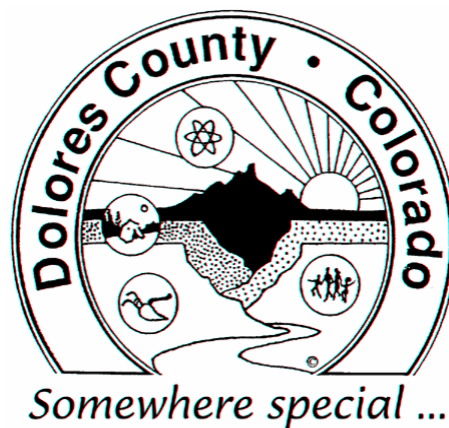


DOLORES COUNTY
DEVELOPMENT
AND
LAND USE REGULATION

AS AMENDED DECEMBER 10, 2007



PREPARED AND ADOPTED BY
THE DOLORES COUNTY PLANNING COMMISSION
OCTOBER 5, 2004

ADOPTED BY THE DOLORES COUNTY BOARD OF COUNTY COMMISSIONERS
NOVEMBER 1, 2004

DOLORES COUNTY
DEVELOPMENT AND LAND USE REGULATION

Article I
DOLORES COUNTY

DEVELOPMENT AND LAND USE REGULATION

TABLE OF CONTENTS

Table of Contents	Pages i-iii
Adoption and Amendments	Pages iv-v
Article I – General Provisions	Page 1
Section 1 – Title	Page 1
Section 2 – Short Title	Page 1
Section 3 – Authority	Page 1
Section 4 – Purpose	Pages 1&2
Section 5 – Scope	Page 2
Section 6 – Severability	Page 2
Section 7 – Vested Rights	Pages 2-4
Section 8 – Process for Amendments	Pages 4-6
Article II – Applicability	Page 7
Section 1 – General	Page 7
Section 2 – Meaning of Terms	Page 7
Section 3 – Activities Requiring a Land Development Agreement	Pages 8-12
Section 4 – Relationship to Other Regulations	Page 12
Article III – Application, Review and Notice Procedures	Page 13
Section I – Pre- Application Conference	Page 13

TABLE OF CONTENTS

Section 2 – Application	Page 13
Section 3- Site Plan	Page 14
Section 4 – Supporting Documents	Page 15
Section 5 – Additional Requirements	Page 15
Section 6 – Public Notice Required	Page 15
Section 7- Review and Approval Procedures	Page 16
Article IV – Performance Standards	Page 18
Section 1 –Scope	Page 18
Section 2 – Performance Standards	Page 18
Article V – Definitions	Page 24
Section 1 – General	Page 24
Section 2 – Additional Definitions	Page 24
Article VI – Other Provisions	Page 27
Section 1- Variances	Page 27
Section 2- Application Fees	Page 27
Section 3 – Enforcement, Violations and Penalties	Page 28

TABLE OF CONTENTS

Appendix A – Application for Land Development Agreement	Three Pages Pages 29-31
Appendix B – Sewage Disposal Report Form	Four Pages Pages 32-35
Appendix C – Development Improvement Agreement	Four Pages Pages 36-39
Appendix D – Certificate of Dedication and Ownership	Two Pages Pages 40-41
Appendix E – Off-Street Parking and Loading Requirements	Seven Pages Pages 42-48
Appendix F – General Definitions	Six Pages Pages 49-54

Page iii of iii

General Provisions

Section I. Title. A regulation setting forth the following:

- A. A public review process and performance standards for the administration of certain new development activities and other land use changes within the unincorporated area of Dolores County;
- B. The requirements for issuance of a Land Development Agreement for such new developments and other land use changes, and
- C. The penalties for violation of this regulation.

Section 2. Short Title. This regulation may be cited as the "Dolores County Development and Land Use Regulation."

Section 3. Authority. Colorado Revised Statutes (CRS), Title 29, Article 20 and Title 30, Article 28, grant the Board of County Commissioners (BOCC) of Dolores County the authority to adopt and enforce the Dolores County Development and Land Use Regulation within the unincorporated area of Dolores County.

Section 4. Purpose. It is the intent of the Dolores BOCC to plan for certain new developments and other land use changes within the unincorporated area of Dolores County and to do so in a manner that will:

- A. Promote the health, safety and general welfare of the present and future residents of Dolores County;
- B. Preserve existing land uses within Dolores County;
- C. Provide for public review of those new developments and changes in land use that may have an adverse effect on neighboring landowners and other residents of Dolores County;
- D. Ensure that adequate water, sewage disposal, access, utilities and Fire and other emergency services are available and that applicable State and Federal regulations are met.
- E. Provide expeditious, consistent and cost-effective processing of Plans for new developments and changes in land use by:
 - (a) adopting application, review and approval practices that accommodate different sizes, complexities and effects of such developments and changes in uses, both public and private, while;

(b) recognizing and balancing the interests of individual property owners, developers and we the public.

E. Achieve the goals and objectives and pursue the policies contained in the Dolores County Master Plan.

Section 5. Scope. This regulation shall apply to the unincorporated area of Dolores County.

Section 6. Severability. If any part of this regulation or the application thereof to any person, organization or other entity or circumstance is held invalid, the remainder of the regulation and its application to other persons, organizations or other entities or circumstances shall not be affected.

Section 7. Vested Rights.

A. Intent. Pursuant to Colorado Revised Statute (CRS) 24-68-102 et seq, as amended, the BOCC is empowered to adopt an ordinance or resolution that specifies what would constitute a site specific development plan and ultimately trigger a vested property right, and,

The purpose of providing vested rights is to guarantee property owners that their financial investment in obtaining local government approval for a development proposal for their property shall have a certain limited protection over a period of time, and therefore,

B. Regulation. Vested rights shall attach to and run with the land for a specific length of time - 3 years or as otherwise agreed upon by contract - and confer upon the landowner the right to undertake and complete the development and use of the property in compliance with the terms and conditions of an approved site specific development plan.

The BOCC, through the Planning Commission, is responsible for administering vested rights applications for development of property within unincorporated Dolores County.

C. Definition of a Site Specific Development Plan.

1. For all developments, it is the final approval step, irrespective of its title. For example, in the subdivision review process, the applicant's development rights would vest upon approval of the Land Development Agreement.
2. A site specific development plan does **not** include a sketch plan (i.e. 30-28-101(8), CRS, final architectural plan, public utility filings or final construction

drawings. However, the establishment of a vested property right shall not preclude the application of ordinances or regulations subject to land use regulation by the county.

3. The BOCC may, by agreement with the applicant, designate an approval other than those described above to serve as the site specific development plan approval for a specific project.

D. Notice of Hearing.

1. No site specific development plan shall be approved until after a public hearing, preceded by written notice of such hearing. Such notice may, at the county's option, be combined with other notice requirements (i.e., 30-28-133 and 30-28-116, CRS). At such hearing, interested persons shall have an opportunity to be heard.
2. At least thirty (30) days prior to the hearing before the BOCC, the applicant shall publish a notice in at least one publication of a newspaper of general circulation in Dolores County and provide a publisher's affidavit of said notice to the Secretary to the Board of County Commissioners at least ten (10) days prior to the Board hearing. The notice shall read as follows:

NOTICE OF PUBLIC HEARING BEFORE
THE BOARD OF COUNTY COMMISSIONERS

A public hearing will be held on (day of week), (date), at (time), in the County Commissioner's Hearing Room at 409 N Main Street, in Dove Creek, for a vesting of property rights. Said property is located approximately (distance and direction from nearest major intersection).

Owner:

Legal

Description: _____

Type and intensity of proposed use: _____

Published in

(newspaper)(date): _____

E. Approval – Effective Date – Amendments.

1. A site specific development plan shall be deemed approved upon the effective date of the Board of County Commissioner's approval action relating thereto, as set forth in paragraph B of this Section 7. In the event amendments to a site specific development are proposed and approved, the effective date of such amendments, for purposes of duration of vested property rights, shall be the date of the approval of the original site specific development plan, unless the County specifically finds to the contrary and incorporates such finding in its approval of the amendment.
2. Following approval or conditional approval of the site specific development plan, as provided herein, nothing in this Section shall exempt such a site specific development plan from subsequent reviews and approvals by the local government to ensure compliance with the terms and conditions of the original approval.
3. Any conditional approval shall result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights.
4. The BOCC may adopt a new or amended law or regulation when necessary for the immediate preservation of public health and safety and may enforce such law or regulation in relation to applications pending at the time such law or regulation is adopted.
5. This vested rights provision is effective beginning on the date of adoption of this Development and Land Use Regulation by the BOCC.

F. Post Approval Actions.

Any approval shall be subject to judicial review, except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in a newspaper of general circulation within Dolores County, of a notice advising the general public of the site specific development plan approval and creation of a vested property right pursuant to this Section 7. Such publication shall be the responsibility of the applicant and shall occur no later than fourteen (14) days following approval, as required by CSR 24-68-103. The applicant shall present to the Secretary to the BOCC an affidavit of such notice within fifteen (15) days of publication. The notice shall read as follows:

NOTICE

Notice is hereby given that on the (day, month, year), the Dolores County Board of Commissioners approved a site specific development plan for the property described below, which approval may have created a vested property right pursuant to Colorado law. Such approval is subject to all rights of judicial review.

Legal description:

Type intensity of use:

Published in:

Date of publication:

G.. Limitations.

Nothing in this Section 7 is intended to create any vested property right, but only implement the provisions of C.R.S.Title 24, Article 68, as amended. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this section shall be deemed to be repealed and the provisions hereof no longer effective.

Section 8. **Process for Amendments.** Any citizen, including the Planning Commission may recommend to the BOCC additional developments or changes in land use or changes in any other provision of this regulation. The Commissioners may refer such recommendations and any change they initiate, to the County Planning Commission for review at a regular or special Planning Commission meeting called for that purpose and preparation of an opinion on thier merits. Those recommendations adopted by the BOCC by written resolution after public notice and hearing shall be incorporated by amendment to this regulation.

Article II
Applicability

Section 1. General

- A. Existing Land Use. Existing land uses shall continue by right without the need for review and approval in accordance with this regulation except for certain changes in use described in Article II, Section 3, paragraph B of this regulation. This right does not allow or sanction any activities found to exist that are prohibited by law.

- B. Changes in Use. From the date of adoption of this regulation, no person, organization or other entity shall initiate, engage another to initiate, or otherwise cause or permit any new development activities (defined in Section 2, paragraph C and D below, respectively), upon public or private land owned, controlled, occupied or used by such person, organization or entity, unless and until an application for such new development or change in use has been submitted,

reviewed and approved in accordance with the procedures contained in this regulation and a Land Development Agreement has been issued by the BOCC.

Section 2. Meaning of Terms. For purposes of this regulation the terms Land Use, New Development, New Development Activity and Change in Land Use shall have the following meanings.

- A. **Land Use** means: The purpose for which land is held or occupied, employed and maintained. For use in administering this regulation, such purposes are grouped into the following classifications established by the State of Colorado, Department of Public Taxation (DPT) and documented in the Assessors Reference Library, Volume 2, Chapter 6, as amended from time to time:
Agricultural, Commercial, (which classification includes recreational), Industrial, Residential, Vacant, Natural Resources, Producing Mines, Oil and Gas State Assessment, and Exempt.
- B. **New Development** means: The specific land uses listed in Section 3, paragraph A of this Article II.
- C. **New Development Activity** means: Any change to land made for the purpose of preparing for or conducting any of the uses or change in uses listed in Section 3, paragraphs A and B, respectively, of this Article II. Such changes may include, without limitation; clearing, dredging, filling, grading or paving; construction of roads, driveways, and public or private utilities; excavation, mining or drilling operations, or the location, construction, reconstruction, conversion, structural alteration or relocation of any structure.
- D. **Change in Land Use** means: Any change,
 - 1. From an existing use of land or any part thereof to a use listed in Section 3, paragraph A of this Article II, or
 - 2. From an existing use of land listed in Section 3, paragraph A of this Article II to another use in that list, or
 - 3. From an existing or subsequently approved commercial or industrial use to another commercial or industrial use when such change may, in the sole unfettered determination of the Planning Commission, result in conditions which adversely affect surrounding property owners, or
 - 4. Any change of an existing use described in Section 3, paragraph B of this Article II.

Section 3. Activities Requiring a Land Development Agreement.

A. New Developments.

1. Residential Subdivisions. (See Relationship to Other Regulations, Section 4 of this Article II).
- 2.. Mobile Home Parks and Subdivisions. (See Relationship to Other Regulations, Section 4 of this Article II.)
3. Retail food establishments, including without limitation, restaurants, delis, grocery stores and mobile or temporary food establishments.
4. Entertainment & recreational facilities, including without limitation movie theaters, campgrounds and recreation areas, public rodeo arenas, stock car tracks, golf courses, public rifle ranges, outdoor music concerts, trap ranges, bars, nightclubs and adult bookstores.
5. Other commercial or industrial developments.
 - 6.. Public or private utilities, major facilities and utility lines. Utilities include suppliers of water, electricity, natural and other gases, petroleum products of any kind, telephone communication and television broadcasts. Facilities include, without limitation; substations, pump stations, above ground storage tanks in excess of 40,000 gallons, underground storage tanks in excess of 50,000 gallons, microwave and cell phone towers, wireless antennas, telephone and electric transmission lines, TV or other broadband cable installations and pipelines of any kind for any use, above or below ground. However, see Exemptions, paragraph C, sub-paragraphs 1 and 3 of this Section 3.
 7. Mineral resource extraction and/or processing operations, including without limitaion, gravel pits, coal mines, gas and oil wells, reducing mills and oil refineries.
 8. Public and private sewage treatment systems not part of a subdivision, PUD or other commercial or industrial development. However, see Subparagraph 1, Paragraph C, Exemptions of this Section 3.
 9. Solid or Hazardous waste disposal or storage sites, either private or public.
 10. Confined animal operations, including without limitation, comercial feedlots, slaughter, and rendering facilities, dairies, poultry farms, kennels, and fur

farms. However, see Subparagraph 4, Paragraph C, Exemptions of this Section 3.

11. Salvage junkyards.
12. Airports and airstrips, both public and private.
13. Correctional facilities, including detention centers.

B. Changes in Land Use. The following changes in the uses listed in paragraph A of this Section 3 are subject to prior review and approval in accordance with this regulation.

1. Expansion of the floor area of any building or structure, or
 2. Addition of new buildings or structures on an existing land area actively employed in one of the listed uses. However this provision is not intended to apply to additions of common agricultural structures;
 3. Addition of new buildings or structures on an existing land area actively employed in one of the listed uses. However, this provision is not intended to apply to additions of common agricultural structures such as hay barns;
 4. Expansion of the land area actively employed in one of the listed uses by one half (1/2) acre or more;
 5. Increasing the outside storage area or the enclosed volume of a salvage junk yard;
 6. Any change from one listed use to another, or
 7. Any change from one commercial or industrial use to another commercial or industrial use when such change may, in the sole unfettered determination of the Planning Commission, affect public utilities, roads, transportation density or result in conditions which adversely affect surrounding property owners.
- C. Exemptions. The following development activities or changes in land use are exempt from review and approval in accordance with this regulation. However, in some instances, permits are or may be required or other Statutes, Regulations, rules or other limitations may apply. (See Relationship to Other Regulations, Section 4 of this Article II.)
1. Construction, assembly or placement of a single-family residence either on a lot included in a previously approved subdivision or PUD or on a lot created

for such residential use by a re-subdivision or change to a recorded plat. Where a lot is not to be connected to a public or community sewage treatment system, an Individual Septic Disposal System (ISDS) permit is required and a driveway permit may be required. Service connections to residential homes, including without limitation, telephone and electric lines and connections to public or community sewage treatment systems are also exempt.

2. Home based businesses are exempt, provided that, if applicable, the conditions set forth in paragraph 3 below are met.
3. If it is alleged that the business operations identified in subparagraphs 2 of this paragraph C, or any increase thereof, create a nuisance as described in Article IV, Section 2, Paragraph F of this regulation, then upon receipt of a written complaint, the land owner may be required to mitigate the adverse affects on surrounding property. Such mitigation shall be reviewed and approved by the BOCC after a public hearing and shall be documented in the Commissioner's meeting minutes on the day of approval. The BOCC may, in their discretion, refer the matter to the Dolores County Planning Commission for review and preparation of a recommendation prior to their public hearing.
4. Small confined animal rearing operations that are deemed to be agricultural operations, as defined in subparagraph 6 below, are exempt provided that, if applicable, the conditions set forth in subparagraph 5 below are met.
5. If it is alleged that the animal operations identified in subparagraph 3 of this paragraph C. Or any increase thereof, create a public or private nuisance, then upon receipt of a written complaint, the matter shall be referred to the BOCC who shall make a written determination as to whether or not the agricultural operation described in the complaint is within the protections provided in CRS section 35-3.5-102. The BOCC may, in their discretion, seek the advice of the County Attorney, the County Assessor and/or the County Planning Commission prior to making such determinations. If it is determined that the agricultural operation is not protected by said CRS section, then the process described in subparagraph 4 above for mitigation of the operation shall apply.
6. In accordance with CRS section 35-3.5-102 and for purposes of administering subparagraph 5 immediately above only, the word "agriculture" shall have the following meaning: The science and art of production of plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee and any and all form of farm products and farm production.

7. Nothing in paragraphs 4 through 6 immediately above shall be construed to prohibit owners of non-agricultural land from raising and/or keeping domestic animals.
8. Electric power transmission lines with a capacity of 115KV or below are exempt.

Section 4. Relationship to Other Regulations.

A. Existing County Regulations. As indicated in paragraph A, Section 3, of this Article II, new developments include Residential Subdivisions and Mobile Home Parks and Subdivisions. These developments are subject to the Dolores County Subdivision Regulations or the Dolores County Mobile Home Park Standards and Regulations, respectively. Consequently, applications to undertake such developments shall be prepared, submitted, reviewed and approved in accordance with those regulations. However, a Land Development Agreement shall be included in any approval granted under such regulations and shall serve to document and summarize all approvals and initiate, subject to judicial review, a vested property right in connection with the development or change in land use.

B. State and Federal Regulation. Some developments or changes in land use are governed by State and/or Federal regulations. These include, without limitations and as examples only, Campground and Recreation Areas, and Retail Food Establishments. Applicants for such developments or changes in land use are obliged to provide evidence they have obtained the required approval from the appropriate State and/or Federal agencies prior to approval and issuance of a Land Development Agreement by the Dolores County Commissioners.

C. Maintenance of Approval Status. In some instances State and/or Federal regulations include periodic inspections or re-licensing programs. Owners or operators who fail such programs are subject to the penalties set forth in Article VI, Section 3 of the regulation.

D. Order of Precedence. In the event a conflict, inconsistency or ambiguity is perceived to exist between the provisions of this regulation and the regulations identified in Paragraph A above, the provisions of this regulation shall govern.

A. Obtaining Clarification. Persons or organizations contemplating developments or land use changes are encouraged to seek clarification of any questions regarding this regulation by writing the Dolores County Commissioners Office in Dove Creek, CO 81324 or calling (970) 677-2383.

Article III
Application, Review and Notice Procedures

Section 1. Pre- Application Conference. Any person, organization, entity or

authorized representative thereof who wishes to propose a new development or change in land use identified in Article II, Section 3, paragraphs A and B above, shall first request a pre-application meeting with the Dolores County Planning Commission.

The Planning Commission shall review with the prospective applicant the application form, including fees due on submittal, the site plan and supporting document requirements, performance standards, review procedures, notice requirements for nearby land owners, on-site notice requirements and outline the time required to complete the procedure, including possible means for accelerated processing of applications based on minimum or lesser size, complexity or impact on community and/or private interests. The format and quantity of the application documents to be submitted will also be established during the conference.

The Planning Commission may conduct an on-site inspection of new developments or changes in land use either during or after the pre-application conference. As part of this procedure, the Planning Commission may designate, during or after the conference, the specific performance standards applicable to the proposed new development or change in land use. Further, depending on the nature of the proposed new development or change in land use being applied for and its location, additional requirements for the site plan may be established. Such specific standards or additional requirements shall be identified in writing to the applicant within two (2) weeks of the conference or at such other time agreed to by the prospective applicant and the Commission.

Section 2. **Application.** The applicant shall file an application in writing on a form furnished by Dolores County (Appendix A), which includes at a minimum:

- A. The applicant's name, address and telephone number and, if not the owner of the property, the name, address and telephone number of the owner, together with evidence that the owner is aware of and consents to filing of the application and, if appropriate, that the applicant is authorized to act as the owner's representative in processing the application.
- B. A legal description, including street address or assessor parcel number, as applicable, that will readily identify and definitively locate the proposed land and site on which the new development or change in land use would take place.
- C. A brief description of the existing land use and the general character of the use of adjacent lands.
- D. A brief description of the new development or change in land use being applied for including a general description of any planned or potential future expansions.

- E. A list of all property owners adjacent to or within ½ mile of the outside boundaries of the property on which the new development or change in land use would take place. In addition, applicants may provide a sample notice to nearby land owners required by Section 6, Paragraph A of this Article III with the date of the public meeting by the Dolores County Planning Commission left blank and to be determined by agreement between the applicant and the Planning Commission prior to release of the notice.
- F. The applicant may also present, for review by the Planning Commission, the text of the public notice required by Section 6, Paragraph C, of this Article III.
- G. Payment of the Initial Fee.

Section 3. Site Plan. A site plan shall be submitted with the application and shall contain at a minimum the following.

- A. The total parcel or lot acreage and total area to be committed to the development or change in land use.
- B. The location, number and approximate dimensions of all buildings and other structures, storage yards, waste disposal areas, parking areas, utility installations including Individual Sewage Disposal System, if applicable, and other major features of the proposed development or change in land use.
- C. A separate vicinity map showing the existing property owners and use within ½ mile of the proposed development, including the land use adjacent to any access road serving the new development or change in land use.
- D. Roads, streets, highways and utilities that will serve, cross or adjoin the proposed development or change in land use.
- E. Major physical features including the location of watercourses, drainages, location of hazards, utility facilities and lines and their relationship to the proposed new development or change in land use.
- F. Information regarding any additional requirements for the site plan which were established during or as a result of the pre-application conference.

Section 4. Supporting Documents.

- A. The applicant shall provide a detailed explanation of the proposed new development or change in land use. The narrative shall address the near term and long term goals for the development and the performance standards determined to be applicable during the pre-application conference. The potential adverse effects

on surrounding property owners shall be fully explored and a plan provided for how those effects will be mitigated.

- B. For public developments or changes in land use, the applicant shall submit an estimate of the total construction costs and the proposed method of financing roads and related facilities, water and water distribution systems, sewage and other waste handling facilities, storm drainage facilities and any other utilities that may be required of the applicant for the proposed project. Utilities and improvements provided by the applicant shall be documented in an Improvement Agreement (see Appendix C) and approved by the Board of County Commissioner. For private developments or changes in land use, the estimate of construction costs and Improvement Agreement need include only the utilities and improvements to be provided by the applicant.

Section 5. Additional Requirements.

The applicant shall respond to any additional items the Planning Commission or the Board of County Commissioners deem necessary to further clarify the proposed development or change in land use or actions to mitigate a hazard or adverse impact. These items will be made known to the applicant in writing as they are identified.

Section 6. Public Notice Required. Upon receipt of a completed application, site Plan and supporting documents, the Planning Commission shall:

- A. Approve release by first class mail of a notice to each adjoining property owner and all other property owners within ½ mile of the outside boundary of the property on which the new development Or change in land use would take place. Notices shall be mailed at Least (14) days prior to the next Planning Commission meeting, Either regular or special, during which the application will be considered. The applicant shall provide an affidavit of having mailed such notices to the Secretary of BOCC seven (7) days prior to the Planning Commission meeting. Written comments by property owners are encouraged. A separate public notice of this meeting shall be published in the designated official newspaper of record at least twice prior to the meeting.
- B. A copy of the application, site plan and supporting documents shall be provided to applicable reviewing agencies and another set or sets, as needed, maintained for public examination in the BOCC Office during normal business hours. Reviewing agencies shall be allowed a minimum response period of twenty-one (21) days, unless other arrangements are made by prior agreement. All written comments should be submitted to the Planning Commission seven (7) days prior to the scheduled Planning Commission meeting.

- C. Applicants shall place a public notice on the land proposed for development or change in use at least twenty-one (21) days prior to the Planning Commission meeting held to consider the application. an example of the notice depicting the information to be provided by the applicant shall be provided by the Planning Commission. The notice shall be of sufficient size and located so it is easily visible and legible from public road adjoining or serving the land proposed for development or change in land use.

Section 7. Review and Approval Procedures.

A. Planning Commission Review.

1. The application, site plan, supporting documents and all written comments shall be reviewed at a public meeting of the Planning Commission, regular or special, to consider the application, provided however, that the requirements of paragraph A, Section 6 of this Article III have been met. Oral public comments may be taken during the meeting. Applicants or their authorized representative are encouraged to attend the meeting and present a summary of the proposed development or change in land use to the Commission and other attending interested persons.
2. The Planning Commission shall, after review and consideration of the application at the public meeting, including any continuance thereof, promptly prepare and submit a written recommendation to the BOCC approving, denying or approving with conditions the proposed development or change in land use. A copy of the recommendation shall be mailed concurrently to the applicant.

B. Board of County Commissioners Review.

1. Upon receipt of the Planning Commission's recommendation, the BOCC shall within thirty (30) days review such recommendation at a public hearing, regular or special, called for that purpose. A public notice that the BOCC will consider such recommendation shall be published at least twice in the designated official newspaper of record prior to the hearing. Applicants, with appropriate representatives, are encouraged to attend the hearing and provide a summary of the application, including any comments on the Planning Commission's recommendation and answer any questions.
2. At the conclusion of the public hearing or at a mutually agreed upon time due to unavailability of State and/or Federal permits or other information

identified during the hearing, the BOCC shall render a decision either to approve, deny or approve with conditions the proposed development or change in land use.

C. Land Development Agreement

Upon approval or approval subject to conditions of the proposed change in land use or development, the Board of County Commissioners shall sign and issue a Land Development agreement. The Agreement shall be recorded in the records of Dolores County and shall run with the land. The rights, obligations and limitations arising from or contained within the agreement shall accrue and be binding upon the applicant and all successive owners of the land.

Article IV Performance Standards

Section 1. Scope. The applicant, Dolores County Planning Commission and BOCC shall use the performance standards contained herein and the Dolores County Master Plan in drafting, reviewing, evaluating, approving and implementing new developments or changes in land use described in Article II, Section 3, paragraphs A and B.

As used in this Article III, the terms New Development and Changes in Land Use shall have the meaning set forth in Article II, Section 2, paragraphs B and D above, respectively.

Section 2. Performance Standards.

- A. Protection of Agricultural Operations – Normal activities of existing agricultural operations, including without limitation, dairies, feed lots, fruit orchards, hay barns, storage facilities and all other agricultural activities, shall not be the basis for restriction or interference by new developments and changes in land use on adjacent or surrounding properties.
- B. Irrigation Water and Ditch Easements - Where irrigation ditches, canals or pipelines cross or adjoin the land proposed for development or change in land use, adequate provisions shall be made to ensure that the use of ditches, including the maintenance thereof, can continue uninterrupted. Ditch rights-of-way shall be recognized. Existing historical easements used to gain access to irrigation distribution systems and associated fences for maintenance shall be preserved or replaced with alternate easements suitable for a continuation of historic use. No

development or change in land use shall channel storm water or snowmelt runoff into any irrigation system without the written consent of the responsible irrigation entity.

- C. Noxious Weed Control - It is the responsibility of persons, organizations or other entities to control noxious weeds on the land they own in accordance with applicable county and state regulations. Applicants shall include a Noxious Weed Plan in their application when noxious weeds are present. For assistance in determining whether noxious weeds are present and preparing a plan, please contact the Dove Creek Mandatory Weed Control District at (970) 677-2283.
- D. Provision of Adequate Water Supply, Sewage disposal, Fire Protection, Access Roads and Utilities.

1. Water – Evidence shall be provided that a potable water supply that is adequate in quantity, quality and dependability is available for the proposed new development or change in land use. Such evidence shall include documents demonstrating compliance with the applicable regulations promulgated by the Water Quality Control Division of the Colorado Department of Public Health and Environment (CDPHE). Except where cisterns are the source of supply, such evidence shall also include documentation showing ownership or right of acquisition or use of existing and/or proposed water rights.

2. Sewer – Connection to a municipal wastewater treatment facility or where an on-site sewage disposal system is planned, preparation, submittal and approval of a Sewage Disposal Report (Appendix B) or approval of a Individual Sewage Disposal System Permit, as applicable, by the Dolores County Board of Health establishing that the proposed sewage disposal system installation meets the guidelines and minimum standards promulgated by the Colorado State Board of Health for Individual Sewage Disposal Systems. And, as applicable, compliance with Dolores County Resolution Number 08-04-#18, establishing specific requirements for sewage disposal systems installed at an elevation of sixteen (16) feet or less above the 100 year flood plain.

3. Fire Protection – Applications for new developments or changes in land use shall be sent to the local fire protection district for review and comment. Applicants are encouraged to adopt any resulting recommendations. In addition, when such development or change in land use is or will be located in a wildfire hazard area, the State Forester shall review the application. The applicant shall, based on the recommendations received, prepare and implement a fire mitigation plan. Developments and changes in land use in areas adjacent to State or Federal Lands are strongly encouraged to consider adopting State and/or Federal fire retardant and

suppression methods, including without limitation, fuel-break, fuel modification and other fire-safe techniques.

4 .Access – A driveway permit from Dolores County to access county roads and an access permit from the Colorado Department of Transportation to access state highways are required for new developments and changes in land use.

5. Roads - Roads in new developments or changes in land use shall be constructed in accordance with Road Standards incorporated in The Dolores County Subdivision Regulations Section 7-2, Paragraphs A through D and, as to location, shall comply with municipal three miles street plan.

6. Off Street Parking and Loading Areas - Off-street parking and loading space for new developments and land use changes shall be designed and constructed in accordance with the Off-Street Parking and Loading Standards set forth in Appendix E to this regulation.

7. Utilities Easements - All utilities and associated easements for new development or changes in land use shall comply with the Dolores County Subdivision Regulations, Section 7, paragraph 5.

8. Developer Improvements – Where road and utility improvements are to be provided by the applicant, a Development Improvement Agreement (Appendix C) shall be prepared and signed by the applicant and the County prior to final approval of the Land Development Agreement.

8. Land Dedication – Where land for roads, parks, open space or other public purposes is to be dedicated by the applicant, a Certificate of Dedication (Appendix D) shall be approved by the Board of County Commissioners prior to final approval of the Land Development Agreement.

E. Air Quality – New developments and changes in land use shall comply with regulations promulgated by the Air Pollutin control Division of the CDPHE.

F. Nuisances -

1. Proposed new developments or changes in land use that may result in conditions which adversely affect surrounding property owners, such as noise, odor, glare, dust, or unsightly views, may be required to use effective filtration and suppression methods and have buffer yards. Appropriate buffering methods may include, without limitation, fencing, planted berms, landscaped areas, increased setbacks, or combinations of these or other techniques, including mitigation by hours of operation.
 2. All proposed new industrial developments shall be located, designed, constructed and screened in such a manner that resultant cinders, dust, fumes, gasses, odors, smoke, liquid and solid waste, undue noise, unsightliness and other nuisances are disposed of in accordance with applicable State and Federal regulations but, in any case, either confined to the lot or effectively mitigated so as to avoid adverse impacts on adjoining lands.
 3. Exterior Lighting - All exterior lighting fixtures shall be shaded and use dispersal lenses to avoid casting direct light on any other property or on any public right-of-way in a manner that creates a nuisance or a hazard to the public safety.
- G. Runoff and Erosion Control - A runoff, drainage and erosion control plan prepared by an engineer licensed in the State of Colorado shall be implemented in connection with new developments or changes in land use when a cumulative total of more than one acre of land with a slope of more than 8% will be disturbed, or when more than 20,000 square feet of continuous impervious surfaces will be created.
- H. Floodplains/Streams/Rivers/Creeks - Developments or changes in land use within floodplains shall be discouraged. Development that does occur shall comply with Dolores County Floodplain Ordinance No. 1989-1. This ordinance requires that a permit be obtained prior to development in any area of special flood hazard in the unincorporated portions of Dolores County, as shown on the Flood Insurance Rate Maps adopted pursuant to the Ordinance. The maps are on file at the office of the Board of County Commissioners.
- I. Wetlands - All new developments and changes in land use shall comply with the review procedures and requirements of the Army Corp of Engineers for wetland areas under their jurisdiction. Preservation rather than replacement of wetland areas is encouraged to enhance water quality, provide flood mitigation and habitat.
- J. Avalanche Hazard – New developments or changes in land use that involve dwelling units or human habitation shall not be allowed in High Avalanche Hazard areas. (See definitions.) In other avalanche hazard areas or potential

avalanche hazard areas, an engineer licensed in the State of Colorado shall certify that the proposed development or land use change is designed to withstand the potential avalanche force. No vegetation shall be removed which results in creating, increasing, or expanding the avalanche hazard in or near designated avalanche hazard areas or potential avalanche hazard areas.

- K. Slopes - No development or change in land use shall be permitted on slopes of 30% or more, or other slopes identified as unstable, unless a geo-technical engineer certifies that such development creates no significant hazard of slope failure or accelerated soil erosion.
- L. Geology and Soils - If deemed necessary by the county, a geologic and soils report shall be required and it shall include ground subsidence, expansive soils and rock analyses prepared by a Professional engineer or qualified geologist. In addition the study shall include, without limitation, the following characteristics if the BOCC determines they are relevant; landslide, rock fall, mudflow, debris fan, unstable and potentially unstable slopes, seismic effect and radioactivity. If required by the county, the suitability of sites shall be assessed for the impacts of and limitations for structures and any unusual drainage characteristics.
- M. Open Space - Open space for new developments or changes in land use shall comply with the Dolores County Subdivision Regulations, Section 7-12. Where appropriate, the use of cluster developments shall be encouraged to provide for open space and the preservation of agricultural land.
- N. Wildlife Habitat – Applicants shall consider recommendations provided by the Colorado Department of Wildlife.
- O. Density - Density shall be considered on a site-specific basis. However, the maximum density on a parcel of land requiring an Individual Sewage Disposal System, as determined, from time to time, by the Dolores County Health Department is currently one (1) dwelling unit for three (3) acres. Also see paragraph D, Sub-paragraph 2 of this Section 2.)
- P. Financial Assurance - The applicant may be required to post a bond, letter of credit or other approved collateral mechanism if the BOCC deems that financial assurance is required to complete reclamation or construction of infrastructure related to issuing a Land Development Agreement.
- Q. Financial Cost of Services Expected of County Government - Growth should pay its own way. Therefore applicants shall be required to pay their share of the impact new developments or changes in land use create and impose on roads and public facilities. The BOCC on a case by case basis shall determine the impact and share of the cost if an essential nexus between the cost

and a local government interest. This shall be documented in the Development Improvement Agreement and/or Certificates of Dedication and referenced in the Land Development Agreement.

- U. Municipal Solid Waste, Hazardous Waste, Other Industrial or Commercial Waste or Land Fill, Public or Private - All waste sites and land fills shall be constructed and operated in accordance with regulations promulgated by the Hazardous Materials & Waste Division of CDPHE. In addition, waste created by new development or change in land use activities shall be disposed of in accordance with these regulations.

Article V Definitions

Section 1 General.

Definitions contained in the Dolores County Subdivision Regulations, Section 15 are hereby incorporated into this regulation. (See Appendix F.) The following definitions are to be used in addition to, or where there are duplicates, in lieu of those definitions.

Section 2 Additional Definitions.

Antenna: Equipment designed to transmit or receive electronic signals.

Change In Land Use: See Article II, Section 2, Paragraph D of this regulation.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for agriculture, common open space, recreation or preservation of environmentally sensitive areas.

Commercial Feedlot: A facility designed for finishing purchased livestock or finishing purchased livestock for others. Privately owned and operated live stock rearing operations, where offspring raised on the ranch or farm are fed out prior to sale, are an agricultural use not commercial.

Developer: The legal or beneficial owner(s) of a lot, parcel, or tract of land proposed for inclusion in a development or subdivision, including the holder of an option or contract to purchase.

Development – General. Any construction activity which changes the basic character or the use of land on which the construction or activity occurs.

Drilling and Production Facilities. The drilling for and production of gas oil and other products along with the installation of any associated equipment.

High Avalanche Hazard: An area where avalanches occur at a frequency of more than once every 100 years or where avalanches are capable of creating impact pressures greater than 615 pounds per square inch one every 100 years.

Home Based Business: A use conducted on the owners property, which is incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the residential character thereof. Any noise or activity related to such incidental and secondary use of the dwelling shall not interfere with the quiet and dignity of the neighborhood and the business employs no more than five (5) employees including the owner(s).

Junk. Waste that has been abandoned from its original use and may not be used again in its present or in a new form.

Land Use. The purpose for which any land is held or occupied, devoted and maintained. See Article II, Section 2, Paragraph A of this regulation.

Mining. The development or extraction of a mineral (including sand and gravel) from a naturally occurring deposit. The term shall include, without limitation, underground mining, open pit mining, strip mining, quarrying, dredging, surface operations, the disposal of refuse from mining, concentration of ores, milling, evaporation and other processing.

New Development: See Article II, Section 3, Paragraph A of this regulation,

New Development Activity. See Article II Section 2, Paragraph C of this regulation.

Reclamation. The employment, during and after any mining, utility or pipeline installation operation, of procedures reasonably designed to minimize, as much as practicable, the disruption from such operations and to provide for the rehabilitation

of plant cover, soil stability, water resources and other measures appropriate to the subsequent beneficial use of such mined, disturbed and reclaimed lands.

Salvage Junk Yard. Any lot, site, building, or structure used for any one or all of the following purposes. The collection, storage, keeping or sale of junk whether of value or valueless, metal parts or scrap metals or any other scrap materials whether of the same source or kind; and/or exchange of automobiles or parts thereof or of any other machinery or parts.

Screen, Screening or Screened. Construction and maintenance of fences, earth berms or the use of landscaping materials used to lessen the noise, light, heat or visual impacts of a use on surrounding uses.

Structure. Anything constructed or erected, whether installed on, above, or below the surface of the land or water, or attached to something having location on the ground, including storage, transmission or distribution facilities or public utilities.

Solid waste disposal sites. Location and facility at which the deposit and final treatment of solid, liquid, or hazardous waste occurs, employing an engineering method of disposing of wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over exposed waste at the end of each operating day.

Transportation. Traffic associated with new developments or changes in land use.

Unincorporated Area. Land within Dolores County that is not located within the corporate boundaries of a town or city.

Wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophylic vegetation.

Article VI
Other Provisions

Section 1. Variances.

- A. Variances from the land uses listed in Article II, Section 3, paragraph A shall not be permitted.
- B. The BOCC may authorize other variances from this regulation in cases where, due to exceptional topographical conditions or other unusual conditions peculiar to the site, an unnecessary hardship is placed on the applicant. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this regulation. The conditions of any variance authorized shall be stated, with the justification thereof, in writing in the minutes of the BOCC.

Section 2. Application Fees. Except as provided otherwise in the Section 2, a minimum initial fee of \$1,000 shall be paid at the time the application is filed, The purpose of this fee is to defray the expenses of processing applications for new developments or changes in land use, it being agreed by the applicant that he shall pay all actual expenses incurred by the county in processing the application.

These expenses may include fees associated with obtaining various county and state permits and others imposed by some agencies for their review services. The review agencies may include, without limitation, The Colorado Department of Public Health and Environment and its divisions, the Colorado Geological survey, Colorado State Forester, the Army Corp of Engineers, Fire Districts and County Road and Bridge Districts. Payment of these fees should be paid at the time of applying for the permit or request for agency review or when billed by the agency. All permit and agency review fees shall be paid in full prior to issuance of a Land Development Agreement.

Additional amounts for processing the application may be requested by the County if necessary. A record of County expenses shall be maintained by the County and provided to the applicant. The County shall return the balance of any unused Fee(s)

when the application and review process is complete and a Land Development Agreement has been issued by the County.

The minimum initial fee may be adjusted by the Planning Commission if, as a result of the pre-application conference, the Commission determines that the size and/or complexity of the development or change in land use warrants a smaller or larger initial fee. In any case, however, the initial fee shall not be less than \$500.

As an alternative to paying the minimum fee, the Applicant may enter into an advance agreement with the County in which the Applicant agrees to pay all fees and charges associated with processing the application and to submit evidence that such fees and charges have been paid in full prior to issuance of a Land Development Agreement by the County.

Section 3. Enforcement, Violations and Penalties.

- A. **Enforcement Official** - The County Sheriff or an Enforcement Official, if appointed by the BOCC shall enforce the provisions of the Development and Land Use Regulation.
- B. **Complaints** - Any person aggrieved by violation, or apparent violation of this regulation shall file a written complaint with Enforcement Official, Planning Commission, or the BOCC who shall promptly investigate such complaint.
- C. **Right to Inspect** - The Sheriff or Enforcement Official with reasonable belief that a violation of the regulation exists shall notify the property owner or owner's representative and establish an agreed upon time to inspect the property within two (2) business days of the notice.
- D. **Penalty** - Violation of any provision of this regulation is hereby deemed to be a misdemeanor and any person, organization or other entity found guilty hereunder shall be fined not less than \$50.00 nor more than \$1,000.00 and/or sentenced to jail for a term not more than one year. Every day the regulation is violated shall constitute a separate offense. The county may suspend any Land Development Agreement or county permit, stop the review of any pending application, or issue a stop work order for any on-going new development activity that is directly connected with a violation of this regulation and may, at the expense of the violator, seek correction of the non-compliant condition and pursue any other remedies available to law.

Appendix A

DOLORES COUNTY

DEVELOPMENT AND LAND USE REGULATION
Application for land Development Agreement

File No. _____ . Application date _____ .

If additional space is needed to complete this form, attach additional pages referencing the applicable paragraph.

A. Name, Address and telephone number of applicant.

B. Name, Address and telephone number of owner if different from applicant.
(Attach evidence that owner is aware of and consents to the filing of this application).

C. Name, Address and telephone number of applicant's representative or agent if any.

Page 1 of 3

Appendix A

DEVELOPMENT AND LAND USE REGULATION
Application for Land Development Agreement

D. A legal description, including street address or assessor parcel number, as applicable, of the land and site on which new development or change in land use is proposed.

E. A brief description of the existing land use and general character of the use of adjacent lands.

F. A brief description of the new development or change in land use being proposed, including a general description of any planned or potential future expansions.

Page 2 of 3

Appendix A

DOLORIS COUNTY
DEVELOPMENT AND LAND USE REGULATION

Application for Land Development Agreement

- G. Attach a list of all property owners adjacent to or within one-half (1/2) mile of the outside boundaries of the property on which the new development or change in land use will take place.
- H. Attach a payment of the initial fee established in accordance with Article VI, Section 2 of this regulation.

In addition, applicants may summarize the information required by Section 4, Supporting Documents, of this regulation and provide any additional information he, she or they consider pertinent to approval of the proposed new development or change in land use.

Signature of Applicant or Representative

Application Received _____

By _____

DOLORS COUNTY
DEVELOPMENT AND LAND USE REGULATION

Sewage Disposal Report Form

File No. _____ Date: _____

The following information is required for new developments and changes in land use where on-site disposal systems are planned. Three (3) completed copies of this form shall be included with the Site Plan submission.

Development Name: _____

Applicant: _____

Address: _____

Telephone No: _____

Total area of development: _____ Sq. Ft.

Typical lot area, if applicable: _____ Sq. Ft.

Provide information and data on subsoil conditions for the development area:

Provide information and data on water table elevations for the development area:

Remarks: (Attach additional page(s) if necessary.)

Appendix B

DOLORES COUNTY
DEVELOPMENT AND LAND USE REGULATION

Sewage Disposal Report Form

(By _____)

_____ Suitable for the use of individual septic tank systems, provided that:

1. The design of the development provides, for each building site or lot, a subsurface disposal field having a gross area of a least _____square feet for each _____ employees or bedroom.

3. The site, or portions of the site designated, conforms to the following conditions; _____

_____ Unsuitable for use of individual septic tank systems for the following reasons: _____

_____ Suggested alternate method of sewage disposal: _____

_____ Department of Health
Reviewing Office _____ Date _____

It is understood that the conclusions rendered on this report do not cover the installation of the individual septic tank systems. The design, construction and installation of each facility should be based upon specific conditions affecting each site.

**DOLORES COUNTY
DEVELOPMENT AND LAND USE REGULATION**

Sewage Disposal Report Form

Analysis of Sewage Disposal Report- Continued

I hereby certify that the attached information in this Sewage Disposal Report is true and correct and that these tests have been made under supervision by _____
_____ in accordance with the procedures required by these regulations.

Licensed Engineer or
Qualified Sanitarian (Seal)

Date

Signature of Applicant

Date

Page 3 Of 4

Appendix B

DOLORS COUNTY
DEVELOPMENT AND LAND USE REGULATION

Sewage Disposal Report Form

Soil Percolation Test Report

Test Hole	Time	Depth Of Water	Drop	Comments
No.				
Depth				
Soil Type				

Rate of Fall				
_____Min/Inch				
No.				
Depth				
Soil Type				
Rate of Fall				
_____Min/Inch				
No.				
Depth				
Soil Type				
Rate of Fall				
_____Min/Inch				
No.				
Depth				
Soil Type				
Rate of Fall				
_____Min/Inch				

Appendix C

**DOLORES COUNTY
DEVELOPMENT AND LAND USE REGULATION**

Development Improvements Agreement

A. Guarantee of Public Improvements

Where road and utility improvements are to be provided by the applicant for a new development or change in land use, one, or a combination, of the following shall be accomplished prior to final approval of the Land Development Agreement:

- (1) A Development Improvements Agreement, in a form substantially as set forth below, agreeing to construct any required public improvements shown in the final Site Plan documents together with collateral which is sufficient, in the judgment of the Board of County Commissioners, to make reasonable provision for the completion of said improvements in accordance with design and time specifications, or,
- (2) Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the final Site Plan documents which, in the judgment of said Board, will make reasonable provision for completion of said improvements in accordance with design and time specifications. The Board of County Commissioners may submit the estimated amount of the Development Improvements Agreement to qualified engineers or contractors for verification of the estimated amounts.

B. Approval of Guarantee

- (1) A bond, credit deposit letter, certified check or other suitable collateral in an amount stipulated in the Development Improvements Agreement and in a form determined by the county to guarantee the performance of the above agreement contract and to secure the completion of the above improvements in accordance with the design specifications and within the time specified, shall accompany the final Site Plan submission. Except where roads, utilities or other improvements are to be constructed by an Improvement District or landowners' association to provide such improvements in accordance with the Development Improvements Agreement shall be submitted. Where the improvements have not been constructed in accordance with the requirements and specifications, the county shall withdraw adequate funds from the bond, or collateral deposit needed to rectify the situation.

Appendix C

DOLORES COUNTY
DEVELOPMENT AND LAND USE REGULATION
Development Improvements Agreement- Continued

- (2) As improvements are completed, the applicant may apply to the Board of County Commissioners for a release of part or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any of such improvements are not constructed in substantial compliance with specifications, it shall furnish the applicant a list of specific deficiencies and shall be entitled to withhold collateral sufficient ensure

such substantial compliance. If the Board of County Commissioners determines that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the Board of County Commissioners may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications. A twenty-five (\$25.00) dollar fee shall be paid to the County for each release inspection.

(3) The Board of County Commissioners or any purchaser of any lot, lots, tract, or tracts of land subject to a plat restriction which is the security portion of a Development Improvements Agreement shall have the authority to bring an action in any District Court to compel the enforcement of any Development Improvements Agreement on the sale, conveyance, or transfer of any such lot, lots, tract or tracts of land or of any other provision of this article, Such authority shall include the right to compel rescission of any sale, conveyance, or transfer of title of any lot, lots, tract, or tracts of land contrary to the provisions of any such restriction set forth on the plat or in any separate recorded instrument, but any such action shall be commenced prior to the issuance of a building permit by any county where so required or otherwise prior to commencement of construction on any such lot, lots, tract, or tracts of land.

DOLORES COUNTY
DEVELOPMENT AND LAND USE REGULATION
Development Improvements Agreement- Continued

Prior to the Board of County Commissioner's approval of Land Development Agreement for any new development or change in land use under this regulation, a duplicate original of the type of agreement set forth below or described in paragraph A. 2. of this Appendix C shall be filed with the County Planning Commission. Also a signed copy of such agreement, including a performance guarantee in a form satisfactory to the County Attorney equal to the total estimated cost of the improvements, shall be attached to the Land Development Agreement and filed with the County.

DEVELOPMENT IMPROVEMENTS AGREEMENT

Intending to be legally bound, the undersigned applicant hereby agrees to provide throughout this development and as shown on the development site plan of _____, dated _____ 20_____, the following County improvements:

IMPROVEMENTS	UNIT	ESTIMATED CONSTRUCTION COST	CONSRTUCTION COMPLETION DATE
Street Grading			
Street Base			
Street Paving			
Curbs			
Sidewalks			
Storm Sewer Facilities			
Sanitary Sewers			
Trunk Lines			
Mains			
Lateral or HouseConnections			
On-Site Sewer Facilities			
Water Mains			
On- Site Water Supply			
Fire Hydrants			
Street Monuments			
Street Lights			
Street Name Signs			
Sub- Total			

Appendix C

Appendix C

DOLORES COUNTY
DEVELOPMENT AND LAND USE REGULATION
Development Improvements Agreement- Continued

Supervision of all installations (should normally not exceed 4% of subtotal)

_____.

TOTAL ESTIMATED COST OF IMPROVEMENTS AND SUPERVISION \$_____

The above improvements shall be constructed in accordance with all County requirements and specifications and in accordance with the time schedules shown above.

Conformance with this provision shall be determined solely by the below named County or its duly authorized agent.

Signature of Applicant

(If corporation, to be signed by President and attested by Secretary, together with the corporate seal)

Dated: _____, 20____.

ACCEPTANCE

Approved by resolution of the Dolores County Board of County Commissioners at the meeting on _____ 20_____.

Signature of Authorized Officer of County

DOLORES COUNTY
DEVELOPMENT AND LAND USE REGULATION

Appendix D

Certificate of Dedication and Ownership

KNOWN ALL MEN BE THESE PRESENTS that _____

being the owner(s) of certain lands in Dolores County, Colorado, described as follows:

and containing _____ acres more or less, have by these presents laid out, platted and developed the same into lots and blocks, or other sites as shown on this plat, under the Name and style of _____, and do hereby grant to the County of Dolores, State of Colorado, for the use of the public, the Avenues, Streets, Drives, and Courts and Places hereon shown. Also the easements are reserved as shown for public utility purposes and drainage.

Executed this _____ day of _____, AD _____.

Owner(s) _____

STATE of COLORADO
COUNTY OF DOLORES

The foregoing dedication was acknowledged before me this _____ day of _____ A.D. _____, by _____.

My commission expires _____

WITNESS MY SEAL

Notary Public

Appendix D

DOLORES COUNTY
DEVELOPMENT AND LAND USE REGULATION

Certificate of Dedication and Ownership

Approved and accepted this _____ day of _____, AD _____.

DOLORES COUNTY BOARD OF COMMISSIONERS

Chairman

Attest: _____

County Clerk and Recorder

Appendix E

DOLORIS COUNTY
DEVELOPMENT AND LAND USE REGULATION

Off-street Parking and Loading Requirements

Section 1. Off-Street Parking

New developments and changes in land use under this regulation shall include off-street parking space as described in this Appendix E. If parking space has been provided in connection with an existing use or is added to an existing use, the existing parking space shall not be eliminated if elimination would result in less space than is required by this Appendix. Where square feet are specified, the area measured shall be the floor area devoted

to accomplishing the particular use and shall exclude stairwells, elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning or other utility equipment and space devoted to off-street parking or loading. The number of employees of a new or expanding business shall be estimated in a manner approved by the Board of County Commissioners and the number of employees of an established business shall be determined from an examination of the payroll.

USE

MINIMUM STANDARD

(A) Commercial-Residential

(1) Multi-family Dwellings (two or more dwelling units)	One and one-half (1 1/2) spaces per dwelling unit.
(2) Housing restricted to aged, disabled, etc.	One and one-half (1 1/2) spaces per dwelling unit.
(3) Dormitories and other lodging facilities and rooms for unmarried students.	A total number of spaces equal to 100 percent of the designed occupancy.
(4) Motel or Hotel	One space per guest room or suite plus one space per manager or employees.
(5) Club or Lodge	Spaces meeting the combined requirements of the uses being conducted

(Continued)

Appendix E

(B) Commercial-Institutional

USE

MINIMUM STANDARD

(1) Rest Home, Nursing Home or Home for the Aged	Spaces meeting the combined requirements of the uses being conducted plus one per employee.
(2) Hospital	Three spaces for two beds plus one per employee.

(C) Places of public assembly

(1) Churches	One space per four seats or eight feet of
--------------	---

	bench length in the main auditorium.
(2) Library or Reading Room	One space per four hundred square feet of floor area plus one space per employee.
(3) Preschool nursery, day care school or kindergarten	Two spaces per employee.
(4) Elementary, Intermediate or Junior High School.	One space per classroom plus one space per administrative employee or one space per four seats or per eight feet of bench length in the auditorium or assembly room, whichever is greater.
(5) Vocational, Commercial or High School	One space per four seats in classrooms.
(6) Other Auditoriums or Meeting Rooms	One space per four seats or per eight feet of bench length.

(D) Commercial- Amusements.

(1) Stadium, Arena or Theater	One space per four seats or per eight feet of bench length.
(2) Bowling Alley	Five spaces per alley plus one space per employee.
(3) Dance Hall or Skating Rink	One space per 100 square feet of floor area plus one space per employee.

(Continued)

Appendix E

(E) Commercial

(1) Retail Store (except as provided in E. (2) below)	One and one-half spaces per 300 square feet of patron serving area.
(2) Service or Repair Shop; Retail store handling exclusively bulky merchandise such as autos or furniture	One space per 300 square feet.
(3) Office (except medical or dental)	One space per 300 square feet of floor area plus one space per employee.
(4) Medical or Dental Clinic	One space per 200 square feet of floor

	space plus one space per employee.
(5) Eating and/or Drinkin Establishments	One space per 100 square feet of floor space.
(6) Mortuaries	One space per four seats or eight feet of bench length in chapels.

(F) Industrial

(1) Storage Warehouse, Manufacturing Establishment, Air, Rail or Trucking Freight Terminals	One space per employee.
(2) Wholesale Establishments	One space per employee plus one space per 700 square feet..

Section 2. Off-Street Loading

(A) Passengers: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.

Appendix E

DOLORES COUNTY
DEVELOPMENT AND LAND USE REGULATION
Off Street Parking and Loading Requirements-Continued

(B) Merchandise, materials, or supplies: Bulidings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this

regulation shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

Section 3 General Provisions- Off Street Parking and Loading

- (A) The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. Approval of development or change in land use Land Development Plan shall not be granted until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which a Land Development Agreement has been granted shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this regulation. Should the owner or occupant of any lot, site or building change the use to which the lot or building is put and thereby increase off-street parking or loading requirements, it shall be unlawful and a violation of this regulation to begin or maintain such altered use until construction of the increased off-street parking or loading requirements has been completed.
- (B) In the event several uses occupy a single structure or parcel of land, the total requirements for off –street parking shall be the sum of the requirements of the several uses computed separately.
- (C) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided
- Appendix E
- that satisfactory legal evidence is presented to the Board of County Commissioners in the form of deeds, leases or contracts to establish the joint use.
- (D) Off-street parking spaces for dwellings shall be located on the same site or lot with the dwelling. Other required parking spaces shall be located not farther than three hundred (300) feet from the building or use they are required to serve, measured in a straight line from the building.
- (E) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

- (F) Required parking and loading spaces shall not be located in a required setback, front, side, or rear.
- (G) A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall be included in the Site Plan submitted with the application for Land Development Agreement. The plan shall show all elements necessary to indicate that the requirements are being fulfilled, including the following;
- (1) Delineation of individual parking and loading spaces.
 - (2) Circulation area necessary to serve spaces.
 - (3) Access to streets and property to be served.
 - (4) Curb cuts.
 - (5) Dimensions, continuity, and substance of screening.
 - (6) Grading, drainage, surfacing and subgrading details.
 - (7) Delineation of obstacles to parking and circulation in finished parking area.
 - (8) Specifications as to signs and bumper guards.
 - (9) Other pertinent details.

(H) Design Requirements for Parking Lots.

- (1) Areas used for standing and maneuvering of vehicles shall have durable surfaces maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks where provided.
- Appendix E
- (2) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four (4) inches high and set back a minimum of ten (10) feet from the property line.
 - (3) Artificial lighting which may be provided shall be so deflected as not shine or create glare on any adjacent property or on any public rights-of-way.
 - (4) Access aisles shall be of sufficient width for all vehicles turning and maneuvering.

- (5) Parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- (6) Access drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrians and vehicular traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Access drives shall not be less than twenty-four (24) feet in width and shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by access drives. In the case of a corner lot, access drives shall be located not closer than thirty (30) feet to the intersection street line. Access drives shall be located not closer than ten (10) feet to a side lot line, except that a common access drive to two adjacent properties may be provided at the common lot line.
- (7) Access drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line adjoining said lines through points thirty (30) feet from their intersection.

(I) Completion Time for Parking Lots.

Required parking spaces shall be improved as required and made available for use before

Appendix E

the final inspection is completed by the Enforcement Official. An extension of time may be granted by Enforcement Official, provided a performance bond equal to the cost to complete the improvements, as estimated by the Enforcement Official, is posted or its equivalent and also provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements henceforth constructed under the direction of the county.

DOLORS COUNTY
DEVELOPMENT AND LAND USE REGULATION

General Definitions

Definitions from the Dolores County Subdivision Regulations.

- (1) COMPREHENSIVE PLAN. A comprehensive plan for the future growth, protection, and development of the unincorporated area affording adequate facilities for housing, transportation, comfort, convenience, public health, safety,

and general welfare of its population.

- (2) CROSSWALK OR WALKWAY. A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.
- (3) DISPOSITION. A contract of sale resulting in the transfer of equitable title to an interest in subdivided land: an option to purchase an interest in subdivided land; a lease or an assignment of interest in subdivided land; or any conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.
- (4) DWELLING UNIT. Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.
- (5) EASEMENT. A right to land generally established in a real estate deed to permit the use of land by the public, a corporation, or particular persons for specified uses.
- (6) EVIDENCE. Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition which evidence must be relevant and competent and must support the position maintained by the subdivider.
- (7) FLOODPLAIN means an area in and adjacent to a stream, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current, or foreseeable construction or land

Appendix F

use as to constitute a significant hazard to public health and safety or to property.

- (8) FLOOD-PRONE AREA means any normally dry land area that is susceptible to being inundated by water from any source.
- (9) FLOOD-PROOFING means a combination of structural provisions, changes, or adjustments to lands, properties and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, structures, and contents of buildings in a flood hazard area.

- (10) FLOODWAY ZONE is the channel of a stream and those portions of the adjoining floodplain which are reasonably required to carry and discharge the flood waters of an intermediate regional flood.
- (11) INTERMEDIATE REGIONAL FLOOD means a type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and old valid data, but with an average statistical one percent chance of being equaled or exceeded during any one year. The term is used interchangeably with a one percent flood or one-hundred year flood.
- (12) LATERAL SEWER. A sewer which discharges into another sewer and has only building sewers tributary to it.
- (13) LOT. The unit into which land is divided on a subdivision plat or deed, with the intention of offering such unit for sale, lease or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. Lot shall also mean parcel, plot, sites or any similar term.
- (14) LOW HAZARD ZONE means that area of the floodplain in which the waters of an intermediate regional flood inundate areas outside the floodway.
- (15) MULTI-FAMILY UNIT. A building providing separate dwelling units for two or more families.
- (16) MUNICIPALITY. Includes an incorporated city or town.
- (17) OFFICIAL MAP. The official map as adopted by a county or municipality.
- (18) OFF STREET PARKING SPACE. The space required to park one passenger vehicle which space shall not be less than 200 sq. ft. in area, exclusive of access drives.
- (19) PERMANENT MONUMENTS. Any structure of masonry or steel permanently placed on or in the ground, including those expressly placed for surveying reference.

Appendix F

- (20) PLAT A “Plat” as used in these regulations shall be a map and supporting materials of certain described land prepared in accordance with these regulations as an instrument for recording of real estate interests with the with the County Clerk and Recorder of Deeds.
- (21) PRELIMINARY PLAN. The preliminary map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of these adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.
- (22) REVERSE FRONTAGE LOTS. Lots which front on one public street and back on another.
- (23) ROADWAY. That protion of the street right-of-way designed for vehicular traffic.
- (24) RULES OF CONSTRUCTION OF LANGUAGE
- (1) The particular controls the general.
 - (2) In case of any difference of meaning or implication between the test of this Resolution and the captions for each Section, the text shall control.
 - (3) The word “shall” is always mandatory and not directory: the word “may” is permissive.
- Appendix F
- (4) Words used in the present tense include the future, unless the context clearly indicated the contrary.
 - (5) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- (25) SKETCH PLAN A map of a proposed subdivision, drawn and submitted in accordance with requirements of adopted regulations, to evaluate feasibility and design characteristics at an early stage in planning.

(26) STREET. Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic, which is an existing state, county, or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking area and other areas within the right-of-way. For the purpose of this ordinance streets shall be classified as defined in subsection (a) through (I):

- (a) MAJOR HIGHWAY. A major regional highway including an expressway, freeway, or interstate highway designed to carry vehicular traffic:
 - (i) into, out of, or through the regional area (intra-regional)
 - (ii) from one political subdivision of the region to another or from an intra-regional highway (intra-regional).
- (b) MAJOR STREET. A street or road designed to carry vehicular traffic from one part of a political subdivision to another part of that same political subdivision.
- (c) COLLECTOR STREET. A street or road designed to carry vehicular traffic from one or more residential or non-residential units to or from a Major Street or Highway.
- (d) LOCAL STREET. A street or road designed to carry vehicular traffic from one or more individual residential or non residential units to or from a Collector Street.
- (e) ALLEY A minor way which is used primarily for vehicular services to the rear or side of properties otherwise abutting on a street.
- (f) CUL-DE-SAC. A short dead end street terminating in a vehicular turn around area.

Appendix F

- (g) HALF STREET. A street parallel and contiguous to a property line and of lesser right-of-way width than is required from minor or major street.
 - (h) SERVICE ROAD. A street or road paralleling and abutting major streets to provide access to adjacent property so that each adjacent lot will not have direct access to the major street.
 - (i) STUB STREET. A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.
- (27) STREET RIGHT-OF-WAY. The portion of land dedicated to public use for street or utility purposes.
- (28) SUBDIVISION IMPROVEMENTS AGREEMENT means one or more security arrangements which a county shall accept to secure the actual cost of construction of such public improvements as are required by county subdivision regulation within the subdivision. The “subdivision improvements agreement” may include any one or a combination of the types of security or collateral listed in this subsection, and the subdivider may substitute security in order to release portions of the subdivision for sale. The types of collateral which may be used as security under the

Appendix F

“subdivision improvements agreement” are as follows: Restrictions on the conveyance, sale, or transfer of any lot, lots, tract, or tracts of land within the subdivision as set forth on the plat or as recorded by separate instruments; performance or property bonds; private or public escrow agreements; loan commitments; assignments of receivables; liens on property; letters of credit; deposits of certified funds; or other similar surety agreement. Security, other than plat restrictions, required under the “subdivision improvements agreement” shall equal in value the cost of improvements to be completed, but shall not be required on the portion of the subdivision subject to plat restriction. The county shall not require security arrangements with collateral arrangements in excess

of the actual cost of construction of the public improvements. The amount of security may be incrementally reduced as subdivision improvements are completed.

- (29) SIGNIFICANT WILDLIFE HABITAT is an area identified by the Planning Commission as one containing, or having impact upon, those wildlife habitats in which the the wildlife species could be endangered by development and includes those essential elements of wildlife habitat, which, if altered or eliminated, would impair or destroy the areas capability to sustain a wildlife species.