

TOWN OF SILVER PLUME, COLORADO

LAND USE CODE

Adopted April 13, 2015, Ordinance No. 340

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**TOWN OF SILVER PLUME, COLORADO
LAND USE CODE**

DIVISION 1 GENERAL

Section 1.1 Title and Short Title.

These regulations are entitled "Town of Silver Plume, Colorado Land Use Code," "Land Use Code," or "Regulations."

Section 1.2 Purpose.

The purpose of these Regulations is to:

- A. Protect and promote the health, safety and general welfare of the existing and future residents of the Town and to protect the environment;
- B. Implement the goals and policies of the Town of Silver Plume Master Plan;
- C. Preserve and promote the value of property, to protect the tax base of the Town, and to respect the property rights of citizens;
- D. Provide for balanced, orderly growth patterns;
- E. Ensure compatibility between uses within the Town;
- F. Preserve, promote, and enhance the historical and architectural significance and character of the community;
- G. Regulate the use of land based on impacts to the surrounding areas and the community.

Section 1.3 Approvals Required.

- A. **Building Permit.** In addition to other approvals that may be required, all new construction, reconstruction, or structural alteration shall obtain approval of a Building Permit pursuant to Section 5.1 of these Regulations, unless exempt pursuant to Section 1.3.G below,
- B. **Development Plan.** All uses other than a single-family dwelling and home-based business require Development Plan approval pursuant to Section 5.2 of these Regulations prior to issuance of a Building Permit.

- C. **Special Review Use.** Any use designated as a Special Review Use in Division 3 of these Regulations requires approval pursuant to Section 5.2 of these Regulations prior to issuance of a Building Permit.
- D. **Watershed Permit.** Unless exempt pursuant to Section 15.1.D, all development proposed to be located partially or wholly within the Watershed Protection District that does NOT require Development Plan approval shall obtain a Watershed Permit pursuant to Division 15 of these Regulations.
- E. **Areas and Activities of State Interest (1041).** Site selection of arterial highways, interchanges and collector highways and development of areas around interchanges involving arterial highways are designated matters of state interest and shall obtain an Areas and Activities of State Interest Permit pursuant to Division 16 of these Regulations.
- F. **Sign Permit.** The display, construction, erection, alteration, and location of signs within the municipal boundaries of the Town shall require a Sign Permit issued by the Building Inspector pursuant to Division 14 of these Regulations.
- G. **Buildings and Structures That Do Not Require a Building Permit under These Regulations.**
 - 1. **Temporary Storage Containers or Structures.** Portable storage/self storage containers or structures temporarily placed in the Town for a period not to exceed sixty (60) calendar days in any twelve (12) month period. Temporary storage containers or structures shall be located in a manner that does not interfere with traffic visibility or the normal operation of the principal use on the property.
 - 2. **Construction Trailer / Bulk Solid Waste Container / Portable Structure to Support Construction Activity.** A trailer, portable temporary container, or portable structure with or without axles and wheels intended to support construction activity at a site with an active building permit.
 - 3. **Accessory Buildings and Structures 120 Square Feet or Less in Size.** Accessory buildings and structures 120 square feet or less in size that conform with the historic character of the surrounding area and comply with requirements of the applicable building codes and these Regulations.

- H. **Approvals Run with the Land.** Approvals granted pursuant to these Regulations shall be binding upon and run with the land.

Section 1.4 Interpretation, Rules of Construction of Language and Computation of Time.

- A. **Interpretation of the Provisions of the Land Use Code.**

- 1. **Minimum Requirements.** The provisions of the Land Use Code are the minimum requirements for the protection of the public health, safety, and general welfare.
- 2. **Conflict.** If a conflict occurs between provisions of the Land Use Code, the more restrictive provision controls unless otherwise specified in the Code.

- B. **Rules of Construction of Language.**

- 1. Words and phrases shall be read in context and construed according to common usage. Words and phrases that have acquired a technical or particular meaning, by legislative definition or otherwise, shall be construed accordingly.
- 2. The word “shall” is always mandatory. The words “may” and “should” are permissive.

- C. **Computation of Time.** In computing a period of days, the first day is excluded and the last day is included unless the last day of any period is a Saturday, Sunday or legal holiday, in which case the last day shall be the next working day.

Section 1.5 Repealer

- A. **Repeal of Prior Land Use Ordinances.** The following ordinances and amendments thereto are hereby repealed on the effective date of this Land Use Code: Ordinance 102 (Signs), Ordinance 201 (Zoning), Ordinance 209 (Planning Commission), Ordinance 210 (Floodplain Damage Prevention Ordinance), Ordinance 303 (Erosion/Runoff Control), Ordinance 334 (Guidelines and Regulations for Areas and Activities of State Interest), Ordinance 337 (Cell Tower Moratorium), Ordinance 338 (New Development Moratorium); and any other ordinances and amendments thereto that are in conflict with this Land Use Code.

- B. **Effective Date.** This Land Use Code shall be effective upon the date of its adoption by the Board of Trustees.

Section 1.6 Severability

If any section, subsection, sentence, clause or phrase of these Regulations is held to be invalid or unconstitutional by a court of law, such decision shall not affect the validity of these Regulations as a whole or any part other than the part declared invalid.

DIVISION 2 BUILDING INSPECTOR, PLANNING AND ZONING BOARD, BOARD OF ADJUSTMENT AND FLOODPLAIN ADMINISTRATOR

Section 2.1 Building Inspector.

The Building Inspector shall be appointed by the Board of Trustees and shall provide staff support for the Planning and Zoning Board, Board of Adjustment, and the Board of Trustees as necessary for administration of the Land Use Code. The Building Inspector shall inspect plans, structures and site improvements for compliance with the provisions of these Regulations, and issue certificates of occupancy and Sign Permits.

Section 2.2 Planning and Zoning Board.

- A. **Membership and Terms.** The Planning and Zoning Board comprises five (5) members, as follows:
 - 1. Four members appointed by the Board of Trustees for a term of six years; and
 - 2. One ex officio member. The Mayor or a member of the Board of Trustees appointed by the Mayor shall serve as the ex officio member, for a term corresponding with his/her official tenure.
- B. **Qualifications.** All members shall be either part-time or year-round residents of the Town or non-resident property owners.
- C. **Removal from Office.** Any member of the Planning and Zoning Board may be removed by the Board of Trustees for misconduct or nonperformance of duty.
- D. **Vacancy.** Whenever a vacancy occurs on the Planning and Zoning Board the member's position shall remain vacant until a new member can be appointed by the Board of Trustees. The vacancy shall be filled for the unexpired term in the same manner as the original appointment.

- E. **Compensation.** The members of the Planning and Zoning Board serve without compensation.

- F. **Powers and Duties.**
 - 1. **Decision-making Body.** The Planning and Zoning Board shall be the decision-making body for the following:
 - a. Building Permit.
 - b. Lot Merger.
 - c. Interpretation of Land Use Code.
 - 2. **Recommending Body.** The Planning and Zoning Board shall make recommendations to the Board of Trustees for the following:
 - a. Special Review Use.
 - b. Rezoning request.
 - c. Land Use Code Text Amendment.
 - 3. **Update of Master Plan.** The Planning and Zoning Board shall be responsible for preparation and adoption of updates to the Town of Silver Plume Master Plan, subject to approval by the Board of Trustees.

- G. **Meetings.**
 - 1. The Planning and Zoning Board shall hold meetings as necessary to take official action on matters in a timely manner. Unless otherwise required by these Regulations, the Town shall post public notice of Planning and Zoning Board meetings no less than seven (7) calendar days prior to the date of the meeting.
 - 2. The approval of three (3) members of the Planning and Zoning Board shall be necessary for official action.
 - 3. The Planning and Zoning Board shall keep a record of its resolutions, transactions, findings, and determinations. The

record shall be open to inspection by the public during the normal business hours for Town Hall.

Section 2.3 Board of Adjustment

- A. **Membership and Terms.** The Board of Adjustment comprises five (5) members appointed by the Board of Trustees. Each member shall be appointed for a term of three (3) years.
- B. **Qualifications.** All members shall be either part-time or year-round residents of the Town or non-resident property owners.
- C. **Removal from Office.** Any member of the Board of Adjustment may be removed by the Board of Trustees for misconduct or nonperformance of duty.
- D. **Vacancy.** Whenever a vacancy occurs on the Board of Adjustment the member's position shall remain vacant until a new member can be appointed by the Board of Trustees. The vacancy shall be filled for the unexpired term in the same manner as the original appointment.
- E. **Compensation.** The members of the Board of Adjustment serve without compensation.
- F. **Powers and Duties**
 - 1. **Variances.** The Board of Adjustment is the decision-making body for variance from certain zoning dimensional requirements, pursuant to the process in Section 7.1 of these Regulations.
 - 2. **Appeals.** The Board of Adjustment shall hear and decide appeals of Building Permit and Sign Permit decisions pursuant to the process in Section 7.2 of these Regulations.
- G. **Meetings.**
 - 1. The Board of Adjustment shall hold meetings as necessary to take official action on matters in a timely manner. Unless otherwise required by these Regulations, the Town shall post public notice of Board of Adjustment meetings no less than seven (7) calendar days prior to the date of the meeting.

2. The approval of three (3) members of the Board of Adjustment shall be necessary for official action.
3. The Board of Adjustment shall keep a record of its resolutions, transactions, findings, and determinations. The record shall be open to inspection by the public during the normal business hours for Town Hall.

Section 2.4 Floodplain Administrator

- A. **Designation of Floodplain Administrator.** The Board of Trustees of the Town of Silver Plume, or its designated representative, shall serve as the Floodplain Administrator for purposes of administration, implementation, and enforcement of the provisions of this Code pertaining to floodplain management and the National Flood Insurance Program Regulations, 44 CFR Parts 59, 60, 65, and 70.
- B. **Duties and Responsibilities of the Floodplain Administrator.** Duties and responsibilities of the Floodplain Administrator shall include, but are not limited to the following:
 1. **Maintenance of Records.** Maintain and hold open for public inspection all records pertaining to the floodplain management provisions of these Regulations, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and any certifications required in Section 6.6 of these Regulations.
 2. **Review and Decision -Making Body for Proposed Development in Floodplain Overlay District.** Serve as the decision-making body for all applications proposing development in the Floodplain Overlay District.
 3. **Interpretation of Special Flood Hazard Area Boundaries.** Interpret boundaries where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
 4. **Obtain Base Flood Elevation and Floodway Data as Necessary for Administration of the Floodplain Overlay District.** When Base Flood Elevation data has not been provided, obtain, review and

reasonably utilize any Base Flood Elevation data and Floodway data available from a federal, state, or other source as necessary to administer the Floodplain Overlay District regulations.

5. **Notice of Relocation or Alteration of a Watercourse.** Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

DIVISION 3 ZONING

Section 3.1 Zone Districts and Overlay Districts Established, Zoning Map, and Prohibited Land Use

- A. **Zone Districts and Overlay Districts Established.** The following zone districts and overlay districts are hereby created:
 1. **Residential District (R)**
 2. **Business District (B)**
 3. **Industrial District (I)**
 4. **Open Space (O)**
 5. **Floodplain Overlay District**
- B. **Zoning Map.** The location and boundaries of the zone districts established by this Section are shown on the Town zoning map. The zoning map, and all amendments thereto, is incorporated in these Regulations by reference.
 1. **Map Available to Public.** A copy of the zoning map shall be located in the office of the Town Clerk and shall be available for inspection at the Town Hall.
 2. **Boundary Clarification.** In the event that a zone district boundary is unclear or is disputed, the Planning and Zoning Board shall determine the intent and actual location of the zone district boundary.

C. **Prohibited Land Use within Municipal Boundaries.** The following land use shall not be permitted within the municipal boundaries of the Town.

1. Amusement park.
2. Aviation field.
3. Metal powder works.
4. Bulk petroleum station.
5. Chemical plant.
6. Crematory.
7. Facilities for the distilling of bones, fat or glue or gelatin manufacturing.
8. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals.
9. Commercial and/or private junkyards; facilities for collection or storage of materials for salvage.
10. Outdoor theaters.
11. Slaughter houses.
12. Commercial (pay) parking lots.
13. Shooting ranges.

Section 3.2 Residential District (R)

A. **Allowed Uses, Residential District.**

1. **Principal Use.**
 - a. Single-family dwelling unit.
 - b. Multi-family dwelling unit housing 2 families, with a density of less than 9 dwelling units per acre.

- c. Bed and breakfast.
- d. Public library.
- e. Community center.
- f. Fire station.
- g. Public park, playground, ball field.
- h. US Post Office.
- i. Museum.

2. **Accessory Use.**

- a. Uses that are customarily incidental to the principal use and are located on the same lot or adjacent lot.
- b. Home-based business established in conformance with Section 3.2.D.

B. **Special Review Use, Residential District.**

1. **Principal Use.**

- a. Multi-family dwelling housing more the two families or proposing density of nine (9) or more dwelling units per acre.
- b. School.

2. **Accessory Use.** Uses that are customarily incidental to the principal use and are located on the same lot or adjacent lot.

C. **Dimensional Standards, Residential District.** The following dimensional standards shall apply to both principal and accessory structures unless otherwise provided by these Regulations.

1. **Height.**

- a. Maximum twenty-eight feet (28') above grade.

- b. No part of any structure, additions and accessory buildings, except church towers, flagpoles, antennae, chimneys, flues or vents, shall shade any portion of the roof structure of any neighboring building or structure between two hours after sunrise and two hours before sunset.

- 2. **Setbacks.**
 - a. **Front Setback.**
 - (1) Not less than the minimum setback from the front lot line of existing dwelling units on the block or adjacent property; or
 - (2) Minimum twenty feet (20') from the front lot line if there are no other dwelling units on the block or adjacent property.

 - b. **Rear Setback.** Minimum five feet (5') from rear lot line of the property.

 - c. **Side Setback.**
 - (1) **Principal Structure.** Minimum ten feet (10') from the side lot line of the property.
 - (2) **Accessory structure.** No side setback required for detached accessory structures located on the rear one third of the lot unless such location interferes with access for fire protection equipment. If there would be interference then the structure shall be setback as necessary to prevent the interference.

- 3. **Minimum Lot Size.** 4750 square feet.

- 4. **Maximum Lot Coverage.** Maximum 1500 square feet or thirty percent (30%) of the total lot area, whichever is greater.
 - a. Calculation of total lot coverage shall include principal and accessory structures.

b. Calculation of total lot coverage shall not include uncovered porches, patios, walkways and paths, and similar exterior ground-level improvements.

5. **Minimum Usable Floor Space, Dwelling Unit.** Dwelling units shall contain a minimum 500 square feet of usable floor space.

D. **Home-based Business Requirements.**

1. The business is incidental and secondary to the residential use.

2. The business will be conducted by a resident of the principal dwelling and only within the principal dwelling or accessory structure or addition.

3. The business does not generate traffic that significantly affects the residential character of the area.

4. The business does not create excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the property boundaries.

5. The business shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

E. **Manufactured Homes.** Manufactured homes are permitted for residential use as a single family dwelling. Manufactured homes shall meet the following requirements for certification, size and design, site preparation, delivery and installation:

1. **Certification.** The manufactured home shall be certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974" (42 U.S.C. 5401 et seq., as amended).

2. **Size and Design.**

a. Dimensions of the manufactured home shall be at least 24 feet by 36 feet.

b. Exterior of the manufactured home shall be of brick, wood or cosmetically equivalent siding and the roof shall be pitched.

- c. The manufactured home shall meet unique public safety requirements of the building code adopted by the Town such as snow load and wind shear factors.

3. Site Preparation, Delivery, and Installation.

- a. The manufactured home shall be installed on a permanent, engineered foundation approved by the Building Inspector, constructed prior to delivery of the home to the site.
- b. The manufactured home shall be complete, including sanitary facilities and heating and electrical systems, and be ready for occupancy when delivered to the site except for minor assembly.
- c. The manufactured home shall be connected to public utilities and to the municipal water and sewer systems prior to occupancy.
- d. Installation shall be complete, including any minor assembly, and the manufactured home ready for occupancy within fourteen (14) calendar days of delivery.

Section 3.3 Business District (B)

A. Allowed Uses, Business District.

1. Principal Use.

- a. Allowed Uses in Residential District, pursuant to Section 3.2.A.1.
- b. Essential government and public utility facilities.
- c. Retail sales and service establishments other than those designated to be a Special Review Use in Section 3.3.B. A retail marijuana establishment is subject to regulation under Ordinance 335.
- d. Medical and dental clinic.
- e. Professional office.

- f. Indoor eating and drinking establishment, which may include meal service on an outdoor patio.
 - g. Microbrewery, brew pub.
 - h. Indoor amusement and entertainment establishment.
 - i. Financial institution.
 - j. Transportation facility.
 - 2. **Accessory Use.** Uses that are customarily incidental to the principal use and are located on the same lot or adjacent lot.
- B. **Special Review Use, Business District.**
 - 1. **Principal Use.**
 - a. Special Review Uses allowed in Residential District under Section 3.2.B.
 - b. Gas station and motor vehicle repair.
 - c. Outdoor commercial recreation facility.
 - d. Hotel, motel, lodge.
 - e. Light manufacturing uses.
 - (1) Artisanal processing of food and beverage products, apparel and accessories, and home furnishings
 - f. Retail and wholesale sales of products produced by the primary light manufacturing use.
 - 2. **Accessory Use.** Uses that are customarily incidental to the principal use and are located on the same lot or adjacent lot.
- C. **Dimensional Standards, Business District.**
 - 1. **Height.**

- a. **Nonresidential use.** Maximum thirty-five feet (35') above grade.
 - b. **Residential use.** Maximum twenty-eight feet (28') above grade.
- 2. **Setbacks.**
 - a. **Front Setback.** No setback from the front lot line is required; however, no part of any structure shall project beyond the front lot line of the property or be located less than five feet (5) from the edge of a roadway.
 - b. **Rear Setback.**
 - (1) Minimum ten feet (10') from rear lot line of the property; or
 - (2) Minimum five feet (5') from rear lot line of the property if an alley abuts the property.
 - c. **Side Setback.**
 - (1) No setback from the side lot line if a street or alley abuts the side lot line(s) of the property; however, no part of any structure shall project beyond the side lot line or be less than five feet (5) from the edge of a roadway.
 - (2) Minimum five (5) feet if no street or alley abuts the side lot line(s) of the property.
- 3. **Minimum Lot Size.** 4750 square feet.
- 4. **Maximum Lot Coverage.** The proposed structure or combination of structures shall not exceed fifty-five percent (55%) of the total lot area.
- 5. **Minimum Usable Floor Space, Dwelling Unit.** Dwelling units shall contain a minimum 500 square feet of usable floor space.

Section 3.4 Industrial District (I)

A. Allowed Uses, Industrial District.

1. Principal Use.

- a. Allowed Uses in Business District pursuant to Section 3.3.A.1.
- b. Prospecting, mining, milling, processing and placering.
- c. Dwelling unit and/or dining facility used in conjunction with an active mining activity for mine owners, employees or caretakers.
- d. Utility service and distribution facilities.
- e. Light industrial uses:
 - (1) Repair and trade services.
 - (2) Warehouse and wholesale activities, excluding explosives or any materials that are classified as toxic or hazardous under state and federal law.
 - (3) Utility infrastructure and offices.
 - (4) Research and development facilities.
 - (5) Commercial laundries and dry cleaning facilities.
 - (6) Printing or publishing facilities.
 - (7) Production, fabrication or assembly activities.
 - (8) Retail sales of products produced by the primary light industrial use.

2. Special Review Uses, Industrial District.

- a. Special review uses allowed in the Business District pursuant to 3.3.B.

- b. Telecommunications Facility.
 - 3. **Accessory Use.** Uses that are customarily incidental to the principal use and are located on the same lot or adjacent lot.
- B. **Dimensional Standards, Industrial District.**
 - 1. **Height.**
 - a. **Nonresidential use.** Maximum thirty-five feet (35') above grade, unless otherwise allowed under these Regulations.
 - b. **Residential use.** Maximum twenty-eight feet (28') above grade.
 - 2. **Setbacks.**
 - a. **Roadway setbacks.** No part of any structure shall be less than five feet (5) from any roadway
 - b. **Setbacks from residential structures.** Any use causing objectionable noise, odor, or dust shall be set back 500 feet from any residential structure.
 - 3. **Minimum Lot Size.** 4750 square feet.
 - 4. **Minimum Usable Floor Space, Dwelling Unit.** Dwelling units shall contain a minimum 500 square feet of usable floor space.

Section 3.5 Open Space (O).

- A. **Allowed Uses, Open Space District.**
 - 1. Open Space.
 - 2. Park.
 - 3. Passive Recreation Activities.
 - 4. Cemetery.
- B. **Special Review Uses, Open Space District.** Telecommunications facility.

Section 3.6 Floodplain Overlay District.

The Floodplain Overlay District comprises the floodplain, areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), and the Special Flood Hazard Area. All proposed development located wholly or partially within the Floodplain Overlay District requires Special Review Use approval pursuant to Section 5.2 of these Regulations.

A. Use Restrictions within the Floodplain Overlay District.

1. **Encroachments.** Encroachments into the floodway are prohibited, including fill, new construction, and substantial improvements unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge (No-Rise Certification).
2. **Critical Facilities.** New construction of Critical Facilities in the Floodplain Overlay District is prohibited.

Section 3.7 Watershed Protection District.

Unless exempt under Section 15.1.D, development located within the Watershed Protection District requires a Watershed Permit issued pursuant to Division 15. The official Watershed Protection District map is located in the office of the Town Clerk.

Section 3.8 Off-Street Parking Requirements.

<u>Use</u>	<u>Off-Street Parking Space Requirements</u>	
Bed and Breakfast, hotel, motel, lodge	1 space	per 3 beds
Business and Commercial Uses	2 spaces	per 1000 sq. ft. of gross floor area
Community Center	4 spaces	per 1000 sq. ft. of gross floor area
Fire Station	1 space	per full-time fireman
Library, Public	1 space	per 300 sq. ft. of gross floor area
Multi-Family Dwelling Unit	2 spaces	per dwelling unit
Museum	1 space	per 1000 sq. ft. of gross floor area

Park, Playground, Ball field	1 space	per 1000 sq. ft of recreational area
Single Family Dwelling Unit	2 spaces	per dwelling unit
Town Hall	1 space	per 1000 sq. ft. of gross floor area
US Post Office	1 space	per 300 sq. ft of gross floor area

Section 3.9 Accessory Uses, Buildings and Structures. All accessory buildings and structures shall conform to the historic character of the surrounding area, and shall comply with requirements of the applicable building codes and these Regulations.

A. Outdoor Storage and Storage Containers.

1. Outdoor Storage Areas Shall Be Screened from View.

- a. Outdoor storage areas shall be screened from view by landscaping or by fencing that substantially conforms to the color and building materials of the principal structure.
- b. No hazardous, flammable, or explosive materials may be stored except as permitted by state and federal laws.

2. Storage Containers as Accessory Structure. Cargo or shipping containers may be used as an accessory structure only in the Business and Industrial zone districts:

- a. The container shall not exceed industrial standards for width and height, and shall not exceed forty (40) feet in length.
- b. The container shall be located at the rear or side of the principal building. The container shall be located in a manner that does not interfere with traffic visibility or the normal operation of the principal use on the property.

Section 3.10 Fences.

- 1. **Fencing Materials.** All fencing shall conform to the historic character of the surrounding area, or substantially conform to the color and building materials of the principal structure.
- 2. **Height Restrictions.**

- a. **Non-residential Zone Districts.** Fences shall not exceed six (6) feet in height
- b. **Residential Zone District.** Fences shall not exceed four (4) feet in height.

DIVISION 4 APPLICATION PROCESS FOR BUILDING PERMITS AND DEVELOPMENT PLANS

Section 4.1 General Provisions.

- A. **Application Submittal.** An applicant shall submit the application to the Town Clerk. The Town Clerk shall immediately notify the appropriate decision-making body and the Mayor that the application has been submitted.
 - 1. For any use requiring a Development Plan, the Town will not process a building permit application until the Development Plan has been approved.
 - 2. For any use requiring a 1041 permit or a watershed permit, the Town will not process the building permit application until the 1041 permit or watershed permit has been issued.
- B. **Waiver of Application Material Requirements.** The Town may waive any part of the application material requirements when the information would not be relevant to determining whether the proposed development complies with the applicable development standards. Applicants desiring to obtain such a waiver are encouraged to have a pre-application meeting with the relevant decision-making board, whether or not such a meeting is required hereunder.
- C. **Number of Copies of Application Materials.** An applicant shall submit two copies of each of the required application materials.
- D. **Application Fees and Deposit.**
 - 1. **Application Fees and Deposit Required at Time of Application.** All applications shall be accompanied by the appropriate fees and deposit based on a schedule of fees adopted by the Board of Trustees.

2. **Applicant Responsible for Town's Cost of Reviewing and Processing the Application.** The applicant is responsible for the Town's costs of reviewing and processing the application including costs of copying, mailings, publications, labor and overhead, and all hearings and meetings on the application.
3. **Applicant Responsible for Referral Agency and Consultant Fees.** The applicant is responsible for the costs of referral agency, counsel and consultant review of the application, including participation in hearings and meetings on the application.
4. **Deposit.** The Town shall pay the costs of reviewing and processing the application from the fee deposit.
 - a. **Balance.** Throughout the application process, the applicant shall maintain a minimum fee deposit balance established by the Board of Trustees. The amount of the deposit and the minimum balance required may be reduced upon a finding by the Town that the application processing and review costs are likely to be less than the minimum amount established by the Board of Trustees.
 - b. **Suspend Processing.** The Town may suspend processing the application pending receipt of additional installments required to bring the fee deposit balance to at least the minimum balance. Suspension shall toll all deadlines imposed on the Town by these Regulations.
 - c. **Refund.** Within thirty (30) calendar days after the decision on the application is made, the Town shall refund any balance of the deposit not expended.

Section 4.2 Building Permit Application Materials.

- A. **Building Permit Application Form.** Completed Building Permit Application form. The Building Permit Application form is available through the Town Clerk.
- B. **Construction Plans.** Complete set of construction plans, including a site plan showing the location of proposed structure(s) and the property lines.

- C. **Documentation of Compliance with Other Permit and Approval Requirements of These Regulations.** Documentation that the proposed development has received all other permits and approvals required by these Regulations or applicable approvals required by state and federal law.

Section 4.3 Development Plan Application Materials.

- A. **Information Describing the Applicant.**
 - 1. Name, address, email address, and phone number of the applicant and, if different, the owner of the proposed development.
 - 2. Authorization of the application by the owner of the proposed development, if different than the applicant.
- B. **Description of Proposed Development.** Brief narrative description of the proposed development, including:
 - 1. Existing zoning and the existing and proposed land use;
 - 2. Existing zoning and the existing use of adjacent properties.
 - 3. Architectural details and materials for proposed new construction and the existing structures.
 - 4. Development schedule.
 - 5. Parking ratios.
 - 6. Operational details, including the hours of operation, number of employees on site on a daily basis, and types of vehicles and equipment.
 - 7. Description of impacts and proposed mitigation.
- C. **Site Plan.** A site plan prepared at a scale acceptable to the Town, which best conveys the conceptual aspects of the proposed development. The site plan shall have the following elements:
 - 1. Date of preparation, scale and north arrow.

DIVISION 4 - APPLICATION PROCESS FOR BUILDING PERMITS AND DEVELOPMENT PLANS

2. Legal description of the property.
 3. Clearly identified lot lines, corner pins, and dimensions of the site.
 4. Size of the parcel to be developed, in square feet.
 5. Existing and proposed structures, shown by location, dimension, and distance of the structures from lot lines.
 6. Existing and proposed off-street parking shown by location and dimension.
 7. Total square footage of land area to be occupied by the proposed development.
 8. Existing and proposed roads, fences, utility lines, and easements and rights-of-ways on and adjacent to the site, shown by location and dimension.
 9. Existing and proposed access shown by location and dimension.
 10. Existing and proposed water and sewer service, shown by location.
 11. Existing and proposed topographic contours and geographic characteristics of the site.
 12. Significant features on the site such as natural and artificial drainage ways, wetland areas, ditches, and hydrologic features, with flooding limits; wildlife habitat; geologic features and hazards; soil types; vegetative cover; excavations and mines; and any other on-site and off-site features that might influence the development.
 13. Additional information that may be requested by the Town to enable an adequate evaluation of the proposed development.
- D. **Elevation Drawings of Proposed Structure(s).** Elevation drawings of the proposed structure(s) showing existing grade, finished grade, and height of structures above existing grade.
- E. **Drainage and Erosion Control Plan.** For proposed development that will require any excavation, grading or other surface disturbance, a plan

showing existing and proposed grading for the site and practices to prevent erosion and run-off during and after construction.

- F. **Noxious Weed Control Plan.**
- G. **Additional Materials Required for Proposed Development in Floodplain Overlay District.**
 - 1. **Additional Site Plan Requirements.** In addition to the Site Plan requirements in Section 4.3.C, the following elements shall be included on the Site Plan for any proposed development located wholly or partially within the Floodplain Overlay District:
 - a. Channel of the watercourse.
 - b. Floodplain boundary.
 - c. Base flood boundary and the existing and proposed base flood elevations.
 - d. Floodway boundary, and documentation for determination of floodway boundary
 - e. Proposed landscape alterations shown by location, elevation and dimension.
 - f. Boundaries and total land area of all existing and proposed impervious surfaces, including structures.
 - g. Elevation of the lowest floor, including basement and garage, of each existing and proposed structure.
 - h. Proposed elevations to which structures will be flood proofed.
 - 2. **Construction Specifications and Certification(s).** Specifications for flood proofing, filling, dredging, grading, channel improvements and storage of materials. Certification(s) by registered Colorado Professional Engineer or architect that the design and methods of construction are in accordance with accepted standards of practice.

3. **Description of Alteration(s) to Watercourse.** Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
 4. **Floodplain Impact Report.** An engineering report addressing the development standards in Section 6.6.
 5. **Federal, State, and Local Government Agency Approvals.** List of all federal, state, and local governmental agencies from which prior approval is required, and documentation of each agency's approval.
- H. **Additional Materials Required for Proposed Telecommunications Facility.**
1. **Statement of Need.** A statement of need for the proposed telecommunication facility and a description of the proposed service area, alternative sites considered, and opportunities for co-location available in the general proximity of the proposed facility or documentation that sharing space on an existing facility is not practical or feasible.
 2. **Federal Aviation Agency (“FAA”) Form.** FAA Form 7460-1, Notice of Proposed Construction or Alteration, except that such form shall not be required for the following:
 - a. An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae.
 - b. Any existing tower and antennae for which a building permit was issued prior to the adoption of these Regulations.
 - c. Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities.
 - d. Any antennae used for FCC licensees engaged in AM, FM or television broadcasting.

Section 4.4 Special Review Use Application Materials.

Applicants proposing a Special Review Use shall submit a Development Plan. The application materials required for a Development Plan are set forth in Section 4.3.

Section 4.5 Watershed Protection District Permit Application Materials.

The application materials required for a Watershed Permit are set forth in Section 15.4.B of these Regulations.

Section 4.6 Areas and Activities of State Interest Permit Application Materials.

The application materials required for an Areas and Activities of State Interest Permit are set forth in Section 16.3.B of these Regulations.

DIVISION 5 REVIEW AND DECISION PROCESS FOR BUILDING PERMITS AND DEVELOPMENT PLANS.

Section 5.1 Building Permit Review and Decision Process.

- A. **Pre-application Conference (optional).** Prior to submitting a building permit application, the applicant may request a pre-application conference with the Planning and Zoning Board.
 - 1. **Purpose.** The purposes of the pre-application conference include, without limitation:
 - a. To discuss the location and nature of the proposal and site-specific considerations;
 - b. To discuss application submittal requirements and the nature of materials that will be responsive to those requirements; and
 - c. To discuss the Town requirements that must be satisfied for the application to be approved.
 - 2. **Materials.** At or before the pre-application conference, the proponent shall submit the following materials to the Town Clerk:
 - a. Proponent's name, address and phone number. If the proponent is not the owner of the property where the proposal will be located, proponent shall also provide the name, address and phone number of the property owner and documentation that the property owner consents to the proposal

- b. Building plans and elevations of work to be performed.
 - c. Site plan showing location of the proposed structures, property lines, and zoning of the property.
- B. **Application Submittal.** Application materials for a Building Permit are set forth in Section 4.2.
- C. **Decision by Planning and Zoning Board.** Within thirty (30) calendar days of receipt of a complete Building Permit application, the Planning and Zoning Board shall consider the application at a meeting of the Planning and Zoning Board following proper public notice. The Planning and Zoning Board shall approve, approve with conditions or deny the application based on the proposed project's compliance with the building permit approval standards in Section 5.1.G.
- D. **Written Decision.** The decision of the Planning and Zoning Board shall be in writing and include the following information:
 - 1. **Findings.** Findings as to whether the proposed project satisfies the building permit approval standards in Section 5.1.G of these Regulations.
 - 2. **Conditions of Approval.** Conditions of approval, if any, necessary to ensure compliance with applicable approval standards.
 - 3. **Basis for Denial.** If the application is denied, findings supporting denial of application.
- E. **Appeal of Building Permit Decision.** A building permit decision may be appealed to the Board of Adjustment as provided in Section 7.2.
- F. **Building Permit Approval Standards.**
 - 1. **Public Health, Safety and Welfare.** The proposed development shall not create a hazard to public health, safety or property.
 - 2. **Compliance with Applicable Zone District Requirements** The proposed use complies with applicable zone district requirements in Division 3 of these Regulations.
 - 3. **Conformance with Building Code(s).** All proposed structures are in conformance with the Building Code(s) adopted by the Town.

4. **Compatibility with Historic Character of Surrounding Neighborhood.** The proposed structure(s) is compatible with the historic character of the surrounding neighborhood and the Town.
5. **Compatibility in Nature, Scale and Intensity.** The nature, scale, and intensity of the proposed structure(s) is compatible with adjacent land use.
6. **Compliance with Other Permit and Approval Requirements of These Regulations.** Proposed use has received all other permits and approvals required by these Regulations.

Section 5.2 Development Plan and Special Review Use Process.

A Development Plan must be approved for all development other than a single family dwelling and home-based business. The application materials required for a Development Plan are described in Section 4.3.

A Development Plan is reviewed and decided upon by the Board of Trustees following a public hearing. The Development Plan for a Special Review Use requires a hearing and recommendation by the Planning and Zoning Board prior to the hearing and decision by the Board of Trustees.

- A. **Pre-application Conference.** Prior to submitting an application for a Development Plan, the applicant must participate in a pre-application conference with the Board of Trustees.
 1. **Purpose.** The purposes of the pre-application conference include, without limitation:
 - a. To discuss the location and nature of the proposal and site-specific considerations;
 - b. To discuss application submittal requirements and the nature of materials that will be responsive to those requirements; and
 - c. To discuss the Town requirements that must be satisfied for the application to be approved.
 2. **Pre-application Materials.** At or before the pre-application conference, the proponent shall submit the following materials to the Town Clerk:

- a. Proponent's name, address and phone number. If the proponent is not the owner of the property where the proposal will be located, proponent shall also provide the name, address and phone number of the property owner and documentation that the property owner consents to the proposal.
 - b. Map prepared at an easily readable scale showing:
 - (1) Location of the proposal.
 - (2) Relationship of the proposal to surrounding topographic and cultural features such as roads, streams and existing structures.
 - (3) Proposed building(s), improvements and infrastructure.
 - c. Written summary of the proposal.
- B. **Application Submittal.** Following the pre-application meeting, the applicant shall submit the application materials to the Town Clerk. Application materials for a Development Plan are set forth in Section 4.3.
- C. **Consultant Review.** The Town may refer the application to consultants and legal counsel retained by the Town with the necessary expertise to review the application.
- D. **Referral Agency Review.** The Town may submit the application for review and recommendation to county, state, and federal agencies having an interest in or authority over all or part of the proposed development. The referral review and comment period shall be twenty (20) calendar days from the date of receipt of a complete application. Comments not received from referral agencies within the comment period may, but need not be considered by the Town.
- E. **Special Review Use: Public Hearing and Recommendation by Planning and Zoning Board.** If the Development Plan is for a Special Review Use, a public hearing and recommendation by the Planning and Zoning Board is required prior to a decision by the Board of Trustees.
1. **Public Notice.** The Public Notice process is set forth in Section 11.1.

2. **Special Review Use Recommendation by Planning and Zoning Board.** The Planning and Zoning Board shall consider the Development Plan for the Special Review Use at a public hearing following proper public notice. The process for public hearing is described in Division 11 of these Regulations.
 - a. **Recommend Approval of Development Plan for Special Review Use.** If the proposed development satisfies the applicable development standards, the Planning and Zoning Board shall recommend the application be approved.
 - b. **Recommend Denial of Development Plan for the Special Review Use.** If the proposed development fails to satisfy the applicable development standards, the Planning and Zoning Board may recommend that the application be denied; or
 - c. **Recommend Conditional Approval of the Development Plan for the Special Review Use.** The Planning and Zoning Board may recommend approval with conditions determined necessary for compliance with applicable development standards.
3. **Special Review Use Recommendation.** The recommendation of the Planning and Zoning Board shall be by Resolution and include the following information:
 - a. **Description of Proposed Special Review Use.** Brief description of the proposed Special Review Use;
 - b. **Findings.** Findings as to whether each applicable development standard in Division 6 of these Regulations has been satisfied;
 - c. **Conditions of Approval.** Recommended conditions of approval, if any, necessary to ensure compliance with applicable development standards.
 - d. **Basis for Denial.** If the recommendation is to deny approval of the Development Plan for the Special Review Use, findings supporting the recommendation.

- F. **Development Plan: Public Hearing and Decision by Board of Trustees.** Within thirty (30) calendar days of receiving a complete application for a Development Plan, or within thirty (30) calendar days of the Planning and Zoning Board recommendation where a Special Review Use is involved, the Board of Trustees shall conduct a public hearing to consider the application.
1. **Public Notice.** The Public Notice process is set forth in Section 11.1.
 2. **Decision by Board of Trustees.** The Board of Trustees shall consider the Development Plan and/or the recommendation by the Planning and Zoning Board when a Special Review Use is involved, in a public hearing following proper public notice. The public hearing process is described in Division 11 of these Regulations.
 - a. **Approval of Application.** If the proposed development satisfies the applicable development standards, the Development Plan shall be approved.
 - b. **Denial of Application.** If the proposed development fails to satisfy the applicable development standards, the Development Plan may be denied; or
 - c. **Conditional Approval of Application.** The Development Plan may be approved with conditions determined necessary for compliance with applicable development standards.
 3. **Written Decision.** The decision of the Board of Trustees shall be by Resolution and shall include the following information:
 - a. **Findings.** Findings as to whether each applicable development standard in Division 6 of these Regulations has been satisfied;
 - b. **Conditions of Approval.** Conditions of approval, if any, necessary to ensure compliance with applicable development standards.
 - c. **Basis for Denial.** If the Development Plan is denied, findings supporting the decision.

DIVISION 6 DEVELOPMENT STANDARDS

The following standards are the minimum standards for development subject to the provisions of these Regulations. A waiver of any standard may be granted at the discretion of the Town if the Board of Trustee decides that a standard is not applicable to the particular proposed development.

Section 6.1 Basic Development Standards.

- A. **No Hazard to Property and to Public Health and Safety.** The proposed development shall not create a hazard to public health and safety or property.
- B. **Compliance with Town Master Plan and Open Space Plan.** The proposed development shall avoid direct conflicts with the Town Master Plan and complies with Open Space Plan(s) adopted by the Town.
- C. **Compliance with Historic Preservation Guidelines.** The proposed development shall comply with any historic preservation guidelines in the Master Plan or otherwise adopted by the Board of Trustees.
- D. **Preservation of Existing Historic Character of Neighborhood.** The proposed development is compatible with and preserves the existing historic character of the surrounding neighborhood and the Town.
- E. **Conformance with Zone District Use Restrictions and Dimensional and Parking Requirements.** The proposed development shall conform with the applicable zone district use restrictions, dimensional standards, and off-street parking requirements.
- F. **Municipal Water and Sewer Service.** The proposed development shall be served by municipal water and sewer service.
- G. **Public Utility Service Available.** Adequate public utilities shall be available to serve the proposed development.
- H. **Property Rights, Permits and Approvals.** Prior to site disturbance associated with the proposed development, the applicant can and will obtain all property rights, easements, permits, and approvals necessary for the proposed development. If the applicant has not obtained all necessary property rights, easements, permits and approvals the Town may, at its discretion, defer making a final decision on the application until outstanding property rights, easements, permits and approvals are obtained.

- I. **No Significant Adverse Effect to Public Roadways.**
 - 1. All public access roads will be constructed and maintained as necessary to accommodate the traffic and equipment related to operations and emergency vehicles.
 - 2. Proposed development will be developed in a manner that will discourage traffic congestion.
 - 3. Ingress and egress points to Town roads will be located, maintained and improved to assure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.
 - 4. If the projected use of Town roads resulting from the proposed development will result in a need for an increase in roadway maintenance or snow removal, the Town may require the applicant to i) enter into an agreement with the Town whereby the applicant provides for private maintenance and snow removal, or reimburses the Town for such increased costs; and/or ii) provide a bond or other financial assurance; and/or iii) pay impact fees in an amount acceptable to the Town to cover the costs of impacts to the roads.

- J. **Water Treatment.** The Town has adequate water treatment capacity to serve the proposed development.

- K. **Wastewater Treatment.** The Town has adequate wastewater treatment capacity to serve the proposed development.

- L. **Emergency Services.** The proposed development will not reduce the current and future capacity for provision of emergency services.

- M. **No Significant Degradation of the Economy.** The proposed development will not significantly degrade any current or foreseeable future sector of the local economy.

- N. **No Significant Degradation of Recreation and Tourism Experiences.** The proposed development will not cause a significant degradation in the quality or quantity of recreation and tourism activities in the Town.

- O. **Protection of Unique Natural Features.** The proposed development preserves the natural terrain, drainage, unusual rock formations, and existing topsoil and vegetation, including tree masses and large individual trees to the extent practicable.

- P. **No Significant Degradation of Air Quality.** The proposed development will not significantly degrade air quality. Examples of factors the Town may consider in determining impacts to air quality include without limitation:
 - 1. Changes to seasonal ambient air quality.
 - 2. Changes in visibility.
 - 3. Applicable air quality standards.

- Q. **No Significant Degradation of Surface Water Quality.** The proposed development will not significantly degrade surface water quality. Examples of factors the Town may consider in determining impacts to surface water quality include without limitation:
 - 1. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates, and clarity, odor, color or taste of water.
 - 2. Changes in point and nonpoint source pollution loads. All nonpoint sources of pollutants caused by or associated with the proposed development will not result in any measurable increase in nonpoint source pollution loads to any water feature affected by the proposed development.
 - 3. Increase in erosion and sediment loading to water features. The proposed development shall be conducted in accordance with the drainage and erosion control plan.
 - 4. Changes in stream channel or shoreline stability.
 - 5. Changes in stormwater runoff flows.
 - 6. Increases in impervious surface area caused by the proposed development.

7. Increases in surface runoff flow rate and amount caused by the proposed development.
 8. Changes in the capacity or functioning of streams.
 9. Changes in flushing flows necessary to scour streambeds and spawning beds.
 10. Changes in dilution rates of mine waste, and other unregulated sources of pollutants.
- R. **No Significant Degradation of Groundwater Quality.** The proposed development will not significantly degrade groundwater quality. Examples of factors the Town may consider in determining impacts to groundwater quality include without limitation:
1. Changes in aquifer discharge and recharge rates, groundwater levels and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
 2. Changes in capacity and function of wells.
 3. Changes in quality of well water and other groundwater.
 4. Changes in flow patterns of groundwater.
- S. **No Significant Degradation of Wetlands and Riparian Areas.** The proposed development will not significantly degrade wetlands and riparian areas. Examples of factors the Town may consider in determining impacts to wetlands and riparian areas include without limitation:
1. Changes in the structure and function of wetlands and riparian areas.
 2. Changes to the filtering and pollutant uptake and storage capacities of wetlands and riparian areas.
 3. Changes to areal extent of wetlands and riparian areas.
 4. Changes in species' characteristics and diversity.
 5. Transition from wetland to upland species.

- 6. Introduction of exotic, nuisance, or invasive species into wetland and riparian areas.

- T. **No Significant Degradation of Wildlife and Wildlife Habitat.** The proposed development will not significantly degrade wildlife and wildlife habitat. Examples of factors the Town may consider in determining impacts to wildlife and wildlife habitat include without limitation:
 - 1. Changes to habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.
 - 2. Changes to habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species.

- U. **No Significant Risk from Soil Conditions and Geologic Hazards.** The proposed development is not subject to a significant risk from soil conditions and geologic hazards. Examples of factors the Town may consider in determining risk from soil conditions and geologic hazards include without limitation:
 - 1. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
 - 2. Changes to stream sedimentation, geomorphology, and channel stability.
 - 3. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
 - 4. Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.
 - 5. Exacerbation of seismic concerns and subsidence.

- V. **No Significant Risk from Natural Hazards.** The proposed development is not subject to a significant risk from natural hazards. Examples of factors

the Town may consider in determining risk from natural hazards include without limitation:

1. Faults and fissures.
2. Steep slopes.
3. Potentially unstable slopes, including landslides and rockslides.
4. Expansive or evaporative soils and risk of subsidence.
5. Floodplains.
6. Wildfire hazard areas.

Section 6.2 Additional Standards Applicable to Light Manufacturing Uses.

All processing, fabricating and assembly of items takes place wholly within an enclosed facility. Any noise, smoke, vapor, dust, or odor produced by such facility is confined to the lot upon which the facility is located.

Section 6.3 Additional Standards Applicable to Industrial Uses.

A. Roads.

1. **Cost of Impact Mitigation.** Applicant shall bear the proportionate cost of all road and bridge improvements, repairs, and maintenance necessitated by development and operations.
2. **Vehicle Weight.** The weight of trucks shall not exceed federal, state or local government imposed road or bridge weight capacity on approved haulage routes.
3. **Seasonal Traffic Limitation.** As a condition of approval, the Town may impose limits on the number of trucks that may access the property to avoid damage to roads caused by heavy vehicle use, weather conditions or water saturation.

B. Routing. Construction and haul routes shall be designated.

1. **Avoidance of Developed Areas.** Truck haulage and traffic routes shall be designed to the maximum extent feasible to avoid residential areas, commercial areas, environmentally and visually

sensitive areas, public buildings, and already congested locations. Alternative routes shall be identified.

2. **Timing of Hauling.** Town may require that timing of truck traffic be controlled to prevent congestion or adverse noise impacts or safety risks.
 3. **Load Control.** Applicant shall prevent loss of loads and fugitive dust emissions during transit, and shall be responsible to ensure that haul routes are maintained in accordance with dust-suppressant methods required by applicable state or federal agency.
- C. **Nuisance.** The proposed development will not cause a nuisance. Examples of factors the Town may consider in determining nuisance include without limitation:
1. Increase in odors.
 2. Increase in dust.
 3. Increase in fumes.
 4. Increase in glare.
 5. Increase in noise. The proposed development shall comply with statewide standards for noise level limits in C.R.S. § 24-12-101 et seq., Noise Abatement
 6. Increase in artificial light.
 7. Increase in traffic congestion.

Section 6.4 Additional Standards Applicable to Utility Service and Distribution Facilities.

- A. **Community Patterns.** Utilities shall be located so as to preserve desirable existing community patterns.
- B. **Underground Location.** Utilities shall be located underground unless geologic conditions prevent underground installation. Where utilities are installed underground, and if located in the right-of-way they shall be at a depth of at least twenty-four (24) inches, or as required by the Town.

- C. **Restoration.** Any disturbed portion of the right-of-way shall be restored as nearly as possible to its condition immediately prior to utility construction, improvements, location or relocation, and to the satisfaction of the Town.
- D. **Safety.** Safety measures shall be implemented to the satisfaction of the Town, and in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location or relocation.
- E. **Roadway Crossing.** When the installation crosses a roadway, it shall be located as perpendicular to the roadway as physically practical and installed by boring or jacking beneath the road surface.
- F. **As-built Drawings.** Certified as-built drawings shall be provided to the Town once the utility construction, improvements, location or relocation has been completed.

Section 6.5 Additional Standards Applicable to Telecommunication Facilities.

- A. **Compliance with FCC Regulations Regarding Physical and Electromagnetic Interference.** Telecommunication facilities shall comply with the current FCC regulations regarding physical and electromagnetic interference.
- B. **Setbacks.**
 - 1. **Setback from the Property Line, Residential Use.**
Telecommunication facilities shall be set back from all residential land use by a minimum of one hundred feet (100'), or at a 2:1 ratio (2' of setback for every foot of tower height), whichever is greater. Setbacks shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the telecommunications facility or tower higher than ten (10) feet. Upon agreement by the affected property owner(s), the Town may grant a variance to the required setback.
 - 2. **Setback from the Property Line, Nonresidential.**
Telecommunication facilities shall be set back from nonresidential land use or property by a minimum of eighty-five (85) feet from the property line or at a 2:1 ratio (2' of setback for every foot of tower height) whichever is greater. Upon agreement by the

affected property owner(s), the Town may grant a variance to the required setback.

- C. **Co-Location Encouraged.** No new telecommunication facility shall be permitted unless the applicant demonstrates to the satisfaction of the Town that no existing transmission tower, facility, or utility structure can be used by the applicant:
1. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements; or
 2. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment; or
 3. Existing facilities would interfere with the applicant's uses such that co-location is not possible; or
 4. No owner of existing towers, facility or utility structures within a distance that meets the applicant's engineering requirements will allow the applicant to place its telecommunication facility thereon.
- D. **Site Development.**
1. Existing landforms, vegetation and structures shall be used to screen the telecommunication facility from view whenever feasible.
 2. Existing vegetation shall be preserved whenever feasible.
 3. Equipment that could be dangerous to persons or wildlife shall be adequately fenced.
- E. **Lighting.** The telecommunications facility shall not be lighted unless required by federal regulations.
- F. **Maintenance.** The telecommunications facility shall be operated, repaired and maintained so as to prevent failures and accidents which

cause damage, injuries or nuisances to the neighboring property(ies) and the public.

G. **Abandonment.** If a telecommunications facility ceases operation for one hundred eighty (180) consecutive days:

1. The telecommunications facility shall be deemed abandoned by the Board of Trustees after the owner has had notice and an opportunity to be heard.
2. An abandoned telecommunications facility shall be removed by the owner within ninety (90) days of the date of determination of abandonment.

Section 6.6 Additional Standards Applicable to Land Use in Floodplain Overlay District.

A. **No Significant Adverse Effect on Floodplain.** The proposed development will not have a significant adverse effect on the floodplain. Examples of factors the Town may consider in determining impacts to floodplain include without limitation:

1. Increases in impervious surface area caused by the proposed development.
2. Increases in surface runoff flow rate and amount caused by the proposed development.
3. Increases in floodwater flow rate and amount caused by the proposed development.
4. Changes in function and areal extent of floodplains.
5. Changes in the watercourse that will have an adverse effect on the watercourse, including, without limitation, stream banks and streamside trees and vegetation

B. **No Danger to Public or Increase of Flood Hazard on Other Properties.** The proposed development shall not cause danger to persons, or increase the flood hazard on other properties upstream, downstream and in the immediate vicinity. Examples of factors the Town may consider in determining impacts to the public and other properties include without limitation:

1. Proximity and nature of adjacent or nearby land use.
2. Creation of obstructions from the proposed land use during times of flooding and vulnerability of the proposed development to flooding. The watercourse within the site of the proposed development shall be kept reasonably free of trash, debris, excessive vegetation, and other obstacles that pollute, contaminate or significantly retard the flow of water through the watercourse. Structures legally located in or adjacent to the watercourse shall be maintained so that the structure will not become a hazard to the use, function or physical integrity of the watercourse.
3. Use of flood-protection devices or floodproofing methods.
4. Impacts to downstream properties.
5. Impacts on municipal water and sewer system.
6. Availability of safe access to the property for ordinary and emergency vehicles in times of flood;
7. Whether additional public expenditures for flood protection or prevention will be required.

C. Basic Design and Construction Standards.

1. **Materials and Methods of Construction.** All new construction or substantial improvements shall be constructed with materials resistant to flood damage and utilizing construction methods and practices that minimize flood damage.
2. **New Construction Anchored.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy.
3. **Residential Construction: Elevation of Lowest Floor and Service Facilities.** All new construction or substantial improvements of any residential structure shall have the lowest floor (including basement) and electrical, heating, ventilation, plumbing, and air

conditioning equipment and other service facilities (including ductwork) elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Building Inspector.

4. **Nonresidential Construction: Elevation of Lowest Floor and Service Facilities.** All new construction or substantial improvements of any commercial, industrial, or other nonresidential structure shall be designed so that:
 - a. The lowest floor (including basement) and electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) shall be elevated to at least one foot above the base flood elevation; or
 - b. The structure, together with attendant utility and sanitary facilities, is watertight with walls substantially impermeable to the passage of water to at least one foot above the base flood elevation.
 - c. Drainage paths around structures on slopes are adequate to guide flood waters around and away from proposed structures.

5. **Properties Removed from the Floodplain by Fill.** All new construction or any addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) shall be designed in compliance with the following requirements:
 - a. **Residential Construction.** The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.
 - b. **Nonresidential Construction.** The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities

(including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

6. **Manufactured Homes.** All manufactured homes shall be installed using methods and practices that minimize flood damage. All manufactured homes shall be:
 - a. Elevated on a permanent foundation such that the lowest floor of the manufactured home and electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) are elevated to at least one foot above the base flood elevation; and
 - b. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

7. **Recreational Vehicles.** All recreational vehicles placed on sites within the Special Flood Hazard Area shall be
 - a. On the site for fewer than 180 consecutive days; and
 - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

8. **Enclosures.** All new construction or substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

- a. The enclosed area shall include a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Section 6.7 Impact Fees.

If the application shows that there will be unmitigated impacts to streets or other capital facilities caused by the use, the Town may assess an impact fee in the amount necessary to offset the impact to streets or other capital facilities.

DIVISION 7 VARIANCES, AND APPEALS OF BUILDING PERMIT OR SIGN PERMIT DECISIONS.

Section 7.1 Variances.

Variances are deviations from the zone district requirements set forth in Division 3 and may be granted by the Board of Adjustment according to this Section 7.1

- A. **Application Submittal Requirements.** An applicant shall submit the application to the Town Clerk. The Town Clerk shall immediately notify the Mayor and the Board of Adjustment that the application has been submitted.
 1. **Application Fees and Deposit.** The application shall be accompanied by the appropriate fees and deposit as set forth in Section 4.1.D of these Regulations.
 2. **Application Materials.** Applicant shall submit two copies of each of the following materials.
 - a. **Written Statement of Variance.** Written statement of variance requested and description of hardship.
 - b. **Map or Plan.** A map or plan prepared at a scale acceptable to the Town containing the following elements:
 - (1) Date of preparation, scale and north arrow.

- (2) Clearly identified lot lines, corner pins, and dimensions of the site.
- (3) Existing and proposed structures, shown by location, dimension, and distance of the structures from lot lines.
- (4) Existing and proposed off-street parking shown by location and dimension.
- (5) Existing and proposed access shown by location and dimension.
- (6) Significant features on the site such as natural and artificial drainage ways, wetland areas, ditches, and hydrologic features, with flooding limits; wildlife habitat; geologic features and hazards; soil types; vegetative cover; excavations and mines; and any other on-site and off-site features that might influence the development.

c. Additional information that may be requested by the Town to enable an adequate evaluation of the application.

B. Public Hearing and Decision by Board of Adjustment.

- 1. **Public Notice.** The Public Notice process is set forth in Section 11.1.
- 2. **Decision by Board of Adjustment.** Within thirty (30) calendar days of receipt of a complete application, the Board of Adjustment shall consider the application at a public hearing following proper public notice.
 - a. **Approval of Variance.** If the application satisfies the approval standards in Section 7.1.C, the application shall be approved.
 - b. **Denial of Variance.** If the application fails to satisfy the approval standards, the application may be denied; or

- c. **Conditional Approval of Variance.** The application may be approved with conditions determined necessary for compliance with the approval standards.
 - 3. **Written Decision.** The decision of the Board of Adjustment shall be by Resolution and shall include the following information:
 - a. **Description of Variance.** Brief discussion of the variance requested.
 - b. **Findings.** Findings as to whether each approval standard in Section 7.1.C has been satisfied.
 - c. **Conditions of Approval.** Conditions of approval, if any, necessary to ensure compliance with approval standards.
 - d. **Basis for Denial.** If the application is denied, findings supporting denial of application.
- C. **Approval Standards for Variance.** The following standards shall be satisfied for approval of a request for variance from specific zone district requirement(s).
 - 1. **Special Circumstances or Conditions Exist.** One or more of the following circumstances or conditions exists with respect to the specific property:
 - a. Exceptional narrowness, shallowness or shape of the property at the time of the enactment of the regulation in question.
 - b. Exceptional topographic conditions of the property.
 - c. Other extraordinary and exceptional situation or condition of the property.
 - 2. **Not a Result of the Actions of Applicant.** The special circumstances and conditions have not resulted from any act of the applicant.
 - 3. **Strict Application Results in Hardship to Owner.** Because of the special circumstances and conditions determined pursuant to Section 7.1.C.1, strict application of the regulations would result

in peculiar and exceptional practical difficulties to, or exceptional and undue hardship on, the owner of the property.

4. **Variance is Necessary for Relief.** The variance is necessary to relieve the owner of the peculiar and exceptional practical difficulties or exceptional and undue hardship.
5. **Variance Not Detrimental to the Public Good.** Granting the variance will not cause substantial detriment to the public good.
6. **Variance Will Not Impair the Town's Zoning Plans.** Granting the variance will not substantially impair the intent and purpose of the Land Use Code.

Section 7.2 Appeal of Decision on Building Permit or Sign Permit.

A. **Request for Appeal of Building Permit or Sign Permit.** The applicant may appeal the Planning and Zoning Board's decision on a Building Permit or the Building Inspector's decision on a Sign Permit with the Town Clerk within ten (10) calendar days following the decision. The Town Clerk shall immediately notify the Mayor, the Planning and Zoning Board or Building Inspector, and the Board of Adjustment that the request for appeal has been submitted.

1. **Transmittal of Record.** The Planning and Zoning Board or Building Inspector shall at once transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
2. **Appeal Stays All Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning and Zoning Board or the Building Inspector certifies to the Board of Adjustment that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the district court on application, on notice to the Planning and Zoning Board, and on due cause shown.

B. **Application Submittal Requirements.**

1. **Application Fees and Deposit.** The application shall be accompanied by the appropriate fees and deposit as set forth in

Section 4.1.D of these Regulations.

2. **Application Materials.** A written statement of the permit decision to be appealed, the date of the written decision, and the reasons why the appellant believes that the decision is incorrect, including any materials or evidence to support the appeal.
- C. **Public Hearing and Decision by Board of Adjustment on Appeal of Building Permit or Sign Permit.**
1. **Public Notice.** The Public Notice process is set forth in Section 11.1.
 2. **Decision by Board of Adjustment.** Within thirty (30) calendar days of receipt of a request to appeal the Planning and Zoning Board's decision on a Building Permit or the Building Inspector's decision on a Sign Permit, the Board of Adjustment shall consider the appeal at a public hearing following proper public notice. Based upon all evidence on the record, the Board of Adjustment shall uphold the permit decision or reverse the permit decision.
 3. **Written Decision.** The decision of the Board of Adjustment shall be by Resolution and shall include the following information:
 - a. Description of appeal being considered.
 - b. Basis for upholding or reversing the permit decision.

DIVISION 8 REZONING AND TEXT AMENDMENTS

Section 8.1 Rezoning.

Rezoning is a process to amend the existing zoning for a property or assign zoning to property previously not included in the Town's designated zone districts.

- A. **Initiation of Rezoning.**
1. Rezoning may be initiated by the Board of Trustees or the Planning and Zoning Board; or
 2. Rezoning may be requested by an applicant proposing a change in use of a particular parcel to engage in a use not allowed in the zone district where the parcel is located.

- a. The Town will not process a rezoning request for a change in use unless the request is accompanied by a development plan application for the proposed use.
- b. The rezoning request may be processed concurrently with the development plan application.
- c. The rezoning request shall not be approved unless the development plan is approved.

B. Application Submittal Requirements for Rezoning Request.

1. Application Submittal Requirements for Rezoning Request Initiated by Board of Trustees or Planning and Zoning Board..

- a. Vicinity map.
- b. Explanation of how the rezoning will satisfy the rezoning request approval standards in Section 8.1.D.

2. Application Submittal Requirements for Rezoning Request by Applicant Proposing a Change in Use.

- a. Vicinity map.
- b. Explanation of how the rezoning will satisfy the rezoning request approval standards in Section 8.1.D.
- c. Application materials required for the development plan.

C. Review and Decision for Rezoning Request.

1. Public Hearing and Recommendation by Planning and Zoning Board. The proposed rezoning shall be considered by the Planning and Zoning Board at a public hearing held at least ten (10) calendar days after notice of the public hearing is posted at the Town Hall. The Planning and Zoning Board shall recommend approval or denial of the proposed rezoning.

2. Public Hearing and Decision by Board of Trustees. The Board of Trustees shall consider the proposed rezoning at a public hearing held at least ten (10) calendar days after notice of the public

hearing is posted at the Town Hall. The Board of Trustees shall approve or deny the proposed rezoning.

3. **Written Decision.** The decision of the Board of Trustees shall be by Resolution and shall include the following information:
 - a. **Description of Proposal.** Brief description of the proposal.
 - b. **Findings.** Findings as to whether each approval standard in Section 8.1.D has been satisfied.
 - c. **Basis for Denial.** If the application is denied, findings supporting denial of application.
4. **Revision of Town Zoning Map to Conform with Approved Rezoning.** Within thirty (30) calendar days of the Board of Trustee's decision, the Town zoning map shall be revised to conform with the approved zone change.

D. **Approval Standards for Rezoning Request.**

1. **No Spot Zoning.** The proposed rezoning would result in a logical and orderly development pattern and would not constitute spot zoning.
2. **Compliance with Master Plan.** The proposed rezoning is in compliance with the Town of Silver Plume Master Plan.
3. **Change in Area.** The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.
4. **Demonstrated Community Need.** The proposed rezoning addresses a demonstrated community need with respect to facilities, services or housing.

Section 8.2 Land Use Code Text Amendment.

Amendments to the text of this Land Use Code may be initiated by the Board of Trustees or the Planning and Zoning Board.

- A. **Public Hearing and Recommendation by Planning and Zoning Board.** The proposed text amendment shall be considered by the Planning and Zoning Board at a public hearing held at least ten (10) calendar days after notice of the public hearing is posted at the Town Hall. The Planning and

Zoning Board shall recommend approval or denial of the proposed text amendment.

- B. **Public Hearing and Decision by Board of Trustees.** The Board of Trustees shall consider the proposed text amendment at a public hearing held at least ten (10) calendar days after notice of the public hearing is posted at the Town Hall. The Board of Trustees shall approve or deny the proposed text amendment. Unless otherwise specified by the Board of Trustees, an approved text amendment shall become effective immediately.

DIVISION 9 SUBDIVISION AND LOT MERGERS

Section 9.1 Subdivision.

- A. **Application Submittal Requirements.** An applicant shall submit the application for subdivision plat approval to the Town Clerk. The Town Clerk shall immediately notify the Mayor and the Board of Trustees that the application has been submitted.
1. **Application Fees and Deposit.** The application shall be accompanied by the appropriate fees and deposit as set forth in Section 4.1.D of these Regulations.
 2. **Application Materials.** An applicant shall submit two copies of each of the following materials.
 - a. Documentation establishing the applicant(s) ownership of the lot or parcel proposed to be subdivided.
 - b. Description of zoning and existing and proposed land use for the subject property and the adjacent properties.
 - c. Final Plat. A final plat prepared by a licensed professional land surveyor or engineer in compliance with Title 38, Article 51, C.R.S., at a scale suitable for recording. The final plat shall contain the following elements:
 - (1) Date of preparation, north arrow, and scale.
 - (2) Legal description of the property.
 - (3) Boundary lines, corner pins, and dimensions of the subject parcel(s), including land survey data to identify the subject parcel by section corners,

- distance and bearing to these corners, quarter corner, township and range.
- (4) Proposed lot layouts, lot dimensions, lot areas and lot numbers.
 - (5) Existing and proposed access shown by location and dimension.
 - (6) The boundary lines and dimensions of all alleyways, sidewalks, paths and similar features.
 - (7) Location of municipal water and sewer service lines.
 - (8) The location and size of all easements and rights-of-way and the purpose and owner(s) of all easements and rights-of way located on and adjacent to the subject property.
 - (9) Boundary lines and dimensions of all easements and rights-of way to be dedicated.
 - (10) All abutting lots or parcels. If the adjoining land is unplatted, it should be shown as such.
 - (11) Identification of lot areas with slope in excess of thirty (30) percent.
 - (12) All lands within the boundary of the property to be subdivided shall be accounted for as a lot, open space, street, right-of-way, alley and so forth, and all areas of such lands shall be shown on the plat.
 - (13) Certifications and signature blocks for the following:
 - (a) Certificate for acceptance by Board of Trustees.
 - (b) Certificate for County Clerk and Recorder.
 - (c) Owners and Mortgagee certification.

(d) Title Company title certification.

(e) Surveyor's certification.

B. Decision by Board of Trustees.

1. **Public Notice.** At least ten (10) calendar days before the Board of Trustees' meeting, the applicant shall post on the property a notice of the subdivision of land. The applicant shall obtain a copy of the notice from the Town Clerk. The applicant shall post the notice in a conspicuous location on the property that is readily visible from a road adjoining or serving the subject property. The applicant shall provide verification of proper notice pursuant to Section 11.1.C.
 2. **Decision by Board of Trustees.** The Board of Trustees shall consider the final plat at a meeting following proper public notice. The Board of Trustees, by Resolution, shall approve, conditionally approve or deny the application.
 - a. **Approval of Application.** If the final plat satisfies the approval standards in Section 9.1.F of these Regulations, the application shall be approved.
 - b. **Denial of Application.** If the final plat fails to satisfy the approval standards, the application may be denied; or
 - c. **Conditional Approval of Application.** The final plat may be approved with conditions determined necessary for compliance with the approval standards.
- C. Transfer of Dedicated Land.** Transfer to the Town of dedicated land shall take place by a legally acceptable instrument prior to or concurrent with submittal of the final plat for signature by the Board of Trustees.
- D. Submittal of Final Plat for Signature by Board of Trustees.** The final plat shall be submitted to the Board of Trustees for signature within one hundred twenty (120) calendar days from the date of approval of the plat. All conditions of approval shall be met prior to submitting the plat for signature by the Board of Trustees.

- E. **Recordation.** The approved final plat shall be filed for recording with the County Clerk and Recorder within thirty (30) calendar days from the date of signature by the Board of Trustees.

- F. **Approval Standards for Subdivision Final Plat.**
 - 1. **Developable Lots.** The proposed subdivision of land shall result in the creation of lots that can be developed for use in conformance with these Regulations. Each lot shall be a minimum of 4750 square feet.
 - 2. **Adequate Access.** Each lot created by the proposed subdivision of land shall have legal and adequate access.
 - 3. **Municipal Water and Sewer Service.** All lots shall be served by municipal water and sewer service.
 - 4. **Uninhabitable Land.** Land which is deemed to be uninhabitable because of flooding, inadequate drainage or excessive grades shall not be subdivided for any use that may increase danger to health, life or property or aggravate flood or other hazardous conditions. Such land within the parcel proposed to be subdivided may be set aside as open space.

Section 9.2 Lot Mergers.

- A. **Application Submittal Requirements.** An applicant shall submit the application to the Town Clerk. The Town Clerk shall immediately notify the Mayor and the Planning and Zoning Board that the application has been submitted.
 - 1. **Application Fees and Deposit.** The application shall be accompanied by the appropriate fees and deposit as set forth in Section 4.1.D of these Regulations.
 - 2. **Application Materials.** An applicant shall submit two copies of each of the following materials.
 - a. Documentation establishing the applicant(s) ownership of the lots proposed to be merged.
 - b. Copy of the recorded plat or map showing the location and existing boundaries and dimensions of the lots that are the

subject of the proposed lot merger.

- c. Description of existing and proposed land use.
- d. Documentation that the lot created by the proposed lot merger will be served with municipal water and sewer service.
- e. Documentation that the proposed lot merger will not create hazards and will contain a safe, adequate building site.
- f. Documentation that the proposed lot merger complies with applicable provisions of these Regulations and with any conditions for permit and land use approval previously issued for the property.
- g. Plat or map suitable for recording, at a scale acceptable to the Town, that includes the following information:
 - (1) Date of preparation, scale, and North arrow, and name of individual/company that prepared the plat or map;
 - (2) Location, property lines and dimensions of the lot created by the proposed lot merger, including all boundary survey control points with monument descriptions;
 - (3) Purpose, width, and location of all easements located on and adjacent to the lot created by the proposed lot merger;
 - (4) Location and dimensions of roads, driveways and trails located on, adjacent to, and providing access to the lot created by the proposed lot merger;
 - (5) Location of utilities located on and adjacent to the lot created by the proposed lot merger;
 - (6) Other information deemed necessary by the Town.

- B. **Decision by Planning and Zoning Board.** Within thirty (30) calendar days of receipt of a complete application, the Planning and Zoning Board shall consider the application at a regular meeting. The Planning and Zoning

Board, by Resolution, shall approve, approve with conditions or deny the application.

1. **Approval of Application.** If the proposed lot merger satisfies the approval standards in Section 9.2.D of these Regulations, the application shall be approved.
2. **Denial of Application.** If the proposed lot merger fails to satisfy the approval standards, the application may be denied; or
3. **Conditional Approval of Application.** The application may be approved with conditions determined necessary for compliance with the approval standards.
4. **Signature by Planning and Zoning Board.** The approved plat or map shall include a notation of the Planning and Zoning Board's decision and the date of the decision, signed by the Planning and Zoning Board Chair.

C. **Recordation of Approved Lot Merger.** The approved plat or map shall be filed for recording with the County Clerk and Recorder within thirty (30) calendar days from the date of approval by the Planning and Zoning Board.

D. **Approval Standards for Proposed Lot Merger.**

1. Legal and adequate access, and municipal water and sewer service are available to serve the lot created by the proposed lot merger.
2. The lot created by the proposed lot merger will not create hazards and creates a safe building site with consideration to areas subject to flooding, geologic hazards, and topography.
3. If the current land use on one or both of the lots proposed to be merged is a legally nonconforming use, the lot or parcel created by the proposed lot merger does not increase the nonconformity of the use.

Section 9.3 Amendment of Approved Plat or Map for Subdivision or Lot Merger.

A. **Minor Amendment of Approved Plat or Map.** Proposed amendment of an approved plat or map for subdivision or lot merger to correct technical or clerical errors is a minor amendment and shall be approved by the

Board of Trustees at a properly noticed meeting. No public hearing is required.

1. **Application Submittal Requirements.**

- a. **Application Fees and Deposit.** The application shall be accompanied by the appropriate fees and deposit as set forth in Section 4.1.D of these Regulations.
- b. **Application Materials.** An applicant shall submit the following materials.
 - (1) Documentation establishing the applicant(s) ownership of the property for which the plat correction is proposed.
 - (2) Documentation that proposed correction plat is consistent with permit and use approvals.
 - (3) Corrected plat suitable for recording, at a scale acceptable to the Town, that includes Date of preparation, name of individual/company that prepared the plat, scale, and North arrow.

2. **Approval Standards for Minor Amendment.**

- a. The correction is necessary to correct technical errors in the approved and recorded plat or map.
- b. The correction plat is consistent with the approved permit and land use approvals.

3. **Recordation.** The approved final plat shall be filed for recording with the County Clerk and Recorder within thirty (30) calendar days from the date of signature by the Board of Trustees.

B. **Amendment of Approved Plat or Map That Is Not a Minor Amendment.** Proposed amendment of an approved plat or map for subdivision or lot merger that is not a minor amendment pursuant to 9.3.A shall be considered a new application for subdivision approval or approval of a lot merger and subject to review under Section 9.1 or Section 9.2 of this Division.

DIVISION 10 NONCONFORMING USES

Section 10.1 Applicability

This Division shall apply to all legally established land use that does not conform with the requirements of this Land Use Code.

Section 10.2 Continuation of Nonconforming Uses and Structures

Unless otherwise prohibited by the provisions of this Division, a nonconforming use may be continued and a nonconforming structure may continue to be occupied, and normal or routine maintenance of the structure shall be allowed.

Section 10.3 Enlargement or Alteration of a Nonconforming Use

A. **Prohibited Enlargement or Alteration of Nonconforming Use.** The right to continue a nonconforming use terminates immediately when the nonconforming use is enlarged, expanded, extended, or altered in any of the following ways:

1. **Enlargement of Nonconforming Use.** Unless otherwise allowed by the provisions of this Division, the alteration, repair or enlargement of a nonconforming structure in any manner which would increase the degree of nonconformity with respect to floor area, setback or height.
2. **Addition of New Structure.** The addition of a new structure containing, or accessory to, the nonconforming use.
3. **Enlargement or Alteration of Conforming Structure Containing Nonconforming Use.** Unless otherwise allowed by the provisions of this Division, the enlargement or alteration of a conforming structure containing, or accessory to, a nonconforming use in any manner which would increase the degree of nonconformity, including an increase in floor area, an increase in height, or any other alteration or improvement in excess of normal or routine maintenance of the structure.
4. **Enlargement or Alteration of Land Area.** Enlargement or alteration in the land area occupied by the nonconforming use, unless the basic nature of the use, at the time it became nonconforming, clearly indicated or contemplated such an increase or alteration.
5. **Enlargement or Alteration Creating a Hazard or Nuisance.** Any enlargement or alteration of the nonconforming use which has the effect or threatened effect of creating a hazard or nuisance on

or off the property, of adversely affecting the character of the neighborhood, or of intensifying the use of the land or its need for services.

- B. **Allowed Enlargement or Alteration of Nonconforming Use.** The following shall not be considered prohibited enlargement or alteration of a nonconforming use.
1. **Change in Ownership.** A change in ownership of the property upon which the nonconforming use is located.
 2. **Alteration Required for Public Health and Safety.** An alteration or expansion which the Town determines to be necessary to rectify a hazardous situation, or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure.
 3. **Alteration Required by Americans with Disabilities Act (ADA).** An alteration or expansion necessary to comply with the ADA requirements.
 4. **Extension of Nonconforming Use Within the Structure.** An extension of the nonconforming use within the structure containing the use, provided that such extension is not accompanied by structural alteration prohibited in Section 10.3.A.

Section 10.4 Damage or Destruction of Nonconforming Structure or Structure Containing a Nonconforming Use

- A. **Structure Deemed Destroyed.** A nonconforming structure or structure containing a nonconforming use shall be deemed destroyed when either greater than fifty percent (50%) of its floor area or greater than fifty percent (50%) of its actual value is destroyed.
- B. **Structure Intentionally Damaged or Destroyed.** The right to continue a nonconforming use terminates immediately when the structure containing that use is damaged or destroyed by an intentional act of the property owner or structure owner or their agent.
- C. **Reconstruction or Restoration of Nonconforming Structure or Use.** When a nonconforming structure or structure containing a nonconforming use is damaged or destroyed by causes outside the control of the owner or their agent, the structure may be restored or

reconstructed and the nonconforming use may be reestablished.

1. **Permit Review Required.** Restoration or reconstruction allowed by the provisions of this Division shall be subject to the permit requirements of these Regulations and the appropriate review process.
2. **Commencement and Completion of Restoration or Reconstruction.** Restoration or reconstruction of the structure must be commenced within six (6) months after the date on which the structure was damaged or destroyed and completed within one year after the date on which the restoration or reconstruction was commenced. Upon approval by the Planning and Zoning Board at a properly noticed meeting, these times may be extended for a reasonable period upon a showing of extraordinary circumstances by the property owner.
3. **Restoration or Reconstruction in Floodplain Overlay District.** Reconstruction or restoration of a structure located in the Floodplain Overlay District shall comply with applicable development standards for development in the Floodplain Overlay District.

Section 10.5 Abandonment of a Nonconforming Land Use.

The right to continue a nonconforming use shall terminate if the use is determined to be abandoned.

- A. A nonconforming use shall be determined abandoned if the use is discontinued for an uninterrupted period of six (6) months or more, as a result of causes within the control of the property owner or their agent.
- B. A nonconforming use may be determined abandoned if the use is discontinued for an uninterrupted period of less than six (6) months and the property owner expressly states an intent to abandon the use, or engages in action which unambiguously expresses an intent to abandon.
- C. A seasonal nonconforming use shall be determined abandoned if the use is discontinued for an entire single season based upon the history and nature of the use.
- D. A seasonal nonconforming use may be determined abandoned if that use is discontinued during the season and the property owner expressly states an intent to abandon the use, or engages in action which

unambiguously expresses an intent to abandon

DIVISION 11 NOTICE AND CONDUCT OF PUBLIC HEARINGS

This Division shall govern the notice and conduct of any public hearing required by these Regulations.

Section 11.1 Public Notice.

Unless otherwise required by the provisions of these Regulations, notice of public hearings shall be given as follows:

- A. **Post Notice On Property.** At least ten (10) calendar days before the public hearing, the applicant shall post on the property a notice of the public hearing. The applicant shall obtain a copy of the notice from the Town Clerk. The applicant shall post the notice in a conspicuous location on the property that is readily visible from a road adjoining or serving the area of the proposed development.

- B. **Written Notice to Adjacent Property Owners.** Not less than ten (10) calendar days prior to the date of the public hearing, the applicant shall mail written notice of the public hearing to all owners of record of adjacent property by certified mail, return receipt requested.
 - 1. **List of Property Owners.** The list of property owners to be notified shall be compiled by the applicant using the most current list of property owners on file with the County Assessor.

 - 2. **Validity of Notice.** The applicant is responsible for the accuracy of the list of property owners to whom written notice is provided. If the applicant makes reasonable good faith efforts to accomplish the notice responsibilities identified above, then the failure of any property owner to receive notice shall not affect the validity of the decision.

- C. **Verification of Proper Notice.** At or before the public hearing, the applicant shall provide the Town with written verification of compliance with the required notice of public hearing. The Town shall be entitled to rely on such verification unless it has good reason to believe that proper notice has not been given.

Section 11.2 Rights of All Persons.

Any person may appear at a public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comment may also be submitted in written form before or during the hearing, or within a period of

time after the hearing has closed if/and as designated by the decision-making body.

Section 11.3 Order of Proceedings for Public Hearing.

The order of the proceedings shall be as follows:

- A. **Introduction of Matter and Confirmation of Adequate Public Notice.** The presiding officer of the decision-making body conducting the public hearing shall introduce the matter under consideration and report whether or not the required notice has been accomplished.
- B. **Proponent's Presentation.** The proponent may make an oral presentation.
- C. **Questions by Members of the Decision-making Body.** Members of the decision-making body may ask questions of Town staff, consultants or the proponent.
- D. **Public Comments.** The public may make comments regarding the matter under consideration. The presiding officer shall set reasonable time limits for comments. If any comment is so limited, the person offering that comment shall have an opportunity to enter it into the record in writing at the public hearing.
- E. **Proponent Response.** The proponent may respond to any comments made by the public or questions raised by members of the decision-making body.

Section 11.4 Close of Public Testimony Portion of Hearing.

- A. Once the public testimony portion of the hearing has been closed, no additional comments or testimony may be considered by the decision-making body, other than answers from the Town's staff and consultant(s) to questions by the decision-making body.
- B. If at any time after the close of public testimony, but before the final decision, the decision-making body wishes to consider additional information or testimony from the applicant, Town staff, or any other person, the decision-making body shall reopen the public testimony portion of the hearing for the specific purpose of such information or testimony.

Section 11.5 Deliberation.

After the public testimony portion of the hearing has been closed, the decision-making

body shall consider whether or not the applicable standards have been satisfied. The decision-making body may direct a Town official, a member of the decision-making body, or the Town's consultant to prepare a draft decision document memorializing its decision for consideration at its next meeting.

Section 11.6 Continuance of Public Hearing.

The decision-making body may continue the public hearing if it determines that additional time is necessary to consider new information and to allow interested parties to address that information, or to respond to concerns raised during the hearing.

- A. The decision-making body shall continue the hearing to a fixed date and time, and for a specific purpose.
- B. Except for purposes of completing the Order of Proceedings set forth in Section 11.3 or to complete its deliberations under in Section 11.5, the decision-making body shall not continue the hearing more than one time without the proponents consent.
- C. The limit on continuance of a hearing shall not apply to the deliberative phase. The decision-making body may continue the hearing as many times as reasonably necessary to give complete and full consideration to its decision.

Section 11.7 Record of Public Hearing.

The decision-making body shall record the public hearing by audiotape, videotape, or written minutes. The record shall consist of the written or taped record of the hearing, including testimony and statements of personal opinions; proof of required notice of public hearing; all application materials, exhibits, and papers submitted to the Town or its designee and in the proceeding before the decision-making body; the consultant's report; and the decision by the decision-making body.

DIVISION 12 PERMIT ADMINISTRATION AND ENFORCEMENT

Section 12.1 Person May Be Enjoined from Conducting Activity or Engaging in Development Without Obtaining Permit or Approval.

Any person engaging in new construction, reconstruction, structural alteration or change in land use subject to these Regulations who does not obtain the required permit(s) and approval(s) pursuant to these Regulations may be enjoined by the Board of Trustees from engaging in such development.

Section 12.2 Permit May Be Revoked or Suspended.

In addition to any other legal remedy that may be available, the Town may suspend or revoke a permit if the Town determines at any time that there are material changes in

construction or operation from that approved by the Town or there is a violation of the conditions of the permit or these Regulation.

Section 12.3 Permit Suspension or Revocation.

- A. **Suspension of Permit.** The Town may temporarily suspend a permit, upon written notice to the permittee, if the Town determines that there is a violation of the conditions of the permit or these Regulations or that there are material changes in construction or operation from that approved by the Town. The permittee shall cease construction or operations immediately upon such notice.
1. The permittee shall have fifteen (15) calendar days to correct the violation or to request an immediate hearing before the Board of Trustees. The Board of Trustees shall hold a public hearing at the next regularly scheduled meeting for which proper notice of hearing can be accomplished following receipt of the permittee's written request for hearing.
 2. At least ten (10) calendar days before the public hearing, the Town shall post on the property a notice of the public hearing.
 3. If the violation is not timely corrected, the permit may be further suspended pending a revocation hearing by the Board of Trustees.
- B. **Revocation of Permit.** The Town may revoke a permit following a revocation hearing by the Board of Trustees.
1. **Notice to Permittee.** Not less than thirty (30) calendar days prior to the revocation hearing, the Town shall provide written notice to the permittee stating the permit violation(s) or material change(s) to the development and the date, time, and location of the hearing.
 2. **Post Notice On Property.** At least ten (10) calendar days before the public hearing, the Town shall post on the property a notice of the public hearing.
 3. **Action by Board of Trustees.** The Board of Trustees may revoke the permit upon determination of a violation of the conditions of the permit or these Regulations or that there are material changes in construction or operation from that approved by the Town. The Trustees may specify a date by which the permittee

shall correct the violations to avoid revocation.

DIVISION 13 SECURITY AGREEMENT AND FINANCIAL SECURITY

Section 13.1 Security Agreement.

The Board of Trustees at its discretion may require a Security Agreement for subdivision of land or commercial or industrial development with significant infrastructure. The Security Agreement shall include provisions for notice by the Board of Trustees of deficiencies if the Board of Trustees determines that the permittee has not complied with any or all terms of the Agreement, and for the Board of Trustees to draw upon the financial security as may be necessary to complete mitigation, restoration and compliance with the conditions of approval.

Section 13.2 Financial Security.

The Security Agreement will require that the permittee provide the Town with a financial security in the amount and form established by the Board of Trustees at the time of approval of the proposed development. The amount of financial security shall be based upon the estimated cost of mitigation, restoration, and compliance with the conditions of approval, and payable on demand to the Town, except that the financial security shall not be required for reclamation secured by a valid and adequate security instrument held by the Mined Land Reclamation Board.

Section 13.3 Completion and Release of Financial Security.

The Security Agreement may include requirements for certification of completion, partial releases of the security, hold-over of security to ensure repairs or replacement, demonstrated performance of required facilities, substitution of security, and other requirements deemed appropriate by the Board of Trustees.

DIVISION 14 SIGNS AND OUTDOOR ADVERTISING

Section 14.1 Permit Required.

Unless otherwise provided by these Regulations, a Sign Permit issued by the Building Inspector is required for the display, construction, erection, alteration, and location of signs within the municipal boundaries of the Town. Modification or deviation from the terms or conditions of an approved Sign Permit are prohibited without approval of the Building Inspector.

Section 14.2 Sign and Outdoor Advertising Standards.

- A. **Signage for Marijuana Establishment.** Signage for a marijuana establishment is subject to regulation under Ordinance No. 335.
- B. **Maximum Height of Sign.** Signs shall not be higher than the eave line or

parapet wall of the principal building.

C. **Sign Area.**

1. **General.**

- a. In no event shall any sign, or combination of all signs on a building be greater than the Maximum Aggregate Sign Area Allowance set forth in Section 14.2.C.2.
- b. The Maximum Aggregate Sign Area Allowance shall apply to signage for the primary business located within that building. Each additional business located within the building shall increase the total allowable maximum sign area for said building by one and one-half (1 1/2) square feet so long as each business used to increase said sign area is included and advertised in the buildings signage. In the event that any business ceases to exist in said building, the sign area allowed shall revert to the allowable amount for the building and businesses remaining.

2. **Maximum Aggregate Sign Area Allowance.**

- a. **Buildings with Frontage of Less than 25'.** For those buildings having a frontage along one or more public streets of less than twenty-five (25) feet in length, the maximum aggregate sign area allowable shall be calculated at the rate of one and 2-tenths (1.2) square feet of sign area per lineal foot of building frontage.
- b. **Buildings with Frontage of 25'-50'.** For those buildings having a frontage along one or more public streets of twenty-five (25) feet to fifty (50) feet, the maximum aggregate sign area allowable shall be calculated as thirty (30) square feet plus six-tenths (0.6) of a square foot of sign area per lineal foot of building frontage in excess of twenty-five (25) feet.
- c. **Buildings with Frontage of More than 50'.** For those buildings having a frontage along one or more public streets of more than fifty (50) feet in length, the maximum aggregate sign area allowable shall be calculated as forty-five (45) square feet plus three-tenths (0.3) of a square foot of sign area per lineal foot of building frontage in excess of fifty (50) feet, up to a maximum of eighty (80)

square feet of aggregate sign area.

- d. **Tracts of Land Developed for Use but without Substantial Buildings.** For those tracts of land which are developed for use but have no substantial buildings thereon, the maximum aggregate sign area shall be calculated at the rate of two-thousandths (0.002) of a square foot of sign area per square foot of tract area, up to a maximum of one hundred twenty (120) square feet of aggregate sign area. No one sign may exceed the size limitations specified for each type of sign.
- e. **Signs Identifying Building Name.** Signs identifying a building name are allowed in addition to all other signage at a business location provided that such signage does not exceed two-thousandths (0.002) of a square foot of sign area per square foot of land area, only the building name is written thereon, and all other provisions of this sign code are complied with.

D. **Structural Characteristics:**

1. **Projecting Signs.**

- a. **Minimum Height.** Projecting signs that project over any public right-of-way shall be a minimum of eight (8) feet above grade, and shall not extend more than four (4) feet from the building wall unless the sign is an integral part of an approved canopy or awning.
- b. **Maximum Sign Area.** No projecting sign shall exceed twenty (20) square feet in sign area.

2. **Wall Signs.**

- a. **Maximum Extension from Building Wall.** No sign part, including cut-out letters, shall extend more than six (6) inches from the building wall.
- b. **Maximum Sign Area.** No wall sign shall exceed forty (40) square feet in sign area.

3. **Signboards.**

- a. Signboards shall be located off the public right-of-way and wholly within the property of the place of business.
 - b. No business shall have more than one (1) signboard.
 - c. Signboards shall not be greater than six-and-a-half (6.5) square feet in total sign area.
4. **Signs on Awnings.** Lettering on awnings is allowed and shall be included in the computation of the aggregate square footage of sign area for the building. Signs on awnings shall be considered to be "wall signs" for the purpose of measuring and regulating the sign area. No signs may be attached to or suspended from an awning.
- E. **Residential District Sign Restrictions.** Signage in the Residential District shall be restricted to the following:
1. **Sign Identifying Occupant or Home-based Business.** Wall sign identifying the occupant or home business, not to exceed two (2) square feet in sign area per dwelling unit.
 2. **Sign Identifying Institutional Use and Public Buildings.** Wall sign identifying institutional uses such as school or public building.
 - a. **Maximum Aggregate Sign Area.** The Maximum Aggregate Sign Area along one street shall not exceed 1 square foot of sign area for each five (5) feet of frontage occupied by the building within which the principal use is conducted. Sign area for one use shall not exceed 20 square feet on any single frontage.
 - b. **Height.** The sign shall not exceed the height of the building within which the principal use is conducted.

Section 14.3 Sign Permit Application Materials

An applicant shall submit the application to the Town Clerk. The Town Clerk shall immediately notify the Building Inspector and the Mayor that the application has been submitted.

- A. **Waiver.** The Building Inspector may waive any part of the submittal requirements when the information would not be relevant to

determining whether the proposed sign complies with the Sign Permit approval standards in Section 14.5

- B. **Application Fees and Deposit.** The application shall be accompanied by the appropriate fees and deposit as set forth in Section 4.1.D of these Regulations.
- C. **Application Materials.** An applicant shall submit two copies of each of the following materials.
 - 1. **Sign Permit Application.** Completed Sign Permit Application form. The Sign Permit Application form is available through the Town Clerk.
 - 2. **Site Plan.** A site plan, drawn to scale, showing the proposed location and orientation of the proposed sign. The site plan shall include all easements, rights-of-way, sidewalks and paths, and streets that may affect or be affected by the location of the proposed sign.
 - 3. **Scale Drawing of the Sign.** A scale drawing of the proposed sign, that includes exact dimensions and area calculations, text, color and materials proposed for the sign.
 - 4. **Description of Sign Illumination.** A detailed description of the sign illumination.
 - 5. **Electrical and Engineering Data.** Electrical and engineering data sufficient to prove the safety and reliability of the proposed sign.
 - 6. **Insurance or Bond Coverage.** The Town may require the owner of a proposed projecting sign which extends over public right-of-way to provide insurance or bond coverage that is acceptable to the Town for purposes of indemnifying the Town from liability in the event of damage or injury due to collision or structural failure.

Section 14.4 Sign Permit Decision Process.

- A. **Decision by Building Inspector.** Within sixty (60) calendar days of receipt of a complete application, the Building Inspector shall approve, approve with conditions or deny the application based on the proposed sign's compliance with the sign permit approval standards in Section 14.5.

- B. **Appeal of Sign Permit Decision.** A sign permit decision may be appealed to the Board of Adjustment as provided in Section 7.2.

Section 14.5 Sign Permit Approval Standards.

- A. **Complies with Sign and Outdoor Advertising Standards.** The proposed sign shall comply with the applicable standards for signs and outdoor advertising in Section 14.2, and is not prohibited by provisions of these Regulations.
- B. **Advertises or Identifies Legally Established Use.** The proposed sign advertises or identifies a business or use legally established under these Regulations and all applicable Town ordinances.
- C. **Located on the Property that Contains Advertised Use.** The proposed sign shall be wholly located on the property that contains the advertised use.
- D. **Illumination.**
 - 1. **No Impact to Neighboring Property.** Neither the direct or reflected light from the light source illuminating the sign shall cause glare or otherwise adversely impact neighboring property.
 - 2. **No Impact to Traffic.** Neither the direct or reflected light from the light source illuminating the sign shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares.
- E. **Safety.** The sign shall be constructed and installed in a manner that does not create a hazard for pedestrian or vehicular traffic.

Section 14.6 Signs that Do Not Require a Permit under These Regulations.

- A. **Governmental Signs.**
 - 1. Governmental signs to control traffic or for other regulatory purposes, including street name signs and signs erected for public safety purposes.
 - 2. Town of Silver Plume and Clear Creek County public information, directional and/or identification signs approved by the Town Board of Trustees.

3. Any signs required to be posted by local, state, or federal laws or regulations.
- B. **Changes to Advertising Copy and Routine Maintenance.** Change to advertising copy or message or routine maintenance and repair of a legally established sign that does not include structural alterations.
- C. **Signs Painted on Windows and Interior Signs.**
1. Signs painted onto the window of a building where the business being advertised is located.
 2. Signs located inside the window of a building, except that any sign which is located within five feet (5') of any window shall not have any flashing or moving lights which would produce any glare or distraction for any passing motorist.
- D. **Temporary Signs that Do Not Require a Sign Permit.** Unless prohibited in Section 14.7, the following temporary signs and advertising devices are allowed in all zone districts and do not require a sign permit. Temporary signs and advertising devices shall comply with the applicable standards in Section 14.2.
1. **Temporary Political Campaign Signs.** All political campaign signs shall be removed no later than seven (7) days after the election for which they are intended.
 2. **Real Estate Signs.** One (1) real estate sign located on the lot being offered for sale, rent or lease. The real estate sign shall be removed no later than seven (7) days after the closing of the real estate conveyance.
 3. **Community Event and Non-Profit Fund Raising Signs.** Signs announcing any public, charitable, educational, or religious event or function. These signs shall be removed not later than seven (7) days after the event.

Section 14.7 Prohibited Signs.

The following signs and advertising devices are prohibited in all zone districts.

- A. **Structurally Unsafe Signs.** Signs that are structurally unsafe or hazardous.

- B. **Signs Obstructing Ingress or Egress.** Signs that obstruct or interfere with ingress or egress at any door, window or fire escape.
- C. **Signs Obstructing Visibility.** Signs that obstruct or interfere with traffic signs or signals, or that impair visibility in the public right-of-way.
- D. **Signs with Moving Parts.** Signs with visible moving, revolving, or rotating parts.
- E. **Signs with Flashing or Fluttering Lights.** Signs with flashing or fluttering lights, except temporary holiday decorations.
- F. **Illuminated Signs.** Illuminated signs are prohibited except as follows:
 - 1. Illumination with lighting directed at the sign in a manner conforming with Section 14.5.D
 - 2. One neon or similarly illuminated sign, not more than two (2) square feet in sign area, indicating whether the business is open or has a vacancy.
 - 3. Temporary holiday decorations.
- G. **Portable Signs.** Signs placed on vehicles or other mobile units that are parked or located on the street, alley or private property for the apparent purpose of advertising a product, service or activity or to direct people to a business or activity located on the premises or nearby.
- H. **Signs Painted on Roof.** Signs painted on the roof of any building or structure.
- I. **Signs on Natural Features.** Signs painted on rocks or other natural features.
- J. **Off-Premises Signs.** Signs not located on the property or business identified or advertised by the sign, and signs located in the public right-of-way or easement, unless the Board of Adjustment determines that an off-site sign is necessary to promote the interests of the use to which it relates. An off-site sign shall otherwise conform to the requirements of these Regulations.
- K. **Freestanding Signs.** Except as otherwise provided in this Division, free-

standing signs are prohibited within the municipal boundaries of the Town.

Section 14.8 Non-Conforming Signs.

Non-conforming signs, legally existing at the time of adoption of these Regulations, may continue in use provided they are maintained in good repair and condition and are not altered so as to increase the degree of non-conformity with these Regulations. If a non-conforming sign is damaged or destroyed for any reason, it may be reconstructed in compliance with its non-conforming status provided such reconstruction occurs within one (1) calendar year of its destruction.

Section 14.9 Definitions of Words and Terms Specific to this Division 14.

Frontage, for the purposes of computing the Maximum Aggregate Sign Area Allowance, means that portion of a building in which a business or businesses are located which abuts upon or is adjacent to a public street, measured in a single straight line, and not including abutment onto an alley, nor including any surrounding property or yard area adjacent to the building, and not including any portion of the building used for some other purpose than business.

Sign means an object or device which is used to advertise, identify, display, direct or attract attention to an object, place, person, institution, organization, business, product, service, event, or location.

Signboard means a moveable sign that is not permanently attached to the building or ground.

Sign, Free-standing means a sign structurally separate from the building, being supported on itself or on a standard(s), leg(s), column(s), brace(s), or upright(s).

Sign, Projecting means a sign, other than a wall sign, attached to and projecting from a building.

Sign structure means any supports, uprights, braces, or columns to which a sign is affixed, excluding any portion of the sign structure which is incorporated into the sign or the sign's message.

Sign, Wall means any sign painted on, incorporated in, or affixed to a building wall, or any sign consisting of cut-out letters, symbols, or other devices affixed to the building wall.

DIVISION 15 WATERSHED PROTECTION DISTRICT REGULATIONS

Section 15.1 General Provisions.

A. Purpose and Authority.

1. The purpose of the Watershed Protection District is to protect the Town of Silver Plume waterworks from injury and the municipal water supply from pollution.
2. These regulations are adopted pursuant to the authority granted to municipalities by § 31-15-707(1)(b), C.R.S., *Municipal Utilities*; § 29-20-101, *et seq.*, C.R.S., *Local Government Land Use Control Enabling Act*; Colo. Const. Art. XX, *Home Rule Cities and Towns*; and other such similar authority that may be granted by the Colorado General Assembly.

B. Jurisdiction and Map. The boundaries of the Watershed Protection District encompass the Town waterworks and any source of municipal water supply, and for five (5) miles above the points of diversion of water for use of the Town. This jurisdiction also extends to groundwater underneath lands within the five-mile area. The official map that depicts the Watershed Protection District boundaries is located in the office of the Town Clerk.

C. Applicability.

1. The Watershed Protection District regulations apply to proposed development located partially or wholly within the boundaries of the Watershed Protection District that is not exempt under Section 15.1.D.
2. Relationship to Clear Creek County land use authority.
 - a. Nothing in these regulations is intended to supersede or abrogate the authority of Clear Creek County to regulate land use within the unincorporated areas of the Watershed Protection District.
 - b. Wherever there is a conflict between a County permit requirement and a Town Watershed Permit requirement, the requirement most protective of the Watershed Protection District shall apply.

- D. **Exemptions from Watershed Permit Requirement.** The following activities are exempt from the requirement to obtain a Watershed Permit:
1. Development that requires Development Plan approval under Section 1.3.B.
 2. One Single-family dwelling.
 3. Reclamation and restoration of the watershed pursuant to state or federal permits or other reclamation or restoration plan approved in writing by the Town.
 4. Repair, maintenance, or replacement of an existing water diversion structure without change in the point of diversion or place of use of the water.
 5. Installation, repair, or maintenance of irrigation facilities used for agricultural purposes.
 6. Repair, maintenance, improvements, and upgrades to existing water and wastewater facilities where there is no expansion of capacity or change in location of the facility.

Section 15.2 Watershed Permit Granted for Clear Creek County and United States Forest Service Construction and Maintenance Activities.

- A. Clear Creek County is hereby issued a Watershed Permit for County construction and maintenance activities conducted within the Watershed Protection District.
- B. The United States Forest Service is hereby issued a Watershed Permit for United States Forest Service construction and maintenance activities conducted on its own property within the Watershed Protection District in accordance with Best Management Practices.
- C. Written notice of construction or maintenance activity shall be provided to the Town prior to beginning the activity.

Section 15.3 Pre-application Conference

A pre-application conference with the Board of Trustees is required for all applications proposing development in the Watershed Protection District.

- A. **Pre-application Conference Materials.** At or before the pre-application conference, the proponent shall submit to the Town Clerk information that is sufficient for determining the nature of the proposed development and the degree of impacts associated with the proposed development including:
1. Applicant's name, address and phone number.
 2. Detailed written description of the proposed development, including the number of cubic yards of material expected to be disturbed.
 3. Map prepared at an easily readable scale showing the boundaries of the proposed development; relationship of the proposed development to surrounding topographic features, water features, and hydrologic features; and existing and proposed roads, structures, and infrastructure.
- B. **Participation by Consultant(s) and Staff from Other Agencies.** The Town may include staff from other agencies, counsel, and outside consultants in the pre-application conference.

Section 15.4 Application Process for Watershed Permit.

An applicant shall submit the application to the Town Clerk. The Town Clerk shall immediately notify the Mayor and Board of Trustees that the application has been submitted.

- A. **General Provisions.**
1. **Waiver of Application Material Requirements.** The Town may waive any part of the submittal requirements when the information would not be relevant to determining whether the proposed development complies with the applicable watershed protection standards.
 2. **Number of Copies of Application Materials.** An applicant shall submit two copies of each of the required application materials.
 3. **Application Fees and Deposit.** The applicant shall be responsible for all of the actual costs and expenses incurred by the Town in the review and processing of the Watershed Permit application, including the cost of technical experts and consultants, and

review by referral agencies.

- a. The application shall be accompanied by an initial fee deposit of twenty thousand dollars (\$20,000.00) unless a different amount is approved by the Board of Trustees.
- b. Throughout the application review process, a minimum fee deposit balance of fifteen thousand dollars (\$15,000) shall be retained by the Town. The amount of the minimum fee deposit balance may be adjusted upon a determination by the Town that the cost to review and process the application is likely to be less than the minimum amount set by these regulations. If the balance falls below the minimum amount, the Town may suspend review of the application pending receipt of additional funds bringing the balance to at least the minimum amount. Suspension shall toll all deadlines imposed on the Town by these regulations.

B. Watershed Permit Application Materials.

1. Information describing applicant.

- a. The name, addresses, email address, phone number and business of the applicant and, if different, the owner(s) of the proposed development.
- b. Authorization of the application by the owner of the proposed development, if different than the applicant.

2. Description of Proposed Development. A written description of the proposed development including:

- a. Description of any wastewater treatment system proposed to serve the proposed development and plans for operation of the system through the life of the development including any reclamation that is required.
- b. Description of the source and capacity of the water supply to serve the proposed development, including:
 - (1) Amount and quality of water;

- (2) Applicant's right to use the water, including adjudicated decrees and applications for decrees;
 - (3) Proposed points of diversion and changes in the points of diversion; and
 - (4) If an augmentation plan for the proposed development has been decreed or an application for such plan has been filed in court, the applicant shall submit a copy of that plan. For a proposed development involving water storage, the applicant shall be the owner of the applicable water rights and shall provide documentation of ownership.
 - c. Schedules for designing, permitting, constructing and operating the proposed development, including the estimated life of the proposed development and reclamation plans, if any.
 - d. Operational details, including the hours of operation, number of employees on site on a daily basis, and types of vehicles and equipment.
 - e. Discussion of the alternatives to the proposed development that were considered and rejected by the applicant, including the general degree of feasibility of each alternative and a statement explaining why there is no alternative outside the Watershed Protection District.
 - f. Discussion of the need for the proposed development, including existing and proposed facilities that perform the same or related function, and benefits of the proposed development versus the loss of any natural resources, recreational opportunities, or agricultural lands rendered unavailable or less productive as a result of the proposed development.
3. **Vicinity map.** An eight-and-one-half-by-eleven (8 ½ x 11) inch vicinity map locating the site where the proposed development will occur. The vicinity map shall clearly show the boundaries of the development property and all property within a three-mile radius of the development property.

4. **Site plan.** A detailed site plan of the proposed development including:
 - a. Legal description of the proposed development site.
 - b. Boundary lines, corner pins and dimensions of the proposed development site, including land survey data to identify the site with section corners, distance and bearing to corners, quarter corners, township and range.
 - c. Watershed Protection District boundary lines in relationship to the proposed development site.
 - d. Existing and proposed topographic contours at vertical intervals sufficient to show the topography of the development site and a minimum 100-foot radius beyond the development site as necessary to include all on-site and off-site topographical features that may affect the development and storm drainage.
 - e. Significant on-site and off-site features that influence the proposed development, including:
 - (1) Natural and artificial drainageways, ditches, water features and hydrologic features on-site, including intermittent water features, wetlands, and the 100-year floodplain boundaries;
 - (2) Slopes and areas of subsidence;
 - (3) Vegetative cover; and
 - (4) Excavations and mines.
 - f. Existing and proposed roads, railroad tracks, fences, and utility lines on or adjacent to the site, shown by location and dimension.
 - g. Users and grantees of all existing and proposed easements and rights-of-way on or adjacent to the site, shown by location and dimension.
 - h. All existing and proposed structures and appurtenant

facilities, shown by location and dimension.

- i. Existing and proposed parking areas, driveways, sidewalks and paths, shown by location and dimension.
- j. Wastewater treatment system proposed to serve the development, including location and size of leach field, wastewater service lines and treatment facilities.
- k. Location and size of wells and/or water lines to serve the proposed development.
- l. Calculation of impervious surface area.
- m. Snow storage areas.
- n. Areas of disturbance and extent of impervious surfaces.
- o. Additional information that may be reasonably requested by the Town to enable an adequate evaluation of the application.

5. **Property rights, permits and other approvals.**

- a. Description and documentation of property rights, easements, and rights-of-way agreements that are necessary for or that will be affected by the proposed development.
- b. List of all federal, state, and county permits and approvals that have been or will be required for the proposed development.
- c. Copies of any federal and state correspondence applicable to the proposed development; a description of all mitigation and financial security required by federal, state, and local authorities; and copies of any draft or final environmental assessments or impact statements prepared for the proposed development.

6. **Land use. *(not applicable on federal lands)***

- a. Description of the existing land uses within and adjacent

to the site where the proposed development will occur.

- b. Description of land use policies set forth in comprehensive plans, master plans and intergovernmental agreements that are applicable to the development and an assessment of whether the development will be consistent with or further the objectives of these policies.
7. **Impacts to Town waterworks and municipal water supply.**
Description of the impacts of the proposed development on the Town waterworks and how the impacts will be mitigated.
8. **Surface water quality.**
 - a. Map and description of all surface waters that will be affected by the proposed development, including applicable state water quality standards, existing water quality where available, and any Total Daily Maximum Loads for segments that have been listed on the Colorado Water Quality 303(d) list.
 - b. Map and/or description of existing minimum stream flows based on Colorado Water Conservation Board data.
 - c. Map of all springs and seeps.
 - d. Description of the impacts of the proposed development on the quality of surface water and how the impacts will be mitigated. If a Water Quality Monitoring Plan has been prepared, pursuant to Section 15.4.B.15, the applicant may refer to the plan.
9. **Ground water quality and quantity.**
 - a. Map and description of all groundwater that will be affected by the proposed development, including:
 - (1) Seasonal water levels of the aquifer(s) affected by the proposed development.
 - (2) Artesian pressure in aquifers and a description of how the proposed development may affect adjacent communities and users on wells.

- (3) Groundwater flow directions and levels.
 - (4) Existing groundwater quality and classification.
 - (5) Location of all water wells and description of their uses.
 - b. Description of the impacts of the proposed development on groundwater quality and quantity, and how the impacts will be mitigated.
- 10. **Floodplains, wetlands, and riparian areas.**
 - a. Map and description of all floodplains, wetlands, and riparian areas that will be affected by the development, including a description of each type of wetlands, species composition, and biomass. Wetlands within the boundaries of the proposed development and extending at least one hundred feet from the boundaries of the proposed development are presumed to be affected by the development.
 - b. Description of the impacts of the proposed development on the floodplains, wetlands, and riparian areas and how the impacts to the floodplain and riparian areas will be mitigated.
 - c. Wetland Mitigation Plan, including both a compensatory plan for those wetlands permanently lost as a result of the proposed development, and mitigation measures to avoid and minimize impacts to wetland.
 - (1) The intent of compensatory wetland mitigation is to replace the wetlands' ecological functions that are unavoidably lost because of the proposed development.
 - (2) The priority is to (in order of preference) restore, create, enhance, or protect wetlands in-kind (of the same wetland type that performs the same wetland functions to the same degree or better) within the Watershed District.

11. **Terrestrial and aquatic plant life.**
 - a. Map and description of terrestrial and aquatic plant life that will be affected by the proposed development including the type and density and threatened or endangered plant species and habitat.
 - b. Descriptions of the impacts of the proposed development on terrestrial and aquatic plant life and how the impacts will be mitigated.

12. **Soil and geologic conditions and natural hazards.**
 - a. Map and description of soil conditions, geologic conditions, and natural hazards including soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas.
 - b. Description of the impacts of the proposed development on soil and geologic conditions in the area, and how the impacts will be mitigated.
 - c. Description of the risks to the proposed development from soil and geologic conditions and from natural hazards, and how the risks will be mitigated.

13. **Spill Prevention, Storage, Control, Countermeasure and Contingency Plan.** A Spill Prevention, Storage, Control, Countermeasure and Contingency Plan that describes the measures to prevent hazardous materials, pesticides, petroleum products, and other substances from entering into, harming, damaging, or injuring the Town's waterworks or polluting the Town's water supply, including:
 - a. Location of storage areas for equipment, fuel, lubricants, chemicals and waste during both construction and operation of the proposed development.
 - b. Measures, procedures, and protocols for spill prevention, storage and containment.

- c. Measures, procedures, and protocols for reporting spills and storage to Town, county, state and federal officials.
 - d. Measures, procedures, and protocols for clean-up and contingency and description of the financial security for these provisions.
 - e. Provisions establishing that the Town, or its designee, may undertake prevention, control, countermeasure, containment, and clean-up measures if the permittee fails to comply with its obligations under the *Spill Prevention, Storage, Control, Countermeasure and Contingency Plan*, and that the permittee will pay all costs incurred by the Town for any such measures.
 - f. Maintenance of material safety data sheets (MSDS).
 - g. Provisions for implementation of Best Management Practices to prevent and reduce pollutants.
14. **Emergency Response Plan.** An Emergency Response Plan that addresses fire protection and other events that could pose a threat to public health, safety and welfare, including the owner's emergency contact information, proposed signage, access and evacuation routes, and health care facilities anticipated to be used. The plan shall include a provision for the owner to reimburse the appropriate emergency response service providers for costs incurred in connection with the emergency.
15. **Water Quality Monitoring Plan.** A Water Quality Monitoring Plan that establishes a baseline and a process for monitoring changes to the aquatic environment and effectiveness of mitigation. The plan should be complementary to historic monitoring data, any ongoing monitoring by any entity and, any monitoring required, or conducted by state and federal agencies and include:
- a. Stream segments, water features, and groundwater to monitor.
 - b. Locations for and frequency of sampling and monitoring to establish baseline of existing conditions prior to construction and operation of the proposed development,

including existing fishery, water quality, aquatic macroinvertebrate, and groundwater data.

- c. Key indicators of water quality, stream health, and threshold levels that reflect decline in water quality and health of the aquatic environment.
 - d. Locations for and frequency of sampling and monitoring for key indicators of water quality and stream health including constituents regulated by the Colorado Water Quality Control Commission, and constituents associated with the proposed development.
 - e. Locations for and frequency of sampling and monitoring to measure effectiveness of water quality mitigation during the life of the proposed development and five years after final reclamation of all disturbed areas is complete.
 - f. If monitoring of key indicators reveals degradation, how mitigation will be implemented.
 - g. Estimated costs of monitoring.
16. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan that includes:
- a. Methods to minimize on-site erosion and control surface runoff, including:
 - (1) Installing erosion- and sediment-control measures before site grading.
 - (2) Stabilizing disturbed areas and soil stockpiles; protection of disturbed areas that will remain exposed and inactive for periods longer than fourteen (14) days.
 - (3) Mulching and seeding disturbed areas with native seeds and weed-free hay within seven (7) calendar days after final grade is reached, weather permitting.
 - (4) Keeping temporary measures for soil stability in

place, such as mulch or silt fences, until the vegetative cover has reached seventy percent (70%) of the disturbed area.

- (5) On-site limitation or detention of sediment-laden runoff using sediment basins, silt traps, erosion logs or other appropriate control options.
 - (6) Controlling the rate and total volume of surface runoff during and after construction so as not to exceed the level of runoff that occurred prior to construction; installing energy dissipation measures where flows are anticipated in excess of five (5) feet per second.
 - (7) Controlling surface runoff from the proposed development so as to prevent discharge directly into streams or other water features, including: on-site containment and treatment of surface runoff from areas likely to contain pollutants; allowing surface runoff to infiltrate in vegetated areas if such infiltration will not result in significant degradation of groundwater or surface water quality; and groundwater monitoring, as necessary, to monitor potential subsurface transport of pollutants.
 - (8) Diverting off-site run-on around the construction site when practical.
 - (9) Inspection and maintenance of all erosion- and sediment-control devices in a manner to support their effectiveness.
- b. Construction schedule indicating the anticipated start date and date of completion for site grading, installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.
 - c. Plan view drawings of all erosion and sediment control measures showing approximate locations and site

drainage patterns for construction phases and final design elements.

- d. Estimated total cost of the required temporary soil erosion and sediment control measures (installation and maintenance).
 - e. Any calculations made for determining rainfall, runoff, sizing any sediment basins, diversions, conveyance or detention/retention facilities.
 - f. Signature block for owner or legal agent acknowledging the review and acceptance of responsibility, and a signature and stamped statement by the qualified individual acknowledging responsibility for the preparation of the Erosion and Sediment Control Plan.
17. **Drainage Plan.** A drainage plan or stormwater management plan designed by a licensed professional engineer according to generally accepted storm drainage practices, that includes:
- a. Provisions to address flows from the area disturbed by the proposed development site.
 - b. Diversion of the expected maximum water flows from any twenty-five-year flood event and any one-hundred-year flood event away from all buildings and other developed areas, adjacent lands, and potential sources of water pollution.
 - c. Description of measures to prevent pollution of existing lakes and water courses by storm runoff.
 - d. Locations of existing and proposed drainage structures, culverts, bridges, drainage ditches, channels and easements, and natural drainage features affecting site drainage on-site and within one hundred (100) feet adjacent to the proposed development site boundary, including drainage channels and other water conveyance structures, and wetlands or other water features receiving storm runoff from the proposed development site.
 - e. Preliminary engineering, design, and construction features

for drainage structures to be constructed.

18. **Grading Plan.** A detailed Grading Plan taking into account the soil and geology of the site, that includes:
 - a. Topography, elevations, dimensions, location, extent, and slope of all proposed clearing, grading, excavating, filling, or surfacing, including building site and driveway grades, to occur as a result of the proposed development, and the volume of material to be removed or moved.
 - b. All natural features on-site and potentially affected by the proposed development.
 - c. Locations of soil stockpiles and snow storage areas.
 - d. Location of temporary roads designed for use during the construction period.
 - e. Areas with slope of twenty percent (20%) or greater, identified by location and percentage of slope, for both the existing site conditions and the proposed development. If development is proposed to include slopes of thirty percent (30%) or greater, plan shall include:
 - (1) Documentation that no alternative development site is available on the property with a slope of less than thirty percent (30%).
 - (2) Measures to prevent erosion, sloughing, and other forms of instability.
 - (3) Measures to confine cutting, filling, and other grading activities to the minimum area necessary for the proposed development.
 - f. Description of staging and scheduling of earth-disturbing activities.
 - g. Description of slope stability.
19. **Revegetation Plan.** *(not applicable to mining conducted pursuant*

to a current Mined Land Reclamation Board reclamation plan). A Revegetation Plan that includes:

- a. Provisions to protect vegetation on neighboring property from impacts of the proposed development.
- b. Provisions to preserve tall overly mature trees and standing dead trees (snags) at the rate of two (2) to five (5) per acre whenever possible as nesting and perching habitat.
- c. Provisions to reestablish vegetation so that:
 - (1) Density is adequate to prevent soil erosion and invasion of weeds after one (1) growing season.
 - (2) Vegetation cover will be diverse, effective and long-lasting, and capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer.
 - (3) Vegetation cover will be at least equal in extent of cover to the natural vegetation of the surrounding area.
 - (4) Vegetation cover will be capable of stabilizing the soil surface to achieve erosion control equal to pre-development levels.
 - (5) Initial irrigation is adequate to start growth of new vegetation.
- d. Provisions to prevent, eliminate, and dispose of invasive weeds, and to manage invasive weeds pursuant to Town, County and U.S. Forrest Service noxious weed control operations. In the event of any inconsistency among any of these weed control operations, the strictest operation will apply.
- e. Provisions for the applicant to monitor revegetation, including extent, scope, and frequency of monitoring.

Section 15.5 Watershed Permit Review and Decision Process.

- A. **Consultant Review.** The Town may submit the complete application for review and recommendation by consultants and legal counsel retained by the Town with the necessary expertise to review the application.

- B. **Referral Agency Review.** The Town may submit the application for review and recommendation to county, state, and federal agencies having an interest in or authority over all or part of the proposed development. The referral review and comment period shall be twenty(20) calendar days from the date of receipt of a complete application. Comments not received from referral agencies within the comment period may, but need not be considered by the Town.

- C. **Consultant/Staff report.** Staff and/or consultants shall prepare a staff report, which shall be submitted to the applicant and the Board of Trustees at least five (5) calendar days before the public hearing on the Watershed Permit application. A copy of the staff report shall also be available for public review. The staff report shall include a description of the proposed development and discuss issues including:
 - 1. Any application submittal requirements that have been waived.
 - 2. Anticipated impacts of the proposed development.
 - 3. Proposed mitigation and whether the proposed mitigation is adequate.
 - 4. Whether the proposed development with mitigation is likely to satisfy the watershed protection standards, and a recommendation as to whether the Watershed Permit should be approved, denied, or approved with conditions.
 - 5. Recommended conditions of approval if necessary to ensure watershed protection standards are likely to be satisfied.

- D. **Public Hearing and Decision by Board of Trustees**
 - 1. **Public Notice.** The Public Notice process is set forth in Section 11.1.
 - 2. **Decision by Board of Trustees.** The Board of Trustees shall consider the application at a public hearing following proper

public notice. The public hearing process is described in Division 11 of these regulations.

- a. **Approval of Application.** If the application satisfies the applicable watershed protection standards, the application shall be approved.
 - b. **Denial of Application.** If the application fails to satisfy the applicable watershed protection standards, the application may be denied; or
 - c. **Conditional Approval of Application.** The application may be approved with conditions determined necessary for compliance with applicable watershed protection standards.
3. **Written Decision.** The decision of the Board of Trustees shall be by Resolution, and include the following information:
- a. **Description of Proposed Development.** Brief description of the proposed development;
 - b. **Findings.** Findings as to whether each applicable watershed protection standard has been satisfied;
 - c. **Conditions of Approval.** Conditions of approval, if any, necessary to ensure compliance with applicable watershed protection standards.
 - d. **Terms.** Other permit terms as necessary.
 - e. **Basis for Denial.** If the application is denied, findings supporting denial of application.
4. **Issuance of Watershed Permit.** The date of approval of the Watershed Permit application by the Board of Trustees shall be the date of issuance for the Watershed Permit, unless the Board of Trustees establishes a different date at the time of approval.

Section 15.6 Watershed Protection Standards

- A. **Property Rights, Permits and Approvals.** Prior to site disturbance associated with the proposed development, the applicant can and will

obtain all property rights, easements, permits, and approvals necessary for the proposed development. If the applicant has not obtained all necessary property rights, easements, permits and approvals the Town may, at its discretion, defer making a final decision on the application until outstanding property rights, easements, permits and approvals are obtained.

- B. **No Impairment of Property Rights.** (*not applicable on federal lands*). The proposed development will not impair property rights held by others.
- C. **Consistent with Land Use and Water Quality Plans.** (*not applicable on federal lands*). The proposed development is consistent with land use and water quality plans applicable within the Watershed Protection District. Wherever there is a conflict between provisions of plans, the plan most protective to water quality and quantity shall apply.
- D. **No Significant Adverse Effect on Town Waterworks.** The proposed development will not have a significant adverse effect on the Town's waterworks.
- E. **No Significant Degradation of Surface Water Quality.** The proposed development will not significantly degrade surface water quality. Examples of factors the Town may consider in determining impacts to surface water quality include without limitation:
 - 1. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates, and clarity, odor, color or taste of water.
 - 2. Changes in point and nonpoint source pollution loads. All nonpoint sources of pollutants caused by or associated with the proposed development will not result in any measurable increase in nonpoint source pollution loads to any water feature affected by the proposed development.
 - 3. Increase in erosion and sediment loading to water features. The proposed development shall be conducted in accordance with the drainage and erosion control plan.
 - 4. Changes in stream channel or shoreline stability.
 - 5. Changes in stormwater runoff flows.

6. Increases in impervious surface area caused by the proposed development.
7. Increases in surface runoff flow rate and amount caused by the proposed development.
8. Changes in trophic status or in eutrophication rates in lakes and reservoirs.
9. Changes in the capacity or functioning of streams, lakes or reservoirs.
10. Changes in flushing flows necessary to scour streambeds and spawning beds.
11. Changes in dilution rates of mine waste, agricultural runoff, and other unregulated sources of pollutants.
12. Approved Water Quality Monitoring Plan prepared pursuant to Section 15.4.B.15.

F. **No Significant Degradation of Groundwater.** The proposed development will not significantly degrade groundwater quality and quantity within the Watershed Protection District. Examples of factors the Town may consider in determining impacts to groundwater include without limitation.

1. Changes in aquifer discharge and recharge rates, groundwater levels and aquifer capacity, including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
2. Changes in capacity and function of wells within the Watershed Protection District.
3. Changes in quality and quantity of wells and other groundwater within the Watershed Protection District.
4. Changes in flow patterns of groundwater.
5. Protection of wetland and buffer area from damage due to livestock operations in adjacent areas.

- G. **Control of Erosion, Sedimentation, and Storm Runoff.** Construction and operation of the proposed development will be managed to control erosion and sedimentation and storm runoff in compliance with the approved *Erosion and Sediment Control Plan* prepared pursuant to Section 15.4.B.16, the approved *Drainage Plan* prepared pursuant to Section 15.4.B.17 *Grading Plan* prepared pursuant to 15.4.B.18, or an approved state or federal approval requirement that addresses grading, storm runoff, erosion and sediment control.

- H. **Minimization of Impervious Areas.** The impervious surface of the land disturbed by the proposed development will not exceed twelve percent (12%) of the total acreage affected by the proposed development.

- I. **Compliance with Tiered Water Feature Buffer Setbacks.**
 - 1. General.
 - a. Development, other than stream crossings and stream bank reinforcement or repair and water diversion placement or repair, will be setback in accordance with a tiered water feature buffer described herein.
 - b. Maintenance of vehicles or mobile machinery is prohibited within one hundred (100) horizontal feet of any water feature. Emergency maintenance may be conducted until the vehicle or machinery can be relocated.
 - c. Storage of pesticides, petroleum products, hazardous substances, hazardous wastes, toxic substances or other substances that have the potential to degrade water quality will not occur within five hundred (500) horizontal feet of any water feature. Use and storage in consumable quantities of everyday consumer products (e.g., laundry detergent, propane, automobile fuels located in an automobile) will be excepted in the ordinary course of consumer conduct.
 - d. Storage of sand and salt for road deicing and open storage of fertilizers will not occur within five hundred (500) horizontal feet of any water feature.
 - 2. Restrictive inner buffer zone.

- a. A setback of fifty (50) feet, measured horizontally from the typical and ordinary high water mark in average hydrologic years on each side of a water feature.
 - b. The only development allowed within the restrictive inner buffer zone is irrigation and water diversion facilities, flood control structures, culverts, bridges, stream restoration, and structures determined by the Town to be reasonable and necessary to the viability of the proposed development or watershed protection.
3. Variable outer buffer zone. Setbacks ranging from zero (0) feet to one hundred (100) horizontal feet beyond the outer edge of the restrictive inner buffer zone (i.e., up to 125 horizontal feet beyond the high water mark of the water feature during average hydrologic years or the wetland boundary). The width of the variable outer buffer zone may be undulating across the subject property in order to provide protection to site-specific features. Site-specific features that could trigger the need for either a variable outer buffer zone setback, equivalent mitigation, or a combination of a variable outer buffer zone setback and mitigation include without limitation:
 - a. The presence of steep slopes that drain into the water feature.
 - b. The presence of highly erodible soils.
 - c. The presence of unstable stream bank conditions.
 - d. The need to protect trees, shrubs or other natural features that provide for stream bank stability, habitat enhancement for aquatic environments, and riparian area protection.
 - e. The proposed development is within the one-hundred-year floodplain.
 - f. The need to prevent or minimize flood damage by preserving stormwater and floodwater storage capacity.
 - g. The need to protect habitat for plant, animal, or other wildlife species listed by state or federal agencies as

contaminate or significantly retard the flow of water through the watercourse. Structures legally located in or adjacent to the watercourse will be maintained so that the structure will not become a hazard to the use, function or physical integrity of the watercourse.

3. Use of flood-protection devices or floodproofing methods.
4. Nature or intensity of the proposed development.
5. Increases in impervious surface area caused by the proposed development.
6. Increases in surface runoff flow rate and amount caused by the proposed development.
7. Increases in floodwater flow rate and amount caused by the proposed development.
8. Proximity and nature of adjacent or nearby land use.
9. Impacts to downstream properties or communities.
10. Impacts on shallow wells, waste disposal sites, water supply systems and wastewater disposal or septic systems.
11. Availability of safe access to the property for ordinary and emergency vehicles in times of flood;
12. Whether additional public expenditures for flood protection or prevention will be required.

K. **No Significant Degradation of Wetlands and Riparian Areas.** The proposed development will not significantly degrade wetlands and riparian areas. Examples of factors the Town may consider in determining impacts to wetlands and riparian areas include without limitation:

1. Changes in the structure and function of wetlands and riparian areas.
2. Changes to the filtering and pollutant uptake and storage capacities of wetlands and riparian areas.

3. Changes to areal extent of wetlands and riparian areas.
 4. Changes in species' characteristics and diversity.
 5. Transition from wetland to upland species.
 6. Introduction of exotic, nuisance, or invasive species into wetland and riparian areas.
- L. **No Significant Adverse Effect on Aquatic Life.** The proposed development will not have an adverse effect on aquatic life. Examples of factors the Town may consider in determining impacts to aquatic life include without limitation:
1. Changes that result in loss of oxygen for aquatic life.
 2. Changes in flushing flows.
 3. Changes in species composition or density.
 4. Changes in number of threatened or endangered species.
 5. Changes to the aquatic food webs.
- M. **No Significant Adverse Effect on Terrestrial Plant Life or Habitat.** The proposed development will not have an adverse effect on the terrestrial plant life or habitat. Examples of factors the Town may consider in determining impacts to terrestrial plant life or habitat include without limitation:
1. Changes to habitat of threatened or endangered plant species.
 2. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
 3. Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
- N. **No Significant Risk from Soil Conditions and Geologic Hazards.** The proposed development is not subject to a significant risk from soil conditions and geologic hazards. Examples of factors the Town may consider in determining risk from soil conditions and geologic hazards include without limitation:

1. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
 2. Changes to stream sedimentation, geomorphology, and channel stability.
 3. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
 4. Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.
 5. Exacerbation of seismic concerns and subsidence.
- O. **No Significant Risk from Natural Hazards.** The proposed development is not subject to a significant risk from natural hazards. Examples of factors the Town may consider in determining risk from natural hazards include without limitation:
1. Faults and fissures.
 2. Steep slopes.
 3. Potentially unstable slopes, including landslides and rockslides.
 4. Expansive or evaporative soils and risk of subsidence.
 5. Floodplains.
 6. Wildfire hazard areas.
- P. **Spill Prevention, Storage, and Containment of Substances.** Spill prevention, storage, and containment of substances that have potential to degrade water quality shall be in compliance with the approved *Spill Prevention, Storage, Control, Countermeasure and Contingency Plan* prepared pursuant to 15.4.B.13.

Section 15.7 Security Agreement and Financial Security.

- A. **Security Agreement.** The Board of Trustees at its discretion may require the permittee to enter into a Security Agreement with the Town to

guarantee compliance with Watershed Permit requirements, prior to beginning any site preparation or development. The purpose of the Security Agreement is to ensure that all mitigation requirements are timely and fully performed, all impacted areas are timely and fully restored, and that any conditions connected to the Watershed Permit approval are timely and fully completed. The Security Agreement shall include provisions for notice by the Board of Trustees of deficiencies if the Board of Trustees determines that the permittee has not complied with any or all terms of the Agreement, and for the Board of Trustees to draw upon the financial security as may be necessary to complete mitigation, restoration and compliance with conditions of the Watershed Permit.

- B. **Financial Security.** The Security Agreement will require that the permittee provide the Town with a financial security in the amount and form established by the Board of Trustees at the time of Watershed Permit approval. The amount of financial security shall be based upon the estimated cost of mitigation, restoration, and compliance with the Watershed Permit conditions, and payable on demand to the Town, except that the financial security shall not be required for reclamation secured by a valid and adequate security instrument held by the Mined Land Reclamation Board.
- C. **Completion and release of financial security.** The Security Agreement may include requirements for certification of completion, partial releases of the security, hold-over of security to ensure repairs or replacement, demonstrated performance of required facilities, substitution of security, and other requirements deemed appropriate by the Board of Trustees.

DIVISION 16 GUIDELINES AND REGULATIONS FOR AREAS AND ACTIVITIES OF STATE INTEREST: SITE SELECTION OF ARTERIAL HIGHWAYS, INTERCHANGES AND COLLECTOR HIGHWAYS AND AREAS AROUND INTERCHANGES INVOLVING ARTERIAL HIGHWAYS.

Section 16.1 General Provisions.

- A. **Title and Citation.** These Regulations are entitled “Guidelines and Regulations for Areas and Activities of State Interest: Site Selection of Arterial Highways, Interchanges and Collector Highways and Areas Around Interchanges Involving Arterial Highways” or “Regulations.”

B. **Purpose and Authority.**

1. **Purpose.** The purpose of these Regulations is to:
 - a. Ensure that site selection of arterial highways and interchanges and collector highways occurs so that community traffic needs are met, desirable community patterns are not disrupted, and direct conflict with the Town of Silver Plume Master Plan is avoided.
 - b. Ensure that areas around interchanges involving arterial highways are developed to discourage traffic congestion, encourage the smooth flow of motorized and nonmotorized traffic, discourage incompatible land uses and the expansion of the demand for government services beyond the reasonable capacity of the Town to provide such services, and preserve desirable existing community patterns.
2. **Authority.** These Regulations are authorized by, inter alia, C.R.S. § 24-65.1-101, et seq. (Areas and Activities of State Interest), § 29-20-101, et seq. (Local Government Land Use Control Enabling Act), and § 31-15-101, et seq. (Process and Functions of Cities and Towns).

C. **Findings.** The Board of Trustees finds that:

1. All applicable notice and public hearing requirements have been followed;
2. These Regulations are necessary because of the current and foreseeable development pressures on and within the Town; and
3. These Regulations are necessary to fulfill the purposes specified in Section 16.1.B.1.

D. **Designation.** The Board of Trustees, based on the above findings, hereby designates the following activities and areas to be matters of state interest:

1. Site selection of arterial highways, interchanges and collector highways.

2. Areas around interchanges involving arterial highways in which development may have a material effect upon the interchanges or the surrounding community.

E. **Applicability.** These Regulations shall apply to:

1. Site selection of arterial highways, interchanges and collector highways located wholly or partially on public or private lands within the municipal boundaries of the Town of Silver Plume.
2. Development within a 1/2 mile radius of interchanges involving arterial highways, located on public or private lands within the municipal boundaries of the Town of Silver Plume ("Areas Around Interchanges") that does not require Development Plan approval under Section 1.3.B. of these Regulations.

F. **Permit Required.**

1. No person may locate an arterial highway or corridor, interchange, or collector highway or major expansion or modification of an existing arterial highway, interchange, or collector highway subject to these Regulations without first obtaining a permit under these Regulations.
2. No person may engage in development in Areas Around Interchanges without first obtaining a permit under these Regulations.
3. The Town shall not issue any building permit or grant other approvals for development subject to these Regulations without the applicant having first obtained a permit under these Regulations.

G. **Exemptions from Areas and Activities of State Interest Permit.** These Regulations do NOT apply to a single family dwelling or to development in areas around interchanges that requires Development Plan approval under Section 1.3.B.

H. **Relationship to Other Town, State and Federal Regulations.**

1. **Inconsistencies or Conflict with Other Regulations and Requirements.** If any provision of these Regulations is found to

be inconsistent or in conflict with other Town standards or requirements or the statutory criteria for administration of matters of state interest set forth in C.R.S. §§ 24-65.1-202(4)(a) and (b) and 204(5), the more stringent standards or requirements shall control.

2. **Coordination of Town Permit Process with Permit Processes of Other Agencies.**

a. **Coordinated Review.** The applicant may request that the Town application and review process be coordinated with that of other agencies. The Town will attempt to eliminate redundant application submittal requirements and will coordinate its review of the application with other agencies, as appropriate.

b. **No Intent to Conflict.** These Regulations shall not be applied to create an operational conflict with state or federal laws or Regulations.

I. **Duties of Board of Trustees.** Unless otherwise specifically provided herein, the Board of Trustees of the Town of Silver Plume or its designee shall administer these Regulations.

Section 16.2 Pre-Application Conference.

Any person selecting a site for an arterial highway, interchange, or collector highway or major expansion or modification of an existing arterial highway, interchange, or collector highway or proposing development in Areas Around Interchanges shall first request a pre-application conference with the Town.

A. **Purpose.** The purposes of the pre-application conference include, without limitation:

1. To discuss the location and nature of the proposal and site-specific considerations;
2. To discuss permit application submittal requirements and the nature of materials that will be responsive to those requirements;
3. To identify materials that have been submitted to state or federal agencies that the proponent may propose to use;
4. To discuss federal and state terms and conditions relevant to the

proposal;

5. To discuss impacts and potential mitigation;
6. To discuss the Town standards that must be satisfied for permit approval; and

B. **Materials.** At or before the pre-application conference, the proponent shall submit the following materials to the Town Clerk:

1. Proponent's name, address and phone number. If the proponent is not the owner of the property where the proposal will be located, proponent shall also provide the name, address and phone number of the property owner and documentation that the property owner consents to the proposal.
2. Map prepared at an easily readable scale showing:
 - a. Location of the proposal.
 - b. Relationship of the proposal to surrounding topographic and cultural features such as roads, streams and existing structures.
 - c. Proposed building(s), improvements and infrastructure.
 - d. Topographic information in intervals not less than forty (40) feet.
3. Written summary of the proposal.

C. **Participation by Consultant(s) and Town.** The Town may include Town staff, staff from other agencies, counsel, and outside consultants in the pre-application conference.

Section 16.3 Application Process for Areas and Activities of State Interest Permit.

An applicant shall submit the application to the Town Clerk. The Town Clerk shall immediately notify the Mayor and the Town Attorney that the application has been submitted. See Section 16.3.B for the content of the application.

A. **General Provisions.**

1. **Waiver.** The Town may waive any part of the submittal

requirements when the information would not be relevant to determining whether the proposed Project complies with the permit approval standards in Section 16.5.

2. **Number of Copies of Application Materials.** An applicant shall submit two copies of each of the required application materials.
3. **Application Fees and Deposit.** The application shall be accompanied by the appropriate fees and deposit as set forth in Section 4.1.D of the Land Use Code.

B. Areas and Activities of State Interest Permit Application Materials.

1. **Information Describing the Applicant.**
 - a. Name, address, email address, phone number, and business of the applicant and, if different, the owner of the proposed Project.
 - b. Authorization of the application by the owner of the proposed Project, if different than the applicant.
 - c. Names, addresses and qualifications, including areas of expertise and experience with development directly related or similar to that proposed in the application, of individuals who are or will be responsible for conducting site selection of the proposed highways(s) or interchange or for construction and operation of the proposed Project.
 - d. Written qualifications of those preparing reports and providing certifications required by these Regulations.
2. **Description of Proposed Project.**
 - a. Brief narrative description of the proposed Project.
 - b. Existing zoning.
3. **Site Plan.** A site plan prepared at a scale acceptable to the Town, which best conveys the conceptual aspects of the proposed Project. The site plan shall have the following elements:
 - a. Date of preparation, scale and north arrow.

- b. Legal description of the property.
 - c. Location and nature of existing and approved land use.
 - d. Existing and proposed structures, shown by location and dimension.
 - e. Elevation drawings showing existing grade, finished grade, and height of the proposed structure(s) above existing grade.
 - f. Existing and proposed topographic contours at vertical Intervals sufficient to show the topography affecting the proposed Project and storm drainage.
 - g. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks and paths, shown by location and dimension.
 - h. Existing and proposed railroad tracks, irrigation ditches, fences and utility lines, shown by location and dimension.
 - i. Uses and grantees of all existing and proposed easements and rights-of-way, shown by location and dimension.
 - j. Description of any wastewater treatment system to serve the proposed Project.
 - k. Description of the source and capacity of any water supply, including location and size of well(s) and/or water lines to serve the proposed Project.
 - l. Location and size of signs for the purpose of identification, advertising and traffic control.
 - m. Additional information that may be requested by the Town to enable an adequate evaluation of the proposed Project.
4. **Property Rights, Permits and Other Approvals.**
- a. Description of property rights that are necessary for or that will be affected by the proposed Project, and

documentation establishing property rights and easement and right-of-way agreements connected with the property.

- b. List and copies of all federal, state, and local permits and approvals that have been or will be required for the proposed Project, together with any proposal for coordinating these approvals with the Town's permitting process.
- c. Copies of all official federal and state consultation correspondence prepared for the proposed Project; a description of all mitigation required by federal, state and local authorities; and copies of any draft or final environmental assessments or impact statement required for the proposed Project.

5. **Socioeconomic Impact Analysis.**

a. **Land Use.**

- (1) Description of existing zoning and land uses.
- (2) Description of provisions from the Town's Zoning Ordinance that are applicable to the proposed Project and an assessment of whether the proposed Project will comply with those provisions.
- (3) Discussion of how the proposed Project will be in conformance with applicable intergovernmental agreements and with the Town's Master Plan.
- (4) Description of plans for relocation and compensation of homes and businesses.
- (5) Description of the impacts and net effect of the proposed Project on surrounding land use and existing community patterns.

b. **Local Government Services.**

- (1) Description of existing capacity of and demand for local government services including but not limited to roads, water and wastewater treatment, water

supply, emergency services, transportation, and infrastructure.

- (2) Description of the impacts and net effect of the proposed Project on the demand for local government services and the capability of local government to provide services.

c. **Financial Burden on Residents.**

- (1) Description of the existing tax burden and fee structure for government services.
- (2) Description of the impacts and net effect of the proposed Project on existing tax burden and fee structure for government services in the Town.

d. **Local Economy.**

- (1) Description of the local economy, including revenues generated by the different economic sectors.
- (2) Description of impacts and net effect of the proposed Project on the local economy.

e. **Recreational and Tourism Opportunities.**

- (1) Description and map showing present and potential recreational and tourism facilities affected by the proposed Project.
- (2) Description of the impacts and net effect of the proposed Project on present and potential recreational and tourism opportunities and revenues to the local economy derived from those uses.

6. **Areas of Paleontological, Historic or Archaeological Importance.**

- a. Map and description of all sites of paleontological, historic or archaeological interest affected by the proposed Project.

- b. Description of the impacts and net effect of the proposed Project on sites of paleontological, historic or archaeological interest.

7 **Environmental Impact Analysis.**

a. **Air Quality.**

- (1) Description of the airsheds that will be affected by the proposed Project, including the seasonal pattern of air circulation and microclimates.
- (2) Map and description of the ambient air quality and state air quality standards of the airsheds that will be affected by the proposed Project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants and other chemicals, temperature effects and atmospheric interactions.
- (3) Descriptions of the impacts and net effect that the proposed Project would have on air quality during both construction and operation.

b. **Visual Quality.**

- (1) Map and description of forest canopies, waterfalls and streams, viewsheds, scenic vistas, and architectural forms.
- (2) Map and description of buildings, structure design and materials to be used for the proposed Project, Include elevations of proposed buildings and other structures.
- (3) Descriptions of the impacts and net effect that the proposed Project would have on visual quality.

c. **Surface Water Quality and Quantity.**

- (1) Map and description of all surface waters that will be affected by the proposed Project, including description of applicable state water quality

standards.

- (2) Map and description of existing points of diversion for the Town's water supply system.
- (3) Descriptions of the immediate and long-term impact and net effects that the proposed Project would have on the quantity and quality of surface water.

d. **Groundwater Quality and Quantity.**

- (1) Map and description of all groundwater, including any aquifers that will be affected by the proposed Project, including:
 - (a) Seasonal water levels in each subdivision of the aquifer affected by the proposed Project.
 - (b) Groundwater flow directions and levels.
 - (c) Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.
 - (d) Existing groundwater quality and classification.
- (2) Description of the impacts and net effect that the proposed Project would have on groundwater.

e. **Floodplains, Wetlands and Riparian Areas.**

- (1) Map and description of all floodplains, wetlands, and riparian areas that will be affected by the proposed Project.
- (2) Description of the impacts and net effect that the proposed Project would have on the floodplains, wetlands and riparian areas.

f. **Wildlife and Wildlife Habitat.**

- (1) Analysis of existing wildlife and wildlife habitat.
- (2) Map indicating the location of habitat in relationship to the proposed Project.
- (3) Description of the impacts and net effect that the proposed Project would have on wildlife and wildlife habitat.

g. **Plant Life.**

- (1) Analysis of existing plant life.
- (2) Description of the impacts and net effect that the proposed Project would have on plant life.

8. **Soils, Geologic Conditions, and Natural Hazards.**

- a. Map and description of soils, geologic conditions, and natural hazards, including soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard.
- b. Descriptions of the risks to the proposed Project from natural hazards, and proposed mitigation.
- c. Descriptions of the impact and net effect that the proposed Project would have on soil and geologic conditions.

9. **Nuisance.** Descriptions of noise, glare, dust, fumes, vibration, and odor levels caused by the proposed Project.

10. **Hazardous Materials.**

- a. Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the proposed Project, including the type and amount of such substances and their location.

- b. Location of storage areas designated for equipment, fuel, lubricants, chemicals and waste.
 - c. Detailed plan that describes spill prevention, containment, control, storage, countermeasure and clean-up procedures and protocols for hazardous materials used, stored, transported, disturbed or produced in connection with the proposed Project.
11. **Drainage and Erosion Control Plan.** Detailed plan that identifies existing and proposed drainage patterns and the methods for controlling erosion during construction and operation phases of the proposed Project.
12. **Reclamation Plan.** Detailed plan showing proposed reclamation including: schedules; finish contours, grading, sloping; types, placement, and amount of vegetation; subsequent land use plans; and any other proposed elements.
13. **Monitoring and Mitigation Plan.**
- a. Description of all mitigation for the proposed Project.
 - (1) Description of how and when mitigation will be implemented and financed.
 - (2) Description of impacts that are unavoidable and cannot be mitigated.
 - (3) Description of methodology used to measure impacts of the proposed Project and effectiveness of proposed mitigation measures.
 - b. Description, location, and intervals of proposed monitoring to ensure that mitigation will be effective.
 - c. Board of Trustees may at its discretion require the applicant to prepare a revised monitoring and mitigation plan for review and approval by the Town as a condition of permit approval.
14. **Emergency Response Plan.** Emergency Response Plan that addresses fire protection and other events that could pose a

threat to public health, safety and welfare, including the owner's emergency contact information, proposed signage, access and evacuation routes, and health care facilities anticipated to be used. The plan shall include a provision for the owner to reimburse the appropriate emergency response service providers for costs incurred in connection with the emergency.

15. Traffic Study.

a. Basic Traffic Analysis.

- (1) Map or maps showing existing and proposed internal roads, adjoining roads, access points and activity areas for construction, access points for the finished development, all roads within a 1/2 mile radius of the proposed Project, and the nearest proximate intersections with state or federal highways likely to receive traffic impacts from the proposed Project.
- (2) Narrative description of existing land uses and current trip generation estimates at existing access points, the current status of those access points regarding driveway permits, any permits for access to a state highway, railroad crossings, access easements and their legal status and other appropriate current traffic information and legal constraints that may apply.
- (3) Narrative description of proposed land use and trip generation projections, based on current trip generation manuals or other credible and defensible analysis, both for the construction phase(s) and the completed development, with a breakdown of traffic into heavy trucks and 'other' for existing, temporary or proposed new access points.
- (4) Narrative description of staging and storage areas, temporary access points, types and frequency of heavy truck traffic, access road segments to be impacted, any permits required, and lane closures or traffic interruption.

- (5) Depiction of existing Average Daily Traffic Count information for all road segments and state or federal highway intersections at the appropriate map scale, and show on the same map the likely increase in average daily truck traffic for construction activity and average daily traffic for the completed development. Where the proposed Project has two or more access points, show anticipated trip distribution and assignment for each access point and provide a narrative rationale for the projected allocation of trips by access points and road segment.
- b. **Thresholds Requiring a Detailed Traffic Analysis.** If the Basic Traffic Analysis shows that any of the following thresholds are exceeded, such determination to be made by the Town, a Detailed Traffic Analysis shall be required:
- (1) Traffic volumes projected at any intersection with a state or federal highway exceed current volumes by twenty percent (20%), as determined by CDOT using current traffic counts and CDOT approved methodology.
 - (2) Traffic volumes projected on any local road segment exceed current volumes by thirty percent (30%).
 - (3) Traffic volumes on any road segment identified or contained within a 1/2 mile radius exceed current volumes by thirty percent (30%).
- c. **Elements of a Detailed Traffic Analysis.** In addition to the information provided in the Basic Traffic Analysis, the following information shall be provided in a Detailed Traffic Analysis. The Detailed Traffic Analysis must show the highest probable volumes from the proposed uses and densities to be allowed at build out.
- (1) Analysis of access points to and from the proposed Project for AM and PM peak hour use for turning movements to determine the necessity for traffic

control and signalization, geometrics including turning lanes, and acceleration and deceleration lanes and signage.

- (2) For local road segments where traffic is expected to increase by over 30%, detailed characterization including current level of service, roadway condition and type, lane width, shoulder characteristics and condition, available right-of-way, speed limits, any weight limits, existing safety concerns and considerations, likely increases in maintenance requirements, and status for any planned improvements under the Town's Capital Improvements Plan. Probable maintenance and improvement cost estimates shall be provided.
- (3) For local road intersections where traffic is expected to increase by over 30%, description of existing traffic control and signalization, AM and PM peak hour utilization with turning movements, projections for levels of service, and recommended modifications for intersection geometrics including turning lanes, control or signalization devices, acceleration or deceleration lanes and advance signage where appropriate. Probable cost estimates shall be provided.
- (4) For state or federal highway intersections where traffic is expected to increase by over 20%, description of existing traffic control and signalization, AM and PM peak hour utilization with turning movements, through movements as applicable, projections for levels of service, and recommended modifications for intersection geometrics including turning lanes, control or signalization devices, acceleration or deceleration lanes and advance signage. Consultation with the Colorado Department of Transportation is required and shall be documented. Probable cost estimates shall be provided.

d. **Calculation of On-Site and Off-Site Improvements and Fees.**

- (1) Narrative description for on-site improvements to be donated or constructed relating to traffic control and accommodation (i.e., donated right-of-way, improvement of existing access points, addition of new access points, signalization, turning lanes, acceleration/deceleration lanes, etc.)
- (2) Narrative description and site plans for improvements for any off-site road segments and intersections necessary to maintain the level of service.
- (3) Narrative description and site plans for improvements for any state highway intersections deemed necessary by CDOT.
- (4) Calculation of Road Impact Fee due for the proposed Project .
- (5) Proposed funding and phasing plan for work necessary to be performed off-site.

16. **Additional Submittal Materials for Site Selection of Arterial Highways, Interchanges and Collector Highways.**

- a. General description of each alternative corridor location considered, including the preferred alternative, and the advantages and disadvantages of the alternative.
- b. Corridor location study for each alternative, including the preferred alternative:
 - (1) Location map showing the corridor and general area.
 - (2) Type and scale of the improvement.
 - (3) Cost estimate.
 - (4) Approximate timetable for construction and right-of-way acquisition.

- c. Description of plans for complementing and integrating other modes of transportation.
- 17. **Use of Materials from EA or EIS.** Submittal requirements may be satisfied in whole or in part by submission of excerpted materials from an environmental assessment (EA) or environmental impact statement (EIS) required for compliance with federal law if:
 - a. The Town determines that such assessment or statement provides substantially the same information required under this Section 16.3.B; and
 - b. Such assessment or statement uses appropriate data and methodologies to allow the Town to review the permit application; and
 - c. The information is excerpted from the EA or EIS documents and organized by reference to the Town submittal requirement for which it is offered.
- 18. **Additional Information May Be Necessary.** The Town may request that the applicant supply additional information related to the proposed Project as may be necessary for the Board of Trustees to make a determination on whether the proposed Project satisfies permit approval standards.

Section 16.4 Application Review and Decision Process

- A. **Consultant Review.** The Town may submit the complete application for review and recommendation by consultants and legal counsel retained by the Town with the necessary expertise to review the application.
- B. **Referral Agency Review.** The Town may submit the application for review and recommendation to county, state, and federal agencies having an interest in or authority over all or part of the proposed Project . The referral review and comment period shall be twenty (20) calendar days from the date of receipt of a complete application. Comments not received from referral agencies within the comment period may, but need not be considered by the Town.
- C. **Consultant/Staff report.** Staff and/or consultants shall prepare a staff report, which shall be submitted to the applicant and the Board of Trustees at least five (7) calendar days before the public hearing on the

application. A copy of the staff report shall also be available for public review. The staff report shall include a description of the proposed Project and discuss issues including:

1. Briefly describe the proposal and highlight issues.
2. Any application submittal requirements that have been waived.
3. Discuss state or federal requirements relevant to the proposed Project and the extent to which any of the terms, conditions, and requirements satisfy permit approval standards in Section 16.5.
4. Discuss the impacts of the proposed Project, the proposed mitigation, and whether it appears that the permit approval standards in Section 16.5 have been satisfied.
5. Recommend conditions of approval for any permit approval standard that appears not to have been fully satisfied, or recommend denial.
6. Include additional information that would be relevant to the decision of the Board Trustees.

D. **Public Hearing and Decision by Board of Trustees**

1. **Public Notice.**

- a. **Notice by Publication.** Not later than thirty (30) calendar days after the application is determined to be complete, the Town shall publish a notice of public hearing on the application. The notice shall be published in the Clear Creek Courant not less than thirty (30) calendar days nor more than sixty (60) calendar days prior to the date of the public hearing. The applicant shall be responsible for the cost of publication.
- b. **Written Notice to Affected Property Owners.** Not less than thirty (30) calendar days nor more than sixty (60) calendar days prior to the date of the public hearing, the applicant shall mail written notice of the public hearing to all owners of record of all property within the Town by certified mail, return receipt requested.

- (1) **List of Property Owners.** The list of property owners to be notified shall be compiled by the applicant using the most current list of property owners on file with the County Assessor.
 - (2) **Validity of Notice.** The applicant is responsible for the accuracy of list of property owners to whom written notice is provided. If the applicant makes reasonable good faith efforts to accomplish the notice responsibilities identified above, then the failure of any property owner to receive notice shall not affect the validity of the decision.
 - c. **Verification of Proper Notice.** At or before the public hearing, the applicant shall provide to the Town written verification that proper notice has been given. The Town shall be entitled to rely on such verification unless it has good reason to believe that proper notice has not been given.
2. **Decision by Board of Trustees.** The Board of Trustees shall consider the application at a public hearing following proper public notice. The public hearing process is described in Division 11 of these Regulations.
- a. **Approval of Application.** If the application satisfies the permit approval standards, the application shall be approved.
 - b. **Denial of Application.** If the application fails to satisfy the permit approval standards, the application may be denied; or
 - c. **Conditional Approval of Application.** The application may be approved with conditions determined necessary for compliance with permit approval standards.
3. **Written Decision.** The decision of the Board of Trustees shall be in writing and include the following information:
- a. **Description of Proposed Project.** Brief description of the proposed development;

- b. **Findings.** Findings as to whether each permit approval standard has been satisfied;
 - c. **Conditions of Approval.** Conditions of approval, if any, necessary to ensure compliance permit approval standards.
 - d. **Terms.** Other permit terms as necessary.
 - e. **Basis for Denial.** If the application is denied, findings supporting denial of application.
- 4 **Issuance of Permit.** The date of approval of the Areas and Activities of State Interest Permit application by the Board of Trustees shall be the date of issuance for the permit, unless the Board of Trustees establishes a different date at the time of approval.

Section 16.5 Areas and Activities of State Interest Permit Approval Standards

- A. **Standards Applicable to Both Site Selection of Arterial Highways, Interchanges and Collector Highways and Development in Areas Around Interchanges.**
1. **Property Rights, Permits and Approvals.** Prior to site disturbance associated with the proposed Project, the applicant can and will obtain all property rights, permits, and approvals necessary for the proposed Project. If the applicant has not obtained all necessary property rights, permits and approvals the Town may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.
 2. **Compliance with Master Plan and Intergovernmental Agreements.** The proposed Project avoids direct conflicts with the Town Master Plan and intergovernmental agreements.
 3. **No Significant Degradation of Property Values.** The proposal does not cause significant degradation of property values.
 4. **No Disruption of Desirable Community Patterns.** The proposed Project preserves and will not disrupt desirable existing community patterns.

5. **Compatible Land Use.** The proposed Project shall be developed in a manner that will discourage incompatible land use.
6. **Relocation of Households Avoided.** The proposed Project avoids relocation of households. Where relocation of households cannot be avoided because of technical constraints, adequate housing inventory exists within the Town to accommodate displaced households.
7. **Relocation of Businesses Avoided.** The proposed Project avoids relocation of businesses. Where relocation of businesses cannot be avoided because of technical constraints, adequate sites exist within the Town to relocate the businesses.
8. **Incorporation of Complementary Materials and Design.** The proposed Project incorporates materials and design that complement features of the surrounding human and natural environment.
9. **No Significant Adverse Effect on the Capability of Local Government to Provide Services or the Capacity of Service Delivery Systems.** The proposed Project does not result in the expansion of the demand for government services beyond the reasonable capacity of the Town to provide such services or significantly impede the delivery of essential community services and goods.
 - a. **Public Roadways.**
 - (1) All public access roads will be constructed and maintained as necessary to accommodate the traffic and equipment related to operations and emergency vehicles.
 - (2) Proposed Project will be developed in a manner that will discourage traffic congestion.
 - (3) Proposed Project will be compatible with non-motorized traffic. To the extent practicable the proposed Project incorporates other modes of transportation such as bicycle, mass transit and pedestrian modes.

- (4) Grants of access to and from the highway comply with applicable state and local highway access laws and regulations, intergovernmental agreements, and access control plans.
 - (5) Ingress and egress points to Town roads will be located, maintained and improved to assure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.
 - (6) If the projected use of Town roads resulting from the proposed Project will result in a need for an increase in roadway maintenance or snow removal, the Town shall require the applicant to: i) enter into an agreement with the Town whereby the applicant provides for private maintenance and snow removal, or reimburses the Town for such increased costs; and/or ii) provide a bond or other financial assurance; and/or iii) pay impact fees in an amount acceptable to the Town to cover the costs of impacts to the roads.
 - b. **Water Supply.** The proposed Project will not reduce the amount of water available to the Town for future water supply.
 - c. **Water Treatment.** The proposed Project will not reduce the current and future capacity of water treatment services.
 - d. **Wastewater Treatment.** The proposed Project will not reduce the current and future capacity of wastewater treatment services.
 - e. **Emergency Services.** The proposed Project will not reduce the current and future capacity for provision of emergency services.
10. **No Undue Financial Burden on Residents.** The proposal will not create an undue financial burden on existing or future residents of the Town.

11. **No Significant Degradation of the Economy.** The proposed Project will not significantly degrade any current or foreseeable future sector of the local economy. Examples of factors the Town may consider in determining impacts to the economy include without limitation:
 - a. Changes to projected revenues generated from each economic sector.
 - b. Loss of commercial structures.
 - c. Changes in opportunities for economic diversification.
 - d. Loss of land available for commercial or industrial uses.

12. **No Significant Degradation of Recreation and Tourism Experiences.** The proposed Project will not cause a significant degradation in the quality or quantity of recreation and tourism activities in the Town. Examples of factors the Town may consider in determining impacts to recreational and tourism experiences include without limitation:
 - a. Changes to existing and projected visitor days.
 - b. Changes in access to recreational resources.
 - c. Changes to quality and quantity of tourist experiences.

13. **No Significant Degradation of Areas of Paleontological, Historic, or Archaeological Importance.** The proposed Project will be conducted in a manner that will be compatible with the preservation of the resource and minimize damage to the resource.

14. **No Significant Degradation of the Natural Environment.**
 - a. **No Significant Degradation of Air Quality.** The proposed Project will not significantly degrade air quality. Examples of factors the Town may consider in determining impacts to air quality include without limitation:
 - (1) Changes to seasonal ambient air quality.

- (2) Changes in visibility.
- (3) Applicable air quality standards.
- b. **No Significant Degradation of Visual Quality.** The proposed Project will not significantly degrade visual quality. Examples of factors the Town may consider in determining impacts to visual quality include without limitation:
 - (1) Visual changes to ground cover and vegetation, streams or any other natural feature, interference with view sheds and scenic vistas.
 - (2) Compatibility of proposed Project with historic structures in the Town.
- c. **No Significant Degradation of Surface Water Quality.** The proposed Project will not significantly degrade surface water quality. Examples of factors the Town may consider in determining impacts to surface water quality include without limitation:
 - (1) Applicable narrative and numeric water quality standards.
 - (2) Changes in point and nonpoint source pollution loads.
 - (3) Increase in erosion and sediment loads. The proposed Project shall be conducted in accordance with the drainage and erosion control plan.
 - (4) Changes in stream channel or shoreline stability.
 - (5) Changes in stormwater runoff flows.
 - (6) Increases in impervious surface area caused by the proposed Project t.
 - (7) Increases in surface runoff flow rate and amount caused by the proposed Project.

- d. **No Significant Degradation of Groundwater Quality.** The proposed Project will not significantly degrade groundwater quality. Examples of factors the Town may consider in determining impacts to groundwater quality include without limitation:
- (1) Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
 - (2) Changes in capacity and function of wells.
 - (3) Changes in quality of well water.
- e. **No Significant Degradation of Wetlands and Riparian Areas.** The proposed Project will not significantly degrade wetlands and riparian areas. Examples of factors the Town may consider in determining impacts to wetlands and riparian areas include without limitation:
- (1) Changes in the structure and function of wetlands and riparian areas.
 - (2) Changes to the filtering and pollutant uptake and storage capacities of wetlands and riparian areas.
 - (3) Changes to the area or extent of wetlands and riparian areas.
 - (4) Changes in species' characteristics and diversity.
- f. **No Significant Adverse Effect on Floodplains.** The proposed Project will not have a significant adverse effect on floodplains. Examples of factors the Town may consider in determining impacts to floodplains include without limitation:
- (1) Changes in function and aerial extent of floodplains.
 - (2) Creation of obstructions from the proposed Project

during times of flooding and vulnerability of the proposed Project to flooding.

- (3) Use of flood-protection devices or floodproofing methods.
- (4) Increases in floodwater flow rate and amount caused by the proposed Project.
- (5) Impacts on shallow wells, waste disposal sites, water supply systems and wastewater disposal or septic systems.

g. **No Significant Degradation of Wildlife and Wildlife Habitat.** The proposed Project will not significantly degrade wildlife and wildlife habitat. Examples of factors the Town may consider in determining impacts to wildlife and wildlife habitat include without limitation:

- (1) Changes to habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.
- (2) Changes to habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species.

h. **No Significant Adverse Effect on Plant Life.** The proposed Project will not have an adverse effect on plant life. Examples of factors the Town may consider in determining impacts to plant life include without limitation:

- (1) Changes to habitat of threatened or endangered plant species.
- (2) Changes to the structure and function of vegetation, including species composition,

diversity, biomass, and productivity.

- (3) Changes in advancement or succession of desirable and less desirable species, including noxious weeds.

15. **No Significant Risk from Soils, Geologic, or Natural Hazards.** The proposed Project is not subject to significant risk from soils, geologic, or natural hazards. Examples of factors the Town may consider in determining risk include without limitation:

- a. Faults and fissures.
- b. Unstable slopes including landslides, rock slides and avalanche areas.
- c. Expansive or evaporative soils and risk of subsidence.
- d. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
- e. Flood hazard.
- f. Wildfire hazard.

16. **The Proposed Project will not cause a Nuisance.** Examples of factors the Town may consider in determining nuisance include without limitation:

- a. Increase in odors.
- b. Increase in dust.
- c. Increase in fumes.
- d. Increase in glare.
- e. Increase in noise. The proposed Project shall comply with statewide standards for noise level limits in C.R.S. § 24-12-101 et seq., Noise Abatement
- f. Increase in artificial light.

restoration, and compliance with the permit conditions, and payable on demand to the Town, except that the financial security shall not be required for reclamation secured by a valid and adequate security instrument held by the Mined Land Reclamation Board.

- C. **Completion and release of financial security.** The Security Agreement may include requirements for certification of completion, partial releases of the security, hold-over of security to ensure repairs or replacement, demonstrated performance of required facilities, substitution of security, and other requirements deemed appropriate by the Board of Trustees.

Section 16.7 Definition of Words and Terms Specific to this Division 16.

Arterial highway means any limited-access highway which is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the Department of Transportation.

Collector highway means a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers and constructed under guidelines and standards established by, or under the supervision of, the department of transportation. "Collector highway" does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

Corridor means any area, measured both horizontally and vertically, within which highway facilities may be located and which the applicant proposes to recommend to the Federal Highway Administration or Colorado Department of Transportation for approval under the corridor location phase of highway development.

Project means (1) site selection of arterial highways, interchanges and collector highways; and (2) development in Areas Around Interchanges, including construction and operation of such development throughout its life cycle. Project includes all ancillary structures, facilities, improvements, and activities, and all integrated components thereof, and any proposed land use directly related to such project if the related land use is to be located wholly or partially within the Town.

Site selection means site selection and the impacts associated with construction of an arterial highway, interchange, or collector highway or major expansion or modification of an existing arterial highway, interchange, or collector highway based on the determination of a specific corridor or facility location that is made at the end of studies in which:

1. Construction of an arterial highway, interchange or collector highway is

proposed.

2. Expansion or modification of an existing arterial highway, interchange or collector highway is proposed that would result in:
 - (a) An increase in highway capacity through widening or alternative lane configurations, or an equivalent increase in capacity produced by access controls, technological or other types of highway improvements; or
 - (b) The elimination of direct, at-grade, access from a public road or street within the Town to such existing arterial or collector highway.
3. Expansion or modification of an existing highway that would result in a change in classification to collector highway or arterial highway as defined in this section.

DIVISION 17 DEFINITIONS OF WORDS AND TERMS IN THESE REGULATIONS.

Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Adverse means unfavorable, harmful or negative.

Abandonment (of nonconforming use) means the intent to not continue the legally established nonconforming development, coupled with a cessation of activities and discontinued use of the land and facilities in connection with the nonconforming development.

Applicant means the owner of the lands that are the subject of the proposed development, or an agent acting through written authorization of the owner.

Artisan process(ing) refers to a production process characterized by minimal automation, little division of labor, and a small number of highly skilled craftsmen. Participants in an artisan process may be self-employed or employed by a smaller scale business.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood." The base flood is the national standard used by the National Flood Insurance Program (NFIP) and all Federal agencies for the purposes of requiring the purchase of

flood insurance and regulating new development. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.

Base flood elevation means the elevation shown on the FEMA FIRM for Zones AE and AH that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor below ground level on all sides.

Board of Trustees means Board of Trustees of the Town of Silver Plume, Colorado.

County means Clear Creek County, State of Colorado.

Critical facility means a structure or related infrastructure, but not the land on which it is situated that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Degrade means lower in grade or desirability.

Deteriorate means to make inferior in quality or value.

Development means any man-made change in the character or use of land, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or material..

Dwelling unit means one room or rooms with internal connections for residential occupancy and including bathroom and kitchen facilities.

Environment means all natural physical and biological attributes and systems including the atmosphere, climate, geology, soils, groundwater, surface water, wetlands, vegetation, animal life, physical features, natural hazards, topography and aesthetics.

FEMA means Federal Emergency Management Agency.

Filling means the deposition of material brought from another location by other than natural means.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of water from channels and reservoir spillways;

- (b) The unusual and rapid accumulation or runoff of surface waters from any source; or
- (c) Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official report provided by FEMA. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or Flood-Prone Area means any land area susceptible to being inundated as the result of a flood, and which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

Floodproofing means the implementation of structural safeguards, changes or adjustments to land, property and structures designed to reduce or eliminate flood damage in a flood hazard area.

Floodway refers to the channel of a river or other watercourse and the adjacent land areas that must remain open to carry the deeper, faster moving water during a base flood without cumulatively increasing the water surface elevation more than six (6) inches.

Geologic hazard means a geologic phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to:

- (a) Avalanches, landslides, rock falls, mudflows and unstable or potentially unstable slopes;
- (b) Seismic effects;
- (c) Radioactivity; and
- (d) Ground subsidence.

Grading means any stripping, excavating, filling, stockpiling or any combination thereof.

Gross floor area means the total area of all the floors of a building, including mezzanine and basement, as measured from the inside surface of the exterior walls, without reduction for hallways, stairs, closets and thickness of the walls.

Groundwater means subsurface waters in a zone of saturation.

Impact means any alteration or change to the natural or human environment resulting directly or indirectly from land use and development.

Impervious surface and materials means materials that do not readily allow water to infiltrate into the ground. The term impervious materials shall include building roof surfaces and overhangs, concrete or asphalt surfaces and compacted gravel.

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Lot merger means any combination of contiguous parcels of land into one larger parcel.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). This includes any floor that could be converted to a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

Manufactured Home means:

- (a) Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
- (b) Is designed for residential occupancy in either temporary or permanent locations when connected to the required utilities;
- (c) Is constructed in compliance with the federal act, factory-built residential requirements, or mobile home standards;
- (d) Does not have motor power; and

- (e) Is not licensed as a recreational vehicle.

Mitigation means an action that will have one or more of the following effects:

1. Avoiding an impact by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action or its implementation.
3. Rectifying the impact by repairing, rehabilitating or restoring the impact area, facility or service.
4. Reducing or eliminating the impact over time by preservation and maintenance operations.
5. Compensating for the impact by replacing or providing suitable biological and physical conditions and by replacing or providing suitable services and facilities.

Mobile home means a manufactured home built prior to the adoption of the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. sec. 5401 *et seq.*

Net effect (relating to mitigation) means the impact of an action after mitigation.

Non-Point Source (NPS) pollution means pollution that is caused by or attributable to diffuse sources. Typically, NPS pollution results from land runoff, precipitation, atmospheric deposition or percolation.

Non-point source (NPS) pollution means pollution that is caused by or attributable to diffuse sources. Typically, NPS pollution results from land runoff, precipitation, atmospheric deposition or percolation.

No-Rise Certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM).

Normal or Routine Maintenance includes any maintenance or repair which does not impermissibly enlarge or alter the structure containing a nonconforming use.

Permittee means a person issued a permit.

Person means any individual, limited liability company, partnership, corporation, association, company, or other public or corporate body, including the federal government, and includes any political subdivision, agency, instrumentality, or corporation of the state.

Pollution means the man-made, man-induced or natural degradation of the physical, chemical, biological and/or radiological integrity of water.

Recreational vehicle means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. "Recreational vehicle" includes camping trailers, fifth wheel trailers, motor homes, travel trailers, multipurpose trailers, and truck campers.

Significant means deserving to be considered; important; notable and not trifling.

Significantly degrade means to lower in grade or desirability to a significant, as opposed to trifling, degree.

Significantly deteriorate means to make inferior in quality or value to a significant, as opposed to trivial, degree.

Significant adverse impact means an impact of an action, after mitigation, which is considerable or substantial, and unfavorable or harmful.

Special Flood Hazard Area means the land in the floodplain designated on the FIRM as AE and AH Zones, subject to a one percent or greater chance of flooding in any given year. The Special Flood Hazard Area is identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study for Clear Creek County, Colorado and Incorporated Areas," dated July 7, 2012 (FIS). The FIS and accompanying FIRM, and any revisions thereto, are adopted by reference and declared to be a part of these Regulations. The Special Flood Hazard Area identified by the FIS and attendant mapping may be supplemented by studies designated and approved by the Town. A copy of the Flood Insurance Study (FIS), and FIRM is on file at the Town Hall and available for public inspection.

Staff means the Town's designated staff members.

Subdivision means [C.R.S. Section 30-28-101(10)(a)]

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Improvements of a structure to correct existing violations of state or local health, sanitary, or safety code; or
- (b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Town means Town of Silver Plume or its designated representative.

Water feature means ephemeral, intermittent, and perennial streams and rivers, lakes, ponds, irrigation ditches and canals, storm water ditches, wetlands and any aquatic habitats.

Watershed Permit means a permit issued pursuant to the Watershed Protection District Regulations.

Waterworks means all components of the Town's water supply system, including all equipment, diversion structures, dams, reservoirs, streams, trenches, ditches, watercourses, pipelines, wells, pumps, buildings, structures, roads, and other facilities necessary for the construction, maintenance and operation of the municipal water supply system.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions. Common wetlands in the Watershed District may include wet meadows, shallow marshes, willow stands, wet forested areas associated with high ground water or snowmelt, peatlands, irrigated lands and other areas along water courses or where ground water is near the ground surface.

Wetlands that satisfy this definition are protected by these Watershed Protect Regulations whether or not they are subject to the jurisdiction of the US Army Corps of Engineers under Section 404 of the Clean Water Act.

Appendix 1: Building Permit Review and Decision Process

Pre-Application Conference [Optional]

Section 5.1.A

Application Submittal

Section 5.1.B

See Section 4.2 for Building Permit application materials

Applicant must satisfy all other permit and approval requirements of these Regulations prior to submitting an application for building permit

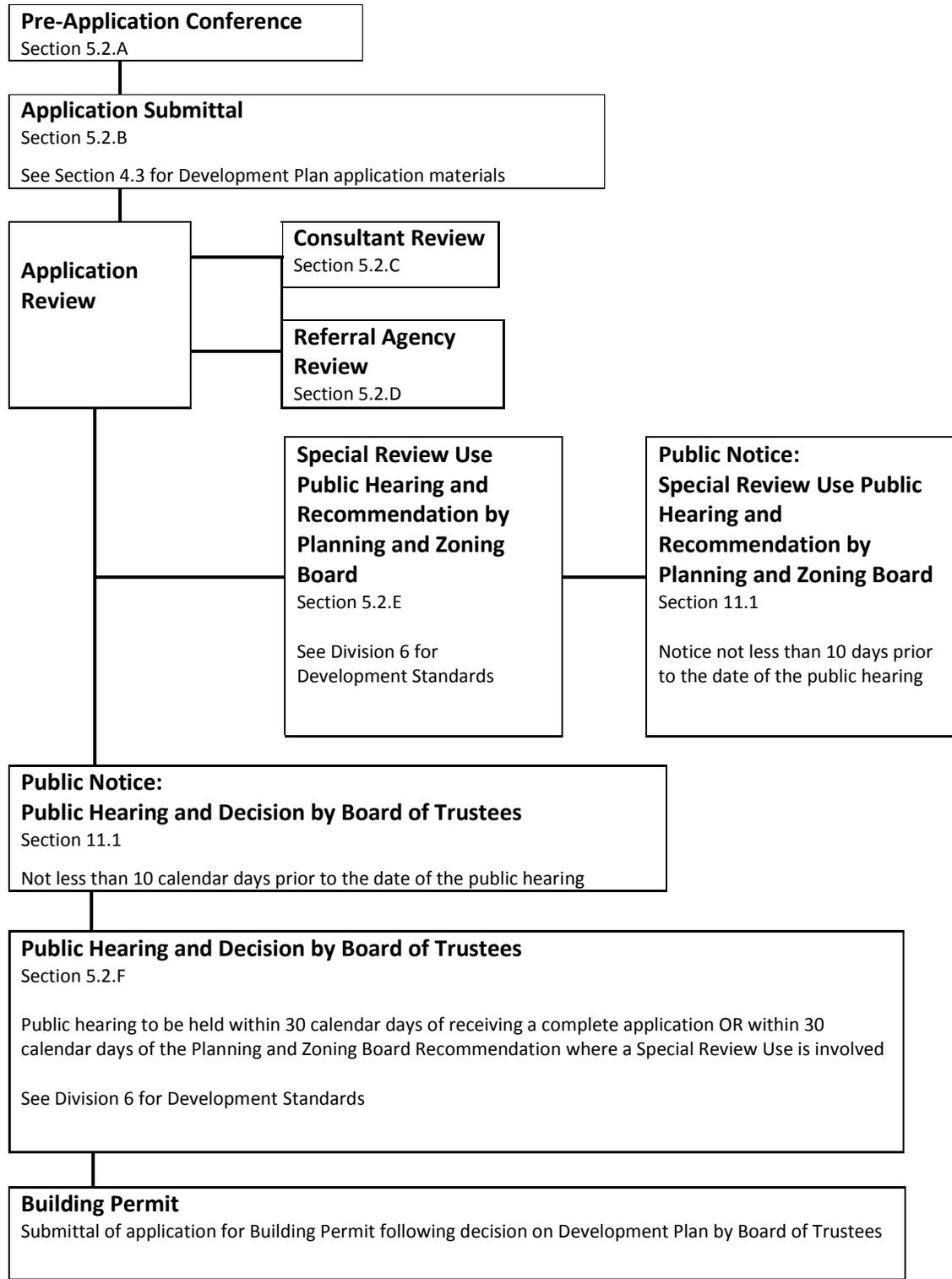
Decision by Planning and Zoning Board

Section 5.1.C

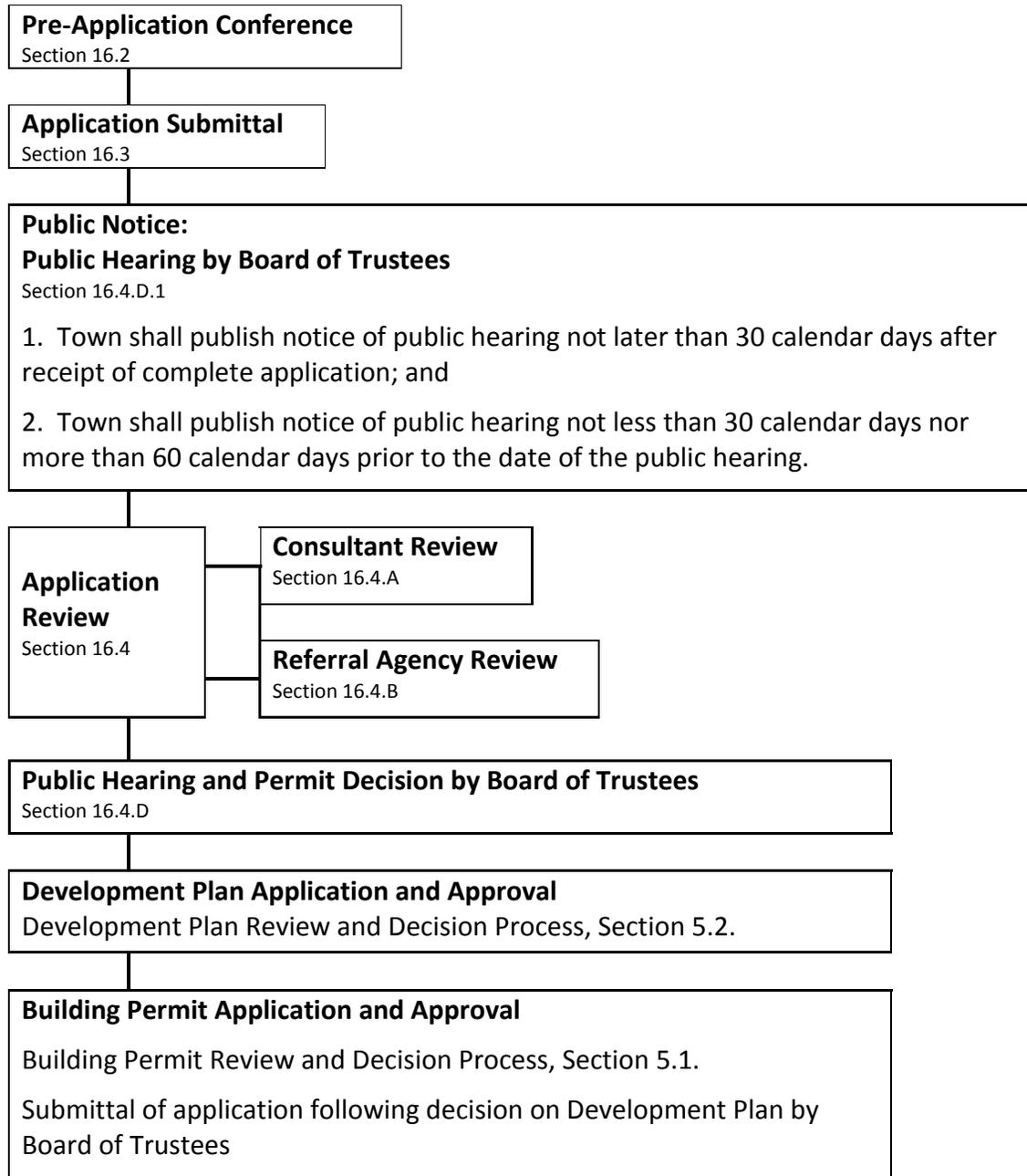
Within 30 calendar days of receipt of complete application

See Section 5.1.G for Building Permit Approval Standards

Appendix 2: Development Plan and Special Review Use Approval Process



Appendix 3: Areas and Activities of State Interest Permit Approval Process



Appendix 4: Watershed Permit Approval Process

