Conservation**

It is suggested that siting of buildings should take advantage of a south facing orientation for solar heat gain to the greatest extent possible.

(3) **Setbacks**

Setbacks for buildings are required for aesthetic purposes along public roadways, and for water quality reasons along or around water bodies of any kind. Specifically, setbacks found in the Grand County Zoning Regulations will apply to all docks, moorings, pilings and posts to be built in any lakebed must have prior special Permit approval from the applicable agency having jurisdiction.

e. **Architecture**

(1) **Residential**

(a) **Roofs**

Allowed roofing materials include:

- i. non-flammable shake shingles and imitations
- ii. treated wooden shake shingles
- iii. earth-tone composition shingles
- iv. dark, non-reflective metal roofing

(b) **Exposed facades and sidings**

Building architecture is to be compatible with location and the pastoral environment, rustic in nature, rough textured and harmoniously colored to blend in with the surrounding vegetative cover. In forested areas, all exterior materials shall be of deep earth hues such as dark browns, greens and rusts. In grasslands or sagebrush areas, all exterior materials shall be of the same earth and vegetative tones as the predominant colors of the site. Highly reflective surfaces and colors are not allowed. Types of siding or wall materials not allowed by way of example are: reflective metal, bare sealed or unsealed plywood panels, poured or block concrete of the unexposed aggregate variety, precast concrete panels, and white stucco plaster walls.

(c) **Windows**

Outwardly reflective windows or coatings thereon are not allowed.

(d) **Lighting**

Exterior lighting shall be minimized and shall be designed and installed to subtly illuminate functional areas only. The source of light shall not be visible above a horizontal plane and shall direct the light inward and downward onto the site and away from adjoining properties. Fixtures shall be hooded and shall not be located above the eave lines. Use of “dark sky” features and motion detector lighting is encouraged.

(e) **Foundations**

Foundations may be exposed no more than thirty-six (36) inches above ground level. Exception: foundations and building walls constructed of native stone. Exposed portions of poured or block concrete foundations must be painted an appropriate earth tone color or faced with native or imitation stone, brick or wood.

(f) **Fences and Screens**

Fences are to be constructed of stone or wood in a style appropriate to the building architecture and the surrounding natural environment. Fencing that maintains an open (as in the split rail fence) appearance is encouraged. Sturdy construction is to be used throughout. The use of plain or decorative concrete block or other metal or plastic materials of a bright or reflective aspect or color is prohibited. Chain link fences shall be oxidized, anodized or earth tone colored.

- (g) **Outbuildings**
No more than two outbuildings allowed with each single-family residence not to exceed four hundred (400) square feet each. In addition, livestock shelter barns, boathouses and detached garages shall also be allowed
- (h) **Mailboxes and Residence Signs**
Mailboxes visible from the public roadways shall be of non-reflective wood or metal construction and shall be located in an unobtrusive manner.
- (i) **Retaining Walls**
Retaining walls are intended to be an attractive addition to the overall design of the site plan and the structures on it. They should be made of natural woods or stone of low elevation where lateral loads are minimal. Adequate drainage from the earth bank must be provided by weep holes, lateral drains, or other techniques capable of mitigating buckling caused by water pressure and frost action. Retaining walls in excess of four (4) feet in height must be designed by a professional engineer, reinforced throughout and independently supported. Poured or concrete block of the uncolored or unexposed aggregate type is not allowed unless faced with a stone or wooden veneer.

(2) **Commercial/Office and Light Industrial**

- (a) **Roofs**
Same as residential
- (b) **Exposed facades and siding**
Same as residential
- (c) **Ornamentation**
Same as residential
- (d) **Foundations**
Same as residential
- (e) **Building Type**
Building architecture is to be compatible with the pastoral mountain environment, rustic in nature, harmoniously colored or natural wood finished or suitable wood substitutes.
- (f) **Fences and Screens**
Same as Residential
- (g) **Outbuildings**
No more than two (2) outbuildings not to exceed four hundred (400) square feet each will be allowed. In addition, berms, trees, shrubs, etc. are to be used to aesthetically enhance the screening devices as allowed in the residential section.
- (h) **Mailboxes**
Mailboxes visible from the public roadway shall be of non-reflective wood or metal construction and shall be located in an unobtrusive manner.

- (i) **Retaining Walls**
Same as residential
 - (j) **Parking**
Parking facilities, where practical, shall be consolidated for joint use by surrounding businesses and neighbors. The parking facility shall be attractively designed and buffered with landscaping, berms or other attractive screening materials and shall to the maximum extent possible be visually screen.
- (3) **Boathouses/Boat Docks**
- (a) **Roofs**
Allowed roofing material include: shake shingles and imitations treated shingles and imitations, treated wooden shake shingles, earth-tone composition shingles, and dark, non-reflective metal roofing
 - (b) **Exposed facades and sidings**
Building architecture is to be compatible with location and the pastoral environment, rustic in nature, rough textured and harmoniously colored to blend in with the surrounding vegetative cover. In forested areas, all exterior materials shall be of deep earth hues such as dark browns, greens and rusts. Highly reflective surfaces and colors are not allowed. Types of siding or wall materials not allowed by way of example are: corrugated metal siding, reflective metal, painted (unclad) masonite siding, asphalt shingles or panels, bare sealed or unsealed plywood panels, poured or block concrete of unexposed aggregate variety, precast concrete panes, and white stucco plaster walls.
 - (c) **Windows**
Outwardly reflective windows or coatings thereon are not allowed.
 - (d) **Lighting**
Exterior lighting shall be minimized. Any outside lighting fixtures shall match the style of the structure is serves. Security lights shall be of a subdued luminescence.
 - (e) **Height**
The height of any boathouse, measure from the water line to the highest part of the structure may not exceed 16 feet.
 - (f) **Extension beyond shoreline**
Boathouses and boat docks are not permitted to extend more than 35 feet beyond the natural shoreline. There may be specific cases that require boathouses to be inundated into the shoreline in order to preserve the natural character of the surrounding area.
 - (g) **Width**
Boathouse may not exceed 30 feet in width. This width does not include any uncovered dock or decking that may have a physical connection to the structure.

- (h) All boathouses and boat docks must have prior special Permit approval from the applicable agency having jurisdiction.

f. **View Maintenance**

No development including the associated buildings, fences, paved areas, signs and landscaping can block views of the surrounding lakes or mountains or diminish the visual quality of the Design Review area into scenic areas.

- (1) Visual resource maps detailing visual sensitivity and visual absorption capacity will be used to initially judge development proposals.
- (2) All developments will be judged in detail utilizing the U.S. Forest Service review system maps.

g. **Signs**

Signs shall be permitted as accessory uses in accordance with the sign regulations currently existing in the Grand County Zoning Regulations, Section XIII, Subsection 13.3. General Provisions. Signs shall be aesthetically pleasing, of appropriate scale and integrated with surroundings in order to meet the county's expressed desire for quality development and protection of view sheds. In addition, signs shall be compatible with location and the pastoral environment, rustic in nature, and harmoniously colored to blend in with the surrounding vegetative cover.

14.5 GRANBY AIRPORT REVIEW AREA – OVERLAY DISTRICT

1. Intent

To reduce exposure of residential and other sensitive land uses to aircraft operations and their potential impacts; to reduce risks to public safety from aircraft accidents; and to discourage traffic congestion and incompatible land uses proximate to, and within the airport review area.

2. Definitions

a. Federal Aviation Administration (FAA)

The Federal agency responsible for administration and policies related to aviation activity in and around the nation's airports, as well as protection of airspace between airports.

b. Granby Airport Review Area (GARA)

An overlay district intended to allow for compatible land-use planning in the vicinity of the Granby Airport. The overlay district includes two (2) components; (1) land use compatibility; and (2) building heights and heights of other structures (See Figure 14.6-1a Compatible Land Use and 14.6-2a, Allowable Heights of Structures for the location of this overlay district).

c. Nature of District

The Granby Airport Review Area-Overlay District shall be applied as a supplemental regulation of areas contiguous to or near the Granby Airport which would be significantly impacted by air traffic or any hazard related to the operation of an aviation facility. The restrictions and requirements of this district are supplemental to those of the underlying zoning district.

d. Jurisdiction

The regulations set forth in this section shall apply to those lands within and around Granby Airport as depicted on the Granby Airport Review Area-Overlay District Map (Figure 14.6-1b). These regulations shall supersede any inconsistent or conflicting underlying zoning regulation; shall restrict up-zoning (e.g., Forestry and Open to Residential) of lands within the Granby Airport Review Area; and allow residential development in the area that is consistent with the Grand County Master Plan through the Subdivision Exemption Regulations and the Rural Land Use Process, as now enacted, and amended.

3. Nonconforming Structures or Uses

- a. These regulations do not require the removal, lowering, or discontinuance of any structure or object of natural growth not conforming to this section as of its effective date.
- b. These regulations do not require any change in the construction, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section and which is pursuant to a building Permit issued by Grand County; provided, however, that when the nonconforming structure is destroyed or damaged, any reuse, reconstruction or replacement is subject to the provisions of Section XV, Sub-Sections 15.1 to 15.7.

4. Land Uses

- a. The Granby Airport Review Area-Overlay District Map shows the airport

review area which consists of a single land use compatibility zone in the vicinity of the Granby Airport. Land-uses in the zone are listed below. In addition, Figure 14.6-1a illustrates the dimensions of the land use compatibility zone.

- b. Granby Airport Review Area (GARA) allowed uses: Within the Airport Compatible Land Use Overlay Zoning, Districts as established in 14-6.1a, no land shall hereafter be erected, altered converted, or modified other than for those land uses permitted by underlying comprehensive zoning districts as specified in Grand County Land Use Code as of the date of the adoption of this Ordinance. Variances, new land uses or changes in the underlying districts must conform to the requirements set forth in Granby Airport and Use Compatibility Table.

5. **Height Limitations**

- a. Grand County will conduct a review of proposed development within the GARA as depicted on Figure 14.6-1 for compliance with FAA, Part “77” Airspace Surfaces, as now enacted or amended (See Figure 14.6-2a for the location of this overlay district).
- b. If the County determines that the proposal does not exceed the surface elevations depicted on Figure 14.6-2, Part “77” Airspace Drawing, the proposed construction or alteration will be permitted, subject to other applicable regulations (i.e., Section VI, Sub-Section 6.7, Maximum Height of Buildings).
- c. If the County determines that the proposed development exceeds the surface elevation depicted on Figures 14.6-2, the Applicant shall notify the FAA utilizing Form 7460-1. Any mitigation measures recommended by the FAA may be required.
- d. If the FAA, following its review, determines that the proposal is a hazard to air navigation or human health and welfare, the proposed development may be prohibited.

6. **Aviation Notification**

For all development within the Granby Airport Review Area, the following statement shall apply and disclosure is made by recording of this regulation and zoning map in the records of the Grand County Clerk and Recorder:

- a. The Subject parcels are located within the Granby Airport Review Area. Airplanes may fly at low elevations over the parcel as they operate to, from or at the airport. The airport is operational 24 hours per day. Flights may occur at all hours of the day or night.
- b. Due to the proximity of the parcels to the Granby Airport, and the airport’s associated flight patterns; parcel owners and future buyers should expect varying degrees of noise from these aircraft, which some residents may find intrusive.

7. **Aircraft – Wildlife Strike Hazards**

Use of land which encourages large concentrations of birds or waterfowl such as sewage plants, large open ponds and reservoirs (refer to Section XI, Sub-Section 11.1 (7)), shall be discouraged within 10,000 feet of airport runways. Landfills are prohibited within 10,000 feet of airport runways. Adequate mitigation measures may be required as advised by a wildlife biologist specializing in resolving aircraft-wildlife conflicts.

**GRANBY AIRPORT
LAND USE COMPATIBILITY TABLE – 14.6.1a**

LAND USE CATEGORY	AIRPORT INFLUENCE ZONE (AIZ)	TRAFFIC PATTERN ZONE (TPZ)	APPROACH ZONE (AZ)	INNER APPROACH ZONE (IAZ)
RESIDENTIAL				
Single-family	C ⁽⁶⁾	C ^(3,4)	C ^(1,3)	C ^(1,3,6)
PUBLIC				
Schools, Libraries, Churches	C ⁽⁶⁾	C ⁽⁴⁾	C ⁽⁴⁾	X
Parking, Cemeteries	P	P	P	C ⁽⁵⁾
Nursing homes, multi-family, apartments, condominiums, transient lodging, motels, hotels	C ⁽⁶⁾	C ^(3,4)	C ^(1,2,3)	X
COMMERCIAL & INDUSTRIAL				
Offices, Retail Trade, Service Commercial, Wholesale Trade, Warehousing, Light Industrial, General Manufacturing, Utilities, Extractive industry	P	C ⁽⁶⁾	C ⁽⁴⁾	C ⁽¹⁾
AGRICULTURAL & RECREATIONAL				
Cropland				
Livestock Breeding, Parks, Playgrounds, Zoos, Golf Courses, Riding Stables, Water Recreation	P	P	P	P
Outdoor Spectator Sports	P	P	P	P
Amphitheaters	P	C ⁽³⁾	C ^(3,4)	X
Open Space	C ⁽³⁾	C ⁽³⁾	C ^(3,4)	X
	P	P	P	P

P – permitted C – Conditional X – Not Allowed

Conditions:

1. If allowed, aviation easements and disclosure must be required as a condition of development. Limit residential density to 1 unit per 4 acres.
2. Any structures associated with uses allowed in the 65 Ldn Noise Contour must be located outside the 65 Ldn Noise Contour.
3. If no reasonable alternative exists, use should be located as far from extended centerline as possible.
4. If allowed, disclosure of airport proximity must be required as a condition of development. An aviation easement should be considered based on proximity to runway centerline.
5. Transportation facilities in the 65 Ldn Noise Contour (i.e. roads, railroads, waterways) must be configured to comply with part 77 requirements.
6. Disclosure of airport proximity should be required as a condition of development.

Notes:

- Development projects which are wildlife attractants, including sewage treatment ponds and new landfills, within 10,000 feet of the runway are unacceptable (FAA Advisory Circular 150/5200-33). New Landfills within 6 miles of the airport may require special review (FAA AC 150/5200-34).
- An FAA Form 7460-1, “Notice of Proposed Construction or Alternation” must be submitted for any construction or alteration (including hangars and other on-airport and off-airport structures, towers, etc.) within 20,000 horizontal feet of the airport greater in height than an imaginary surface extending outward and upward from the runway at a slope of 100 to 1 or greater in height than 200 feet above ground level.
- For definitions of permitted & conditional, refer to the Grand County Zoning District Definitions above.

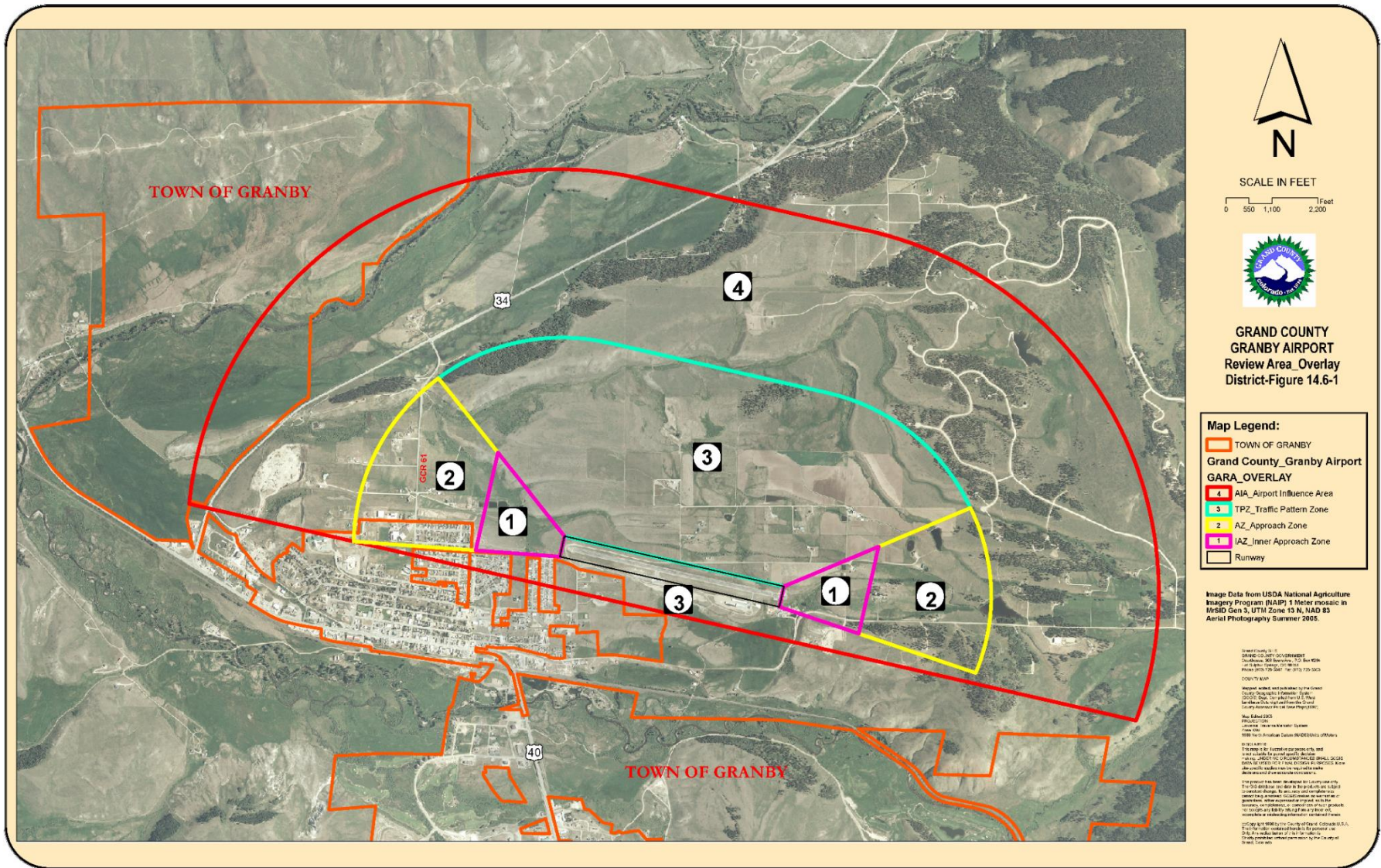
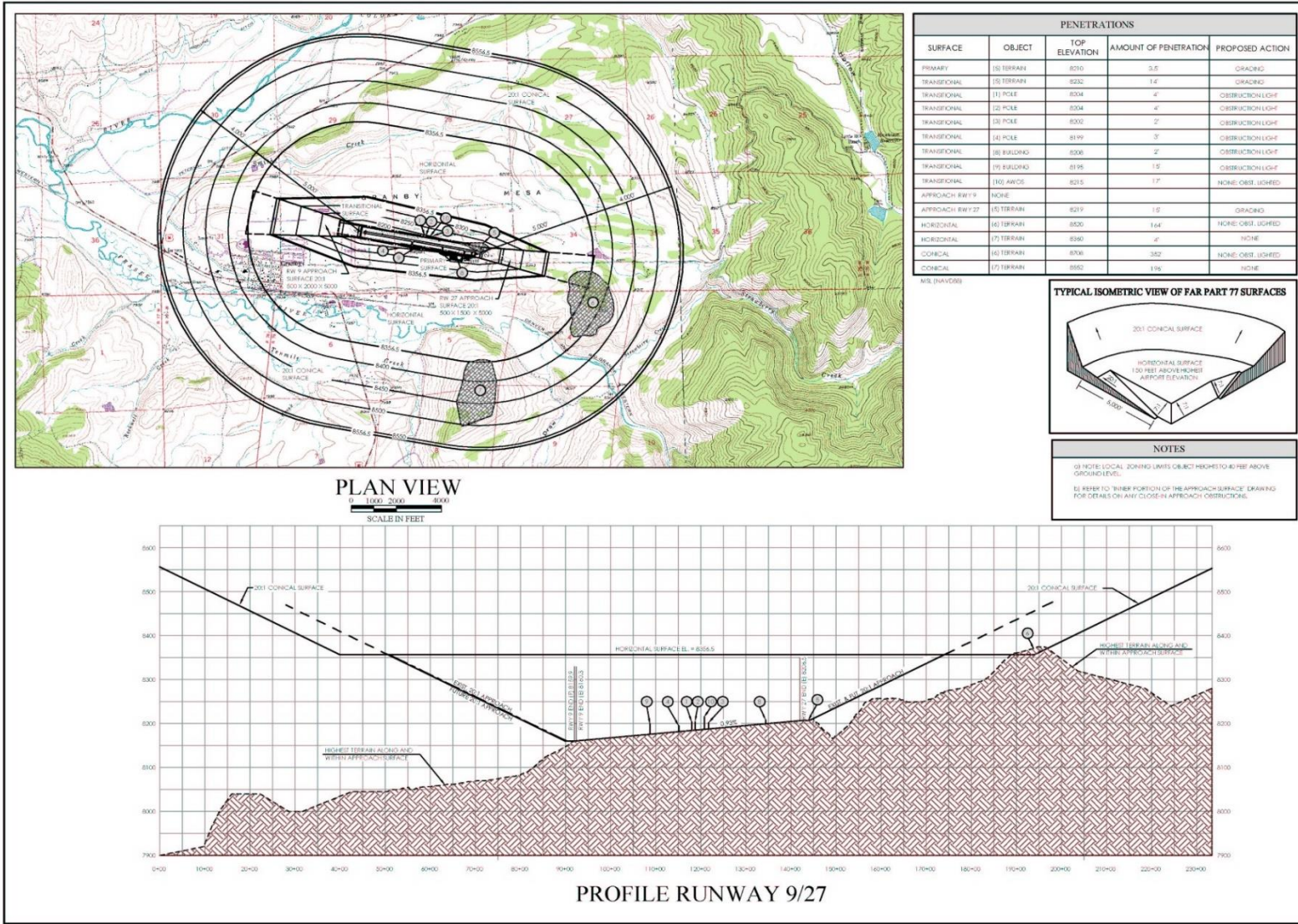


Figure 14.6-1b



ARMSTRONG CONSULTANTS, INC.
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GRANBY - GRAND COUNTY AIRPORT
GRANBY, COLORADO
AIRPORT LAYOUT PLANS

No.	Revisions	Date	By

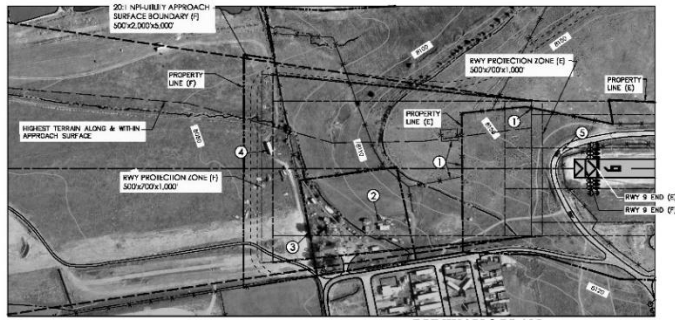
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Drawn: JGS
Checked: DAC
Approved: EAA

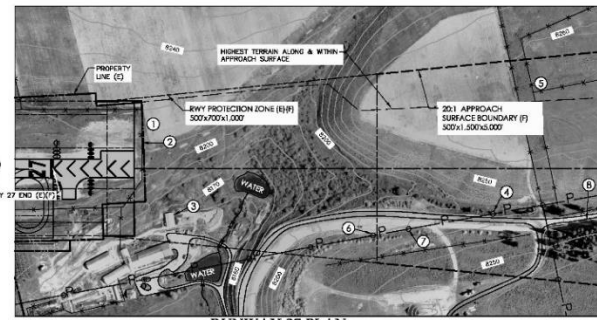
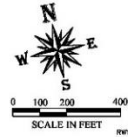
PART "77"
AIRSPACE
DRAWING

Sheet: 3 of 10

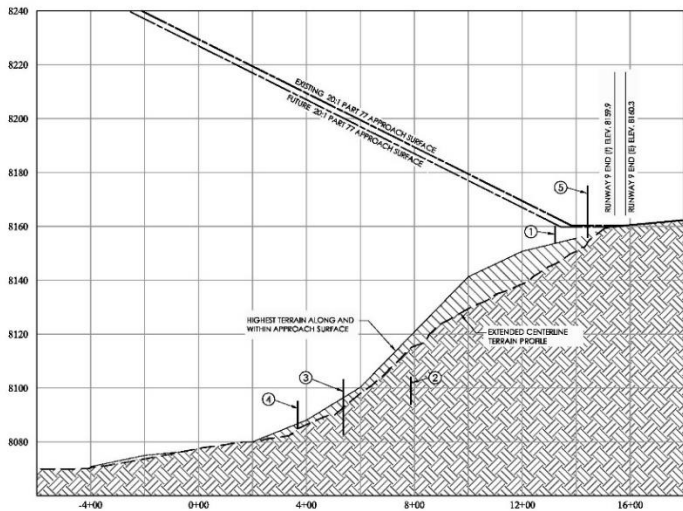
Figure 14.6-2a



RUNWAY 9 PLAN

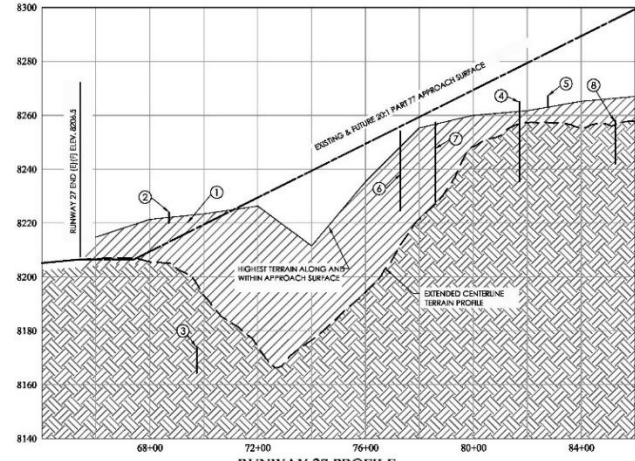


RUNWAY 27 PLAN



RUNWAY 9 PROFILE

SCALE: PER GRID



RUNWAY 27 PROFILE

SCALE: PER GRID

OBJECTS WITHIN RUNWAY 27 INNER APPROACH SURFACE				
NO.	OBJECT	TOP ELEVATION*	AMOUNT OF PENETRATION*	PROPOSED ACTION
1	FENCES	8166	-1	REMOVE
2	BUILDINGS	8194	-8	REMOVE
3	TREES	8183	-97	REMOVE
4	BUILDING	8095	-114	REMOVE
5	ROAD	8175	+15	RELOCATE

*NOTES:
1) OBJECT ELEVATIONS IN FEET MSL (VERTICAL DATUM NAVD83).

LEGEND					
EXISTING	FUTURE/ALT.	DESCRIPTION	EXISTING	FUTURE/ALT.	DESCRIPTION
[Symbol]	[Symbol]	AIRFIELD DEVELOPMENT	[Symbol]	[Symbol]	ROAD
[Symbol]	[Symbol]	STRUCTURE/FACILITIES	[Symbol]	[Symbol]	THRESHOLD LIGHTS
[Symbol]	[Symbol]	AIRPORT PROPERTY LINE	[Symbol]	[Symbol]	RAIL
[Symbol]	[Symbol]	RUNWAY PROTECTION ZONE (RPZ)	[Symbol]	[Symbol]	PAVE
[Symbol]	[Symbol]	RUNWAY SAFETY AREA (RSA)	[Symbol]	[Symbol]	LIGHT POLE / POWER POLE
[Symbol]	[Symbol]	OBSTACLE FREE ZONE (OFZ)	[Symbol]	[Symbol]	LIGHTED WIND CONE
[Symbol]	[Symbol]	RUNWAY OBJECT FREE AREA (ROFA)	[Symbol]	[Symbol]	SUPPLEMENTAL WIND CONE
[Symbol]	[Symbol]	TAXIWAY SAFETY AREA (TSA)	[Symbol]	[Symbol]	AIRPORT REFERENCE POINT (ARP)
[Symbol]	[Symbol]	TAXIWAY OBJECT FREE AREA (TOFA)	[Symbol]	[Symbol]	AIRPORT BEACON
[Symbol]	[Symbol]	BUILDING RESTRICTION LINE (BRL)	[Symbol]	[Symbol]	SEGMENTED CIRCLE
[Symbol]	[Symbol]	CONTOURS	[Symbol]	[Symbol]	ARC/SWATH REGION
[Symbol]	[Symbol]	FENCING	[Symbol]	[Symbol]	SURVEY CONTROL
[Symbol]	[Symbol]	DITCH	[Symbol]	[Symbol]	
[Symbol]	[Symbol]	OVERHEAD POWER LINE	[Symbol]	[Symbol]	

OBJECTS WITHIN RUNWAY 27 INNER APPROACH SURFACE				
NO.	OBJECT	TOP ELEVATION*	AMOUNT OF PENETRATION*	PROPOSED ACTION
1	TERRAIN	8226	+16	GRADING
2	FENCE	8224	+12	NONE
3	BUILDING	8174	-46	NONE
4	POWERLINE & POLE	8265	-17	NONE
5	FENCES	8267	-10	NONE
6	POWERLINE & POLES	8255	-2	NONE
7	POWERLINE & POLES	8257	-5	NONE
8	ROAD	8258	38	NONE

*NOTES:
1) OBJECT ELEVATIONS IN FEET MSL (VERTICAL DATUM NAVD83).

ARMSTRONG CONSULTANTS, INC.
AIRPORT ENGINEERING, PLANNING & ENVIRONMENTAL STUDIES

GRANBY, GRAND COUNTY AIRPORT
GRANBY, COLORADO

AIRPORT LAYOUT PLANS

INNER APPROACH DRAWING

Sheet: 4 of 10

Project No: 005538
Date: 01/25/22
File Name: 533505

Drawn: JFS
Checked: DAC
Approved: EAA

Figure 14.6-2b

14.6 MCELROY FIELD AIRPORT REVIEW AREA - OVERLAY DISTRICT

Intent

To reduce exposure of residential and other sensitive land uses to aircraft operations and their potential impacts; to reduce risks to public safety from aircraft accidents; and to discourage traffic congestion and incompatible land uses proximate to, and within the airport review area.

1. Definitions

- a. **Federal Aviation Administration (FAA):** The Federal agency responsible for administration and policies related to aviation activity in and around the nation's airports, as well as protection of airspace between airports.
- b. **McElroy Field Airport Review Area:** An overlay district intended to allow for compatible land-use planning in the vicinity of the McElroy Field Airport. The overlay district includes two (2) components; (1) land use compatibility (See Figure 14.7-1); and (2) building heights and heights of other structures (See Figure 14.7-2 for the location of this overlay district).

2. Nature of District

The McElroy Field Airport Review Area-Overlay District shall be applied as a supplemental regulation of areas contiguous to or near the McElroy Field Airport which would be significantly impacted by air traffic or any hazard related to the operation of an aviation facility. The restrictions and requirements of this district are supplemental to those of the underlying zoning district.

3. Jurisdiction

The regulations set forth in this section shall apply to those lands within unincorporated Grand County as depicted on the McElroy Field Airport Review Area-Overlay District Map (Figure 14.7-2). These regulations shall supersede any inconsistent or conflicting underlying zoning regulation; shall restrict upzoning (e.g., Forestry and Open to Residential) of lands within the McElroy Field Airport Review Area; and allow residential development in the area that is consistent with the Grand County Master Plan through the Subdivision Exemption Regulations and the Rural Land Use Process, as now enacted, and amended.

4. Land Uses

The McElroy Field Airport Review Area-Overlay District Map shows the airport review area which consists of a single land use compatibility zone in the vicinity of the McElroy Field Airport. Land-uses in the zone are listed below. In addition, Figure 14.7-2 illustrates the dimensions of the land use compatibility zone.

5. McElroy Field Airport Review Area Allowed Uses

Within the Airport Compatible Land Uses Overlay Zoning, Districts as established in 14.7-2, no building shall hereafter be erected, altered, converted, or modified other than for those land uses permitted by underlying comprehensive zoning districts as specified in Grand County Land Use Code as of the date of the adoption of this Ordinance. Variances, new land uses, or changes in the underlying districts must conform to the requirements set forth in the McElroy Field Airport Land Use Compatibility Table, Figure 14.7-1.

6. Height Limitations

When developments are located in unincorporated Grand County, Grand County will conduct a review of proposed developments within the McElroy Field Airport Review Area as depicted on

Figure 14.7-3 for compliance with FAA, Part “77” Airspace Surfaces, as now enacted or amended (See Figure 14.7-2 for the location of this overlay district).

- a. If the County determines that the proposal is in compliance with the elevations as regulated by FAA Part “77” Airspace Surfaces, the proposed construction or alteration will be permitted, subject to other applicable regulations (e.g., Section VI, Sub-Section 6.7, Maximum Height of Building).
- b. If the County determines that the proposed development exceeds the surface elevation, the Applicant shall notify the FAA utilizing Form 7460. Any mitigation measures recommended by the FAA may be required.
- c. If the FAA, following its review, determines that the proposal is a hazard to air navigation or human health and welfare, the proposed development may be prohibited

7. **Avigation Notification**

For all development within the McElroy Field Airport Review Area, the following statement shall apply and disclosure is made by recording of this regulation and zoning map in the records of the Grand County Clerk and Recorder:

- a. The subject parcels are located within McElroy Field Airport Review Area. Airplanes may fly at low elevations over the parcel as they operate to, from or at the Airport. The airport is operational 24 hours per day. Flights may occur at all hours of the day or night.
- b. Due to the proximity of the parcels to the McElroy Field Airport, and the airport’s associated flight patterns; parcel owners and future buyers should expect varying degrees of noise from these aircraft, which some residents may find intrusive.

8. **Aircraft-Wildlife Strike Hazard**

Use of land which encourages large concentrations of birds or waterfowl such as sewage plants, large open ponds, and reservoirs shall be discouraged within 10,000 feet of airport runways. Landfills are also discouraged within 10,000 feet of airport runways.

**MCELROY FIELD AIRPORT
LAND USE COMPATIBILITY TABLE**

LAND USE CATEGORY	ZONE D AIRPORT INFLUENCE ZONE (AIZ)	ZONE C TRAFFIC PATTERN ZONE (TPZ)	ZONE B APPROACH ZONE (AZ)	ZONE A RUNWAY PROTECTION ZONE (RPZ)
RESIDENTIAL				
Single-Family, Nursing Homes, Mobile Homes, Multi-Family, Apartments, condominiums	+	o ⁽³⁾	o ⁽³⁾	--
transient lodging, hotel, motel	+	o ⁽³⁾	o ⁽³⁾	--
PUBLIC				
Schools, Libraries, Hospitals	+	o ⁽³⁾	_(3)	--
Churches, Auditoriums, Concert Halls	+	o ⁽³⁾	_(3)	--
Transportation, Parking, Cemeteries	++	++	++	_(2,5)
COMMERCIAL & INDUSTRIAL				
Offices, Retail Trade, Services Commercial, Wholesale Trade, Warehousing, Light Industrial, General Manufacturing, Utilities, Extractive Industry	++	+	o ⁽³⁾	--
AGRICULTURAL & RECREATIONAL				
Cropland	++	++	++	++
Livestock Breeding	++	++	++	_(2)
Parks, Playgrounds, Zoos, Golf Courses, Riding Stables, Water Recreation	++	++	++	_(2)
Outdoor Spectator Sports,	++	+	_(3)	--
Amphitheaters	o	_(4)	--	--
Open Space	++	++	++	++

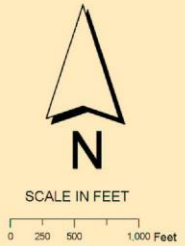
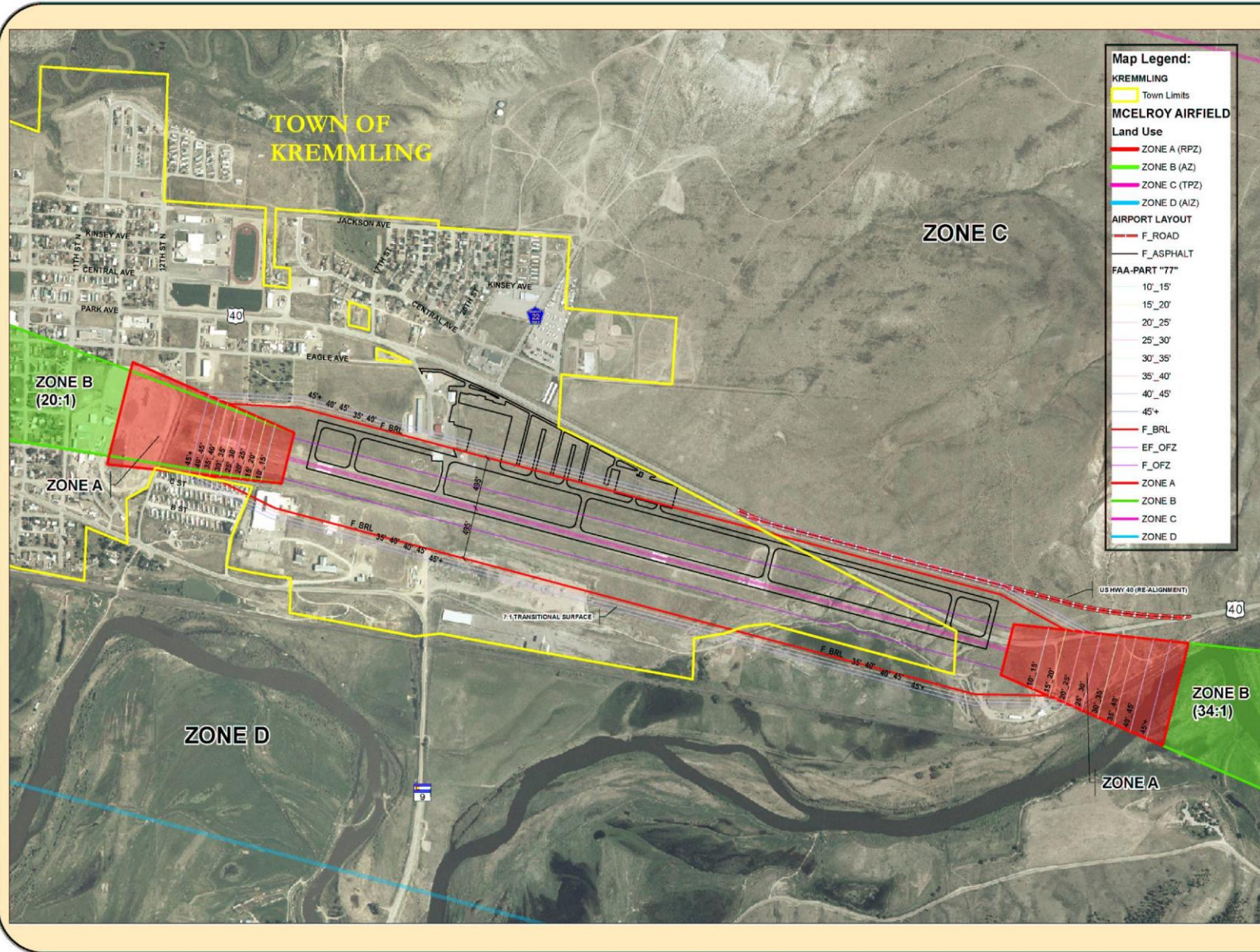
++ Clearly Acceptable + Normally Acceptable o Marginally Acceptable - Normally Unacceptable -- Clearly Unacceptable

Note: Development projects which are wildlife attractant, including sewage ponds, within 10,000 feet of the airport are discouraged. (Ref.: FAA AC 150/5200-33)

Conditions:

- (1) If allowed, avigation easements and disclosure must be required as a condition of development.
- (2) Any structures associated with uses allowed in the RPZ must be located outside the RPZ.
- (3) If no reasonable alternative exists, use should be located as far from extended centerline as possible.
- (4) If no reasonable alternative exists, use should be located as far from extended runway centerline and traffic patterns as possible.
- (5) Transportation facilities in the RPZ (e.g., roads, railroads, waterways) must be configured to comply with Part 77 requirements.

Figure 14.7-1



**MCELROY FIELD
KREMMLING, CO.
FAA-PART "77"
FIG. 14.7-3**

Image Data from USDA National Agriculture Imagery Program (NAIP) 1 meter mosaic in MrSID Gen 3, UTM Zone 13 N, NAD 83 Aerial Photography Summer 2005.

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14.7 SHORT TERM RENTAL

1. An Administrative Permit ("Short Term Rental Permit") is required for any property to be offered, advertised, operated or rented as a short term rental.
2. A Short Term Rental Permit is required to be obtained on an annual basis.
3. A Short Term Rental Permit may be approved upon application by the property owner or by a Property Manager. In all applications, the Property Owner or Property Manager, on behalf of the Property Owners, must acknowledge that the Property Owner is responsible for compliance with all terms, conditions and requirements of this section and the Short Term Rental Permit.
4. The renewal of a Short Term Rental Permit is discretionary by the County and may be denied or approved with additional conditions based on, but not limited to, the following factors: failure to comply with any term, condition, or requirement as outlined in this Section; complaints received by the Sheriff's Office, Department of Community Development, or the Department of Road & Bridge for noise or improper parking; any zoning violations; or other impacts that cause the Short Term Rental to become incompatible with the surrounding land uses.
5. All internet sites or advertising or booking platforms that display Short Term Rental listings for properties in unincorporated Grand County shall require that all operators using the internet site or other platform include an active Permit number in any listing for Short Term Rental on the site or platform.
6. All operators who offer dwelling units, or portions thereof, for Short Term Rental use in unincorporated Grand County shall post their active Permit number for the Short Term Rental on every listing, advertising or offering of the dwelling unit, or portion thereof, for use as a Short Term Rental.
7. Application for a Short Term Rental Permit must include the name, address, telephone number and email address of all property owners, the legal description and the location by street address. If the application is being made by a Property Manager, it shall also include the name, address, telephone number and email address of the Property Manager.

The application must also include or demonstrate each of the following items:

a. **Local 24-hour Contact**

Each short term rental shall have a primary and secondary person responsible to manage the Short Term Rental during any period it is occupied. The 24-hour contact persons may be the PROPERTY OWNER or Property Manager and they must reside in Grand County and be able to respond within one (1) hour or less. If any local contact information changes the property owner OR Property Manager shall notify the Grand County Department of Community Development of the new contact information in writing within five (5) business days of the change in local contacts.

b. **Occupancy**

The maximum occupancy of any Short Term Rental shall be provided in the application. No property may be advertised or rented for use by more persons than the maximum occupancy advertised.

c. **Access and Parking**

Adequate driveway access and parking shall be provided in compliance with Section 14.4.

- (1) Off-street parking spaces are required to be clearly designated.
- (2) No off-street parking in non-designated spaces is allowed.
- (3) No on-street parking for Short Term Rental use is permitted within a County Road right-of-way, a private road right-of-way or access easements.
- (4) If a driveway or parking is shared, written permission must be provided from each shared driveway or parking property owner.

d. **Garbage**

The Short term rental shall have a plan for garbage storage and disposal. The plan shall clearly define garbage storage areas with an adequate number of containers, and the method and frequency for regular garbage pick-up. Any garbage containers stored outside shall be of a bear-proof design. Garbage containers that are placed for street pick-up shall not be left out for more than a 24-hour period.

e. **Safety**

The property owner shall equip the dwelling with operable smoke alarms, fire extinguishers and carbon monoxide alarms. An operable carbon monoxide alarm shall be installed within fifteen (15) feet of the entrance of each room used for sleeping purposes. The smoke alarms shall be installed pursuant to the current International Building Code adopted by Grand County Community Development.

f. **Physical Address**

The physical address shall be posted on the Property, clearly visible and legible from the street. The property address posting must be kept clear of snow and obstructions at all times. No other identification signs are permitted.

8. **Posting Information**

The property owner or Property Manager shall post the following information in a prominent location within the dwelling:

- a. Copy of approved Short Term Rental Permit. In addition, the property owner shall provide each renter a copy of the Short Term Rental Permit at the time of occupancy.
- b. Primary and secondary 24-hour local contact person.
- c. Maximum occupancy permitted. The posting shall include a statement that it is a violation of the Short Term Rental Permit and the rental agreement for the number of occupants to exceed the permitted occupancy.
- d. Maximum parking spaces and location on the property where parking is permitted, and a statement that parking in non- designated places is prohibited and that on-street parking within a County Road right-of-way, private road right-of-way or access easement is prohibited.

- e. Identification of the location of the garbage storage area, garbage collection day and garbage disposal plan.

9. **Property Maintenance**

The property shall be maintained free of garbage, trash or litter at all times.

10. **Noise and Disorderly Conduct**

Quiet times are from 7:00PM to 7:00 AM. While occupying or visiting a Short Term Rental, no person shall make, cause or Permit unreasonable noise to be emitted from the Short Term Rental that is audible upon private premises in excess of the limits set forth in Title 25, Article 12 of the Colorado Revised Statutes or constitutes disorderly conduct under C.R.S. § 18-9-106.

11. **Vehicles and Other Structures**

No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a motorhome, truck camper, travel trailer or other similar vehicle, tent or other outdoor structures.

12. **Limitation of Liability**

Grand County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Grand County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the Short Term Rental. Owner shall maintain appropriate liability insurance for the Short Term Rental. Owner further warrants and agrees to compensate Grand County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use.

Nothing contained in this Section 14.8 shall allow short term rentals if otherwise prohibited by any applicable covenants. Covenants are in enforced according to their terms.

13. **Administrative Enforcement**

- a. As a condition of obtaining a Short Term Rental Permit, the Property Owner OR Property Manager agree, as a contractual matter, that the County may suspend a Short Term Rental Permit and/or may levy an administrative penalty at any time for failure to comply with the provisions of this Short Term Rental Regulation.
- b. The Director of Community Development, upon approval of the County Manager, may levy an administrative penalty at any time for failure to comply with the provisions of this Short Term Rental Regulation.
 - (1) 1st Violation – Warning
 - (2) 2nd Violation – \$500
 - (3) 3rd Violation – \$1000
 - (4) 4th Violation – Upon the fourth violation, the Short Term Rental Permit may be revoked or suspended for a period of 1 (1) year.
- c. A Property Owner OR Property Manager may appeal the decision of the Director of Community Development to levy an administrative penalty by filing with the County Manager a notice of appeal. If a notice of appeal is filed, the matter shall be referred to the Board of County Commissioners for hearing not later than the second regular meeting of the Board of County Commissioners following the filing of the appeal. The Notice of Appeal shall contain the following information:

- (1) Name of Property Owner
 - (2) Name of Registration Holder
 - (3) Property Address and Legal Description
 - (4) Date of Violation
 - (5) Copy of notice of violation
 - (6) Brief statement of grounds of appeal
 - (7) Any documentation Property Owner or Registration Holder wants considered.
 - (8) Name, address, email address and telephone number for contacting appellant.
- d. Upon receipt of a Notice of Appeal, the County Manager will set the appeal for hearing, and will advise the appellant of the time, date and location of the hearing. In addition, the County Manager shall advise the appellant of any matter in the Notice of Appeal that does not appear complete. Appellant shall respond within three business days. Failure to respond may be a grounds for dismissal of the appeal by the Board of County Commissioners.

At the day and time set for hearing, the Board of County Commissioners shall hear the Director and the appellant and review any documents or other evidence by either party. The Director bears the burden of proof and must demonstrate the violation by a preponderance of evidence. Each party may examine witnesses and may cross examine witnesses produced by the other party. The Board of County Commissioners may uphold, reverse, or modify any determination and administrative penalty or suspension imposed by the Director.

14. **Suspension or Revocation of Permit**

The County may revoke a Short Term Rental Permit at any time for failure to comply with the provisions of this Zoning Regulation concerning short term rentals, the Short Term Rental Permit and/or confirmed violation(s) of any federal, state, or local law ordinance or regulation.

- a. Any such decision for suspension or revocation of a Registration shall be made by the Board of County Commissioners at a public hearing, A written notice shall be provided to the Permit Holder at least 10-days prior to the scheduled hearing and include a description of the violation and the time, date and place of the hearing.
 - (1) A decision to suspend or revoke a Permit must be supported by facts showing that violations of the terms, conditions and requirements or of law, endanger the public health, safety or welfare, including peaceful use of property by others, or the Property Owner or Property Manager has failed to resolve repeated violation after notice of violation, and requires immediate revocation or suspension of the Short Term Rental Registration.
 - (2) The Board of County Commissioners at the public hearing, may take other action, in its sole discretion as they deem appropriate.
- b. If the Board of County Commissioners suspends or revokes the Short Term Rental Permit, it shall be for a period of one (1) year.

15. These regulations or any amendment thereto shall be administered and may be enforced as provided in the Grand County Zoning Regulations, Sections 18 and 19, which are hereby incorporated herein. The penalties for violations enforced under the Zoning Regulations are as set forth in Section 19.2

14.8 INSTALLATION OF SOLID FUEL BURNING DEVICES

1. Purpose

The purpose of this section is to minimize air pollution cause by solid fuel-burning devices emissions by regulating their use, and to encourage the use of other heating alternatives that achieve better emission performance and heating efficiency and that comply with the emissions performance standards as adopted by Colorado Department of Public Health and Environment Air Quality Control Commission. It is further policy of the Board to encourage the replacement of non-approved devices with cleaner sources of heat.

2. Applicability.

- a. **New structures requiring building permits:** any structure for which a Building Permit is requested or required after the effective date of this Regulation shall be required to comply with this Section. When a new portion of a structure requires a Building Permit, and a solid-fuel burning device is to be located in that new portion, that solid fuel burning device shall comply with this Section.
- b. **New structures that do not require a building permit.** Any new structure for which no Building Permit is required pursuant to the applicable building code, adopted and amended by Grand County, shall be required to comply with this section.
- c. **Existing devices in existing structures.** Any solid-fuel device existing in an existing structure as of the effective date of the Regulation is not required to be replaced, except than any non-approved solid-fuel burning device, when replace or relocated, shall comply with Section 14.9.J: Replacement of Modification of Solid-Fuel Burning Devices.
- d. **Devices designed for heating a structure, located outside a structure.** Any outdoor solid-fuel burning device designed for heating a structure, including but not limited to solid-fuel burning furnaces or boilers located outside of the structure are exempt from these Regulations.

3. Limitation on number of devices.

- a. **SINGLE FAMILY RESIDENCES.** Any single-family residential structure, manufactured home, or a mobile home, for which a Building or Mobile Home Permit is issued after effective date of this Regulation shall be allowed to install two (2) approved solid fuel-burning devices per single family residence. A mobile home located within a mobile home park shall be limited to the installation of one (1) approved solid fuel-burning device.
- b. **TWO FAMILY RESIDENCES.** Any two-family residential structure for which a Building Permit is issued after effective date of this Regulation shall be allowed to install one (1) approved solid fuel burning device per dwelling unit.
- c. **MULTIPLE FAMILY RESIDENCES.** No solid fuel-burning device shall be allowed in individual units of multiple family buildings, hotels/motels units, commercial or industrial buildings.

4. **LIMITATION ON NUMBER OF DEVICES IN TOWN AND COUNTY URBAN GROWTH AREAS.**

- a. **SINGLE FAMILY RESIDENCES.** Any single-family residential structure, manufactured home, or a mobile home, for which a Building or Mobile Home Permit is issued after effective date of this Regulation shall be allowed to install one (1) approved solid fuel-burning devices per single family residence. A mobile home located within a mobile home park shall be limited to the installation of one (1) approved solid fuel-burning device.
- b. **TWO FAMILY RESIDENCES.** Any two-family residential structure for which a Building Permit is issued after effective date of this Regulation shall be allowed to install one (1) approved solid fuel burning device per dwelling unit.
- c. **MULTIPLE FAMILY RESIDENCES.** No solid fuel-burning device shall be allowed in individual units of multiple family buildings, hotels/motels units, commercial or industrial buildings.

5. **LIMITATION ON NUMBER OF DEVICES IN COUNTY RURAL GROWTH AREAS.**

- a. **SINGLE FAMILY RESIDENCES.** Any single-family residential structure, manufactured home, or a mobile home, for which a Building or Mobile Home Permit is issued after effective date of this Regulation shall be allowed to install one (1) approved solid fuel-burning devices per single family residence.
- b. **TWO FAMILY RESIDENCES.** Any two-family residential structure for which a Building Permit is issued after effective date of this Regulation shall be allowed to install one (1) approved solid fuel burning device per dwelling unit.
- c. **MULTIPLE FAMILY RESIDENCES.** No solid fuel-burning device shall be allowed in individual units of multiple family buildings, hotels/motels units, commercial or industrial buildings.

6. **NO ADDITIONAL DEVICES.**

In existing structures that have two (2) or more solid-fuel burning devices as of the effective date of this Regulation, an additional one (1) shall not be installed.

7. **ACCESSORY STRUCTURES.**

One (1) approved solid-fuel burning device is allowed per non-residential structure that is accessory to a residence, for temporary or sporadic use, whether the structure is attached or detached.

8. **NO LIMIT TO NUMBER OF NON SOLID-FUEL BURNING DEVICES.**

There is no limitation on the number of approved non solid-fuel burning devices that may be installed in any structure, so long as they all comply with all federal, state and county codes and regulations.

9. **REPLACEMENT OR MODIFICATION OF SOLID-FUEL BURNING DEVICES.**

Any non-approved solid-fuel burning device that requires replacement or relocation shall be required to be removed and replaced with an approved solid-fuel burning device, or approved non solid-fuel burning device. Replacement of a non-approved device in one (1) condominium or townhouse unit shall not affect devices.

10. **INSTALLATION**

Devices shall be installed as follows:

- a. **SOLID-FUEL BURNING DEVICE.** Any solid-fuel burning device shall be installed pursuant to the standards and specifications defined by the manufacturer of that device, or shall meet the clearances specified in the International Mechanical Code.
- b. **NON SOLID-FUEL BURNING DEVICE.** Any non solid-fuel burning device shall be installed pursuant to the standards and specifications of its manufacturer and the International Fuel-Gas Code.

11. **INSPECTION**

The installation of any solid-fuel burning device or non solid-fuel burning device shall be subject to inspection and approval by the Grand County Building Inspector. Only the affected unit will be inspected.

12. **FEES**

Inspection fees shall be as delineated in a schedule of fees charged for Permits issued by Community Development Department, adopted from time to time by the Board of Commissioners.

13. **SPARK ARRESTORS**

Spark arrestors shall be required in all solid fuel burning device systems to which this Section applies pursuant to Section 14.9.

SECTION XV
NON-CONFORMING USES AND NON-CONFORMING BUILDINGS

15.1 DEFINITION OF A NON-CONFORMING USE AND A NON-CONFORMING BUILDING

1. A "non-conforming use" shall include any legally existing use, whether within a building or other structure or on a tract of land, which does not conform to the "use" regulations of these regulations for the district in which such "non-conforming use" is located, either at the effective date of these regulations or as a result of subsequent amendments which may be incorporated into these regulations.
2. A "non-conforming building" shall include any legally existing building which does not conform to the "location and bulk" regulations of these regulations for the district in which such "non-conforming building" is located, either at the effective date of these regulations or as a result of subsequent amendments which may be incorporated into these regulations.

15.2 CONTINUATION OF USE

A non-conforming use may be continued and a non-conforming building may continue to be occupied, except as both of the foregoing are otherwise provided for in this section.

15.3 CHANGE OF USE

A non-conforming use may be changed to any conforming use or to any use of more restrictive classification.

15.4 ABANDONMENT OF USE

In active and continuous operations are not carried on in a non-conforming use during a continuous period of twelve (12) months, the building, other structure or tract of land where such non-conforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

15.5 RESTORATION

A non-conforming building or building containing a non-conforming use which has been damaged by fire or other causes may be restored to its original condition provided such work is started within six (6) months of such calamity and completed within one (1) year of the time the restoration is commenced.

15.6 ENLARGEMENT OF A BUILDING CONTAINING A NON-CONFORMING USE

A building containing a non-conforming use shall not be enlarged or extended by more than one-half its total floor area existing at the time of adoption of these regulations.

15.7 ALTERATION OF A NON-CONFORMING BUILDING

A non-conforming building may be structurally altered, repaired, or enlarged in any way permitted by these regulations, provided no alterations, repairs or enlargements shall be made in a non-conforming building which would increase the degree of non-conformity with the location and bulk regulations of these regulations.

SECTION XVI
BOARD OF ADJUSTMENT

16.1 ORGANIZATION.

1. A Board of Adjustment is hereby established, the members of which shall be appointed by the Board of County Commissioners. The word "Board" shall be construed to mean the Board of Adjustment. The Board shall consist of three (3) members, not more than one (1) of whom may at any time be a member of the County Planning Commission. Until otherwise provided, the members of the Board shall serve without compensation. Each member shall serve for three (3) years, and shall be eligible for reappointment, provided however, that of the first appointed Board, one (1) member shall serve three (3) years, one (1) member two (2) years, and one member one (1) year. Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term in the same manner as in the case or original appointments. The Board of County Commissioners may appoint associate members of such Board, and in the event that any regular member is temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or any other cause, his place may be taken during such temporary disability by an associate member designated for the purpose.
2. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. Three (3) members shall be present to constitute a quorum. The Board shall adopt supplemental rules of procedure not inconsistent herewith.

16.2 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties, all of which shall be exercised subject to the laws of the State of Colorado and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of these regulations and in accordance with the public interest and the most appropriate development of the area.

1. To hear and decide appeals taken by any person aggrieved by his inability to obtain a building Permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of these regulations. Appeals to the Board of Adjustment may be taken by any officer, department, board, or bureau of the County affected by the grant or refusal of a building Permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this zoning regulation. Provided however, no appeal shall be allowed for building use violations that may be prosecuted pursuant to Section 19.1(2) of these regulations. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse a decision made by an administrative officer or agency.
2. To authorize, upon appeal in specific cases, variances to the:
 - a. minimum area of lot;
 - b. minimum lot width;

- c. minimum front yard;
- d. minimum side yard;
- e. minimum rear yard;
- f. maximum height of buildings;

Regulations where, by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these regulations.

- 3. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any provisions of this regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, the Board of Adjustment, upon an appeal relating to said property, may grant a variance from the strict application of these regulations so as to relieve such difficulties or hardships if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and these regulations.
- 4. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district.

16.3 PROCEDURE

- 1. Any person adversely affected by any interpretation, requirement or regulations of these regulations may file an application for a variance with the secretary of the Board of Adjustment on a furnished form specifying the grounds of appeal.
- 2. The Board of Adjustment shall hold a public hearing on all applications and appeals with the following special conditions required:
 - a. A notice of said hearing shall be published once in a newspaper of general circulation within that part of the County where the property is located at least fourteen (14) days prior to the hearing date.
 - b. A written notice of said hearing shall be mailed by registered mail at least fourteen (14) days prior to the hearing date of the owners of property adjacent to the property in question.
 - c. The monetary cost of any payment for all notices shall be the responsibility of the applicant.
- 3. Board of Adjustment Application Package shall consist of six (6) copies of the following:
 - a. **Letter of Application**
This shall include a description of the requested variance, justification, applicant name and address.

b. **Site Plan**

This shall be a graphic that depicts both the existing and proposed site conditions, at an appropriate scale.

c. **Site Photos, architectural renderings**

As appropriate, the applicant shall include images that support the requested variance.

4. Before any variance is granted, the Board of Adjustment shall include a written finding in its minutes as part of the record in each case, stating specifically the exceptional conditions, the practical difficulties or unnecessary hardships involved.
5. Unless otherwise stated in the Board of Adjustment minutes, all variance Permits shall be issued within one (1) year from the time such variance is granted by the Board, after which time, if the variance Permit has not been obtained, the applicant can request a one (1) year extension from the Board of Adjustment, or it shall become null and void.

SECTION XVII
AMENDMENTS

17.1 GENERAL PROCEDURE

Amendments to these regulations shall be in accordance with the laws of the State of Colorado which require the following action before adoption of any such amendments:

1. Study and recommendation regarding each proposed amendment by the County Planning Commission.
2. Completion of a public hearing before the Board of County Commissioners after at least fourteen (14) days notice of the time and place of such hearing shall have been given by at least one (1) publication in a newspaper of general circulation within that part of the County where the proposed amendment is located.

17.2 SPECIAL PROCEDURE

After receiving a report and recommendations on any proposed amendment to these regulations, as required in 17.1 above, the Board of County Commissioners shall hold a public hearing on the proposed amendment with the following special conditions required:

1. The notice of said hearing to be published in a newspaper of general circulation within the County shall be the responsibility of the applicant.
2. For proposed amendments to the "zoning district map", the applicant shall mail a written notice of said hearing by registered mail at least fourteen (14) days prior to the hearing date to owners of property adjacent to the property in question and within five hundred (500) feet of the area in question.
3. Following the public hearing, the Board of County Commissioners shall approve or disapprove the rezoning request stating their reasons for such action in an official resolution.

SECTION XVIII
ENFORCEMENT

18.1 ENFORCEMENT

These regulations or any amendment thereto shall be administered by the Board of County Commissioners of Grand County or its authorized representatives who are hereby empowered: to withhold building Permits to prevent violation of these regulations, or any amendment thereto; to request issuance of summons and complaint by the Grand County Sheriff to violators of these regulations; to cause any building, other structure or tract of land to be inspected or examined; and to order, in writing, the remedying of any condition found to exist therein or threat in violation of any provision of these regulations or any amendment thereto.

1. The Board of County Commissioners of Grand County or its authorized representatives upon obtaining personal knowledge of a violation of these regulations, or any amendment thereto, may request the Sheriff of Grand County to issue a summons and complaint to any violator; provided, however, if the violation is of section 19.1 of these regulations the Board of County Commissioners or its authorized representatives shall, prior to requesting the issuance of a summons and complaint, first give written notice to the violator to correct such violation within THIRTY (30) days after the date of such notice and if the alleged violation is not corrected within said THIRTY (30) days, then request the Grand County Sheriff to issue a summons and complaint to the violator. Short Term Rental violations shall have TEN (10) days after the date of such notice to correct a violation.
2. One (1) copy of the summons and complaint shall be served upon the violator by the sheriff of the County in the manner provided by law for the service of a criminal summons. One (1) copy shall be retained by the sheriff, and the Board of County Commissioners or its authorized representatives, and one (1) copy shall be transmitted by the sheriff to the clerk of the county court. Additional copies of any such summons and complaint may be delivered to the County Attorney and District Attorney offices.
3. It is the responsibility of the County Attorney to enforce the provisions of these regulations. In the event that there is no County Attorney or in the event that the Board of County Commissioners of Grand County deems it appropriate, the Board of County Commissioners may appoint the District Attorney of the judicial district to perform such enforcement duties in lieu of the County Attorney.
4. In addition to the above procedures, in case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is or is proposed to be used, in violation of this regulation, or any amendment thereto, the County Attorney, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use. In the event that there is no County Attorney or in the event that the Board of County Commissioners deems it appropriate, the Board of County Commissioners may appoint the District Attorney of the judicial district to perform such enforcement duties in lieu of the County Attorney.

SECTION XIX
VIOLATIONS AND PENALTIES

19.1 VIOLATIONS

1. It is unlawful to use any building, structure, or land in violation of these regulations, or any amendment thereto, enacted or adopted by the Board of County Commissioners of Grand County.
2. IT IS UNLAWFUL TO OFFER, OPERATE, ADVERTISE, LET OR USE ANY BUILDING, STUCTURE, OR LAND AS A SHORT TERM RENTAL WITHOUT A SHORT TERM RENTAL Permit.
3. It is unlawful to erect, construct, reconstruct, or alter any building or structure in violation of these regulations, or any amendment thereto, enacted or adopted by the Board of County Commissioners of Grand County.

19.2 PENALTIES

Any person, firm, or corporation violating any provisions of these regulations, or any amendment thereof, is subject to the penalty provisions of the Colorado Revised Statues §§ 30-28-124 as amended. Each day during which such illegal erection, construction, reconstruction, alteration, or use of any building, or land continues shall be deemed a separate offense.

SECTION XX
DEFINITIONS

For the purpose of these regulations, certain words or phrases are defined, as follows:

When not inconsistent with the content, words used in the present tense include the future, words in the singular number include the plural number, words in the plural number include the singular number, and the masculine includes the feminine.

1. **AGRICULTURE BUILDING:** A structure located on real property classified as agriculture by the Grand County Assessor that is designed, constructed and used to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

2. **ADULT ORIENTED USE:** Any use of a property where the principal use, or as a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material that is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas as an attraction to the property or premises, including but not limited to:
 - a. **Adult Arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

 - b. **Adult Bookstore or Adult Video Store** means a place where books, magazines, motion pictures, prints, photographs, periodicals, video or audio recordings, novelties and devices, or any of these things, which have as their primary or dominant theme, matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, are sold or offered for sale to adults and includes a place with only a portion or section of its area set aside for the display or sale of such material to adults, except that any place, otherwise included within this definition, that derives not more than ten (10) percent of its gross income from the sale of such material shall be exempt from the provisions of this Section so long as such material is kept in a location where it is not visible and shall not be a self-service item for the customers of such place.

 - c. **Adult Cabaret** means a nightclub, bar, restaurant or similar business which regularly features:
 - (1) Persons who appear in a state of nudity;
 - (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

 - d. **Adult Motel** means a hotel, motel or similar business which offers private rooms to the public and provides patrons live performances or closed circuit television transmissions,

films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

- e. **Adult Motion Picture Theater** means a business where films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- f. **Adult Theater** means a theater, concert hall, auditorium or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- g. **Adult Photo** studio means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified anatomical areas."
- h. **Nudity or State of Nudity:** The appearance of, or the unclothed or partially clothed state of dress, which fails to completely and opaquely cover the human genitals, pubic region, buttocks, and female breast below a point above the top of the areola.
- i. **Peep Booth** means a viewing room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
- j. **Private Room** means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.
- k. **Sexual Encounter Establishment** means a business or commercial establishment which, as one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one (1) or more of the persons exposes any specified anatomical area.
- l. **Sexually Oriented Business** means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:
 - (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
 - (3) The addition of any sexually oriented business to any other existing sexually oriented business;
 - (4) The relocation of any sexually oriented business; or
 - (5) The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.

- m. **Specified Anatomical Areas** means:
 - (1) Less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point above the top of the areola.
 - (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

 - n. **Specified Sexual Activities** means acts, simulated acts, exhibitions, representation, depictions or descriptions of:
 - (1) Human genitals in a state of sexual stimulation or arousal.
 - (2) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
 - (3) Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
 - (4) Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
 - (5) Flagellation, mutilation or torture for purposes of sexual arousal, gratification or abuse.

 - o. **Stage** means a raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six (36) square feet in area.
3. **AREA OF LOT:** The total horizontal area within the lot lines of a lot.
 4. **ASPECT:** The directional (in terms of the cardinal points of a compass) facing of the slope of a particular land area or piece of land.
 5. **BED AND BREAKFAST:** A building designed primarily for residential purposes and whose principal use is as a residential dwelling. An incidental or secondary use of this dwelling is a temporary abiding place for individuals who are lodged on a nightly basis with a breakfast meal provided. (See individual zone district requirements under appropriate sections for use by right limitation. Be sure to note construction requirements in the Uniform Building Code adopted by Grand County). Parking for bed and breakfasts in all zone districts must be accommodated on site. Sign restrictions are as set forth in the applicable sections of the Grand County Zoning Regulations.
 6. **BOARD** means the Board of County Commissioners of Grand County, Colorado.
 7. **BOARDING HOUSE:** A building designed for occupancy as an extended term abiding place of individuals who are lodged with meals and in which there are five (5) or less guest rooms. Extended term means thirty (30) days or longer.
 8. **BOATHOUSES AND BOAT DOCKS**
 - a. **ASSOCIATION BOATHOUSES/BOAT DOCKS:** A facility providing boat storage in slips exclusively for the use of residents of a multi-family residential development with

commonly owned and occupied shore front property or a group of shore front property owners without common ownership who form a legal entity for the group's common interest and specifically designate a property for dock location. One dock of a maximum size of 300 square feet will be allowed for each owner. Association boathouses and boat docks may be allowed a case-by-case basis.

- b. **BOAT DOCK:** A facility used for the storage of boats and water craft only. An individual boat dock (excluding the gangway) and associated boats must occupy no more than 600 square feet of a water body surface as determined by the exterior dimensions of dock and/or boats. A gangway to the dock may be permitted, if appropriate, but in no case can it exceed 4 feet in width and 20 feet in length. One (1) boathouse or boat dock is permitted per single-family dwelling.
 - c. **BOATHOUSE:** A structure used for the storage of boats and water craft only which must occupy no more than 600 square feet of land and/or water body surface as determined by the exterior dimensions of the building. These structures may not be used for the conversion to habitable structures or designed for human habitable use for any length of time. A boathouse is an "accessory building and use" and is not permitted without an existing single-family dwelling. One (1) boathouse or boat dock is permitted per single-family dwelling.
9. **BUILDING:** Any permanent structure permanently affixed to the ground and built for the shelter or enclosure of persons, animals, chattels, or property of any kind, and not including advertising sign boards or fences.
10. **BUILDING HEIGHT:** Height of building is the vertical distance of a structure measured from the lowest elevation of finished grade, to the highest point of the structure.
- a. Maximum building height, may not exceed 35 feet above finish grade, if less than a five foot change in finish grade within the building footprint.
 - b. Maximum building height may not exceed 40 feet above finished grade, if more than a five foot change in finish grade within the building footprint.

Chimneys, weathervanes, etc. are considered when measuring the height of the structure. Decks are not included in the calculation of a structure's height.

11. **CAMPS:** A tract of land containing five (5) acres or more which is used for the lodging of twenty (20) or more persons who are engaged in recreational, educational, artistic, religious or similar activities.
12. **CENTRAL SERVICE PLANT:** The total used or useful plant of a public utility, composed of the sum of lines and structures owned or controlled by the utility.
13. **CHURCH:** Church means any formal place of worship, owned and used solely and exclusively for religious purposes and not for private gain or corporate profit including a mosque, synagogue, etc.
14. **COLUMBARIUM:** A vault with niches for urns containing ashes of the dead.
15. **COMMERCIAL RIDING STABLE:** Stable operation that boards horses and/or rents horses or other like animals for a fee to the general public.
16. **COMMERCIAL CAMPING:** Parcel of land available to and principally used by the public for commercial lodging or camping, where persons can camp, secure tents or cabins, or recreational

vehicles for camping and sleeping purposes for a fee. No recreational camping vehicle, tent, or other shelter shall be allowed to occupy space within the campground for periods exceeding one-hundred fifty (150) days, unless otherwise approved by the Board of County Commissioners.

17. **CONSTRUCTION AGGREGATE:** Sand, gravel, quarry aggregate or limestone used for construction purposes.
18. **COVER TYPE:** In relation to any piece of land, the kind of vegetation or lack of said on the land.
19. **DEPENDENT MOBILE HOME:** A mobile home that does not have a flush toilet or shower.
20. **DISTURBANCE:** Any modification to a natural landform including contouring, excavation and the removal of vegetative cover.
21. **DWELLING:** Any building or portion thereof which is used as the private residence or sleeping place of one (1) or more human beings, but not including mobile homes, hotels, motels, tourist courts, lodges, resort cabins, clubs, hospitals or similar uses.
22. **DWELLING, SINGLE FAMILY:** A detached building designed exclusively for occupancy by one (1) family.
23. **DWELLING, MULTI-FAMILY:** A building, or portion thereof, designed for or occupied by two (2) or more families living independently of each other.
24. **DWELLING UNIT:** One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having not more than one (1) kitchen. All dwelling units shall contain at least four hundred (400) square feet of floor area measured on the outside walls.
25. **FARM AND GARDEN (AKA) AGRICULTURE BUILDING:** A structure located on real property classified as agriculture by the Grand County Assessor that is designed, constructed and used to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
26. **FAMILY:** An individual or two (2) or more persons related by blood or marriage, or a group not to exceed five (5) persons living together as a single housekeeping unit in a dwelling unit.
27. **GEOLOGIC HAZARD:** A geological phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety, or to property. The term includes but is not limited to avalanches, landslides, rock falls, mud flows, and unstable or potentially unstable slopes.
28. **GROWTH AREA** means the designated Town Growth Area, County Rural Growth Area or County Urban Growth Area as established by the most recent edition of the Grand County Master Plan.
29. **GROWTH BOUNDARY:** The designated growth area, originally identified by the 1998 Grand County Master Plan, updated by each town's master plan and established annually by the Planning Commission.
30. **HOTEL OR MOTEL:** A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which there are six (6) or more guest room.

31. **INCIDENTAL BUILDING:** Means any building which is dependent on, subordinate to, or pertains to primary building, purpose or use which is permissible within a specified zoning district.
32. **KENNEL:** A kennel is any establishment designed for the permanent or temporary boarding or keeping of dogs and cats. No person, group of persons or business entity shall own, keep or harbor more than three (3) dogs of more than six (6) months of age or more than one (1) litter of pups; or more than four (4) cats of more than six (6) months of age or more than one litter of kittens; or engage in the commercial business of breeding, buying, selling, trading, training or boarding dogs or cats or other pets without having obtained a valid kennel license from the County Animal Control Department (see Grand County Ordinance No. 4 and Grand County Board of County Commissioners Resolution #1985-8-6).
33. **KITCHEN:** A room or area that is designated to be used for the preparation of food which contains more than one standard size kitchen appliance or fixture.
34. **LIGHT MANUFACTURING:** A business that is characterized by warehousing, assembly and distribution type activities where all processing, fabricating, assembly or disassembly of items takes place wholly within an enclosed building.
35. **LOT:** A parcel of real property, as shown with a separate and distinct number or letter on a plat recorded in the Grand County Courthouse, or when not so platted in a recorded subdivision, a parcel of real property abutting upon at least one (1) public street and held under separate ownership.
36. **LOT LINE, FRONT:** The property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line and the shorter street frontage shall be considered the front line.
37. **LOT LINE, REAR:** The line opposite the front lot line.
38. **LOT LINE, SIDE:** Any lot lines other than front lot lines or rear lot lines.
39. **LOT WIDTH:** The distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is the narrowest.
40. **LINE:** Piping or ditching for conveying of fluids, gas, or liqueous compound; a wore or pair or wires connecting one telegraph, television or telephone station with another or a whole system of such wires; the circuits of an electrical power system route; the track and roadbed of a railroad; a straight or curved geometric element that is generated by a moving point and that has extension only along the path of the point.
41. **LODGE:** A building designed for occupancy as a temporary abiding place for individuals who are lodged with or without meals, and in which there are five (5) or less guest rooms. Temporary means less than thirty (30) days.
42. **MINERAL RESOURCE AREA:** An area in which materials are located in sufficient concentration in veins, deposits, beds, bodies, seams, fields, pools, or otherwise, as to be capable of economic recovery. The term includes but is not limited to any area in which there has been significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claims with the intention of mining.
43. **MINI-STORAGE WAREHOUSE:** A building containing individual, enclosed storage areas for rent to the public. The size of each enclosed storage area shall not exceed five hundred (500) square feet.

44. **MITIGATE:** To neutralize or compensate for the physical impacts of a man-made development upon a particular land area or piece of land such that the land will function as it did before the development took place.
45. **MOBILE HOME:** A dwelling that is built on a chassis and designed for long-term residential occupancy, that is capable of being installed in a permanent or semi-permanent location, with or without a permanent location, with or without a permanent foundation, and with major appliances and plumbing, gas, and electrical systems installed but needing the appropriate connections to make them operable, and that may be occasionally drawn over the public highways, by special Permit, as a unit or in sections to its permanent or semi-permanent location. This definition shall not include factory built homes which comply with the requirements of the Uniform Building Code as prepared by the International Conference of Building Officials as adopted from time to time by the Board of County Commissioners of Grand County or Manufactured Homes as defined by C.R.S. 30-28-115 as now enacted or hereinafter amended.
46. **MOBILE HOME PARK:** Any parcel of land or lot other than land or lots used or designated for camping areas, pursuant to Section 11.8 (4) used or designed to accommodate two (2) or more mobile homes, dependant mobile homes, travel trailers or truck campers.
47. **MOTOR HOME:** A motor home is designed to provide temporary living quarters. These living quarters are built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van. Motor homes must contain permanently installed independent life support systems and at least 4 of the following facilities: 1) cooking, 2) refrigeration or ice box, 3) self-contained toilet, 4) heating and/or air conditioning, 5) potable water supply system including a faucet and sink 6) separate 110-125 volt electrical power supply and/or LP gas supply.
48. **NATURAL HAZARDS:** This includes, but is not limited to floodplains, flood prone areas, seismic effects, radioactivity, and ground subsidence.
49. **OCCUPIED:** The word "occupied" includes arranged, designed, built, altered, converted, rented, or leased, or intended to be occupied.
50. **OFFICE OR CONSTRUCTION TRAILER:** A structure standing on wheels, towed or hauled by another vehicle and used for short term (i.e. day use only, security) human occupancy as a temporary office.
51. **OUTDOOR RECREATIONAL AREA:** Areas used to provide recreation to the public in a primarily outdoor setting.
52. **OUTDOOR SOLID FUEL BURNING DEVICE** means a device designed for heating a structure, including but not limited to solid-fuel burning furnaces or boilers located outside of the structure.
53. **PERSON:** A natural person or any individual, partnership, corporation, association, company or other public or corporate body, including the federal government, and includes any political subdivision, agency, instrumentality, or corporation of the state or the United States government. Singular includes plural, male includes female.
54. **PRIVATE RIDING STABLES:** Stable operation that boards and/or rents horses or other like animals for a fee to a private group or club.
55. **PRIVATE CAMPING:** Temporary, non-commercial lodging by a lot owner or owners without a fee. No tent, recreational camping vehicle, or other camping unit may be permanently affixed to the

ground. Private camping may only be used for a period that does not exceed a total of fourteen (14) days during any consecutive three (3) months on the same parcel

56. **PROFESSIONAL OCCUPATION:** An occupation licensed or certified by the State of Colorado or its agencies.
57. **PUBLIC ROADWAY:** Any vehicular thoroughfare that is dedicated and maintained for public use by a federal, state, county, or municipal jurisdiction or homeowner's association.
58. **PUBLIC USE:** Any use for which the general public is allowed access.
59. **PUBLIC WATER AND PUBLIC SEWERAGE FACILITIES:** Those facilities of a municipality or sanitation district approved by the Colorado State Health Department.
60. **PUBLIC UTILITY:** The term public utility includes every common carrier, pipeline corporation, gas corporations, electrical corporation, telephone corporation, water corporation, person, or municipality operating for the purpose of supplying the public for domestic, mechanical, or public uses and every corporation, or person declared by law to be affected with a public interest. Colorado Revised Statute §40-1-103(1)(a)(I) (2013)
61. **PUBLIC UTILITY FACILITY:** Means any line or structure of any public utility.
62. **RECREATIONAL CAMPING VEHICLES:** A vehicle which is:
 - a. Designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle, and is capable of being licensed. Recreational Camping Vehicles shall include motor homes, camper trailers, 5th wheels, trailers, pickup truck campers, and any similar vehicles.
 - b. Any recreational vehicle which is used as a residence, on the same site, for 150 days or is regularly used as an additional bedroom for residence shall be considered a mobile home
63. **RESORT CABIN(S):** A building or buildings designed for occupancy as a temporary abiding place for individuals who are lodged with or without means and in which there are five (5) or less guest rooms. Temporary means less than thirty (30) days.
64. **RECREATIONAL VEHICLE:** Recreational vehicles include recreational camping vehicles (as defined in Section XX, Definitions), boats, OHVs, snowmobiles and similar vehicles. For the purposes of this section, recreational vehicles include only those vehicles designed primarily for seasonal use. Recreational vehicles shall not include mobile homes, park homes or manufactured homes. Recreational vehicles shall not include vehicles as referenced in the Grand County Blight Ordinance.
65. **RIPARIAN:** Lands adjacent to streams, creeks, lakes and other waterways whether intermittent or constantly flowing.
66. **ROOMING HOUSE:** A building designed for occupancy for an extended term abiding place of individuals who are lodged with meals and in which there are five (5) or less guest rooms. Extended term means thirty (30) days or longer.
67. **SHORT TERM RENTAL:** The nightly or weekly rental of dwellings, dwelling units, mobile homes, rooms or accommodations, excluding hotels and motels, for less than 30 consecutive days,

including but not limited to: single family dwellings, duplexes, multi-family dwellings, townhomes, condominiums, time share or similar dwellings.

68. **SHORT TERM RENTAL OPERATORS, or OPERATORS:** Any person who is the owner or property manager of a dwelling unit, or portion thereof, for use as a short term rental.
69. **SHORT TERM RENTAL PLATFORMS, or PLATFORMS:** A person or entity that provides a means to through which an operator may offer a dwelling unit, or portion thereof, for use as a short term rental, and from which the person or entity financially benefits.
70. **SIGN:** Any structure, or part thereof that is used to identify, advertise or direct attention to an object, person, institution, organization, business, produce, service, event or location through the use of words, letters, figures, designs, symbols, colors and illumination.
71. **SIGHT TRIANGLE:** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Also known as a sight easement.
72. **SMALL WIND ENERGY SYSTEM:** A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of not more than 20 kW and which is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on site use, except when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on site use may be used by the utility company (i.e. net metering).
73. **SOLID FUEL BURNING DEVICE** means a device designed for a the combustion of solid fuels including, but not limited to wood, coal, pulp, paper, pellets or similar non-liquid or non-gaseous materials so that usable heat is derived for the interior of a building, and includes solid-fuel burning stoves, fireplaces or wood stoves of any nature, combination fuel furnaces or heaters that burn solid fuel, or any other device used for the burning of solid combustible material.
- a. **APPROVED NON SOLID-FUEL BURNING DEVICE** means a device that burns a non-solid fuel including natural gas, liquefied petroleum (LP), fuel oil, or similar fuel that has been approved by Underwriter’s Laboratory, International Approval Services (IAS) or other approved laboratories. This includes gas logs permanently installed in a traditional open fireplace.
- b. **APPROVED SOLID-FUEL BURNING DEVICE** means a device that is designed or intended to burn solid fuel and that is certified to meet the EPA Phase II particulate emissions rate standard by the U.S. Environmental Protection Agency (“EPA”), or is certified to meet those standards by a testing laboratory accredited by the EPA, or is approved by the Colorado Air Quality Control Division, or masonry built fireplace (site built only).
74. **STREET:** A public thoroughfare, which affords the principal means of access to abutting property.
75. **STRUCTURES:** Anything constructed or erected such as buildings, mobile homes, fences, etc. which requires location on the ground or attached to something having a location on the grounds. Excluded are docks, posts, pilings, other boat mooring devices, head gates and other structures necessary for agricultural, public (municipal, etc.) and private water diversion facilities.
76. **TELECOMMUNICATIONS:** The science and technology of transmitting voice, audio, facsimile, image, video, computer data, and multimedia information by the use of electromagnetic energy in the form of electricity, radio, or optics – Not including Information

Systems as now defined or hereafter amended by the Federal Communications Commission (FCC).

77. **TEMPORARY REAL ESTATE OFFICE:** A structure with or without a foundation or footings, temporarily used only as a real estate office and is removed upon expiration of the designated time period. This could include a temporary structure approved by the Department of Building and Sanitation or an office or construction trailer. No mobile home or recreational camping vehicle shall be allowed.
78. **TIME SHARE:** For purposes of these regulations, the term shall apply only to a fractional or interval ownership project where construction of buildings or units has been approved under the Grand County Subdivision or PUD Regulations, and such buildings or units are divided into condominiums or townhomes. All ownership intervals and/or estates created shall consist of 1) an undivided interest in a present estate in fee simple in a specific unit, the magnitude of the interest having been established by the time of the creation of ownership estate either by the project instruments or by the deed conveying the estate; and 2) an exclusive right to possession and occupancy of the subject unit during an annually recurring period of time defined and established by a recorded schedule set forth or referred to in the deed conveying the ownership estate. Any project proposing to convey to purchasers any interest less than a fee simple estate in a unit/interval shall not be considered to fall under this definition for the purposes of these regulations.
79. **TOWER – TELECOMMUNICATIONS:** A building or structure that is relatively high for its length and width, either standing alone or forming part of another building. Tower height shall be measured from finished grade to the absolute highest point of the structure, including antennas but excluding lightning rods and whip antennas.
80. **TOWER – WIND ENERGY CONVERSION SYSTEMS:** The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground. Tower height shall be measured to the turbine mounting point.
81. **TRAVEL TRAILERS:** Any vehicle or similar portable structure designed without a foundation other than wheels, jacks or skirts, and so designed or constructed to Permit occupancy for living or sleeping purposes, provided that any such structure over thirty two (32) feet in total length, including hitch and bumper, shall be considered a mobile home for purposes of these regulations.
82. **TRUCK CAMPER:** A portable structure designed primarily to be transported on a truck or other similar vehicle, and so designed or constructed as to Permit occupancy for living or sleeping purposes.
83. **USE:** The purpose for which land or building is designed, arranged, intended, occupied or maintained.
84. **WIND TURBINE:** A structure that uses moving air to generate electricity (wind power) through the use of blades that are easily turned by the wind. Wind turbines typically have one, two, or three blades.
85. **YARD:** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations.
86. **YARD, FRONT:** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

87. **YARD, REAR:** A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.
88. **YARD, SIDE:** A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building or accessory building attached thereto.

SECTION XXI
FLOODPLAIN MANAGEMENT REGULATIONS

21.1 AUTHORITY

The legislature of the State of Colorado, in the Local Land Use Control Enabling Act (C.R.S. § 29-20-101 et. seq) and in County Planning and Building Codes (C.R.S. § 30-28-101 et. seq), has delegated to county governments the responsibility to adopt regulations designed to minimize losses due to flooding. Therefore, the Board of County Commissioners in the County of Grand hereby adopt the following floodplain management regulations.

21.2 PURPOSE

This Section establishes regulations to prevent the imprudent use and occupation of flood hazard areas and to minimize the threat of flooding to human life and property. It addresses development within areas subject to flood hazards that are depicted on the most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, National Flood Insurance Program and areas that are identified by survey, documented site-specific observation, or engineering study as being areas subject to flood hazards, within the 100-year floodplain.

Specifically, this Section establishes development standards that are intended to reduce the hazard of floods to life and property by:

1. **PROHIBITING USES HAZARDOUS TO LIFE.** Prohibiting certain uses that are hazardous to life or property in time of flood from locating in the floodplain.
2. **RESTRICTING USES HAZARDOUS TO HEALTH.** Restricting the development of certain uses in the floodplain that are hazardous to public health in time of flood.
3. **RESTRICTING USES SUSCEPTIBLE TO FLOOD DAMAGE.** Restricting the development of certain uses in the floodplain that are especially susceptible to flood damage, so as to alleviate hardship and eliminate demands for public expenditures for relief and protection.

21.3 METHODS

Methods of reducing flood losses include:

1. Regulating or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
4. Controlling filling, grading, dredging, and other development which may increase flood damage.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

21.4 JURSDICTION

These regulations shall apply to any of the following activities within the unincorporated areas of Grand County, Colorado:

1. Any division of lands into a subdivision as defined in Section 1.6 (4) of the Grand County Subdivision Regulations.
2. Any re-subdivision or re-platting of a lot, tract, or parcel of land.
3. Any new building Permit application for a structure.
4. To all areas of special flood hazard with the jurisdiction of unincorporated Grand County.

21.5 DEFINITIONS

1. **100-YEAR FLOOD:** 100-Year Flood means 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”.
2. **100-YEAR FLOODPLAIN:** 100-Year Floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.
3. **500-YEAR FLOOD:** 500-Year Flood means 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).
4. **500-YEAR FLOODPLAIN:** 500-Year Floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.
5. **ADDITION:** Any activity that expands the enclosed footprint or increases the square footage of an existing structure.
6. **AGRICULTURE BUILDING:** A structure located on real property classified as agricultural by the Grand County Assessor that is designed, constructed and used to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
 - a. Agricultural buildings or structures are considered "walled and roofed" when the structure includes at least two outside rigid walls and a fully secured roof.
 - b. Although structures may be related to agricultural purposes or uses, development that does not meet the NFIP definition of a structure for floodplain management purposes, such as, but are not necessarily limited to, a pole barn (roofed but not walled) or a holding pen or aquaculture tank/pool (walled but not roofed) are generally not considered to be agricultural structures by the NFIP.
7. **ALLUVIAL FAN FLOODING:** Alluvial Fan Flooding means 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.

8. **AREA OF SHALLOW FLOODING:** Area of Shallow Flooding means 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.
9. **BASE FLOOD:** Means the flood having a one percent chance of being equaled or exceeded in any given year.
10. **BASE FLOOD ELEVATION (BFE):** Base Flood Elevation (BFE) means the elevation shown of a FEMA FIRM for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a 100-year flood.
11. **BASEMENT:** Basement means any area of a building having its floor sub-grade on all sides.
12. **CHANNEL:** Channel means the physical confine of a stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.
13. **CHANNELIZATION:** Channelization means the artificial creation, enlargement or realignment of a stream channel.
14. **CODE OF FEDERAL REGULATIONS (CFR):** Code of Federal Regulations (CFR) means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government.
15. **COMMUNITY:** Community means any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning.
16. **CONDITIONAL LETTER OF MAP REGULATIONS (CLOMR):** FEMA's comment on a proposed project that would, upon construction, 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). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review. Building Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.
17. **NEW CONSTRUCTION:** New Construction means structures for which the start of construction commenced on or after the effective date of these regulations.
18. **CONSTRUCTION, START OF:** Start of means the date the building Permit was issued, provided the actual start of construction, including substantial improvements, 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. Permanent construction does not include land preparation, installation of streets and/or walkways, the erection of forms, or the installation of accessory buildings not occupied as a dwelling unit 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 that alteration affects the external dimensions of the building or not.
19. **CRITICAL FACILITY:** Critical Facility means a structure or related infrastructure, but not the land on which it is situated, 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.

20. **DEVELOPMENT:** Development means any man-made change to improved or unimproved real estate, including but not limited to buildings, agricultural buildings, accessory structures and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
21. **DIGITAL FLOOD INSURANCE RATE MAP (DFIRM):** Digital Flood Insurance Rate Map (DFIRM) means a FEMA digital floodplain map which serve as “regulatory floodplain maps” for insurance and floodplain management purposes.
22. **DFIRM DATABASE:** DFIRM Database means a database which usually are spreadsheets containing data and analyses that accompany DFIRMs.
23. **ELEVATED BUILDING:** Elevated Building means a building without a basement in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, which have the top of the elevated floor above the water and is adequately anchored so as not to impair the structural integrity of the building during a flood of up to the 100-year flood. In the above zones, an “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.
24. **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.
25. **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 manufacturing 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).
26. **FEDERAL REGISTER:** Federal Register means the official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.
27. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** FEMA means Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.
28. **FLASH FLOODING:** Flash flooding means a temporary flooding condition due to the rapid accumulation and runoff of surface waters from any source and is characterized by a large volume of water over a short period of time. Also, see “flood-prone area.”
29. **FLOOD OR FLOODING:** Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of water from channels or spillways, the unusual and rapid accumulation or runoff of surface waters from any source, or mudslides or mudflows that is sufficiently fluid so as to flow over the surface of normally dry land areas. Mudflows that are proximately caused or precipitated by accumulations of water on or under the ground.
30. **FLOOD INSURANCE RATE MAP (FIRM):** Flood Insurance Rate Map (FIRM) means an official map of a community on which FEMA has delineated both the Special Flood Hazard Area and the risk premium zones applicable to the community.

31. **FLOOD INSURANCE STUDY (FIS):** Flood Insurance Study (FIS) means the official report provided by FEMA which contains the FIRM, as well as, flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.
32. **FLOODPLAIN OR FLOOD-PRONE:** Floodplain or Flood-Prone Area means an area adjacent to a river or stream which is susceptible to inundation by water as the result of a flood.
33. **FLOODPLAIN ADMINISTRATOR:** Floodplain Administrator means the Grand County Community Development Director or his or her designee.
34. **FLOODPLAIN DEVELOPMENT Permit:** Floodplain Development Permit means a Permit issued by the Grand County Floodplain Administrator which is required before beginning development or construction in any area of special flood hazard.
35. **FLOODPLAIN MANAGEMENT:** Floodplain Management means 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 damage prevention regulations.
36. **FLOODPLAIN MANAGEMENT REGULATIONS:** Floodplain Management Regulations means 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, which provide standards for the purpose of flood damage prevention and reduction.
37. **FLOOD CONTROL STRUCTURE:** Flood Control Structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway and are constructed in conformance with sound engineering standards.
38. **FLOOD-PROOFING:** Flood-proofing means a combination of provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures, and contents of buildings in flood hazard areas.
39. **FLOODWAY OR REGULATORY FLOODWAY:** Floodway or Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge a 100-year flood without cumulatively increasing the water surface elevation more than one-half foot.
40. **FREEBOARD:** Freeboard means 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.
41. **HIGHEST ADJACENT GRADE:** Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
42. **LETTER OF MAP REVISION (LOMR):** Letter of Map Revision (LOMR) means FEMA's official revision of an effective FIRM, or Flood Boundary and Floodway Map (FBFM), or both.
43. **LETTER OF MAP REVISION BASED ON FILL:** Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

44. **LEVEE:** Levee means 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.
45. **LEVEE SYSTEM:** Levee System means 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.
46. **LOWEST FLOOR:** Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered the 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 requirements of these regulations.
47. **MANUFACTURED HOME:** Manufactured Home means 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 attached to the required utilities. The term "manufactured home" does not include "recreational vehicles".
48. **MANUFACTURED HOME PARK OR SUBDIVISION:** Manufactured Home Park or Subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.
49. **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.
50. **MEAN SEA LEVEL:** Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referred.
51. **MATERIAL SAFETY DATA SHEET (MSDS):** Material Safety Data Sheet (MSDS) means a form with data regarding the properties of a particular substance. It provides procedures for handling or working with a 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.
52. **NATIONAL FLOOD INSURANCE PROGRAM:** National Flood Insurance Program (NFIP) means 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.
53. **NO-RISE CERTIFICATION:** No-Rise Certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway and is 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 FIRM or Flood Boundary and Floodway Map (FBFM).
54. **PHYSICAL MAP REVISION (PMR):** Physical Map Revision (PMR) means FEMA's action whereby one or more map panels are physically revised and republished and is used to change flood risk zones, floodplain and /or floodway delineations, flood elevations, and/or planimetric features.

55. **RECREATIONAL VEHICLE:** Recreational Vehicle means a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
56. **SPECIAL FLOOD HAZARD AREA (SFHA):** Special Flood Hazard Area (SFHA) means 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.
57. **STRUCTURE:** Structure means, for floodplain management purposes, a walled or roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means a building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site or a manufactured home (also known as a mobile home) affixed to a permanent foundation.
58. **SUBSTANTIAL DAMAGE:** Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
59. **SUBSTANTIAL IMPROVEMENT:** Substantial Improvement means any improvement, repair, or reconstruction of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started; or, if the structure has been damaged and is being restored, before the damage occurred. This term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by a local code enforcement officer and which are the minimum standards necessary, nor does the term include any alteration of a historic structure.
60. **THRESHOLD PLANNING QUANTITY:** Threshold Planning Quantity means 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.
61. **VARIANCE:** Variance means a grant of relief from the requirements of these regulations which Permits development in a manner that would otherwise be prohibited by these regulations.
62. **VIOLATION:** Violation means the failure of a structure or other development to comply with these regulations.
63. **WATERCOURSE:** Watercourse means a natural or artificial channel, depression, wash, slough, gulch, arroyo, stream, creek, or drainage way capable of containing or conveying water continuously, intermittently, or periodically.
64. **WATER SURFACE ELEVATION:** Water Surface Elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

21.6 STATUTORY AUTHORITY

1. The legislature of the State of Colorado, in the Local Land Use Control Enabling Act (C.R.S. § 29-20-101 et. seq) and in County Planning and Building Codes (C.R.S. § 30-28-101 et. seq), has delegated to county governments the responsibility to adopt regulations designed to minimize losses due to flooding.

2. 2 CCR 408, Rules and Regulations for Regulatory Floodplains in Colorado.
3. Title 24, Articles 65.1, 67, and 68, C.R.S. that respectively provide for the designation, administration and regulation by local government of areas and activities of state interest, authorize the planned unit development approach to land development, and provide for the vesting of real property rights.
4. Title 29, Article 20, C.R.S: Local Government Land Use Control Enabling Act of 1974.
5. Title 30, Article 11, C.R.S: County powers and functions.
6. Title 30, Article 15, C.R.S: County regulations under its police powers.
7. Title 30, Article 28, C.R.S: Planning and building codes, subdivision exemption plats, cluster development, the establishment of a county planning commission and regional planning commissions, improvement agreements, master plans, zoning plans, and other land use planning and regulatory mechanisms, including subdivision regulations.

21.7 GENERAL PROVISIONS

1. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Grand County," dated January 2, 2008 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 regulation. The FIRM is on file at the Community Development Office located at 308 Byers Avenue, Hot Sulphur Springs, CO. FIRM may be updated from time to time.
2. **Compliance**
No structure or land shall hereafter be constructed, located, extended, or altered, or have its use changed without full compliance with the terms of this regulation and other applicable regulations.
3. **Abrogation and Greater Restrictions**
Whenever both a provision of these Regulations and any other provisions of these Regulations, or any provision in any other law, ordinance, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or ordinances. However, where this regulation and easement, covenant, deed restriction, or another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

21.8 ADMINISTRATION

1. **Flood Plain Development Permit**
A Floodplain Development Permit shall be obtained before any construction or development begins within any Special Flood Hazard Areas established in Section 1.8(1) herein. A Floodplain Development Permit shall be required to ensure conformance with the provisions of these regulations. Applicants shall obtain a floodplain development Permit before beginning construction or development in any Special Flood Hazard Areas (SHFA).
 - a. In no instance shall the alteration result in any increase in flood levels during the occurrence of the base flood discharge by ½ foot or six inches.
 - b. For those areas outside of any Special Flood Hazard Areas or those areas identified as Zone

D on the FIRM, the Floodplain Administrator may require a Flood Study before the granting of a Permit if the area is suspected to be a potential Special Flood Hazard Area or subject to floods or mudslides.

- c. Agricultural structures and accessory structures are non-residential structures, and the NFIP requires new construction and substantial improvements of non-residential structures in SFHAs to be elevated or dry floodproofed to or above the Base Flood Elevation (BFE).
- d. When survey data show that a development site is above the BFE, the data will be recorded and the Permit can be issued.
- e. Application for a Floodplain Development Permit shall be made on a Floodplain Development Permit form furnished by the Department of Community Development.

2. **Submittal Requirements**

Any application shall include:

- a. The plan shall include (3) copies, drawn to scale, showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- b. The plan shall include the floodplain boundaries, base flood elevations, FIRM zones and floodway boundaries shown on the Flood Insurance Rate Map, Flood Boundary Floodway Map and/or Flood Insurance Study.
- c. The proposed elevation, in relation to mean sea level, of the lowest floor (including the basement or cellar) of any new or substantially improved structure to be located in Zone A if base flood elevation data are available. Upon completion of the lowest floor, the Permit holder shall submit to the Floodplain Administrator the as-built elevation, certified by a registered Colorado Professional Engineer.
- d. The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the Permit holder shall submit to the Floodplain Administrator the as-built floodproofed elevation, certified by a registered Colorado Professional Engineer.
- e. Certification by a registered Colorado Professional Engineer that the flood-proofing methods for any nonresidential structure meet the applicable flood-proofing criteria.
- f. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a registered Colorado Professional Engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment.
- g. If required by the Floodplain Administrator, a technical analysis by a registered Colorado Professional Engineer, which shows whether proposed development to be located in a Special Flood Hazard Area may result in physical damage to any other property.
- h. If no base flood elevation data is available from other sources for Zone A, the applicant shall provide base flood elevation data for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions).

3. Criteria for approval or denial of an application for a floodplain development Permit shall be based on the provisions of these regulations including consideration of the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - e. The potential impacts to public infrastructure and possible interruption of governmental services during and after flood conditions, including maintenance and repair of streets, bridges, and public utilities and facilities such as sewer, gas, electric, and water systems;
 - f. 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;
 - g. The necessity to the facility of a waterfront location, where applicable;
 - h. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - i. The compatibility of the proposed use with existing and anticipated development, and;
 - j. The relationship of the proposed use to Grand County Master Plan.

21.9 APPEAL PROCEDURES

1. The Grand County Board of Adjustment (“BOA”) is hereby appointed to review, grant, grant with conditions, or deny appeals and requests for variances in accordance with the terms of these regulations.
2. The BOA shall hear and render judgment on an appeal only when it is alleged that there has been an error in any decision, determination, or requirement made by the Floodplain Administrator in the administration or enforcement of these regulations.
3. Any person aggrieved by the decision of the BOA may appeal such decision to the District Court for Grand County as provided in Rule 106(a)(4) of the Colorado Rules of Civil Procedure.
4. **Appeal Considerations –**
In reviewing appeals or requests for variances, the BOCC shall consider all technical evaluations, other relevant factors, the provisions of these regulations, and the following:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

- d. The importance of services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The relationship of the proposed use to the floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. 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;
 - j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets, and bridges.
 - k. The compatibility of the proposed use with existing and anticipated development.
5. The Floodplain Administrator shall maintain a record of all actions involving appeals or requests for variance and shall report to FEMA, upon request, any variances granted.
6. **Variance Conditions**
- a. Upon consideration of the foregoing factors and taking into account the purposes of these regulations, the BOA may attach such conditions to the granting of a variance as it deems necessary to further the purposes of these regulations.
 - b. 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.
 - c. Variances may be issued to allow certain agricultural or accessory structures located in the SFHA to be wet flood proofed in lieu of the elevation or dry flood proofing requirement. The variance must be for an individual agricultural or accessory structure as defined in this policy. Justification for the variance must address the following:
 - (1) The agricultural or accessory structure must meet the definition of structure, for floodplain management purposes, where walled and roofed shall be interpreted as having at least two outside rigid walls and a fully secured roof.
 - (2) An accessory structure is small and represents a minimal investment.
 - (3) An agricultural structure has a low damage potential and is located in an A Zone (A, AE, A1-A30, AR, A99).
 - (4) A description of the exceptional or unnecessary hardship that the applicant would incur if a variance were not granted must be included.

- (5) The agricultural or accessory structure must meet the definition of agricultural or accessory structure, including the exclusive use requirements provided in this policy.
 - (6) The agricultural or accessory structure must be anchored to resist flotation, collapse, and lateral movement.
 - (7) The portions of the agricultural or accessory structure located below the BFE must be constructed with flood-resistant materials.
 - (8) Mechanical and utility equipment for the agricultural or accessory structure must be elevated or dry floodproofed to or above the BFE.
 - (9) The agricultural or accessory structure must comply with the floodway encroachment provisions of the NFIP.
 - (10) The agricultural or accessory structure must be wet flood proofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings per 44 C.F.R. § 60.3(c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).
 - (11) The variance must provide the minimum relief necessary.
 - (12) The variance must restrict use of the agricultural or accessory structure in accordance with the exclusive use requirement of the NFIP definition provided in this policy.
 - (13) In accordance with FEMA regulation and guidance, owing to the increased risk to public safety, a variance for wet flood-proofing in lieu of elevation or dry flood-proofing is not recommended for:
 - (a) An agricultural structure located in a V Zone (V, VE, V1-V-30). Wet flood-proofing and breakaway walls below a compliant elevated structure is permissible without a variance.
 - (b) An agricultural or accessory structure which, if flooded, would create a threat to public safety, health, and welfare. Such structures include but may not be limited to confinement operations; structures with liquefied natural gas terminals; and facilities producing and storing highly volatile, toxic, or water reactive materials. Ideally, these structures should be located outside of the SFHA; however, when located within the SFHA, these structures must be elevated or dry floodproofed in accordance with NFIP design and performance standards.
- d. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- e. Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard.

- f. Variances shall only be issued upon:
 - (1) showing a good and sufficient cause;
 - (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant which is not self-imposed, and
 - (3) 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.
- g. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

21.10 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Grand County Community Development Director, or his or her designee, is hereby appointed the Floodplain Administrator to administer, implement, and enforce the provisions of these regulations and other appropriate sections of Title 44 of the Code of Federal Regulations CFR (National Flood Insurance Program Regulations) concerning floodplain management by granting, granting with conditions, or denying applications for floodplain development Permits.

21.11 DUTIES OF FLOODPLAIN ADMINISTRATOR

1. Permit Review

- a. Review applications for Floodplain Development Permits for completeness and compliance with the provisions of these regulations and to determine whether proposed building sites will be reasonably safe from flooding.
- b. Review applications to determine whether all necessary Permits have been obtained from federal, state, or local governments from which prior approval is required.
- c. Review applications to determine if the proposed development may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities) in the Special Flood Hazard Area. The Floodplain Administrator may require the applicant to submit additional technical analyses and data (e.g., a registered Colorado Professional Engineer's certification that no impact to upstream or downstream properties will occur) to complete the determination. If the proposed development may result in physical damage to any other property, no Permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
- d. Approve or deny applications for floodplain development Permits based on the foregoing reviews and determinations. In conducting these duties, the Floodplain Administrator may seek technical assistance as necessary at the applicant's cost.

2. Use of other Flood Data

- a. When FEMA has designated Special Flood Hazard Areas on the community's FIRM but has not produced water surface elevation data (those areas designated Zone A on the FIRM), the Floodplain Administrator shall obtain, review, and reasonably utilize

any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements, or other proposed development meet the requirements of these regulations.

- b. Or in the Administrator's discretion, the Administrator may require an applicant to hire an engineer to develop a Base Flood Elevation or develop or utilize a methodology such as contour interpolation as described in the FEMA Publication 256 titled Managing Floodplain Development in Approximate Zone A Areas to make a recommendation on an appropriate elevation requirement on a proposed project.
- c. 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.

3. **Information to be Maintained**

- a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including the basement, of all new or substantially improved structures.
- b. For all new or substantially improved floodproofed structures, verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed, including the basement, and maintain the flood-proofing certifications.
- c. Maintain for public inspection all records pertaining to the provisions of these regulations.

4. **Alteration of Watercourses**

- a. Notify adjacent communities and the Colorado Water Conservation Board prior to Permitting any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- b. Ensure that the Permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. **Interpretation of FIRM Boundaries**

Make interpretations, where needed, as to the exact location of the boundaries of the Special Flood Hazard Areas, i.e., where there appears to be a conflict between a mapped boundary and actual field conditions. A person contesting the location of the boundary shall have a reasonable opportunity to appeal the interpretation as provided in Section 1.8 (5-9) of these regulations.

6. **Inspections**

The Floodplain Administrator and the Permit holder or developer's engineer shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with Permit conditions and enable the Floodplain Administrator to certify, if requested, that the development is in compliance with the requirements of the floodplain development Permit or any variance provisions.

7. **Stop Work Orders**

- a. The Floodplain Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a floodplain development Permit. Disregard of a stop work order shall subject the violator to the penalties set forth in Section 18 of these regulations.
- b. The Floodplain Administrator shall issue, or cause to be issued, a stop work order for any floodplain development which is not in compliance with the conditions of the floodplain development Permit and/or these regulations. Disregard of a stop work order shall subject the violator to the penalties set forth in Section 18 of these regulations.

8. **Certificate of Compliance**

- a. In Special Flood Hazard Areas, it shall be unlawful to occupy or to Permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until the Floodplain Administrator has issued a certificate of compliance stating that the building or land conforms to the requirements of these regulations.
- b. The Floodplain Administrator shall issue a certificate of compliance upon satisfactory completion of all development in Special Flood Hazard Areas. Issuance of the certificate shall be based on inspections, any certified elevations, hydraulic data, flood-proofing, or anchoring requirements which may have been required as a condition of the approved floodplain development Permit.

21.12 PROVISIONS FOR FLOOD HAZARD REDUCTION

- 1. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted 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 within Zones A and AO on the community FIRM more than 1' (one foot) and within Zones AE on the community FIRM more than 6" (six inches) at any point within the community. In all Special Flood Hazard Areas, the following provisions are required for all new construction, substantial improvements, or other development:
 - a. 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.
 - b. All new construction or substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - d. 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.

- e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.
 - g. On-site Wastewater Treatment Systems shall be located to avoid impairment to them or contamination from them during flooding.
2. Special Flood Hazard Area Standards - In all Special Flood Hazard Areas where base flood elevation data is available or has been provided, the following provisions are required:
- a. **Residential Construction**
New construction and substantial improvement of a 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. A registered Colorado Professional Engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that this standard has been satisfied.
 - b. **Nonresidential Construction including Agricultural Structures and Accessory Structures**
With exception to critical facilities, 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 one foot above the base flood elevation of 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 outlined in these regulations. The Floodplain Administrator shall maintain a record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed.
 - c. **Manufactured Homes**
All manufactured homes to be placed or substantially improved within Zone A1-30, AE, and AH on the community's FIRM shall be installed using methods and practices which minimize flood damage. In order to satisfy 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 factors. All manufactured homes that are placed or substantially improved within Zones A1-30, AE, and AH 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 a manufactured home has incurred substantial damage as a result of a flood shall 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), is 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, AE, or AH on the community's FIRM, that are not subject to provisions above, shall be elevated so that either (i) the lowest floor of the manufactured home electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities (including ductwork), is one foot above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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. Design for meeting this requirement must either be certified by a registered Colorado Professional Engineer or Architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total new 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. **Recreational Vehicles**

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

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

Meet the Permit requirements of Section 11 (b) (iii) and the elevation and anchoring requirements for "manufactured homes".

5. **Areas of Shallow Flooding (AO/AH Zones) Standards** - Located within the Special Flood Hazard Area established in Section 11 (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, usually areas of ponding; therefore, the following provisions apply:

a. **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. 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.

b. **Nonresidential Construction**

With the exception of Critical Facilities, outlined in Section 16, 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. 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 certificate to the Floodplain Administrator that the standards of this Section are satisfied.

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

6. **Exceptions Floodplain Management Requirements for Agricultural Structures and Accessory Structures.**

Agricultural Structures Only. Per Section 1315(a)(2)(A) of the National Flood Insurance Act of 1968 (NFIA), agricultural structures located in the SFHA that are designated as repetitive loss, as defined in the NFIA, or substantially damaged by flood may be repaired and restored to pre-damaged conditions under the following criteria:

- a. Damage must be from flooding alone and must meet the community's substantial damage threshold. If damage is caused by other hazards, or a mix of hazards, the agricultural structure must meet elevation or dry flood-proofing requirements when repaired or restored or wet flood-proofing if it qualifies per this policy.
- b. The language of the local jurisdiction's land use provision must be reviewed and approved by FEMA to confirm consistency with the NFIP design and performance standards, and it must be incorporated into the local floodplain management regulations.
- c. The repair or restoration must be to pre-damaged condition only. Substantial improvements require the agricultural structure to meet elevation or dry flood-proofing requirements or wet flood-proofing if it qualifies per this policy.

- d. Repair and restoration to pre-damaged condition requires issuance of a floodplain development Permit for each occurrence.
- e. In accordance with Section 1315(a)(2)(C) of the NFIA, disaster assistance under any program administered by the Administrator or any other federal agency is not available for agricultural structures repaired or restored to pre-damaged condition.
- f. In accordance with Section 1315(a)(2)(8) of the NFIA, FEMA may deny federal flood insurance coverage unless the agricultural structure is wet floodproofed, consistent with the design and performance standards of 44 C.F.R. § 60.3(c)(5).

21.13 SUBDIVISION REGULATIONS

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. When no base flood elevation data are available from other sources, or if the proposed development site is located in a Zone A, the applicant shall provide base flood elevation data for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) which is greater than 50 lots or 5 acres, whichever is lesser.
5. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of these regulations.

21.14 FLOODWAY STANDARDS

The following standards for floodways are in addition to the standards for Special Flood Hazard Areas. Because the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and danger of erosion, the following provisions 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 registered Colorado Professional Engineer 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. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions located in section 1.11.
3. Alteration of any channel of any perennial stream shall be prohibited except as may be required for improvement to wildlife habitat or public health, safety, and welfare. In no instance shall the alteration result in the increase in flood levels during the occurrence of the base flood discharge as certified by a registered Colorado Professional Engineer.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Regulations, a community may Permit encroachment within the adopted regulatory floodway that would result in an increase in base flood elevations provided that the community first

applies for and receives a Conditional Letter of Map Revision (CLOMR) and floodway revision through FEMA.

21.15 ALTERATION OF A WATERCOURSE STANDARDS

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 Grand County floodplain requirements and regulations.
6. Within the Regulatory Floodway, watercourse alteration activities shall not be constructed unless the project proponent demonstrates through 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 resulting from the project compared to existing conditions, unless the community first applies to FEMA for a CLOMR and Floodway revision in accordance with these regulations. Such studies are known as a No-Rise Certification.

21.16 PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL STANDARDS

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 of 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 two feet above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least 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.

21.17 CRITICAL FACILITIES STANDARDS

1. 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.

2. **Classification for Critical Facilities** - It is the responsibility of Grand County to identify and confirm that specific structures in the community meet the following criteria:

- a. Essential Services Facilities 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 section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the County on an as-needed basis upon request. Essential service facilities may include:
- (1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
 - (2) Emergency medical (hospitals, ambulance service center, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
 - (3) Designated emergency shelters;
 - (4) 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);
 - (5) 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
 - (6) 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]).

3. **Hazardous Materials Facilities** - These facilities include those that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

- a. Chemical and pharmaceutical plants;
- b. Laboratories containing highly volatile, flammable, explosive, toxic, and or water-

- reactive materials;
 - c. Refineries;
 - d. Hazardous waste storage and disposal sites; and
 - e. Above ground gasoline or propane storage or sales centers.
4. 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 of these regulations, but exclude later amendments to or editions of the regulations. The following exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this section. Specific exemptions to this category include:
- a. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
 - b. 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.
 - c. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.
5. **At-Risk Population Facilities:**
- a. Elder Care;
 - b. Congregate care serving 12 or more individuals (day care and assisted living);
 - c. Public and private schools (pre-schools, K-12 schools), before school and after-school care serving 12 or more children
6. **Facilities Vital to Restoring Normal Services Including Government Operations-**
- These facilities may be exempted if it is demonstrated to 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 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 County of Grand on an as-needed basis upon request. These facilities consist of:

- a. Essential government operations (public records, courts, jails, building Permitting and inspection services, community administration and management, maintenance and equipment centers);
- b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

7. **Protection for Critical Facilities –**

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within a Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of these regulations, protection shall include one of the following:

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

8. Ingress and Egress for New Critical Facilities- New Critical Facilities shall, when practicable as determined by Grand County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

21.18 SEVERABILITY

In the interpretation and enforcement of these regulations, all provisions shall be held to be minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state law. If any portion of these regulations are declared by the courts to be unconstitutional, such decision shall not invalidate any other provision of these regulations.

21.19 ENFORCEMENT AND PENALTIES

These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program. Any infraction of the provisions of these regulations by failure to comply with any requirements (including infractions of conditions and safeguards established in connection with an approved Permit) shall constitute a violation. Any person who violates these regulations commits a misdemeanor under C.R.S. § 30-28-124, as amended, and shall, upon conviction thereof, be fined or imprisoned or both as provided therein. Each day of noncompliance shall constitute a separate offense. Nothing herein shall prevent Grand County from taking such other lawful action necessary to prevent or remedy a violation, including but not limited to actions for declaratory or injunctive relief as well as actions for civil penalties under C.R.S. § 30-28-124.5.

21.20 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Flood heights may be increased by manmade or natural causes. These regulations do not imply that land outside the Special Flood

Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of Grand County, any official or employee thereof, or FEMA for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

SECTION XXII
INTERPRETATION; CONFLICT WITH OTHER LAWS

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations or resolutions, the more restrictive of that imposing the higher standards shall govern.

SECTION XXIII
VALIDITY

Should any section, clause, provision, sentence or word of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so declared to be invalid.

SECTION XXIV
REPEALS; EFFECTIVE DATE

All resolutions of the County of Grand, State of Colorado, inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed. These regulations shall become effective as of the 26th day of November, 1974, in accordance with the authority granted to the Board of County Commissioners by Chapter 106, Article 2, Colorado Revised Statutes, 1963, as amended.

ZONING REGULATIONS: RESOLUTIONS

ORIGINAL ZONING REGULATIONS ADOPTED by the Grand County Board of County Commissioners on July 1, 1970, Resolution No. 1970-7-1.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on February 13, 1973, Resolution No. 1973-2-7.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on January 23, 1974, Resolution No. 1974-2-1.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on February 12, 1974, Resolution No. 1974-2-2.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 22, 1974, Resolution No.1974-7-7 – *Defining and Addressing Mobile Homes.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on November 26, 1974, Resolution No.1974-11-4.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on October 28, 1976, Resolution No.1976-10-6.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on June 6, 1977, Resolution No.1977-6-4 – *Allowing provisions for “off-street parking” in all Zone Districts.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on June 21, 1977, Resolution No.1977-6-7.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on October 18, 1977, Resolution No. 1977-10-6 – *Incorporating Yard setback’s, building height and bulk requirements for structures in all Zone District’s.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on December 20, 1977, Resolution No. 1977-12-18 – *Incorporating provisions relating to “Uses permitted” in the Forestry & Open Zone District.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on June 5, 1978, Resolution No. 1978-6-3.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on June 5, 1978, Resolution No. 1978-6-4 – *Allowing additional uses to uses allowed in Tourist and Business Zoned Districts.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on September 5, 1978, Resolution No. 1978-9-1.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on May 8, 1979, Resolution No. 1979-5-5 – *Amendment to section “Authority, Application and Purpose of Regulations”.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on September 4, 1979, Resolution No. 1979-9-3.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on February 2, 1981, Resolution No. 1981-2-4.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 6, 1981, Resolution No. 1981-7-7 – *Amendment to “Uses permitted by Special Review”*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on March 1, 1983, Resolution No. 1983-3-17.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 24, 1984, Resolution No. 1984-7-18 – *Amendment to “Uses permitted by Special Review”*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on November 27, 1984, Resolution No. 1984-11-11 – *Amendment to “Uses permitted by Special Review”*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on June 25, 1985, Resolution No. 1985-6-10.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on November 26, 1985, Resolution No. 1985-11-15.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on January 7, 1986, Resolution No. 1986-1-6.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on January 14, 1986, Resolution No. 1986-1-12.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 12, 1986, Resolution No. 1986-8-15.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on March 12, 1991, Resolution No. 1991-3-7 – *Adopted the Design Review Area Overlay District map*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 20, 1991, Resolution No. 1991-8-13 – *Allowing Conference Centers in Forestry & Open under “Use by Right”*.

CORRECTED January 6, 1992

When the Zoning Regulations were typed in 1985, a typing error was made in Section XI, Uses permitted by Special Review, 11.1 (2). This error was corrected January 6, 1992.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on December 22, 1992, Resolution No. 1992-12-17.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 5, 1994, Resolution No. 1994-7-1.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 5, 1994, Resolution No. 1994-7-2.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on April 4, 1995, Resolution No. 1995-4-3.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 2, 1996, Resolution No. 1996-7-7 (Effective Date May 28, 1996).

AMENDED AND READOPTED by the Grand County Board of County Commissioners on October 7, 1997, Resolution No. 1997-10-2 – *Amend Descriptions under “Accessory Buildings & Uses”*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on February 24, 1998, Resolution No. 1998-2-18 – *Adopted “Sign Regulations”*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on May 5, 1998, Resolution No. 1998-5-6 – *Amend definition for “Multiple Family Dwellings”*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 28, 1998, Resolution No. 1998-7-28 (Effective Date July 7, 1998) – *Amendment in General Procedures “Publication Time”*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on October 19, 1999, Resolution No. 1999-10-10.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on February 22, 2000, Resolution No. 2000-2-16 – *Approved the Year 2000 Permit Fees*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on June 20, 2000, Resolution No. 2000-6-12 – *Amendment to “Accessory Buildings & Uses”*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on September 12, 2000, Resolution No. 2000-9-8 – *Add definition of “waterbody”*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on September 11, 2001, Resolution No. 2001-8-12 – *Amend Design Review Area regarding design standards for boathouse/boatdock construction*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 23, 2002, Resolution No. 2002-7-45 – *Amendment to address Mineral Estate notifications*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 20, 2002, Resolution No. 2002-8-36 – *Approving the Granby airport Review Area Overlay District*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 3, 2002, Resolution No. 2003-12-46 – *Add definition for professional occupations in the Forestry and Open Zone District*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 3, 2002, Resolution No. 2003-12-47 – *Amendment to address solid fuel burning devices*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on July 20, 2004, Resolution No. 2004-7-28 – *Amend to allow construction & light industrial manufacturing permitted by an SUP*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on September 20, 2005, Resolution No. 2005-9-21 – *Amend the Zoning Regulations to convert from ‘Word Perfect’ to ‘Microsoft Word’*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on December 13, 2005, Resolution No. 2005-12-1 – *Amendment to the Zoning Regulations to increase the lot size in Forestry/Open to five (5) acres*.

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 8, 2006, Resolution No. 2006-8-5 – *Amend Regulations to expand on specific “Uses permitted”.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on December 5, 2006, Resolution No. 2006-12-48 – *to revise Section 14.6, Granby Airport Review Area – Overlay District.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on August 21, 2007, Resolution No. 2007-8-22 - *Amend the Zoning Regulations to include a “Time Share” definition.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on May 27, 2008, Resolution No. 2008-5-52 - *proposed amendments include the correction of inconsistencies and erroneous definitions, the elimination or replacement of erroneous, outdated or duplicative procedures, and the addition of supplemental requirements for telecommunication facilities permitted by special review under section XI of the Grand County Zoning Regulations.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on May 5, 2009, Resolution No. 2009-5-20 – *Amend Regulations to allow small wind turbines & Amend boatdock/boathouse Regulations.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on October 4, 2011, Resolution No. 2011-9-49 – *Amended Adult Oriented Use Regulations.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on October 11, 2011, Resolution No. 2011-10-3 – *Adopted Short Term Rental Regulations.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on May 1, 2012, Resolution No. 2012-3-45 – *Amended Sign Code Regulations.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on December 17, 2013, Resolution No. 2013-12-46 – *Amended SUP renewals for Mobile Homes on Agricultural Lands from 1 year to 5 year renewals.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on January 21, 2014, Resolution No. 2014-1-27 – *Amended Regulations in the Three Lakes Design Review Area Overlay District.*

AMENDED AND READOPTED by the Grand County Board of County Commissioners on February 25, 2014, Resolution No. 2014-2-32 – *Amended Regulations for Telecommunications.*

AMENDED AND READOPTED by Grand County Board of County Commissioners on May 13, 2014 Resolution No. 2014-5-41 – *Amended Regulations for Camping, Warehouses and Indoor Light Manufacturing in the Forestry and Open Zone Districts, and Accessory Buildings and Uses.*

AMENDED AND READOPTED by Grand County Board of County Commissioners on July 26, 2016 Resolution No. 2016-7-34 – *Adopted Section 14.9 Solid Fuel Burning Devices.*

AMENDED AND READOPTED by Grand County Board of County Commissioners on May 23, 2017 Resolution No. 2017-5-23 – *Amended Regulations for Short Term Rentals, including Section 14.8, amended Section XVII and XIX regarding Enforcement and Violations.*

AMENDED AND READOPTED by Grand County Board of County Commissioners on May 27, 2019 Resolution No. 2019-5-27 – *Amended Regulations for Private and Commercial Camping and Special Use Permits, including Sections V, VI, VII, VIII, IX, XI, XIII, and XX; along with definitions for each.*

AMENDED AND READOPTED by Grand County Board of County Commissioners on April 27, 2021
Resolution No. 2021-4-24– *Adopted Section 14.3 Floodplain Management Regulations.*

AMENDED AND READOPTED by Grand County Board of County Commissioners on December 8, 2021
Resolution No. 2021-9-38 – *Amended Regulations for Short Term Rentals, including Section 14.8, amended to change language.*

AMENDED AND READOPTED by Grand County Board of County Commissioners on May 17, 2022 Resolution No. 2022-3-8 – *Amended Regulations for Violations and Penalties, including Section 19.2, amended for violations to be subject to the penalty provisions of the Colorado Statutes 30-28-124.*

AMENDED AND READOPTED by Grand County Board of County Commissioners on May 17, 2022
Resolution No. 2022-5-13 – *Amended Regulations for Enforcement, including Section 18.1, amended to provide ten days to cure a Short Term Rental violation and thirty days for all other violations.*

AMENDED AND READOPTED by Grand County Board of County Commissioners on September 13, 2022
Resolution No. 2022-9-12 – *A resolution amending and re-adopting the Grand County Zoning Regulations, regarding Section XX: Definitions – Building Height, Relocating Section XXIV – Floodplain Regulations (14.3), and allowing grammatical corrections and formatting fixes.*

RIGHT TO FARM AND RANCH POLICY

STATE OF COLORADO }
County of Grand } ss.

At a regular meeting of the Board of County Commissioners for Grand County, Colorado, held at the Court House in Hot Sulphur Springs on Tuesday, the 17th day of August, A.D. 1999, there were present:

- James L. Newberry (Absent) Commissioner Chairman
- Robert F. Anderson Commissioner
- Duane E. Dailey Commissioner
- Anthony J. DiCola County Attorney
- Lurline Underbrink Curran County Manager
- Sara L. Rosene Clerk of the Board

when the following proceedings, among others were had and done, to wit:

RESOLUTION NO. 1999-8- 5

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO ESTABLISHING A "RIGHT TO FARM AND RANCH" POLICY.

WHEREAS, Production Agriculture in Grand County is defined as property that has produced not less than \$5,000.00 of gross market value agricultural product (food and/or fiber) in four of the past five years. Property that has been deemed to be in production agriculture will no longer be considered as such, if sold for development of any kind. Family transfers for estate purposes, etc., that continue to function as an integral part of the property deemed to be in Production Agriculture, will continue to be defined as Production Agriculture; and

WHEREAS, pursuant to Article 3.5, Title 35, C.R.S., it is declared policy of the State of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products; and further that the general assembly recognizes that when nonagricultural land uses extend into agricultural areas, agricultural operations are forced to cease operations and many others are discouraged from making investments in farm improvements; and that it is the purpose of the Article to reduce the loss to the State of Colorado of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance. It is further recognized that units of local government may adopt ordinances or pass resolutions that provide additional protection for agricultural operations consistent with the interests of the affected agricultural community, without diminishing the rights of any real property interest; and

WHEREAS, the Board of County Commissioners has determined that it is desirable to establish and adopt by resolution a "Right to Farm and Ranch" Policy involving the elements of protection of agricultural operations, education of property owners and the public; and resolution of disputes; and

WHEREAS, the establishment and adoption of such a "Right to Farm and Ranch" Policy would serve and promote the public health, safety and welfare of the citizens of Grand County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Grand County, Colorado, that:

1. Policy Statement. It is the policy of the Board of County Commissioners of Grand County, as set forth herein that: Ranching, farming and all manner of agricultural activities and operations within and throughout Grand County are integral elements of and necessary for the continued vitality of the County's history, economy, landscape, open space, lifestyle and culture. Given their importance to Grand County, Northwestern Colorado, and the State, agricultural land and operations are worthy of recognition and protection. Notice is hereby given as follows:
 - a. Colorado is a "Right to Farm" State pursuant to C.R.S. 35-3.5-101, et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of Grand County's agricultural operations as a normal necessary aspect of living in a County with a strong

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rural character and a healthy ranching sector. Those with an urban sensitivity may perceive such activities, sights, sounds and smells only as inconvenience, eyesore, noise and odor. However, State law and County policy provide that ranching, farming and other agricultural activities and operations within Grand County shall not be considered to be nuisances so long as operated in conformance with law and in a non-negligent manner. Therefore, all must be prepared to accept noises odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads storage and disposal of manure predator control, on site storage and marketing of crops or livestock, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides, pursuant to C.R.S. 35-5.5-101 and C.R.S. 35-5.5-104, any one or more of which may naturally occur as a part of a legal and non-negligent agricultural operations.

- b. In addition, all owners of land, whether Agricultural Business, Farm, Ranch or Residence, have obligations under State law and County regulation with regard to the maintenance of fences, livestock must be fenced out (open range) as pursuant to C.R.S. 35-46-106, et. seq. Irrigators have the right to maintain ditches through established easements that transports water for their use and said irrigation ditches are not to be used for the dumping of refuse. Landowners are responsible for controlling weeds, keeping pets under control, using property in accordance with zoning, and maintenance of resources of the property wisely (water, soil, animals, plants, air and human resources). Residents and landowners are encourage to learn about these rights and responsibilities and act as good neighbors and citizens of the County. It is not the intent of this policy to require Production Agriculture to be "open space."

- 2. The Board of County Commissioners hereby establishes a dispute resolution procedure with mediators to informally resolve breach of property right conflicts that may arise between landowners or residents relating to agricultural operations or activities.
 - a. Breach of property rights include, but are not limited to: trespass; harassment of livestock and livestock losses due to free roaming dogs, pursuant to C.R.S. 35-43-126; trespass by livestock and pets; penalties for disrespect of water rights, pursuant to C.R.S. 37-89-101; and open gates or breaking fences, pursuant to C.R.S. 36-46-107.
 - b. Mediators must be knowledgeable with regard to land use conflicts. The Board of County Commissioners will maintain a list of qualified mediators.
 - c. No attorney shall be present at a mediation unless such attorney is the mediator or a party directly involved with the mediation.
- 3. Public Education and Information Campaign. The Board of County Commissioners, with the primary assistance of the Colorado State University Cooperative Extension, Grand County Office(s) and through the use of County Staff as needed, shall support efforts to educate and inform the public of the "Right to Farm and Ranch" Policy
- 4. Property Owner Notification: The Board of County Commissioners shall notify the owners of land within the County by the following means:
 - a. Whenever, a building permit is issued for new construction in the unincorporated area of Grand County, the Building Department shall provide owner educational material.

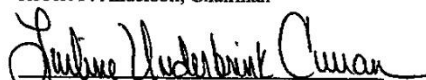

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- b. The Board of County Commissioners shall initiate amendments to the County subdivision regulations to provide that notification of the Policy and the Policy Statement shall be made at the time of subdivision or related land use approval and note to the effect shall appear on any Plat outside municipalities urban growth areas so approved.
- 5. This resolution may be amended from time to time by the Board of County Commissioners, Grand County, Colorado.

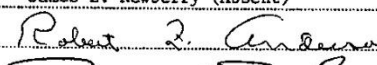
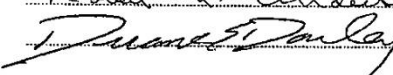
ADOPTED this 17th day of August, 1999.

BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO.


Robert F. Anderson, Chairman


Lurline Underbrink Curran
County Manager
frm&schres.wpd.no.1

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

James L. Newberry (Absent)Aye	
Aye	
Aye	Commissioners

STATE OF COLORADO }
County of Grand } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Hot Sulphur Springs, this.....day of....., A.D. 19.....

County Clerk and ex-officio Clerk of the Board of County Commissioners.


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