



# DOLORES COUNTY DEVELOPMENT AND LAND USE REGULATIONS

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AS AMENDED NOVEMBER 5, 2012

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## Adoption and Amendments

These Regulations were first adopted by the Dolores County Board of County Commissioners on October 2, 2000 by unanimous vote after public hearing.

The First Amendments to these Regulations were adopted by the Dolores County Board of County Commissioners on August 5, 2002, by unanimous vote after public hearing.

The Second Amendments to these Regulations were adopted by the Dolores County Board of County Commissioners on November 1, 2004, by unanimous vote after public hearing.

The Third Amendments to these Regulations were recommended for approval by the Dolores County Planning Commission at a Public Hearing held at the Courthouse in Dove Creek, Colorado on the 24<sup>th</sup> day of September, 2012, with the following members present:

Steve Garchar  
J.P. Funk  
Joe Hoey, Sr.  
Amber Fisher  
Linda Yellowman  
Georgiann Foster (alternate)

Done and signed this \_\_\_\_ day of \_\_\_\_\_, 2012.

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Steve Garchar, Chairperson

At a Public Hearing conducted by the Board of County Commissioners for Dolores County, Colorado, held at the Courthouse in Dove Creek, Colorado on the \_\_\_\_ day of \_\_\_\_\_, there were present:

Doug Stowe	Commissioner/Chairperson
Julie Kibel	Commissioner
Ernie Williams	Commissioner
Dennis Golbricht	County Attorney
Margaret Daves	Deputy Clerk to the Board

WHEREAS, following recommendation of the Dolores County Planning Commission, the Dolores County Board of County Commissioners reviewed the Third Amendments to the Dolores County Development and Land Use Regulations; and

FOLLOWING A MOTION AND A SECOND AND A UNANIMOUS VOTE IN FAVOR, BE IT RESOLVED, by the Board of County Commissioners of the County of Dolores, State of Colorado, that:

The Third Amendments to the Dolores County Development and Land Use Regulations, are hereby adopted effective \_\_\_\_\_.

DONE AND SIGNED this \_\_\_\_ Day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
Douglas R. Stowe, Chairperson

Deputy Clerk to the Board of  
County Commissioners  
of Dolores County, Colorado

\_\_\_\_\_  
Margret Daves



## **Article I - General Provisions**

### **Section 1. Regulation Description**

Regulations 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 these Regulations.

### **Section 2. Short Title**

These Regulations may be cited as the "Dolores County Development and Land Use Regulations."

### **Section 3. Authority**

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

### **Section 4. Purpose**

It is the intent of the 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:

- Promote the health, safety and general welfare of the present and future residents of Dolores County;
- Preserve existing land uses within Dolores County;
- 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;
- Ensure that adequate water, sewage disposal, access, utilities, fire and other emergency services are available and that applicable state and federal regulations are met;
- Provide expeditious, consistent and cost-effective processing of plans for new developments and changes in land use by 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 recognizing and balancing the interests of individual property owners, developers and the public; and
- Strive to reach the goals and objectives, and adhere to the policies contained in the Dolores County Master Plan.

### **Section 5. Scope**

These Regulations shall apply to the unincorporated areas of Dolores County.

## **Section 6. Severability**

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

## **Section 7. Vested Rights**

Vested rights confer upon the landowner the right to undertake and complete development and use of property in compliance with the terms and conditions of an approved site specific development plan, including any amendments thereto. The BOCC, through the Dolores County Planning Commission, is responsible for administering vested rights applications for development of property within unincorporated Dolores County. 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. Vested rights shall attach to and run with the land for a specific length of time – three (3) years or as otherwise agreed upon by contract or as extended by the BOCC consistent with CRS § 24-68-104, *et seq.*

### **A. Definition of a Site Specific Development Plan**

Pursuant to CRS § 24-68-102, 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. For most developments, changes in use, or other actions or uses subject to these Dolores County Development and Land Use Regulations, the “site specific development plan” shall be a fully executed land development agreement. The BOCC may, by agreement with the applicant, designate an approval other than a land development agreement to serve as the site specific development plan approval for a specific project. If no alternative site specific development plan is agreed upon in writing, a fully executed land development agreement shall operate as such. A sketch plan, final architectural plan, public utility filing or final construction drawing shall not be considered a site specific development plan. The establishment of a vested property right shall not preclude the application and enforcement of state, federal, or local laws or regulations by the County.

### **B. Notice of Hearing**

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. At such hearing, interested persons shall have an opportunity to be heard. Commencing at least thirty (30) days prior to the hearing before the BOCC, the applicant shall publish notice two times in a publication of record (currently the Dove Creek Press), which is a newspaper of general circulation in Dolores County, and provide a publisher’s affidavit of said notice to the Secretary to the BOCC at least ten (10) days prior to the Board hearing. The notice shall substantially 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 Commissioners' Hearing Meeting 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 Applicant:* \_\_\_\_\_

*Legal Description:* \_\_\_\_\_

*Type and intensity proposed use:* \_\_\_\_\_

*Published in (newspaper)Dove Creek Press newspaper of general circulation in Dolores County.*

*(date):* \_\_\_\_\_

**C. Approval - Conditional Approval - Effective Date**

A site specific development plan shall be deemed approved upon the effective date of the BOCC approval action relating thereto, which in most instances shall be the issuance of a fully executed land development agreement. Any conditional approval shall result in a vested property right, although failure to abide by terms and conditions will result in a forfeiture of vested property rights.

**D. Amendments - Compliance Reviews**

In the event amendments to a land development agreement or other designated site specific development plan are proposed and approved, the effective date of such amendments, for purposes of duration of vested property rights, shall be the date of execution of the original land development agreement or other specified site specific development plan, unless the BOCC specifically finds to the contrary and incorporates such finding in its approval of the amendment. Following approval or conditional approval of a land development agreement or other specified site specific development plan, as provided herein, nothing in this section shall exempt such a land development agreement or alternative site specific development plan from subsequent reviews by the County to ensure compliance with the terms and conditions of the original approval.

**E. Change in Regulations - Pending Applications**

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.

**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 land development or alternative 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 CRS § 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 substantially 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 independent of the provisions of CRS Title 24, Article 68. In the event said Article is repealed or a judicial determination is made that said Article is invalid or unconstitutional, the provisions of this Section as to vested rights, shall be deemed to be repealed and said provisions contained herein no longer effective.

**Section 8. Process for Amendment of these Regulations**

Any citizen, the Planning Commission, or the BOCC may suggest additional amendments to any provision of these Regulations. All such proposed amendments shall be referred to the Planning Commission for review at a regular or special Planning Commission meeting called for that purpose. Recommendations of the Planning Commission shall then be referred to the BOCC. Those recommendations adopted by the BOCC by written resolution after public notice and hearing shall be incorporated by amendment to these Regulations.

**Article II - Applicability**

**Section 1. Existing Land Use**

Existing land uses prior to the original adoption of land use regulations in the County shall continue by right without the need for review and approval in accordance with these Regulations except for certain changes in use described in Article II, Section 3, paragraph D of these Regulations. This right does not allow or sanction any activities found to have existed that are prohibited by law.

**Section 2. Changes in Use**

From the date of adoption of these Regulations, no person, organization or other entity shall initiate, engage another to initiate, or otherwise cause or permit any new development activity or change in land use defined in Section 3, paragraphs 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 these Regulations and a land development agreement or alternative site specific development plan has been approved by the BOCC.

### **Section 3. Meaning of Terms**

For purposes of these Regulations the terms *Land Use*, *New Development*, *New Development Activity* and *Change in Land Use* shall have the following meanings:

#### **A. Land Use**

The purpose for which land is held or occupied, employed and maintained. For use in administering these Regulations, 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**

The specific land uses listed in Section 4, Paragraph A of this Article II.

#### **C. New Development Activity**

Any change to land made for the purpose of preparing for or conducting any of the uses or change in uses listed in Section 4, 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**

Any one or more than one of the following:

1. From an existing use of land or any part thereof to a use listed in Section 4, Paragraph A of this Article II;
2. From an existing use of land listed in Section 4, Paragraph A of this Article II to another use in that list;
3. From an existing or subsequently approved commercial or industrial use to another commercial or industrial use when such change may affect public utilities, general health or safety, roads, transportation density, or otherwise result in conditions which could adversely affect surrounding property owners;
4. Any change of an existing use described in Section 4, Paragraph B of this Article II;
5. Any change in category of land use as defined in Article II, Section 3, Paragraph A.

## **Section 4. Activities Requiring a Land Development Agreement**

The following activities are subject to prior review and approval of a site specific development plan in accordance with these Regulations:

### **A. New Developments**

Any one or more than one of the following:

1. Residential Subdivisions (See Relationship to Other Regulations, Section 5 of this Article II);
2. Mobile Home Parks and Subdivisions (See Relationship to Other Regulations, Section 5 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. *See*, provisions and procedural modifications pursuant to CRS §30-28-110, *et seq.* *See Also*, Exemptions, Paragraph C, Subparagraphs 1 and 3 of this Section 3;
7. Mineral resource extraction and/or processing operations, including without limitation, 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. *See*, Exemptions, Paragraph C, Subparagraph 1 of this Section 3;
9. Solid or Hazardous waste disposal or storage sites, either private or public;
10. Confined animal operations, including without limitation, commercial feedlots, slaughter and rendering facilities, dairies, poultry farms, kennels, and fur farms. *See*, Exemptions, Paragraph C, Subparagraph 4 of this Section 4;
11. Salvage junkyards;
12. Airports and airstrips, both public and private;

13. Correctional facilities, including detention centers.

**B. Changes in Land Use**

Any of the following changes in the uses listed in Paragraph A of this Section 3 are subject to prior review and approval of a land development agreement or alternative site specific development plan in accordance with these Regulations:

1. Expansion of the floor area of any commercial building or structure;
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 such as hay barns;
3. Expansion of the land area actively employed in one of the listed uses by one-half (1/2) acre or more;
4. Increasing the outside storage area or the enclosed volume of a salvage junk yard;
5. Any change from one listed use to another;
6. Any change in category of land use as defined in Article II, Section 3, Paragraph A;
7. Any change from one commercial or industrial use to another commercial or industrial use when such change may affect public utilities, general health or safety, roads, transportation density, or otherwise result in conditions which could 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 these Regulations. However, in some instances, permits are or may be required or other statutes, regulations, rules or limitations may apply. *See, Relationship to Other Regulations, Section 5 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 Sewage Disposal System (ISDS) permit is required. A driveway permit may also be required prior to construction. 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. *See, definition of "home based business" as set forth in Article IV, Section 2.* If it is alleged that the business operations or any increase thereof, create a nuisance as described in Article IV, Section 2, Paragraph F of these Regulations, then upon receipt of a written complaint, or upon the initiative of the BOCC, the landowner may be required to mitigate the adverse effects on surrounding property. Such mitigation shall be reviewed and approved by the BOCC

after a public hearing and shall be documented in the BOCC meeting minutes on the date 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 the BOCC public hearing;

3. Small confined animal rearing operations that are deemed to be agricultural operations, as defined in subparagraph 4 below, are exempt. If it is alleged that the animal operations identified in this subparagraph, or any increase thereof, create a public or private nuisance, then upon receipt of a written complaint or upon the initiative of the BOCC, the matter shall be reviewed by 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 § 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 2 above for mitigation of the operation shall apply;

4. In accordance with CRS § 35-3.5-102 and for purposes of administering Subparagraph 3 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 forms of farm products and farm production, excluding marijuana and all derivatives thereof;

5. Nothing in Paragraphs 1 through 4 immediately above shall be construed to prohibit owners of non-agricultural land from raising and/or keeping domestic animals;

6. Electric power transmission lines with a capacity of 115KV or below are exempt.

## **Section 5. 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. Consequently, applications to undertake such developments shall be prepared, submitted, reviewed and approved in accordance with those regulations. However, a land development agreement or alternative site specific development plan 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 Regulations**

Some developments or changes in land use are governed by state and/or federal regulations. These include, without limitation and as examples only, campground and recreation areas and retail food establishments. Applicants for such developments or changes in land use shall provide evidence that they have obtained the required approvals from the appropriate state and/or federal agencies prior to



approval and issuance of a land development agreement by the Dolores County Commissioners. The timing of this requirement may be altered for good cause as determined by the BOCC.

**C. Maintenance of Approval Status**

In some instances state and/or federal regulations include periodic inspections or relicensing programs. Owners or operators who fail such inspections or programs are subject to the penalties set forth in Article VI, Section 3 of these Regulations.

**D. Order of Precedence**

In the event a conflict, inconsistency or ambiguity is perceived to exist between the provisions of these Regulations and the regulations identified in Paragraph A above, the provisions of these Regulations shall govern.

**E. 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. Any inquiries will also be forwarded to the Planning Commission.

## **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 4, Paragraphs A and B above, shall first request a pre-application conference with the Dolores County Planning Commission.

**A. Content of Pre-Application Conference**

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 landowners, 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.

**B. Site Inspection/Identification of Performance Standards**

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 Planning Commission.

## **Section 2. Application**

### **A. Application Requirements**

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

1. The applicants name, address and telephone number and, if the applicant is 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 the filing of the application and, if appropriate, that the applicant is authorized to act as the owner's representative in processing the application;
2. A legal description, to include an 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;
3. A brief description of the existing land use and the general character of the use of adjacent lands;
4. 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;
5. 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 would take place. In addition, applicants shall 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 Planning Commission left blank and to be determined by agreement between the applicant and the Planning Commission prior to release of the notice;
6. The text of the public notice required by Section 6, Paragraph C, of this Article III; and
7. Payment of the initial standard fee, or as may be altered as determined by the BOCC with the recommendation of the Planning Commission. *See, Article 6, Section 2.*

## **Section 3. Site Plan**

### **A. Site Plan Requirements**

A site plan shall be submitted with the application and shall contain at a minimum all of the following:

1. The total parcel or lot acreage and total area to be committed to the development or change in land use;

2. The location, number and approximate dimensions of all buildings and other structures, storage yards, waste disposal areas, parking areas, utility installations including the individual sewage disposal system, if applicable, and other major features of the proposed development or change in land use;
3. A separate vicinity map showing the existing property owners and use within one-half (1/2) mile of the proposed development, including the land use adjacent to any access road serving the new development or change in land use;
4. Roads, streets, highways and utilities that will serve, cross or adjoin the proposed development or change in land use;
5. 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; and
6. 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. Narrative Including Mitigation Proposal**

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 would be mitigated.

### **B. Financing Disclosure**

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 BOCC. For private developments or changes in land use, the estimate of construction costs and Improvement Agreement need only include 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 deems 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 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 Notice**

Approve release by first class, certified mail, return receipt requested, of a notice to each adjoining property owner and all other property owners within one-half (1/2) 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 fourteen (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 the BOCC seven (7) days prior to Planning Commission hearing. Written comments by property owners are encouraged. A separate public notice of this hearing shall be published in the designated official newspaper of record at least twice prior to the meeting.

### **B. Forward Documents to Reviewing Agencies and Preserve for Public**

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 at least seven (7) days prior to the scheduled Planning Commission hearing. Appropriate reviewing agencies may include, without limitation, appropriate school districts, municipalities impacted or within close proximity, utility companies or service districts, the Colorado State Forest Service and the US Forest Service, appropriate fire departments, the County Sheriff, the local Soil Conservation District, the County, District, Regional or State Department of Health, the State Water Engineer, Colorado Geological Survey, Colorado Water Conservation Board, Colorado Department of Transportation, and Colorado Division of Wildlife.

### **C. Require Posting of Notice**

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 hearing 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 hearing of the Planning Commission, to consider the application, provided however, that the requirements of Paragraph A, Section 6 of this Article III have been met. Public comments shall be taken during the hearing. Applicants or their authorized representative are encouraged to attend the hearing 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 hearing, including any continuance thereof due to the unavailability of information or due to time constraints, 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 Commissioner Review**

1. Submission from the Planning Commission shall be deemed received at the first regular County Commissioner meeting following submission. Upon receipt of the Planning Commission’s recommendation, the BOCC shall review such recommendation within a reasonable time at a public hearing. A public notice that the BOCC will consider such recommendation shall be published pursuant to the requirements set forth in Article I, Section 7, Paragraph B, Subparagraph 2. Applicants or their 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. Public comment shall be taken during the hearing.

2. Following the conclusion of the public hearing, which said hearing may be continued due to the unavailability of information, lack of state and/or federal Permits, or due to time constraints, the BOCC shall render a decision to approve, deny or approve with conditions, the proposed development or change in land use.

**C. Site Specific Development Plan/Land Development Agreement**

Promptly following approval, or approval subject to conditions, of the proposed change in land use or development, the Board of County Commissioners shall direct the negotiation of a final form of a land development agreement or alternative site specific development plan. The land development agreement or alternative site specific development plan, once approved, 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 land development agreement or alternative site specific development plan shall accrue and be binding upon the applicant and all successive owners and operators of the land.

**Article IV - Performance Standards**

**Section 1. Scope**

The applicant, the Dolores County Planning Commission and the BOCC shall use the performance standards contained herein, as applicable, as well as the Dolores County Master Plan, in drafting applications, reviewing, evaluating, approving, drafting land development agreements or alternative site specific development plans, or otherwise denying and implementing new developments or changes in land use consistent with these Regulations.

## **Section 2. Enumerated 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 systems is planned, preparation, submittal and approval of a Sewage Disposal Report (Appendix B) or approval of an 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 as well as 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 may be sent to the local fire protection district for review and comment when determined appropriate. 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. Applicants for developments and changes in land use in areas adjacent to State or Federal lands are strongly encouraged to consider and may be required to adopt State and/or Federal fire retardant and suppression methods, including without limitation, fuel-break, fuel modification and other fire-safe techniques.

4. Access. When applicable, 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 plans.

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 these Regulations.

7. Utility Easements. All utilities and associated easements for new developments 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 or maintained by the applicant, unless otherwise agreed, 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 or alternative site specific development plan. Alternatively, road mitigation and impact issues may be included in a land development agreement.

9. 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 BOCC 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 Pollution Control Division of the CDPHE and or applicable state or federal regulating agency.

#### **F. Nuisances**

1. Mitigation. 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. Containment. 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. That 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 appropriate, a geologic and soils report shall be required and it shall include ground subsidence, expansive soils and rock analyses analysis prepared by a professional engineer or qualified geologist. In addition, the study shall include, without limitation, the following characteristics as determined relevant by the Planning Commission and/or BOCC; landslide, rock fall, mud-flow, debris fan, unstable and potentially unstable slopes, seismic effect and radioactivity. If required, 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 residential developments 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**

The County may consider impact upon wildlife in reviewing the application and may additionally require implementation of 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. See, Paragraph D, Subparagraph 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 or alternative site specific development plan.

**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 Planning Commission and BOCC on a case-by-case basis shall determine the impact and share of the cost if an essential nexus exists between the cost and a local government interest. This shall be documented in the Development Improvement Agreement or alternative site specific development agreement and/or Certificates of Dedication.

**R. Municipal Solid Waste, Hazardous Waste, Other Industrial or Commercial Waste or Land Fill, Public or Private**

All waste sites and landfills shall be constructed and operated in accordance with regulations promulgated by the Hazardous Materials & Waste Division of the CDPHE. In addition, waste created by new development or change in land use activities shall be disposed of in accordance with such regulations.

**S. Miscellaneous**

Any other standard not otherwise specified herein, but deemed appropriate for consideration by the Planning Commission and/or the BOCC shall be applied in considering any application.

**Article V - Definitions**

**Section 1. General**

Definitions contained in the Dolores County Subdivision Regulations, Section 15 are hereby incorporated into these regulations. *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**

**A. Antenna**

Equipment designed to transmit or receive electronic signals.

**B. Change in Land Use**

*See*, Article II, Section 3, Paragraph D of these Regulations.

**C. 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.

**D. Commercial Feedlot**

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

**E. 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.

**F. Development**

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

**G. Drilling and Production Facilities**

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

**H. 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 once every 100 years.

**I. Home Based Business**

A use conducted on the owner’s 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 shall employ no more than five (5) employees including the owner(s).

**J. Junk**

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

**K. Land Use**

The purpose for which any land is held or occupied, devoted and maintained. *See*, Article II, Section 3, Paragraph A of these Regulations.

**L. 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.

**M. New Development**

*See*, Article II, Section 4, Paragraph A of these Regulations.

**N. New Development Activity**

*See*, Article II Section 3, Paragraph C of these Regulations.

**O. 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.

**P. 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.

**Q. 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.

**R. 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.

**S. 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.

**T. Transportation**

Traffic associated with new developments or changes in land use.

**U. Unincorporated Area**

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

**V. 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 hydrophilic vegetation.

**Article VI – Miscellaneous Provisions**

**Section 1. Variances**

**A. Restricted from Variance**

Variances from the land uses listed in Article II, Section 4, Paragraph A shall not be permitted.

**B. Allowed Variances**

The BOCC may authorize other variances from these Regulations 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 these Regulations. 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**

**A. Minimum Standard Application Fee**

Unless otherwise altered by a provision elsewhere herein, a minimum standard initial fee of \$1,000 shall be paid at the time an application is filed. The purpose of the fee is to defray the expenses of processing applications for new developments or changes in land use.

**B. Additional Expenses to be Paid by the Applicant**

In addition to the Minimum Standard Application Fee, the applicant shall pay all additional actual expenses incurred by the County in processing the application from the point of submission, through conclusion of the process. The expenses may include, but are not limited to:

1. Permits and Reviews.

Fees associated with obtaining various County and state permits and other charges 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 shall be made at the time of applying for a 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 or alternative site specific development plan.

2. Legal and Consulting Fees.

All attorney fees and consulting fees actually incurred by the County in processing, administering and reviewing the application, shall be paid by the applicant. Such fees shall include, but not be limited to, those incurred by the County for attorney and consultant attendance at meetings and hearings, legal research, drafting and negotiation, and general review and consultation.

3. Administrative Costs.

All administrative costs and expenses, including, but not limited to excess copy expenses, mailings, and additional staff hours necessitated by the application.

**C. Accounting**

A record of County expenses shall be maintained by the County and provided to the applicant upon request. The applicant may be periodically billed for fees and expenses incurred. The applicant shall remain current on all such billings. If fees and expenses are advanced, the County shall return the balance of any unused fee(s) above the minimum initial fee, when the application and review process is complete. Fees actually used by the County shall not be refundable, regardless of the ultimate disposition of the application.

**B. Adjustment to the Initial Minimum Fee**

The minimum initial fee may be adjusted by the BOCC upon recommendation of the Planning Commission, if as a result of the pre-application conference, the Planning Commission determines that the size and/or complexity of the development or change in land use warrants a smaller or larger initial fee. If such a deviation is recommended by the Planning Commission, said recommendation shall be submitted to the BOCC for final determination. In any case, however, the initial fee shall not be less than \$500.

**C. Alternative to Advance of Fees**

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 or alternative site specific development plan by the County. Any request for such an alternative shall be reviewed by the Planning Commission and any recommendation of the Planning Commission shall be submitted to the BOCC for final determination.

**Section 3. Enforcement, Violations and Penalties**

**A. Enforcement Official**

The County sheriff or an alternative Enforcement Official, if appointed by the BOCC, shall enforce the provisions of these Development and Land Use Regulations.

**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.

**C. Demonstrate Compliance**

At any point following approval of an application, an approved applicant may be required by the BOCC to demonstrate compliance with the land development agreement or alternative site specific development plan, through reasonable means mandated by the BOCC, at the sole expense of the applicant.

**D. Penalty**

Violation of any provision of these Regulations are 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, alternative site specific development plan, 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 at law, including injunctive relief. Persons ultimately found to be in violation shall be responsible for reimbursement to the County of all County reasonable attorney fees and costs expended in the enforcement action. All remedies available to the County, whether provided for by these Regulations, or other authority, are cumulative.

## **Section 4. Medical Marijuana Restrictions**

The operation of medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturers' licenses, as those terms are defined in CRS § 12-43.3-104, are prohibited within the unincorporated boundaries of Dolores County, Colorado.

## **Section 5. Compliance with other Local Rules**

Applicants are reminded that municipalities within the County limits have their own restrictions in the form of ordinances, resolutions, and rules and regulations, which may affect the requested land use. Said restrictions may also apply outside the boundaries of the municipalities. Applicants are encouraged to contact any local municipality near the proposed land use and determine if any additional ordinance, resolution, rule or regulation may apply.

## **Section 6. Public Lands Policy and Plan**

This section states the current overall Public Lands Policy/Plan of Dolores County.

### **A. Intent**

Dolores County places the highest priority on maintaining and promoting the historic access and use of the public lands within and adjacent to Dolores County, including, but not limited to hunting and hunting related activities, grazing, agriculture, resource exploration and extraction, and broad recreational access, including motorized and non-motorized activities to protect the health safety, welfare and economic opportunities of Dolores County.

1. Hunting upon public lands within and adjacent to Dolores County contributes significantly to the economy of Dolores County and plays a major role in social interaction, family heritage, food supply, and the recreation of the citizens of the County. Therefore, it is the policy of Dolores County that all hunting opportunities and activities, including motorized game retrieval, shall be preserved and/or advanced.
2. The ability to make a living from the land holds a significant economic and historic importance to Dolores County. Therefore, it is the policy of Dolores County that restrictions shall not be placed upon public lands within and adjacent to Dolores County which limit the historic use of said property, including, but not limited to resource exploration and extraction, grazing, and agricultural related activities.
3. The public lands within and adjacent to Dolores County have historically provided a significant source of recreation for citizens of Dolores County, and has provided significant income to the community in the form of recreation. That recreation has included both motorized and non-motorized activities. Therefore, it is the policy of Dolores County that restrictions shall not be placed upon public lands within and adjacent to Dolores County which limits the historic recreational use of said property.

### **B. Open Access**

It is the policy of Dolores County that all historic trails, paths, and roads upon or across public lands within Dolores County shall remain open to the public for all established uses.

## **Section 7. Significant Impacts on Public Land Use and Access**

The purpose of this section is to provide the County of Dolores with as much participation as possible in the formulation, decision-making, and implementation of actions proposed by State or Federal agencies, which could cause significant impacts on use of public lands located within or adjacent to Dolores County.

### **A. Scope**

This section shall apply to all proposed action by state and/or federal agencies, which action could, in the sole determination of the BOCC, significantly impact use of or access to public lands located within or adjacent to Dolores County. The requirements of this section shall be in addition to any and all other applicable requirements contained within state, federal or local laws, orders, ordinances, rules, regulations, mandates, resolutions, and executive orders. Applicable proposed actions likely to significantly impact use or access include, but are not limited to:

1. Closures, seasonal, temporary, or permanent, of any road, trail, or path, currently, previously or historically open to travel;
2. Restriction or expansion of the form of travel allowed on any public land including upon any road, trail, or path, currently or historically open to travel;
3. Changes, including restrictions or expansions, to allowed uses upon public lands, including, but not limited to firewood collection, mineral extraction, hunting, camping, hiking, motorized travel, game retrieval, and grazing;
4. Designation, classification, or reclassification of any portion of public lands, when such action would likely result in any immediate or future impact to use or access as set forth in paragraphs 1 through 3; and
5. Listing of any species for special protection.

### **B. Process**

As early as possible, but in no event later than the pre-scoping stage of any proposed action, the applicable state or federal agency shall contact the Dolores County Board of County Commissioners to schedule a coordination meeting for the purpose of disclosure and discussion regarding the possible proposed action. At that first meeting, the BOCC shall first determine if the proposed action could cause significant impact, and whether the BOCC chooses to coordinate with the agency on the proposed action. If so, the BOCC and the respective agency shall develop a schedule of future meetings and hearings regarding the proposed action. The number of meetings and or hearings required shall be set by the BOCC and agency together, depending upon factors such as the potential impact, timing of the proposed action, the need to information, etc. Meetings shall not exceed one per month unless additional meetings are agreed to by the BOCC and agency. The agenda and notice for each meeting and hearing shall be coordinated between the BOCC and the agency.



**C. Impact Determination**

At the initial meeting and continuing thereafter, the BOCC and the agency will explore the impacts which could result from the proposed action. Impacts include, but are not limited to:

1. Financial benefits and/or burdens to the economy of Dolores County, including tax revenues, as well to individuals within the County;
2. The availability and access of services, including emergency services;
3. Changes to accessibility or use, specific to a defined group, such as the elderly, disabled, youth, etc.; and
4. Impact upon the historic use of the public lands and the desirability of Dolores County to promote and preserve said historic uses, including, but not limited to hunting and hunting related activities, grazing, agriculture, broad recreational access, including motorized and non-motorized activities.

**D. Research**

At the initial meeting and continuing thereafter, the agency and the BOCC will determine what research, experts, or other information may be required for the purpose of identifying and quantifying possible impacts. Obtaining said research, experts and information shall be scheduled. Any other agencies providing such information or providing a position regarding the proposed action shall attend all meetings and hearings.

**E. RS2477 Issues**

At the initial meeting and continuing thereafter, the agency and the BOCC will determine what research, experts, or other information may be required for the purpose of supporting or refuting RS2477 right of way issues.

**F. Public Hearing**

Following sufficient coordination meetings to obtain necessary information required to make an informed analysis of the proposed action, a public hearing will be set. Notice for said hearing shall be published at least thirty (30) days prior to the hearing. At the hearing, the agency will present their proposed action, as well as all supporting and contrary research, opinions and information which it has obtained or received. The public shall be provided a reasonable opportunity to be heard and to present evidence. Within a reasonable time following conclusion of the hearing, the BOCC shall render an opinion regarding the proposed action. The agency shall give the final BOCC opinion the most deference allowed under law in rendering its decision on the proposed action.

**G. Implementation**

In the event that a final decision is rendered which ultimately allows for implementation of all or part of the proposed action, prior to commencing implementation, the agency shall notify the BOCC in writing and schedule a meeting with the BOCC for the purpose of coordinating the implementation.

**H. No Requirement to Act**

Nothing within this section shall be construed to require the BOCC to follow or mandate the procedures set forth herein as to any particular proposed action. The BOCC recognizes that state and federal agencies are responsible for making countless decisions regarding public lands. Only a relatively small number of such actions will require application of this section. The decision to mandate the procedures set forth herein shall rest with the BOCC in their sole discretion, based in part upon the significance of the proposed action, resources available and the potential impacts.

**I. No Limitation on Remedies**

Nothing within this section shall be construed to abrogate, truncate, or in any way limit the right of Dolores County or its citizens to participate in any other administrative or legal process provided for or mandated by any other state, federal or local laws, orders, ordinances, rules, regulations, mandates, resolutions, and executive orders. Further, exhaustion of the process and possible remedies provided for herein shall not be required prior to taking any other action.

**Section 8. Notice of Limited or No Services**

Large portions of unincorporated Dolores County have limited public services available. All persons are encouraged to research the availability of services, including fire protection, and snow-plowing, prior to acquiring or developing property within the County.

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.



- 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 \_\_\_\_\_

**APPENDIX – B  
DOLORES COUNTY  
DEVELOPMENT AND LAND USE REGULATIONS**

**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.)

**Analysis of Sewage Disposal Report**

(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 at least \_\_\_\_\_ square feet for each \_\_\_\_\_ employees or bedroom.
2. The site, or portions of the site designated, conforms to the following conditions:

---

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\_\_\_\_\_ 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.

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



**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 REGULATIONS**      **Requirements for a 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 or 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, in which event, evidence of the formation of the district or 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.
- (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 to 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

**APPENDIX – C**  
**DOLORES COUNTY**  
**DEVELOPMENT AND LAND USE REGULATIONS**      **Requirements for a Development Improvements Agreement**

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.

Prior to the Board of County Commissioner's approval of Land Development Agreement for any new development or change in land use under these regulations, 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:

<b>Improvements</b>	<b>Unit</b>	<b>Estimated Construction Cost</b>	<b>Construction Completion Date</b>
Street Grading			
Street Base			
Street Paving			
Curbs			
Sidewalks			
Storm Sewer Facilities			
Sanitary Sewers			
Trunk Lines			
Mains			
Lateral or House Connections			
On-site Sewer Facilities			
Water Mains			
On-site Water Supply			
Fire Hydrants			
Street Monuments			
Street Lights			
Street Name Signs			
Sub-Total			

**APPENDIX – C**  
**DOLORES COUNTY**  
**DEVELOPMENT AND LAND USE REGULATIONS**      *Requirements for a Development Improvements Agreement*

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 of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Authorized Officer of County

KNOW 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. Further, the easements are reserved as shown for public utility purposes and drainage.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, AD \_\_\_\_\_.

Owner \_\_\_\_\_

STATE OF COLORADO    )  
                                  ) ss  
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 REGULATIONS**

***Certificate of Dedication and Ownership***

Approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, AD

DOLORES COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_ Chairman

\_\_\_\_\_

\_\_\_\_\_

Attest: \_\_\_\_\_  
County Clerk and Recorder

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 ½) spaces per dwelling unit.
(2) Housing restricted to aged, disabled, etc.	One and one-half (1 ½) spaces per dwelling unit.
(3) Dormitories and other lodging facilities and rooms for unmarried students.	A total numbers of spaces equal to 100 percent of the designed occupancy.
(4) Motel or Hotel	One space per quest room or suite plus one space per manager or employee.
(5) Club or Lodge	Spaces meeting the combined requirements of the uses being conducted.

(B) Commercial-Institutional

(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	One space per classroom plus one space per

School.	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 or 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.

(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 Drinking 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.
- (B) Merchandise, materials, or supplies: Buildings 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. Use of property in violation hereof shall be a violation of 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 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.
  - (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 to 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 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.

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 these 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 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.
- (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 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 portion 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 text of these Resolutions 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.
  - (4) Words used in the present tense include the future, unless the context clearly indicates 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 (l):
- (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.
  - (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 regulations 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 "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 instrument; 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 agreements. 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 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.