

**SAGUACHE COUNTY
LAND DEVELOPMENT CODE**

**ADOPTED APRIL 4, 1988
AMENDED OCTOBER 18, 1991
AMENDED JANUARY 31, 1994
AMENDED APRIL 1, 1998
AMENDED SEPTEMBER 15, 1998
AMENDED JUNE 15, 1999
AMENDED JANUARY 3, 2000
AMENDED SEPTEMBER 25, 2000
AMENDED OCTOBER 16, 2000
AMENDED SEPTEMBER 14, 2001
AMENDED FEBRUARY 11, 2002
AMENDED APRIL 10, 2003
AMENDED FEBRUARY 3, 2004
AMENDED SEPTEMBER 9, 2005
AMENDED MAY 1, 2006
AMENDED SEPTEMBER 4, 2007
AMENDED JULY 8, 2008
AMENDED NOVEMBER 4, 2008
AMENDED MAY 15, 2012
AMENDED MARCH 4, 2014**

Mary A. Moore
Saguache Co. Recorder

RESOLUTION OF ADOPTION OF THE SAGUACHE COUNTY
LAND DEVELOPMENT CODE AND ACTIVITY MAP

WHEREAS, the Saguache County Board of Commissioners recognized the need to reorganize and update the Land Development Code; and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners was charged with the task of reorganizing and updating the Land Development Code; and

WHEREAS, the Planning Commission did hold workshop meetings and a public hearing on June 22, 1987 for the purpose of accepting public comments on a new Land Development Code and Activity Map; and

WHEREAS, the Board of County Commissioners also held a public hearing December 21, 1987 in compliance with 30-28-112 and 30-28-133 of the Colorado Revised Statutes 1973; and

WHEREAS, in the effort to provide as great an opportunity as possible for public comment the Public Hearing was continued to January 19, 1988 and February 16, 1988; and

WHEREAS, many of the comments concerning changes in the new Land Development Code have been incorporated in the Code along with necessary graphs and maps; and

WHEREAS, all things being in compliance with 30-28-112 and 30-28-133 Colorado Revised Statutes 1973.

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Saguache County, Colorado that the attached Saguache County Land Development Code (and referenced Activity Map) be and are hereby certified and adopted as the Land Development Code and Activity Map for Saguache County in compliance with Title 30, Article 28, Part 1, Colorado Revised Statutes 1973; and

THAT, this Land Development Code and Activity Map supersede the presently existing regulations and all amendments thereto and presently existing Land Development Code, Adopted February 16, 1982 and all amendments thereto are hereby repealed upon approval and adoption of this Land Development Code and Activity Map; and

THAT, the Board hereby finds this Land Development Code and Activity Map adoption necessary for the Health, Safety, and Welfare of the residents of Saguache County, Colorado.

Moved, Seconded and Adopted this fourth day of April, nineteen hundred and eighty eight.

Keith Edwards

KEITH EDWARDS, CHAIRMAN

Charles Grant

CHARLES GRANT, COMMISSIONER



HAROLD "PONT" FREEL, COMMISSIOER

Mary A. Moore

Clerk of the Board

WHEREAS, the Saguache County Board of Commissioners recognize the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners was charged with the task of review and recommendation for amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold regular meetings and special workshops with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners, October 18th, 1991 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission.

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-28-133 of the Colorado Revised Statutes 1973, with a public hearing held October 18, 1991 for the purpose of adopting said amendments, and

THAT FURTHER, these amendments to the Land Use Code Specifically are,

Article III. Subdivision/Plat Vacation Regulations
Section 6.2.3
Section 9 Vacation/Consolidation

Article IV. Activities of Local Interest
Section 2.1.2.26
Section 2.2 Primitive Recreation Classification

THAT, these amendments are hereby incorporated in the amended Saguache County Land Development Code effective October 18, 1991, and

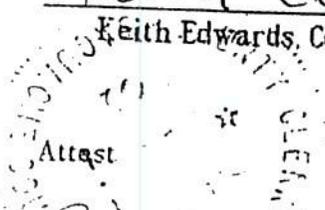
THAT, the Board of County Commissioners find these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

Read, Moved and Adopted this first day of November, Nineteen Hundred and Ninety one.

Rod Hines
Rod Hines, Chairman

Keith Edwards
Keith Edwards, Commissioner

M. Esther Grant
M. Esther Grant, Commissioner



Attest

Mary A. Moore
Mary A. Moore, Clerk of the Board

NOVEMBER 1991, SAGUACHE COUNTY, COLORADO

LU - 98 - 28

**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners was charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on August 4, 1998 and a second reading was held on September 1, 1998 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission.

WHEREAS, the Planning Commission made a recommendation to adopt the changes on July 30, 1998 and August 27, 1998.

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-28-133 of the Colorado Revised Statutes 1973 with a public hearing being held August 4, 1998 and a second reading held September 1, 1998 for the purpose of adopting said amendments, and

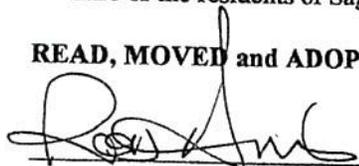
THAT FURTHER, these Articles of the Saguache County Land Development Code specifically are:

- Article II Subdivision, Plat Vacations and Planned Unit Development Regulations
- Article III County Road Acceptance Standards
- Article IV Activities of Local Interest
- Article IX Amendments To These Regulations
- Article XIV Crestone/Baca Sub Area
- Appendix A Definitions

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective September 15, 1998, and

THAT, The Board of County Commissioners find these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 1st day of September, 1998.



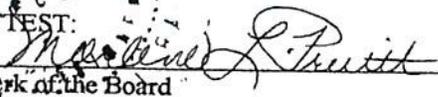
Chairman



Commissioner

Commissioner



ATTEST:

Clerk of the Board

LU - 99 - 12

RESOLUTION OF ADOPTION OF AMENDMENTS TO THE SAGUACHE COUNTY LAND DEVELOPMENT CODE

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, Public Hearing were advertised and held before the Board of County Commissioners on April 20, 1999, May 18, 1999 and June 1, 1999 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission.

WHEREAS, the Planning Commission made a recommendation to adopt the changes on February 25, 1999.

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-28-133 of the Colorado Revised Statutes 1973 with three public hearings being held April 20, 1999, May 18, 1999 and June 1, 1999 for the purpose of adopting said amendments, and

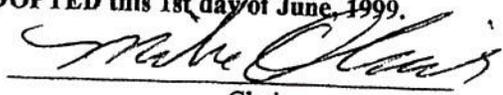
THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

- | | |
|--------------------|---|
| Article II | Subdivision and Planned Unit Development Regulations |
| Article IV | Activities of Local Interest |
| Article XII | Building Code |
| Article XIX | Mobile Home Regulations |
| Appendix | Definitions |

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective June 15, 1999, and

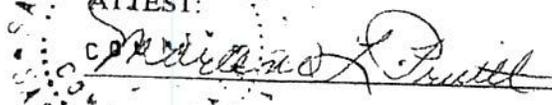
THAT, The Board of County Commissioners find these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 1st day of June, 1999.


Chairman


Commissioner


Commissioner

ATTEST:

Clerk of the Board



LU - 99 - 49

RESOLUTION OF ADOPTION OF AMENDMENTS TO THE SAGUACHE COUNTY LAND DEVELOPMENT CODE

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, Public Hearing were advertised and held before the Board of County Commissioners on December 21, 1999 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission.

WHEREAS, the Planning Commission made a recommendation to adopt the changes on November 4, 1999.

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-28-133 of the Colorado Revised Statutes 1973 with one public hearing being held December 21, 1999 for the purpose of adopting said amendments, and

THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

Article I	Introduction
Article II	Subdivision and Planned Unit Development Regulations
Article XII	Building Code
Appendix A	Definitions

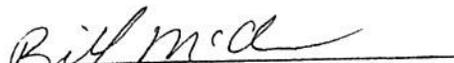
THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective January 3, 2000, and

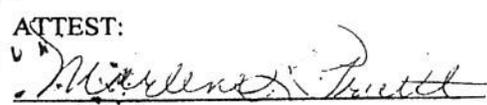
THAT, The Board of County Commissioners find these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 21st day of December, 1999.


Chairman


Commissioner


Commissioner

ATTEST:
 Clerk of the Board



LU - 00 - 92

**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, Public Hearings were advertised and held before the Board of County Commissioners on October 10, 2000 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission.

WHEREAS, the Planning Commission made a recommendation to adopt the changes on August 31, 2000.

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-28-133 of the Colorado Revised Statutes 1973 with one public hearing being held October 10, 2000 for the purpose of adopting said amendments, and

THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

- Article II Subdivision Plat Vacation/Consolidation Planned Unit
- Article XIII Building Code

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective October 16, 2000, and

THAT, The Board of County Commissioners find these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 25th day of September, 2000.

Mike Olm
Chairman

Joe W. Alexander
Commissioner

Bill McDe
Commissioner

ATTEST:

Sandra R. Cunningham Acting Clerk of the Board



LU-00-93

**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, Public Hearings were advertised and held before the Board of County Commissioners on October 10, 2000 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission.

WHEREAS, the Planning Commission made a recommendation to adopt the changes on August 31, 2000.

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-28-133 of the Colorado Revised Statutes 1973 with one public hearing being held October 10, 2000 for the purpose of adopting said amendments, and.

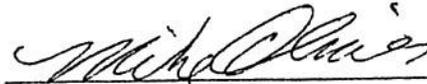
THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

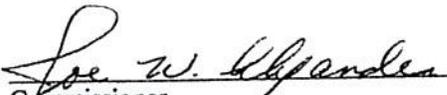
- Article XIII Building Code**
- Appendix A Definitions**

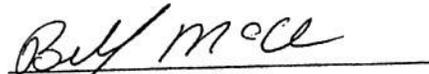
THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective October 16, 2000, and

THAT, The Board of County Commissioners find these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

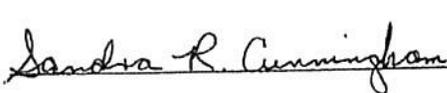
READ, MOVED and ADOPTED this 10th day of October, 2000.


Chairman


Commissioner


Commissioner

ATTEST:

 Acting
Clerk of the Board



RESOLUTION OF ADOPTION OF AMENDMENTS TO THE SAGUACHE COUNTY LAND DEVELOPMENT CODE

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on June 26, 2001 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

WHEREAS, the Planning Commission made a recommendation to adopt the changes on April 26, 2001.

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on June 26, 2001 for the purpose of adopting said amendments, and

THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

Article II	Subdivision and Planned Unit Development Regulations
Article IV	Activities of Local Interest, Industrial Development Regulations
Appendix A	Definitions

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective September 14, 2001, and

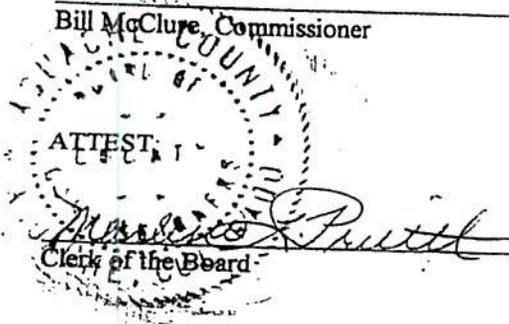
THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 4th day of September 2001.


Mike Oliver, Chairman

Bill McClure, Commissioner


Joe Alexander, Commissioner



335347
Page 1 of 1
State of Colorado
Marlene Pruitt, Saguache County Recorder
09/18/2001 01:32 AM Recording Fee \$0.00

**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE SAGUACHE COUNTY
LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of this changes and additions on January 10, 2002, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on January 29, 2002 and February 5, 2002 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on January 29, 2002 and February 5, 2002 for the purpose of adopting said amendments, and

THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

Article IV	Activities of Local Interest
Article VIII	Variance from Regulations
Article X	Violation and Penalties
Definitions	

THAT FURTHER, the following Articles are now being created and added to the Saguache County Land Development Code,

Article XIV	Mobile Homes and Mobile Home Parks
Article XIV	Blight

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective February 11, 2002, and

THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 5th day of February 2002.


Mike Oliver, Chairman


Bill McClure, Commissioner


Joe Alexander, Commissioner

RESOLUTION OF ADOPTION OF AMENDMENTS TO THE SAGUACHE COUNTY LAND DEVELOPMENT CODE

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of these changes and additions on January 30, 2003, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on March 25, 2003 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on March 25, 2003 for the purpose of adopting said amendments, and

THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

- Article I Introduction
- Article II Subdivision Plat Vacation/Consolidation Planned Unit
- Article XIII Building Code
- Definitions

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective April 10, 2003, and

THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 1st day of April, 2003.

Mike Oliver
Mike Oliver, Chairman

Joe Alexander
Joe Alexander, Commissioner

Bill McClure, Commissioner

ATTEST: *Audrey Conley*

Page 1 of 1 \$0.00
Conley, Saguache Count

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State of Colorado Audrey



**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of these changes and additions on December 11, 2003, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on January 20, 2004 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on January 20, 2004 for the purpose of adopting said amendments, and

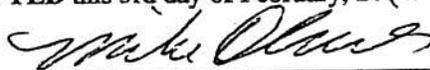
THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

Article II	Subdivision Plat Vacation/Consolidation Planned Unit
Article IV	Articles of Local Interest
Article VIII	Variances from Regulations
Article XIII	Building Code
Article XVII	Native Rangeland Plow-Out and Cultivations of Lands Subject to Wind Hazard

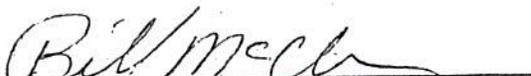
THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective February 3, 2004, and

THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 3rd day of February, 2004.

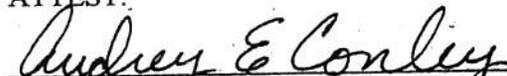


Mike Oliver, Chairman


Bill McClure, Commissioner


Joe Alexander, Commissioner

ATTEST:


Clerk of the Board



**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of these changes and additions on December 11, 2003, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on January 20, 2004 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on January 20, 2004 for the purpose of adopting said amendments, and

THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

Article II	Subdivision Plat Vacation/Consolidation Planned Unit
Article IV	Articles of Local Interest
Article VIII	Variances from Regulations
Article XIII	Building Code
Article XVII	Native Rangeland Plow-Out and Cultivations of Lands Subject to Wind Hazard

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective February 3, 2004, and

THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 3rd day of February, 2004.

Mike Oliver, Chairman

Bill McClure, Commissioner
Joe Alexander, Commissioner

ATTEST:

Audrey E. Conley
Clerk of the Board

344038 02/04/2004 02:30 PM Page 1 of 1 \$6.00
State of Colorado Audrey E. Conley, Saguache County Recorder

RESOLUTION FOR ADOPTION OF AMENDMENTS TO THE SAGUACHE COUNTY LAND DEVELOPMENT CODE

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of these changes and additions on May 26, 2005, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on August 30, 2005 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on August 30, 2005 for the purpose of adopting said amendments, and

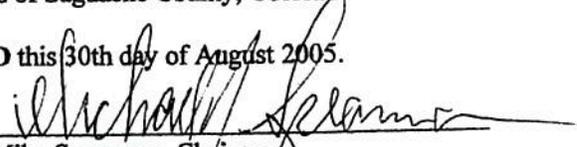
THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

- Article I Introduction
- Article II Subdivision, Plat Vacation/Consolidation Planned Unit Development
- Article IV Articles of Local Interest
- Article VII Board of Adjustment
- Article VIII Variances from Regulations
- Article XIII Construction Permit
- Article XVI Crestone/Baca Sub-Area
- Appendixes

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective September 9, 2005, and

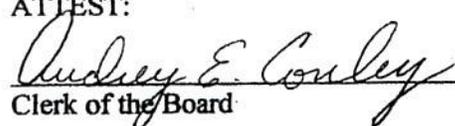
THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 30th day of August 2005.


Mike Spearman, Chairman


Sam Pace, Commissioner


Joe Alexander, Commissioner

ATTEST:

Clerk of the Board



**RESOLUTION FOR ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of these changes and additions on May 26, 2005, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on August 30, 2005 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on August 30, 2005 for the purpose of adopting said amendments, and

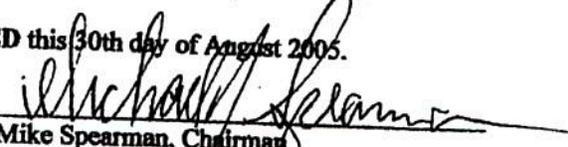
THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

Article I	Introduction
Article II	Subdivision, Plat Vacation/Consolidation Planned Unit Development
Article IV	Articles of Local Interest
Article VII	Board of Adjustment
Article VIII	Variances from Regulations
Article XIII	Construction Permit
Article XVI	Crestone/Baca Sub-Area
Appendixes	

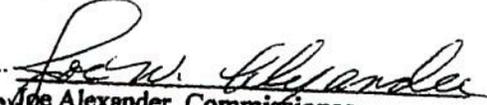
THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective September 9, 2005, and

THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 30th day of August 2005.


Mike Spearman, Chairman


Sam Pace, Commissioner


Joe Alexander, Commissioner

ATTEST:


Audrey E. Conley
Clerk of the Board



LU-06-32

**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of these changes and additions on February 23, 2006, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on April 18, 2006 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on April 18, 2006 for the purpose of adopting said amendments, and

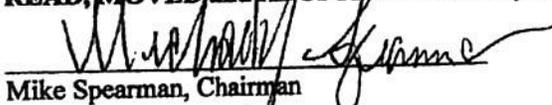
THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

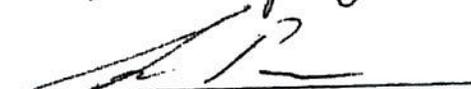
- Article II Subdivision Plat Vacation/Consolidation Planned Unit
- Article IV Articles of Local Interest
- Article VIII Variances from Regulations
- Article XIII Construction Code

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective May 1, 2006, and

THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 18th day of April, 2006.


Mike Spearman, Chairman


Sam Pace, Commissioner


Joe Alexander, Commissioner

ATTEST:


Audrey E. Conley
Clerk of the Board



LU-07-48

359894
Page 1 of 1
State of Colorado
Melinda Myers, Saguache County Recorder
09-11-2007 02:26 PM Recording Fee \$0.00

**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of these changes and additions on April 26, 2007, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on August 7, 2007 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on August 7, 2007 for the purpose of adopting said amendments, and

THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

- Article IV Articles of Local Interest
- Article XII Impact Fees
- Definitions

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective September 4, 2007, and

THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED AND ADOPTED this 7th day of August, 2007.

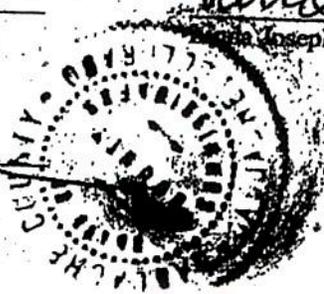

Mike Spearman, Chairman


Sam Pace, Commissioner


Linda Joseph, Commissioner

ATTEST:

Clerk of the Board



RESOLUTION
LU-08-23

11
362140
Page 1 of 1
State of Colorado
Melinda Myers, Saguache County Recorder
07-15-2008 03:32 PM Recording Fee

**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Saguache County Board of Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, Saguache County Planning Commission and Crestone/Baca Planning Commission members did hold regular meetings with the public in order to draft new regulations concerning oil and gas operations as requested by the Board of County Commissioners, and

WHEREAS, Planning Commission members - Jeff Shook, Don Geddes, Richard Laurie, Richard Drake, Ken Anderson, Rebie Hazard, Anne Nielsen, Judy Messoline, Bill McClure, Laura Mezoff, Tim Scanlon, Lisa Cyriacks, David Nicholas, Diane Dunlap, Christian Dillo, William Folk, Ralph Abrams and Dave Chubrika recommend approval of these regulations on April 16, 2008, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on June 24, 2008 and continued on July 8, 2008 for the purpose of adopting the regulations as recommended by the Saguache County Planning Commissions, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on June 24, 2008 and continued on July 8, 2008 for the purpose of adopting said regulations, and

THAT FURTHER, the following Article of the Saguache County Land Development Code has been adopted,

Article XXI Oil and Gas Operations

THAT, the following Appendix of the Saguache County Land Development Code has been amended,

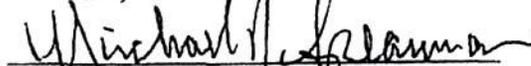
Appendix G Saguache County Fee Schedule to include a fee for Oil and Gas Operation applications

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective July 15, 2008, and

THAT, the Board of County Commissioners finds these regulations are necessary for the immediate preservation and protection of the public health, safety and welfare of the citizens of Saguache County, Colorado and therefore are effective as of July 8, 2008.

READ, MOVED and ADOPTED this 8th day of July, 2008.


Sam Pace, Chairman


Michael J. Spearman, Vice Chairman



Linda Joseph, Commissioner

17037

**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of these changes and additions on August 28, 2008, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on October 14, 2008 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on October 14, 2008 for the purpose of adopting said amendments, and

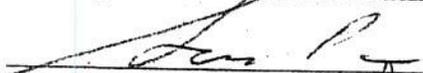
THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

- Article IV Articles of Local Interest
- Article XVI Crestone/Baca Sub-Area
- Article XXI Oil & Gas Regulations - Emergency Operations Plan

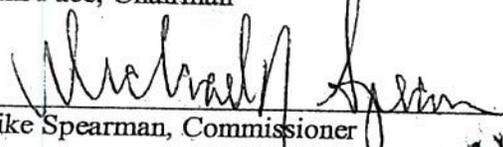
THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective November 17, 2008, and

THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

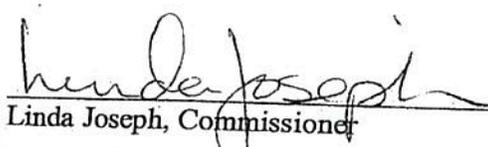
READ, MOVED and ADOPTED this 4th day of November 2008.



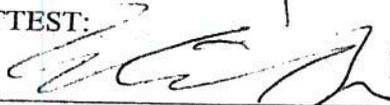
Sam Pace, Chairman



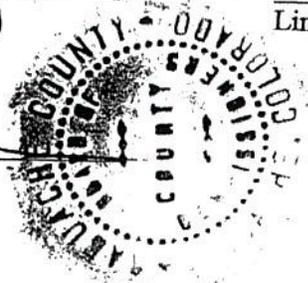
Mike Spearman, Commissioner



Linda Joseph, Commissioner

ATTEST:


Clerk of the Board



**RESOLUTION OF ADOPTION OF AMENDMENTS TO THE
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting on December 15, 2011 and January 26, 2012 with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of these changes and additions on January 26, 2012, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on May 15, 2012 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on May 15, 2012 for the purpose of adopting said amendments, and

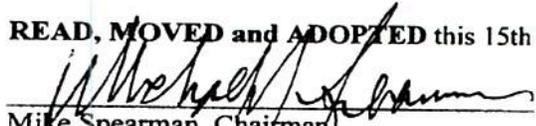
THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

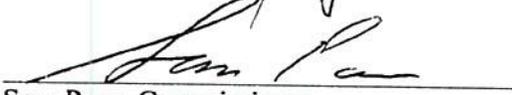
Article IV	Articles of Local Interest
Article III XV	Construction Permit
Article XVI	Crestone/Baca Sub-Area Definitions

THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective May 15, 2012, and

THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 15th day of May 2012.


Mike Spearman, Chairman


Sam Pace, Commissioner


Linda Joseph, Commissioner

ATTEST:


Clerk of the Board



**RESOLUTION OF ADOPTION OF
SAGUACHE COUNTY LAND DEVELOPMENT CODE**

WHEREAS, the Saguache County Board of Commissioners recognizes the need to update and amend the Land Development Code, and

WHEREAS, the Saguache County Planning Commission serving at the direction of the Board of County Commissioners were charged with the task of review and recommendation of the amendments to the Land Development Code as adopted April 4, 1988, and

WHEREAS, the Planning Commission did hold a regular meeting on December 15, 2011 and January 26, 2012 with the public in order to draft amendments as requested by the Board of County Commissioners, and

WHEREAS, the Planning Commission recommend approval of these changes and additions on February 13, 2014, and

WHEREAS, a Public Hearing was advertised and held before the Board of County Commissioners on February 18, 2014 for the purpose of adopting the amendments as recommended by the Saguache County Planning Commission, and

NOW THEREFORE BE IT RESOLVED, that all things have been done in compliance with 30-28-112 and 30-38-133 of the Colorado Revised Statutes 1973 with the public hearing being held on February 18, 2014 for the purpose of adopting said amendments, and

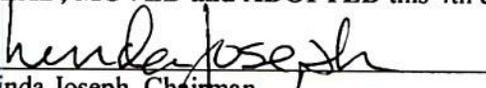
THAT FURTHER, the following Articles of the Saguache County Land Development Code have had changes made to them,

Article IV	Articles of Local Interest
Article IIIIXV	Construction Permit
Article XX	Wildlife

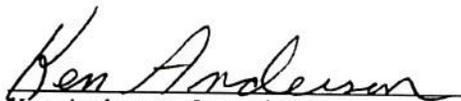
THAT, these amendments are hereby incorporated into the amended Saguache County Land Development Code effective March 4, 2014, and

THAT, the Board of County Commissioners finds these amendments necessary for the Health, Safety and Welfare of the residents of Saguache County, Colorado.

READ, MOVED and ADOPTED this 4th day of March 2014.


Linda Joseph, Chairman


Jason Anderson, Commissioner


Ken Anderson, Commissioner

ATTEST:


Jane Whitten
Clerk of the Board Deputy



Saguache County Land Development Code
effective March 4, 2014

FEES

ARTICLE I	INTRODUCTION
ARTICLE II	SUBDIVISION PLAT VACATION/CONSOLIDATION PLANNED UNIT
ARTICLE III	COUNTY ROAD ACCEPTANCE STANDARDS
ARTICLE IV	ACTIVITIES OF LOCAL INTEREST
ARTICLE V	AREAS OF LOCAL INTEREST
ARTICLE VI	HOME OCCUPATIONS
ARTICLE VII	BOARD OF ADJUSTMENT
ARTICLE VIII	VARIANCES FROM REGULATIONS
ARTICLE IX	AMENDMENTS TO THESE REGULATIONS
ARTICLE X	VIOLATIONS AND PENALTIES
ARTICLE XI	NON-CONFORMING USES, STRUCTURES AND LOTS
ARTICLE XII	IMPROVEMENT GUARANTEES
ARTICLE XIII	CONSTRUCTION PERMIT
ARTICLE XIV	MOBILE HOMES AND MOBILE HOME PARKS
ARTICLE XV	BLIGHT
ARTICLE XVI	CRESTONE/BACA SUB-AREA
ARTICLE XVII	NATIVE RANGELAND PLOW-OUT AND CULTIVATION OF LANDS SUBJECT TO WIND HAZARD
ARTICLE XVIII	SIGNIFICANT GROUNDWATER RECHARGE ZONES
ARTICLE XIX	RIGHT TO RANCH AND FARM
ARTICLE XX	WILDLIFE
ARTICLE XXI	OIL & GAS OPERATIONS
APPENDIX A	DEFINITIONS..... A.1
APPENDIX B	CERTIFICATE OF ACCEPTANCE..... B.1
APPENDIX C	CERTIFICATE OF FINAL PLAT C.1
APPENDIX D	CERTIFICATE FOR SUBDIVISION EXEMPTION D.1

Saguache County Land Development Code
effective March 4, 2014

APPENDIX E
APPENDIX F

CERTIFICATE FOR CONSOLIDATION / VACATION E.1
RECEIPT AND STATEMENT OF UNDERSTANDING F.1

Saguache County Land Development Code
effective March 4, 2014

SAGUACHE COUNTY FEE SCHEDULE

ISDS PERMIT	\$175.00
ISDS EXPIRED PERMIT	\$175.00
ISDS REPAIR FEE	\$100.00
SUBDIVISION EXEMPTION	\$500.00 + \$75.00/LOT + \$20.00 for Certificate of Taxes Due+ Certified Mailing Fees
PLAT VACATION/LOT CONSOLIDATION	\$300.00 + \$50.00/LOT + \$20.00 per lot for Certificate of Taxes due+ Certified Mailing Fees
CONDITIONAL USE PERMITS THIS INCLUDES ADDITIONAL RESIDENCE	\$500.00 + \$20.00 for Certificate Of Taxes Due + Certified Mailing Fees +16 COPIES OF ALL SUPPLEMENTAL DOCUMENTS + PUBLIC HEARING COSTS
CONDITIONAL USE MODIFICATIONS	shall have the same fees as a Conditional Use additional residence
OIL & GAS OPERATIONS PERMIT	\$1500 + Certified Mailing Fees + any and all consultant fees + Certificate of Taxes Due + public hearing costs
VARIANCE FEE FOR ALL APPLICATION TYPES	\$200.00 + \$20.00 for Certificate of Taxes Due + Certified Mailing Fees + \$.32/mile for any and all inspections required
HOME OCCUPATION PERMIT	\$50.00 FIRST YEAR \$40.00 YEARLY RENEWAL FEE
NATIVE RANGELAND/SOD BUSTER PERMITS	\$95.00
SUBDIVISION REVIEW or PUD	\$1020.00 +\$25.00/LOT + \$20.00 per lot for Certificate of Taxes due + Certified Mailing Fees

Saguache County Land Development Code
effective March 4, 2014

MOBILE HOME PARK OR RV PARK	\$1020.00 + \$25.00/LOT + \$20.00 per lot for Certificate of Taxes due + Certified Mailing Fees
EXTENSION FEE FOR ANY APPROVED APPLICATION	\$100.00
ROAD ROW OR EASEMENT CHANGES	\$25.00
COUNTY ROAD ADDRESS FEE	\$25.00
COUNTY ROAD DRIVEWAY PERMITS FEE	\$100.00
MALT BEVERAGE LICENSE	\$50.00

CONSTRUCTION PERMIT FEE

\$.12 PER SQUARE FOOT WITH A MINIMUM FEE OF \$60.00

ACCURACY OF SQUARE FOOTAGE IS IMPORTANT. SQUARE FOOTAGE WILL BE REVIEWED BY THE SAGUACHE COUNTY ASSESSOR'S OFFICE AT THE TIME OF APPRAISAL, ANY STRUCTURES WITH SQUARE FOOTAGE OVER 25% OF THAT PERMITTED WILL BE BILLED FOR THE EXCESS AMOUNT OWED PLUS PENALTY.

TO AVOID PENALTY, IF PLANS CHANGE TO INCLUDE A LARGER STRUCTURE AFTER YOUR PERMIT IS ISSUED, CONTACT THE LAND USE OFFICE TO MODIFY YOUR PERMIT.

ANY OF THE ABOVE APPLICATIONS MAY BE CHARGED AN ADDITIONAL MILEAGE FEE, IF ANY INSPECTIONS ARE NEEDED. FEE AS SET BY THE FEDERAL STANDARD RATE.

Saguache County Land Development Code
effective March 4, 2014

ARTICLE I

INTRODUCTION

I.1. Title

The title of these regulations shall be the "Saguache County Land Development Code" and may be so cited and pleaded.

I.2. Authority

The Saguache County Land Development Code and any amendments are authorized by the Colorado Revised Statutes and shall apply to the unincorporated territory in Saguache County, Colorado. Such enabling legislation includes, but is not limited to:

- I.2.1. Article 28 of Title 30, C.R.S. 1973 (County Planning).
- I.2.2. Article 65 of Title 24, C.R.S. 1973 (Colorado Land Use Act).
- I.2.3. Article 65.1 of Title 24, C.R.S. 1973 (Areas and Activities of State Interest).
- I.2.4. Article 20 of Title 29, C.R.S. 1973 (Local Government Land Use Control Enabling Act).
- I.2.5. Section 107 of Article II of Title 30, C.R.S. 1973 (Power of the Board of County Commissioners).
- I.2.6. Article 72 of Title 35 C.R.S. 1973 (Soil Erosion - Dust Blowing - 1945 Act).

I.3. Purpose

The Code is designed to minimize the time and expense involved in processing applications while providing for an informed review by Saguache County.

Applicants should contact the Land Use Administrator if there are any questions about Saguache County procedures or submittal requirements.

The purpose of Land Development Code is to

- I.3.1. Promote the health, safety, and general welfare of Saguache County residents.
- I.3.2. Protect mineral resources for future extraction.
- I.3.3. Prevent economic loss and personal injury from natural hazards.

Saguache County Land Development Code
effective March 4, 2014

- I.3.4. Promote and protect wildlife habitats and non-domestic animal corridors.
- I.3.5. Ensure that development does not reduce the quality of public services and facilities.
- I.3.6. Control erosion, sedimentation, and other pollution of surface and subsurface water.
- I.3.7. Encourage orderly development that provides adequate public and private facilities, avoids congestion, and protects sensitive environmental resources.
- I.3.8. Promote convenient, economical, and non-polluting means of disposing of residential, commercial and industrial waste.
- I.3.9. Promote farming practices that protect fragile easily disturbed soils from inappropriate cultivation activity.
- I.3.10. Promote and encourage agricultural development.
- I.3.11. Ensure the full and appropriate utilization of natural resources through economic development promotion.

I.4. Required Approval

County approval will be required in the following cases.

- I.4.1. Subdivisions.
- I.4.2. Development within areas of local interest.
- I.4.3. Activities of local interest designated by Saguache County.
- I.4.4. Major facilities of public utilities.
- I.4.5. The dedication, vacation or reservation of any public or private utility easement on recorded subdivision plats.
- I.4.6. The opening, widening or extension of public roads for any purpose.
- I.4.7. Before cultivation of 20 acres or more, which consist of 25% or more of soils, listed in definitions as "AREAS OF SEVERE WIND EROSION HAZARD" or "LAND UNSUITABLE FOR CROPLAND".
- I.4.8. Before the Board of County Commissioners will accept roads into the Saguache County road maintenance network.

Saguache County Land Development Code
effective March 4, 2014

I.4.9. Conditional Uses. (See Article IV, paragraph 2.1.2, for more information about Conditional Uses.)

I.5. Procedure

The following procedure will facilitate the processing of applications.

- I.5.1. The applicant will first contact the Land Use Administrator to schedule a pre-application conference to review options and procedures.
- I.5.2. Proposed subdivisions will be reviewed according to the "Subdivision Application Procedure". Small-scale subdivisions, such as single land splits may qualify for a "Subdivision Exemption". A subdivision that falls within an area of local interest must follow Saguache County subdivision procedure and submittal requirements.
- I.5.3. The application will be considered by the County Planning Commission, who will recommend an action to the Board of County Commissioners.
- I.5.4. The Board of County Commissioners will consider the application, along with any recommendations from the Planning Commission and interested parties, and make a decision on the request.
- I.5.5. Appeal of the decision of the Board of County Commissioners is as provided by law.
- I.5.6. When approval is granted by the Board of County Commissioners, the applicant shall have a period of one (1) year to implement the request. If the applicant has not implemented the approved request within the one (1)-year period, the approval shall become void.
- I.5.7. There may be a yearly review of each Conditional Use/Variance granted approval by the Board of County Commissioners.

I.6. Vesting of Rights

The applicant's property rights become vested upon final approval of the Board of County Commissioners.

I.7. Legal Status

Adoption, amendment, repeal, interpretation and severability are all as provided for by law.

- I.7.1. Interpretation

Saguache County Land Development Code
effective March 4, 2014

Whenever the provisions of this Code are found to be inconsistent with any other regulation, the regulation imposing the more stringent standards shall control. The provisions of this Code are minimum requirements that do not preclude imposition of more stringent standards by agreement or by law.

I.7.2. Repeal

All land use regulations effective prior to the date of adoption of this Code are hereby repealed. The repeal of these regulations does not revive any other regulations. This repeal shall not affect the prosecution or punishment of any person for the violation of any regulation repealed if the offense was committed prior to the repeal.

I.7.3. Amendments

The Board of County Commissioners is empowered to amend this Code after following public notice and hearing procedures prescribed by law. Any amendments to the provisions of this Code and its accompanying maps will then become part of this Code.

I.7.4. Severability

If any section, article, clause, provision, or portion of this Code is adjudged invalid or unconstitutional by a court of competent jurisdiction the remainder of this Code shall not be affected.

The Board of County Commissioners of Saguache County, Colorado, hereby declares that it would have passed this Code and each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clause, or phrases might be declared to be unconstitutional or invalid.

I.7.5. Effective Date

This Code and any amendments shall be in effect as of March 3, 2014.

ARTICLE II

SUBDIVISION AND PLANNED UNIT DEVELOPMENT REGULATIONS
SUBDIVISION EXEMPTIONS AND PLAT VACATIONS

II.1. Purpose

These regulations are designed and enacted for the purpose of protecting the health, safety, and welfare of present and future inhabitants of Saguache County, Colorado, by

- II.1.1. Regulating the location of activities, which may result in significant changes in population density;
- II.1.2. Ensuring that land subdivision plans conform with public improvement plans of existing subdivisions, Saguache County and its various municipalities;
- II.1.3. Ensuring the provision of an adequate source of water, sewage disposal and other essential services; and
- II.1.4. Recognizing the rights of the developer, the citizens, and the communities, and to ensure that any proposed development does not create an excessive burden on Saguache County taxpayers.

II.2. Approval

Saguache County approval is required when any parcel of land, within the unincorporated area of Saguache County, is divided into one or more parcels of land consisting of less than thirty-five (35) acres.

Approval is also required when a person or company holding properties within a platted subdivision and within the unincorporated area of Saguache County, is desirous of having the separate parcels combined into one legally described parcel of land. This vacation of lots may include removal, change of use or sale of property previously dedicated as a public way, ground, place or property.

II.2.1. Preliminary Plan

After the sub-divider has reached preliminary conclusions concerning the feasibility and design of the proposed subdivision, the preliminary plan will be prepared for the consideration of the Planning Commission and the Board of County Commissioners. The purpose of this process is to check it against the design standards, evaluation criteria and improvement requirements that have been established by Saguache County, thereby expediting approval of the final plan. The plan will consist of the preliminary plat and supplemental information required. Plans and planning shall be guided by the design standards, improvement requirements and evaluation criteria contained in this Code.

Saguache County Land Development Code
effective March 4, 2014

II.3. Design Standards

To facilitate approval of subdivision plats, the following requirements will be met.

II.3.1. General Requirements

- II.3.1.1. Consideration shall be given to the influence of topography insofar as it affects street patterns, proper drainage, and protection of scenic views.
- II.3.1.2. Trees and shrubs shall be planted within property lines and are prohibited within street right-of-way lines, except upon recorded approval by the Board of County Commission

II.3.2. Alleys

- II.3.2.1. Alleys shall be provided in commercial and industrial developments, except that the County may waive this requirement where other definite provision is made for service access and off-street parking adequate for the uses proposed.
- II.3.2.2. The minimum width of an alley shall be twenty (20) feet.
- II.3.2.3. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end as determined by the County.

II.3.3. Easements

- II.3.3.1. Easements shall be sixteen (16) feet wide, eight (8) feet of which shall be on each side of common rear lot lines where said lines abut. On perimeter rear lots, easement width shall be ten (10) feet or more. Side lot easements, where necessary, shall be at least sixteen (16) feet in width, eight (8) feet of which shall be on one lot, and another eight (8) feet on the adjacent lot. Front lot easements if necessary shall be at least six (6) feet in width.
- II.3.3.2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course and such further width as may be required by the County for necessary control measurers. The minimum requirements for such easements shall be based on the greatest flood on record in Saguache County.

Saguache County Land Development Code
effective March 4, 2014

II.3.4. Blocks

- II.3.4.1. The lengths, widths and shapes of blocks shall be determined with due regard to:
- II.3.4.1.1. Provisions of adequate structure sites suitable to the special needs of the type of use contemplated.
 - II.3.4.1.2. Needs for convenient access, circulation, control, safety of street traffic, and fire protection.
 - II.3.4.1.3. Limitations and opportunities of topography.
- II.3.4.2. Block lengths shall not exceed sixteen hundred (1600) feet, nor be less than four hundred (400) feet (length requirements may be waived by the County when the proposed density of the subdivision is one (1) dwelling unit per acre or less).
- II.3.4.3. Pedestrian crosswalks, not less than fourteen (14) feet wide, shall be required where the County deems them essential to provide access to schools, playgrounds, shopping centers, or other community facilities.

II.3.5. Lots

- II.3.5.1. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and for future re-subdividing, where appropriate.
- II.3.5.2. Depth and width of properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- II.3.5.3. Lot areas:
- II.3.5.3.1. Central sewer and water system shall require a minimum of seven thousand (7000) square feet of lot-area per lot.
 - II.3.5.3.2. Central sewer system and individual water supply shall require a minimum area of one (1) acre per lot
 - II.3.5.3.3. Central or individual water supply and individual sewer system shall require a minimum area of one (1) acre per lot to afford the construction of septic tanks and sewage disposal systems in accordance with regulations and specifications of the Saguache County Land Use Department, and shall be located and constructed in such a manner which will not pollute or endanger wells or water sources.

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II.3.5.4. Lot Frontage

- II.3.5.4.1. A minimum of one hundred fifty (150) feet of frontage for lots of one (1) acre or greater in area.
- II.3.5.4.2. A minimum of sixty (60) feet of frontage for all lots less than one (1) acre in area.
- II.3.5.4.3. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential developments from expressways, arterial highways and major thoroughfare, or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet in width, and across which there shall be no vehicular right of access, may be required along the property line of lots abutting such a traffic artery or other disadvantageous use.
- II.3.5.5. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- II.3.5.6. Side lot lines shall be substantially at right angles, or radial, to street lines.
- II.3.5.7. The subdividing of the land shall be such as to provide each lot with satisfactory access to a public street.
- II.3.5.8. Smaller lots may be provided for neighborhood utility service facilities in non-residential buildings.

II.3.6. Streets

The arrangement, character, extent, width, grade and location of all streets shall conform to existing topographical conditions to enhance public convenience and safety, and such streets shall be designed in accordance with the following provisions:

- II.3.6.1. The proposed street layout shall be made according to sound land-planning practice for the type of development proposed, and shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation of appropriate projection of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.
- II.3.6.2. Whenever a subdivision abuts or contains an existing or proposed arterial highway or major thoroughfare, the County may require marginal access or frontage streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of arterial and local traffic.

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- II.3.6.3. Minor streets shall be laid out so that their use by arterial traffic will be discouraged.
- II.3.6.4. Where a subdivision borders on or contains a public right-of-way or limited-access highway right-of-way. The Saguache County Board of Commissioners may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard for the requirements of approach grades and future grade-separation structures.
- II.3.6.5. Reserve strips controlling access to streets shall be prohibited except where their control is placed with Saguache County under conditions approved by the Board of County Commissioners.
- II.3.6.6. Where the plat to be submitted includes only part of the tract owned or intended for development by the sub-divider, a tentative plan of a proposed future street system for the un-subdivided portion may be required.
- II.3.6.7. A tangent at least four hundred (400) feet long shall be introduced between reverse curves on major thoroughfares.
- II.3.6.8. Half streets shall be prohibited.
- II.3.6.9. Cul-de-sacs or dead-end streets, designed to be so permanently, shall not be longer than six hundred (600) feet measured from the entrance to the rear of the turnaround, and shall be provided at the closed end with a turnaround having an outside right-of-way diameter of at least one hundred (100) feet (length requirements may be waived by the County when the proposed density of the subdivision is one (1) dwelling unit per acre or less.
- II.3.6.9.1. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to approval of the County.
- II.3.6.9.2. Intersections:
- Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than seventy (70) degrees.
 - Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.
- II.3.6.9.3. All minimum street right-of-way widths, minimum roadbed widths and grades are indicated in Table 1, Article III, Summary of Street Design Elements.

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- II.3.6.9.4. Sub-dividers seeking to have roads included in the County Road Maintenance System must meet the criteria in Article III, County Road Acceptance Standards.

II.3.7. Hillside Development

When a subdivision or development is proposed on land, which has an average slope greater than fifteen (15%), the following provisions shall apply supplementary to all other provisions of this Code.

- II.3.7.1. The sub-divider shall submit a soils report prepared by a Colorado-registered soils engineer, along with detailed information on the preliminary plan regarding geologic conditions, soil types, and other pertinent information, in order that a determination can be made as to the appropriateness of development on the site.
- II.3.7.2. All individual lots shall be at least one (1) acre in size.
- II.3.7.3. The sub-divider shall submit, with the preliminary plan, detailed plans for any proposed cut and fill operation.
- II.3.7.4. Maintenance easements shall be provided for access to any cut and fills slopes outside the street right-of-way.
- II.3.7.5. Special attention shall be given to lot design in order to accommodate adequate space for a structure site and sewage disposal facilities.
- II.3.7.6. Special attention shall be given to the drainage system in order to prevent soil erosion and slippage.

II.3.8. Public Sites and Open Spaces

- II.3.8.1. When the density of the proposed subdivision is greater than one (1) dwelling unit per acre, the Board of County Commissioners, upon consideration of Saguache County transportation and community facility plans and the particular type of development proposed, shall require a dedication or reservation of a percentage of the total area of the subdivision for public purposes other than streets. The percentage required shall be determined by a formula.
- II.3.8.2. If the Board of County Commissioners finds that land dedication or reservation is not appropriate, the sub-divider shall make a cash contribution to the County calculated at the percentage as determined by the formula of the fair market value of the land as zoned for development.

II.4 II. 4. IMPROVEMENT PLANS

A qualified engineer, registered in the State of Colorado, shall prepare public improvements herein required. Two set of prints of the plans and specifications for all public improvements shall be filed with the Saguache County Clerk and Recorder at the time of submission of the final plat. One set of "as built" plans and specifications, certified and signed by an engineer registered in the State of Colorado, shall be filed with the Saguache County Clerk and Recorder prior to the acceptance by the Board of County Commissioners of any public improvement installed by the sub-divider.

II.4.1. Street Improvements

Street improvements shall meet the following criteria.

- II.4.1.1. When the residential density is greater than one (1) dwelling unit per acre, and in areas proposed for commercial and/or industrial development, all streets shall be graded to the widths and grades required by this Code.
- II.4.1.2. When the residential density is one (1) dwelling unit per acre or less, streets must be graded to Saguache County Standards and gravel surfaced, or other material required and approved by the Board of County Commissioners shall be developed to assure possibility by ordinary traffic under all weather conditions.
- II.4.1.3. Where streets are to be constructed through timber land, the timber must be cleared from the width of road right-of-way and within six (6) feet of the roadway on each side for all streets. Limbs must be trimmed of all small branches and all material is neatly stacked. All timber of five (5) inches in diameter or greater must be trimmed out and cut to lengths of not over ten (10) feet and stacked into neat piles outside of the right-of-way lines. In no case will streets be accepted where timber or debris has been cleared by bulldozing to the sides of the roadway.
- II.4.1.4. Curbs, gutters and sidewalks shall be required where a majority of lot widths are less than one hundred (100) feet and where the Board of County Commissioners deems them necessary for the proper drainage of storm water, or for the protection of public safety and welfare.
- II.4.1.5. Where bridges and culverts are necessary as part of the improvements in a subdivision, the sub-divider shall be responsible for their construction.
- II.4.1.6. All sidewalks, where required, shall be of concrete or bituminous material, and shall be at least forty-eight (48) inches in width.
- II.4.1.7. Street name signs shall be installed at all intersections in the subdivision according to street names approved by the Board of County Commissioners.

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II.4.2. Water System

- II.4.2.1. A public water treatment and distribution system shall be required in all subdivisions with a proposed density greater than one (1) dwelling unit per acre.
- II.4.2.2. Fire hydrants shall be required in all subdivisions where a public water system is required. Hydrants shall be installed according to state requirements and the recommendations of the local fire district, if applicable.
- II.4.2.3. Water lines, where required, shall be designed to connect each lot with mains in accordance with applicable engineering standards.
- II.4.2.4. All water systems and individual wells shall be subject to applicable standards, technical procedures, and requirements of the Colorado Department of Health and the Colorado Division of Water Resources.

II.4.3. Sanitary Sewer System

- II.4.3.1. A central collection and treatment system shall be required in all subdivisions with a proposed density greater than on (1) dwelling unit per acre.
- II.4.3.2. All sewage disposal and treatment systems, whether individual or public, shall comply with all regulations and specifications of the State Health Department, and shall be located and constructed in such a manner, which will not pollute or endanger wells or water sources.

II.4.4. Storm Drainage

Complete drainage systems for the entire subdivision area shall be designed by a Colorado-registered professional engineer qualified to perform such work, and shall be shown graphically. All existing drainage features, which are to be incorporated in the design, shall be so identified. If the final plat is to be presented in filings, a drainage plan for the entire area shall be presented with the first filing and appropriate development stages for the drainage system for each filing shall be indicated. The drainage and flood plain systems shall be designed to permit the unimpeded flow of natural water courses and to insure adequate drainage of all low points.

II.4.5. Utility Service

- II.4.5.1. The sub-divider shall make the necessary arrangements, including any construction or installation charges, to extend utility service to the lot lines in the proposed subdivision. The installation of all utilities shall be subject to all other applicable Saguache County and State regulations. Such facilities shall be placed within easements or public streets, as herein provided, or upon private easements or rights-of-way provided for utility facilities.

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- II.4.5.2. In the event that the location of utility easements adjacent to property lines is unsuitable for use by utility companies due to drainage, irrigation ditches, timbered areas, or other obstructions, suitable easements will be provided adjacent to said areas of obstruction. Modification of the easement width requirements may be granted only when approved by both the Planning Commission and the public utility or utilities concerned.
- II.4.5.3 All public utilities shall be installed underground, with the exception of street lighting facilities, except upon proof that the same cannot be accomplished.
- II.4.5.4. Where model guidelines exist for location of utilities, the sub-divider and utility companies shall install all utilities in compliance with such guidelines.

II.4.6. Other Improvements

Other improvements not specifically mentioned herein but found necessary due to conditions peculiar to the site may be required by the County.

II.5. Subdivision Improvement Guarantees

II.5.1. No Final Plat shall be approved until the sub-divider has submitted, and the Board of County Commissioners has approved, one of the following:

II.5.1.1. Improvements Agreement

A subdivision improvements agreement agreeing to construct all required improvements shown in the final plat documents, together with collateral which is sufficient in the judgment of the Board of County Commissioners, to make reasonable provision for the completion of said improvements in accordance with the design and time specifications.

II.5.1.2. Other Agreements and Contracts

Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgment of the Board of County Commissioners, will make reasonable provision for completion of said improvements in accordance with design and time specifications, or

II.5.1.3. The Board of County Commissioners waives the Improvement Guarantee requirement.

II.5.2. Collateral Release

As improvements are completed, the sub-divider may apply to the Board of County Commissioners for a release of part or all of the collateral deposited with said Board.

II.6. Application Procedure

Subdivision review is a two-stage process involving a preliminary plan and final plat.

Application must be signed by the landowner(s).

Property Taxes on all affected parcels must be current at the time of Board of County Commissioners' decision. A Certificate of Taxes Due will be obtained at the beginning of the application process and confirmed before the Board of County Commissioners' final review.

II.6.1. Preliminary Sketch Plan

Preliminary Plans should be submitted to the Land Use Administrator at least 35 days prior to the Planning Commission meeting at which the applicant wishes to have the application heard.

Applicant must meet with Planning Commission to discuss the proposed subdivision in broad conceptual terms. The preliminary plan should show the location of the subdivision in relation to surrounding land uses, proposed lot arrangement, street pattern, open space, and any major natural feature.

The purpose of the preliminary plan is to alert the applicant to what will be required in future stages, and any problems that could jeopardize the final approval, before the applicant makes a considerable investment in the project.

The following criteria will be considered at this stage are: 1) suitability of the land for the proposed subdivision in terms of slope, flood plain, soil erosion, drainage, and vegetation; 2) compatibility of the subdivision with surrounding land uses; 3) the impact on public facilities and services.

At this stage, the Planning Commission will also determine what supplemental material must be submitted with the final plan.

II.6.1.1. Preliminary Plan Submittal Requirements

In addition to a broad conceptual plan of the applicant's proposed submission, the following must be submitted:

- II.6.1.1.1. Documentation of water and sewer availability.
- II.6.1.1.2. Reports concerning the impact on streams, lakes, topography and vegetation.
- II.6.1.1.3. Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.

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- II.6.1.1.4. Evaluation of potential radiation hazards in areas of potential radiation hazard to the proposed future land use.
- II.6.1.1.5. Maps and tables concerning suitability of types of soil in the proposed subdivision in accordance with the National Soil Survey.
- II.6.1.1.6. Property survey
- II.6.1.1.7. Legal proof of ownership with a full disclosure of all mortgages, liens and encumbrances against said property.
- II.6.1.1.8. Relevant environmental characteristics and analysis applicable to the proposed subdivision including the following:

FLOOD HAZARD: A map showing the boundaries of a 100-year flood, delineating the possible depth of flood waters in the proposed subdivision, and the proposed location of public improvements within the boundaries, including buildings, utilities and roads. This information must be certified by a professional engineer.

FIRE HAZARD: A map showing the location of fire hazards and the reason for the hazard, that is, slope, aspect, topography, fuel, and so on. A written report must accompany this map. It should include information regarding site-specific fire prevention and suppression plans. This information must be prepared by a professional forester or experienced fire marshal.

GEOLOGIC HAZARD: A report concerning geologic characteristics of the area significantly affecting the proposed land use. Any hazardous conditions should be expounded upon and measures, if any that could be taken to mitigate these conditions explained.

SOIL SUITABILITY: Maps and tables concerning suitability of types of soil in the proposed subdivision, in accordance with the National Soil Survey.

IMPORTANT RESOURCE AREAS: Including potential mineral resources, historically significant or archaeologically important areas, wildlife habitat, and prime agricultural land. See Article VI, Areas of Local Interest.

- II.6.1.1.9. Documentation that a water supply will be available that is sufficient in terms of quality, quantity and dependability for the planned development. Include evidence of ownership or right of, acquisition of, or use of, existing and proposed water rights, historic use and estimated yield of claimed water rights, and ability to amend existing rights to change in use.
- II.6.1.1.10. Evidence of suitable and legal ingress and egress to the subdivision available to the lot owners in the subdivision.

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- II.6.1.1.11. Proof of financial responsibility in relation to proposed development costs.
- II.6.1.1.12. Preliminary copy of any proposed covenants and restrictions to the land property title.

II.6.1.2. Preliminary Plat Requirements

The preliminary plat will be required to meet the following minimum requirements prior to submittal to the Land Use Office.

- II.6.1.2.1. Name of Subdivision
- II.6.1.2.2. Scale 1" = 100' when the proposed density of the subdivision is greater than one (1) dwelling unit per acre, and at 1" = 200', or 1" = 400' when the proposed density is one (1) dwelling unit per acre or less.
- II.6.1.2.3. Total acres to be subdivided.
- II.6.1.2.4. Name and address of land owner.
- II.6.1.2.5. Location of the subdivision as part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner.
- II.6.1.2.6. Names and addresses of the sub-divider, the designer of the subdivision, and the surveyor (who shall be licensed by the Colorado State Board of Examiners for land surveyors).
- II.6.1.2.7. Names and locations of abutting subdivisions.
- II.6.1.2.8. Location of section lines, and approximate location and principal dimensions for all existing and proposed streets, alleys, easements, rights-of-way, lot lines, area to be reserved for public use, and other important features within and adjacent to the tract to be subdivided.
- II.6.1.2.9. Date of preparation, and north sign.
- II.6.1.2.10. Topography at vertical intervals of two (2) feet where the average slope of the subdivision is less than ten percent (10%) and at vertical intervals of five (5) feet where the average slope of the subdivision is ten percent (10%) or greater. If the proposed density of the subdivision is (1) dwelling unit per acre or less, the respective vertical intervals required shall be five (5) feet and (10)

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feet. U.S.G.S. datum may be used if it meets the foregoing interval requirements.

- II.6.1.2.11. Location by preliminary survey of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes, or other water features, including direction of flow, water level elevations, and typical depths and location and extent of areas subject to inundation, whether such inundation is frequent, periodic or occasional.
- II.6.1.2.12. Location of representative soil percolation tests for each major soil type in the subdivision if septic systems are proposed.
- II.6.1.2.13. Proposed sites, if any, for multiple-family and single-family residential areas, business areas, industrial areas, and churches.
- II.6.1.2.14. Total number of proposed dwelling units.
- II.6.1.2.15. Existing improvements, if any.
- II.6.1.2.16. Total number of square feet of proposed nonresidential floor space.
- II.6.1.2.17. Total number of proposed off-street parking spaces, excluding those associated with single family residential development.
- II.6.1.2.18. Approximate boundary lines and dimensions of subdivision.
- II.6.1.2.19. Location of existing and/or proposed water and sewer utilities.
- II.6.1.2.20. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central treatment facility is proposed.
- II.6.1.2.21. Estimated total number of gallons per day of water system requirements where a distribution system is proposed.
- II.6.1.2.22. Location map drawn to scale showing the relationship of the proposed subdivision to the nearest towns, and direct routes via Saguache County roads to the subdivision from such towns.
- II.6.1.2.23. Evidence that the development plan will present no obstacle to extraction of mineral resources on or under the subject property, or evidence that the proposed development will be of greater economic value than the minerals present.

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II.6.1.2.24. The estimated quantity of garbage and/or industrial waste to be generated, the types of water involved and proposed sites for disposal.

II.6.1.2.25. A check or money order, payable to the Colorado Geological Survey, in the amount necessary to cover fees charged for review of the Preliminary Plan by the Colorado Geological Survey.

II.6.2. Preliminary Plan Process

II.6.2.1. The preliminary plan consisting of the non-refundable application fee, preliminary plat and supplemental information will be received by the Land Use Administrator and reviewed for completeness.

Upon the determination by the Land Use Administrator that the application and attachments are complete, the sub-divider will assemble a minimum of twenty (20) copies of the plat and supplemental information into packet form, with a copy of each required item included in each packet, and submit them to the Land Use Administrator.

II.6.2.2. Notice of the public meeting before the Planning Commission will be published for three (3) consecutive weeks in newspapers of general circulation in Saguache County. The first notice will be published at least thirty (30) days prior to the hearing date. The applicant will pay all publication costs. The County will prepare all notices.

II.6.2.3. Upon receipt of the applicant's twenty (20) packets, the Land Use Administrator will, in a timely manner, send the preliminary plan to the following offices for their study and recommendations.

- Board of County Commissioners.
- County Engineer, if applicable.
- Colorado Department of Health.
- State Engineer, Colorado Division of Water Resources.
- Area utility suppliers, i.e.: electrical company and natural gas/propane supplier.
- Each County and/or municipality, within a three mile radius of proposed subdivision.
- Area school district(s).

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- Area conservation and conservancy district(s). National Resource Conservation Service.
- Colorado Geological Survey.
- Where needed, local improvement or service districts, U.S. Forest Service, State Forest Service, Bureau of Land Management, State Highway Department, area ditch companies, and fire protection districts.
- Area representative of Colorado Division of Wildlife.
- Area homeowner's association or property owners' association, if applicable.
- State Historical Society.

II.6.2.4. These offices shall respond to the Land Use Office prior to the time the hearing is scheduled.

If any office fails to respond within the prescribed time period, it will be deemed an approval of the preliminary plan; except that when the preliminary plan involves twenty (20) or more dwelling units, the relevant school districts must submit specific recommendations, within the prescribed time period, with respect to the adequacy of school sites and structures.

II.6.2.5. The Planning Commission shall, in a timely manner, forward to the Board of County Commissioners a recommendation of, 1) unconditional approval, 2) approval with conditions, or 3) denial, specifically stating the reasons for such action.

II.6.2.6. Upon receipt of the Planning Commission's recommendations, the Board of County Commissioners shall, in a timely manner: 1) unconditionally approve, 2) approve with conditions, or 3) deny with a written statement of the reasons for denial.

II.6.2.7. Approval or conditional approval of the preliminary plan indicates permission to proceed with the final plat.

- Approved preliminary plans shall be effective for twelve (12) consecutive months. One twelve (12) month extension may be requested by submitting a written application to the Board of County Commissioners which demonstrates that unusual circumstances exist, making the extension necessary. To grant the extension, the Board of County Commissioners must concur that unusual circumstances do exist.
- If the final plat is not submitted within the prescribed time period, the preliminary plan must be resubmitted along with the necessary filing fee.

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II.6.2.8. Determination of Final Plat Supplementary Information

Upon approval of the preliminary plan the County shall determine what supplementary information will be submitted with the final plat. If the density of the proposed subdivision is one dwelling unit per acre or less, the County may waive any of the following requirements:

- II.6.2.8.1. Submit plan and centerline profiles for all streets and roads.
- II.6.2.8.2. Submit plan and profiles for sanitary and storm sewers and for water distribution systems.
- II.6.2.8.3. Show stationing (starting point) on plan and profile (one hundred foot intervals).
- II.6.2.8.4. Define and locate horizontal and vertical curves both on plan and profile (length, Point of Curvature (PC), Point of Interest (PI), Point of Tangency (PT), Radius, Tangent, Delta).
- II.6.2.8.5. Show existing grade by a dashed line on profile.
- II.6.2.8.6. Show new or proposed grade by a heavy solid line on profile.
- II.6.2.8.7. Show percent of grade from PI to PI on profile.
- II.6.2.8.8. Draw typical cross-section.
- II.6.2.8.9. Show and dimension roads, curbs and gutters, sidewalks, water and sewer utility lines, and structures within rights-of-way on plan.
- II.6.2.8.10. Locate and size culverts, including CSP, RCP, Box culverts, and so on, on both plan and profile.
- II.6.2.8.11. Show direction of water flow on plans.
- II.6.2.8.12. Show street names on profile plans.
- II.6.2.8.13. For minimum radius at shoulder or curb line at all intersections on plans, see Table 1, Summary of Street Design Elements, in Article VI.
- II.6.2.8.14. Show design benchmarks data on plans and submit one (1) set of traverse closure computations and solar or Polaris computations of the exterior boundary of the subdivision.
- II.6.2.8.15. Submit final construction plans for all structures, such as box culverts, bridges. All structure plans must bear the seal of a

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Colorado-registered professional engineer and must be approved by the Board of County Commissioners or their designated representative.

- II.6.2.8.16. Submit drainage plans.
- II.6.2.8.17. In addition to the above, a letter of intent, stating the estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the sub-divider by Saguache County.
- II.6.2.8.18. Finalized edition of any covenants or restrictions to be placed on the property.

II.6.3. Final Plan

The final plan shall conform substantially to the previously-approved preliminary plan. The final plan will consist of the final plat along with any supplemental information requested by the County following approval of the preliminary plan.

II.6.3.1. Final Plat Submittal Requirements

To facilitate the approval of Final Plats, the following requirements will be met.

II.6.3.1.1. Monuments

Affixed securely to the top of each monument shown on the final plat shall be the Colorado registration number of the land surveyor responsible for the establishment of said monument. Reasonably-permanent external boundary survey monuments shall be set at locations approved by the Board of County Commissioners, provided that such monuments shall be set not more than fourteen hundred (1400) feet apart along any straight boundary line, at all angle points, and at the beginning, end, and points of change of direction or change of radius of any curved boundary. In addition, half-inch steel pins (or larger) shall be set at all lot corners.

- II.6.3.1.2. The final plat shall be drafted at a scale of 1" = 100' when the proposed density of the subdivision is greater than one (1) dwelling unit per acre, and at 1" = 200' when the proposed density is one (1) dwelling unit per acre or less. The final plat shall be drafted by the use of permanent black ink, on linen or mylar drafting media with outer dimensions of twenty-four (24) inches by thirty-six (36) inches. Good draftsmanship shall be required in order for all of the following information to be shown accurately and legibly.

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- II.6.3.1.3. Title, scale, north sign, date.
 - II.6.3.1.4. Primary control points of descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred. These primary control points shall be determined, and approved by the County Engineer, prior to the final approval. Monuments and ties to monuments shall actually exist in the field before final approval. Elevation data shall be referenced to U.S.G.S. datum.
 - II.6.3.1.5. Tract boundary lines; right-of-way lines of streets, easements and other right-of-way; and property lines of residential lots and other sites, with accurate dimensions, bearings or angles, and radii, arcs or chords, and central angles of all curves.
 - II.6.3.1.6. Name of each street, and right-of-way width of each street or other right-of-way.
 - II.6.3.1.7. Any easement required by the Planning Commission or granted to public utility companies shall be included, and the location, dimensions, and purpose of such easements shall be given.
 - II.6.3.1.8. Number identifying each lot or site, and each block; and the area of each lot.
 - II.6.3.1.9. Location and description of monuments.
 - II.6.3.1.10. Evidence that the requirements of CRS 1973, 38-51-101 "Monumentation of Land Surveys" have been met. II.6.3.1.11. Any accompanying deed restrictions that shall be recorded, and shall be referred to on the final plat.
 - II.6.3.1.12. An official signed deed dedicating or reserving certain tracts or development rights to such tracts for public use, or a cash payment in lieu thereof in the specified amount.
 - II.6.3.1.13. Certificate of Acceptance as given in Appendix B.
 - II.6.3.1.14. Certificate of Final Plat, as given in Appendix C.
- II.6.3.2. Final Plat Review Procedure
- II.6.3.2.1. Not more than twelve (12) months, or any extension thereof, after approval of the preliminary plan, and at least 30 days prior to the Planning Commission meeting at which the applicant wishes to have the request heard, the original tracing and five (5) prints of the final plat together with the required supplemental material shall be submitted by the sub-divider to the Land Use Administrator.

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- II.6.3.2.2. At the meeting of the Planning Commission, the Planning Commission shall check the final plat for conformity with the approved preliminary plan and other requirements of this Code, shall consider the recommendations of the various offices and interested agencies listed in Article III, Section 3.2.2.3 and shall then recommend approval or disapproval of the final plat.
- II.6.3.2.3. Upon recommended denial by the Planning Commission, the subdivider may appeal to the Board of County Commissioners within thirty (30) days.
- II.6.3.2.4. When the final plat is approved by the Planning Commission, the original shall be held by the Land Use Administrator until such time as all required conditions related to final proceeding of the plat are satisfactorily completed.
- II.6.3.2.5. Once all the required supplemental conditions are met (such as dedicating certain land to public use, and so on) the original of the final plat shall be presented by the Land Use Administrator to the Board of County Commissioners for their review and action.
- II.6.3.2.6. The Board of County Commissioners shall check the final plat, especially with regard to required improvements and the acceptance of the areas dedicated for public use, easements, and so on, and shall then approve as submitted or disapprove the final plat within ten (10) days after the meeting at which it was presented.
- II.6.3.2.7. Not more than thirty (30) days after approval of the final plat by the Board of County Commissioners, the final plat will be recorded in the Office of the Saguache County Clerk and Recorder. The recording fee shall be paid by the sub-divider and shall be submitted at the time the final plat application is approved.
- II.6.3.2.8. At the request of the sub-divider, with the approval of the Board of County Commissioners, recording of the final plat may be delayed for no longer than six (6) months.

II.7. REPLATS

Replats (re-subdivision) shall be considered subdivisions and shall conform to the appropriate procedures for planning and reviewing original subdivision proposals.

II.7.1. Subdivision Exemption

II.7.1.1. Purpose

To provide procedures for use by the Planning Commission, Board of County Commissioners and applicant, to exempt divisions of land not within the purpose of Part 1, Article 28, Title 30, C.R.S. 1973, for the regulations and procedures contained within the Colorado Statutes.

Such exemptions normally involve the separation of a single parcel of land from a parent parcel of land. In order to prevent the circumvention of the intent and purpose of the subdivision regulations, parcels of land containing less than 35 acres created by exempt division procedure shall not be considered for subsequent exempt division, unless the Board of County Commissioners determines that unusual circumstances were or are present and that a subsequent exempt division should therefore be allowed.

II.7.1.1.2. Submittal Requirements

- An application for an exempt division of land may be filed only by the legal owner or own a legal or equitable interest in the land where the division is proposed. Such application will be made on a form provided and accompanied by:
- A preliminary sketch plan showing, parcels to be created through the proposed subdivision, area of parcels, easements, right-of-ways, access roads, and improvements on any appropriate part of the parent parcel and/or parcel to be exempted and location of existing wells with registration numbers.
- A nonrefundable-processing fee in the amount currently in effect as set by the Board of County Commissioners. Where more than one parcel of land is applied for exempt division, processing fee will be required for each parcel.
- Proof of ownership.
- A list of adjoining landowners within 500 feet of applicant's property will be obtained from the County Assessor's office.
- A fee to be paid for certified mailings to all 500 feet adjoining landowners.
- Property Taxes owed on all affected parcels must be current at the time of Board of County Commissioner decision. A Certificate of Taxes Due will be obtained at the

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beginning of the application process and confirmed before the Board of County Commissioners' final review.

- Applicant must supply an 8.5 x 11 inch paper copy of survey plat.

If applicant has not completed all requirements within one year, application will become void.

- II.7.1.1.3. After preliminary approval is given by the Planning Commission and the Board of County Commissioners a survey plat must be submitted, including a metes and bound description, drawn to an appropriate scale and prepared by a registered land surveyor, showing corners and boundaries of the land to be divided.

Also included on the plat will be a title, scale, north sign, date, location map, all improvements if any on all parcels and signature certificates. See Appendix D.

Board of County Commissioners require that all landowners sign the approved resolution before County Commissioners will sign the approved resolution and the resolution is recorded. Resolution must be signed and returned to the Land Use office within 15 days of date of Commissioners' approval.

There will be a sixty - (60)-day time limit for property to be deeded to create the subdivided tract. The sixty (60) - day time limits shall start from the date of Board of County Commissioner approval. If any changes are required the time limit shall begin on the date of Board of County Commissioner signing resolution.

The subdivided tract of land will now be subject to Article XV-Blight Regulation of this Code after the resolution is recorded.

II.8. Vacation/Consolidation

II.8.1. Purpose

To provide procedures for the use by the Planning Commission, Board of county Commissioners and applicant, to vacate lot of parcel tract line boundaries and consolidate smaller tracts into a larger tract, parcel or lot.

II.8.2. Modified Procedures

The requirements set forth in the final plat section shall apply to all vacation/consolidation requests, except those which in the opinion of the Land Use Administrator, may be accomplished under a modified procedure. In general such a modified procedure may be appropriate in the following cases;

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Vacation of public rights-of-way, roads and easements in which the proposed vacation does not affect provisions of access or necessary services.

Property Taxes owed on all affected parcels must be current at the time of Board of County Commissioners decision. A Certificate of Taxes Due will be obtained at the beginning of the application process and confirmed before the Board of County Commissioners final review.

II.8.2.1. Consolidated lots may not be re-subdivided, except by subdivision process.

II.8.3. Submittal Requirements

An application for vacation/consolidation of land may be filed only by the owner or owners having a legal of equitable interest in the land where the consolidation is proposed. Such application will be on a form provided by Saguache County and accompanied by:

II.8.3.1. A survey plat including lot numbers, metes and bounds descriptions, all improvements on parcel and drawn to an appropriate scale, prepared by a registered land surveyor. It must show corners and boundaries of the land to be vacated and lines being vacated will be shown as light dash lines. Parcel consolidated through the vacation process will be shown in heavy bold lines.

Areas of each parcel prior to vacation will be shown along with the combined area following consolidation. Easements, right-of-ways, access roads and location of existing utilities or wells. Wells should be shown with registration numbers.

Also included on the plat will be a title, scale, north sign, vicinity location map, date and the certificates as shown in APPENDIX E.

II.8.3.2. Proof of ownership.

II.8.3.3. A list of adjoining property owners within 500 feet of applicant's property will be obtained from the County Assessor's office. In the Baca Grande Subdivision exclusively, only contiguous landowners will be notified by certified mail.

II.8.3.4. A fee to be paid for certified mailings to all 500 feet adjoining landowners or contiguous landowners.

II.8.3.5. Property Taxes owed on all affected parcels must be current at the time of Board of County Commissioner decision. A Certificate of Taxes Due will be obtained at the beginning of the application process and confirmed before the Board of County Commissioners' final review.

II.8.3.6. Applicant must supply an 8.5 x 11 inch paper copy of survey plat.

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II.8.3.7. If applicant has not completed all requirements within one year, application will become void.

II.9. Planned Unit Development (P.U.D.)

Procedure for filing a P.U.D. is the same as that for other land development applications. It is found beginning in paragraph 2 of this Article II.

II.9.1. Design Standards

The County may modify the Design Standards of paragraph 3 of this Article II for a P.U.D. provided the overall design is consistent with the purpose of those design standards.

II.9.2. Open Space Requirement

The plan shall provide a percentage as calculated by a formula of the total area to be dedicated or reserved for "open space" land, exclusive of required parking and streets.

II.9.3. Common Area

Each parcel within the area shall be deeded as a unit granting to the parcel owner a proportionate undivided interest in the common area in perpetuity with a deed restriction against residential, commercial or industrial development.

There shall be a plan which shall also be a deed restriction by covenant or otherwise, in perpetuity, binding the unit owners to a method of maintenance of the common area.

II.9.4. Development Conformance Agreement

Prior to final approval of the P.U.D. the developer and County will enter into a Development Conformance Agreement. The agreement will specify the developer's obligation in areas of design standards, densities, open space, land uses and any special requirements that might be determined prior to final approval. The Development Conformance Agreement will be recorded with the P.U.D. plat and will be referenced by Book and Page on such P.U.D. plat at the time of recordation by the Clerk and Recorder of Saguache County.

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ARTICLE III

COUNTY ROAD ACCEPTANCE STANDARDS

III.1. General Provisions

Any person or company desiring Saguache County to accept roads into the Saguache County Road Maintenance System shall make application to the Saguache County Road and Bridge Department and the Board of County Commissioners.

III.2. Application Requirements

An application may be in letter form, and shall include the following information.

III.2.1. Legal description of the road location.

III.2.2. Type of development accessed by the road.

III.2.3. Number of people, homes and businesses to be served by the road.

III.2.4. List of landowners along the road.

III.2.5. Willingness or intention to dedicate a minimum of sixty (60) feet of right-of-way width to Saguache County.

III.3. Standards

Roads proposed for inclusion into the Saguache County Road Maintenance System must meet the following requirements prior to acceptance.

III.3.1. A minimum of 50-percent housing or business buildup of the privately-held properties along the proposed section of road before a road is considered for maintenance.

III.3.2. Streets or roadways must have grades of less than eight (8) percent.

III.3.3. Base material shall be free of organic material and have sufficient P.I. or binder to achieve compacting. During construction the necessary water and compacting equipment must be used to obtain a density of 90-percent or more.

III.3.4. Base course materials as required in Table I will be placed and compacted, as above, prior to placing surface gravel.

III.3.5. The finished roadway surface must be at least 12 inches higher than the surrounding natural ground, except in cut areas.

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III.3.6. Drainage Requirements

- III.3.6.1. Borrow ditches will be constructed on both sides of the roadway, capable of handling runoff, as based on the Saguache County Road Supervisor's recommendation.
 - III.3.6.2. Eighteen inches shall be the minimum culvert diameter, with larger sizes required dependent on the expected maximum water flows, as based on the Saguache County Road Supervisor's recommendation.
 - III.3.6.3. Culverts will be placed and back filled as required by the Saguache County Road Supervisor.
 - III.3.6.4. Engineered drainage reports, signed by a registered professional engineer, may be required as part of the application process.
- III.3.7. Cut and fill areas will be constructed with minimum back slopes of 2:1.
- III.3.8. Traffic control devices will be installed in accordance with the Manual on Uniform Traffic Control Devices.
- III.4. The Board of County Commissioners reserves the right to wave or adjust any of the above requirements.

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ARTICLE IV
ACTIVITIES OF LOCAL INTEREST

IV.1. General Provisions

The purpose of this regulation is to provide for growth in a manner that protects the characteristics of the community that its citizens value.

IV.1.1. Title

These Regulations shall be cited as regulations pertaining to Activities of Local Interest.

IV.1.2. Authority

The Saguache County Regulations Pertaining to Activities of Local Interest and Maps are authorized by Title 30, Article 28 of the Colorado Revised Statutes, 1973, and is hereby declared to be in accordance with all provision of these statutes.

IV.1.3. Classification of Districts

For the purpose of these Regulations all of the unincorporated area of Saguache County is included in an agricultural district, unless otherwise specifically designated. The word "district" when used in this Article shall be constructed as the district classification.

IV.1.4. Activity Maps

The location and boundaries of the district designated in Section 1.3 of this Article are hereby established as shown on the map entitled Activities of Local Interest Map of Saguache County, and signed by the Chairman of the Board of County Commissioners and the Saguache County Clerk and Recorder and hereafter referred to as the Activity Map.

IV.1.4.1. The Activity Map and all notations thereon are hereby made a part of these Regulations.

IV.1.4.2. The signed copy of the Activity Map containing the activity district designated at the time of the adoption of these Regulations shall be maintained on file in the Saguache County Clerk and Recorder's Office. Changes made in district boundaries or other matter portrayed on the official Activity Map shall be made in accordance with the provisions of these Regulations and the Colorado Revised Statutes. Changes shall be entered on the official Activity Map promptly after the amendment has been approved by the Board of County Commissioners.

IV.2. District Regulations

The Board of County Commissioners may, from time to time, designate districts and the regulations that shall apply to them.

IV.2.1. Agricultural District (A)

This district is comprised of areas which are primarily in a natural state or areas utilized for growing crops, raising of livestock, preservation and production of timber resources and other similar farming, ranching and resource-conservation activities. The principal purpose of this district is the preservation and protection of irrigated croplands, rangelands, and watershed and wildlife habitats in Saguache County.

IV.2.1.1. Permitted Uses

- IV.2.1.1.1. General farming and ranching including raising of grains, fruits, vegetables, grasses, hay, livestock, poultry or other fowl.
- IV.2.1.1.2. Non-commercial feedlots; agricultural products; and receiving, storage, warehousing, distribution and/or processing facilities when incidental to another permitted use.
- IV.2.1.1.3. Management, production and harvesting of forestry products.
- IV.2.1.1.4. Management of natural wildlife habitats and reserves, both public and private.
- IV.2.1.1.5. Dwellings, Ranches and Farms.
- IV.2.1.1.6. Housing for seasonal farm labor, when incidental to another permitted use.
- IV.2.1.1.7. Noncommercial recreational facilities such as parks, playing fields and playgrounds.
- IV.2.1.1.8. Accessory buildings and uses; such as barns, equipment repair shops, and equipment storage.
- IV.2.1.1.9. Home occupations.
- IV.2.1.1.10. Agricultural products; receiving, storage, warehousing, distribution and/or processing facilities.

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IV.2.1.2. Conditional Uses:

- IV.2.1.2.1. Commercial feedlots.
- IV.2.1.2.2. Fish Culture and/or processing
- IV.2.1.2.3. Commercial greenhouses.
- IV.2.1.2.4. Cemeteries for non-related parties, commercial for profit or non-profit.
- IV.2.1.2.5. Contractors' equipment storage.
- IV.2.1.2.6. Housing for seasonal farm labor, including labor camps which are not incidental to a permitted use.
- IV.2.1.2.7. Public and private schools, hospitals, rest homes, nursing homes and convalescent homes.
- IV.2.1.2.8. Utility installations such as electric substations, electric generating stations, sewer lift stations, telephone exchanges, gas regulators, major transmission lines, and irrigation ditch right-of-way (not including utility offices, repair, storage and production facilities).
- IV.2.1.2.9. Community sewer disposal, water supply and treatment, solid waste disposal facilities, and non-agricultural pipelines to transport waste materials or water which would extend beyond the parcel of land where the pipeline originates.
- IV.2.1.2.10. Public facilities, uses and buildings owned or operated by a public entity, including vocational schools, colleges, universities, reformatories, and so on.
- IV.2.1.2.11. Gun clubs and shooting ranges.
- IV.2.1.2.12. Kennels and animal hospitals.
- IV.2.1.2.13. Commercial Campgrounds.
- IV.2.1.2.14. Airports.
- IV.2.1.2.15. Extractive industries.
- IV.2.1.2.16. Radio, television, telecommunication, microwave transmitting, receiving or relay stations or towers.
- IV.2.1.2.17. Drive-in theaters.

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- IV.2.1.2.18. Commercial outdoor recreational facilities.
- IV.2.1.19. Storage of petroleum, chemical or other hazardous products for distribution or resale.
- IV.2.1.2.20. Dairies, poultry, swine, egg production, hatcheries, rabbit farms and similar production activities when for commercial purposes.
- IV.2.1.2.21. Auction yards with facilities for recurring sales.
- IV.2.1.2.22. Hot mix plants, concrete premix plants, rock crushers, gravel screening and similar uses. See VI.6.
- IV.2.1.2.23. Sawmills, the labor for which is provided primarily by the owner or owners of the operation, and which do not have more than one sawmill and one planer in operation at any one time.
- IV.2.1.2.24. Developments with a proposed dwelling density greater than one (1) residential dwelling per thirty five (35) acre tract. See IV.3 below.
- IV.2.1.2.25. Churches, or facilities used for religious purposes.
- IV.2.1.2.26. Any type vertical structure over forty (40) feet in height, as measured from the median surface of the contiguous surrounding area. Median surface to be measured from the ground floor to the highest point of the roof of structure.
- IV.2.1.2.27. Bed and Breakfast with 4 or more rooms for rent.
- IV.2.1.2.28. Other uses not identified as permitted or conditional will be classified through Section 3 of this Article.
- IV.2.1.2.29. Mobile Home Parks. See Article XIV.
- IV.2.1.2.30. Commercial Recreational Vehicle Parks. See Section IV.4.2
- IV.2.1.2.31. Industrial Development. See Section IV.5
- IV.2.1.2.32. Any Solar Development for any size up to 5MW in capacity. Any Solar Development Project which is required to have a 1041 permit (Activities of Local or State Interest permit) shall not be required to have a Conditional Use Permit.

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IV.2.1.3. Lot Size

- IV.2.1.3.1. Minimum lot area for permitted uses: Thirty five (35) acres or as may be determined to be exempt by the Board of County Commissioners as provided in Section 30-28-101(10)(d) of the Colorado Revised Statutes, 1973, or if the tract is defined by a legal description of less than thirty five (35) acres on the date of the adoption of these Regulations or except on lots identified as an exempt subdivision with a maximum of one (1) unit per lot.
- IV.2.1.3.2. Minimum area for conditional uses. As determined by the Board of County Commissioners in conformance with State Regulations.

IV.2.2. Primitive Recreation Classification

This district is comprised of areas where the purpose is to restrict limited-recreational activities. It is intended to permit small-parcel property ownership in areas where limited access and public services may be inconvenient. The restrictions set forth in this classification will permit limited use while retaining and maintaining as near as possible the land in its natural state and condition.

IV.2.2.1. Permitted Uses

The uses permitted in this district are non-commercial hunting vacation camps, domestic animal corrals, picnic sites, and overnight campsites.

IV.2.2.2. Lot Size

Minimum lot area for this designation will be 10 acres. This lot size is a minimum and may be required to be increased subject to the on site inspection of the Planning Commission.

IV.2.2.3. Other Restrictions

- IV.2.2.3.1. Water may not be available on every site and therefore would have to be carried in for domestic use. The Board of County Commissioners will not require proof of availability of water on any sites designated "Primitive Recreational" areas.
- IV.2.2.3.2. Sewage disposal will be self-contained and/or removable. Permanent sewage facilities, toilet structures, and so on, will not be permitted for year-round use.
- IV.2.2.3.3. Access will be required for every lot designated for this use. The access must be a minimum of 15 feet or 7.5 feet on either side of a property line of adjoining properties. This will insure access to or

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from a public road or Forest Service or BLM-marked or designated road or trail.

- IV.2.2.3.4. Structures permitted will include only mobile structures, such as a campers, motor homes, small trailers, tents, or other removable structures or shelters. These will be allowed on a lot or site for a maximum of six (6) months annually. Such structures must be removed a minimum of six months during the remaining annual period.

In addition, a minimum of 150 feet setback from all property lines will be required when any mobile structure, camper tent, or other temporary facility is occupying a lot or site.

- IV.2.2.3.5. Fencing will be permitted for small areas where domestic livestock can be temporarily corralled. Such temporary areas will be constructed of a material and in such a way as to minimize impacts on existing wildlife. The fence will be of a design acceptable to the Colorado Division of Wildlife in order to insure existing wildlife will not be threatened.

- IV.2.2.3.6. Any minimum requirements imposed by the various Colorado State referral agencies must be met or mitigated prior to designation for "Primitive Recreation" designation usage.

- IV.2.2.3.7. Any existing covenants or restrictions on the lot, site, or property will apply.

In these instances the more restrictive regulation shall govern conduct or use by an owner.

IV.2.2.4. Plat Preparation

The plat will be prepared using the procedures outlined for a Final Plan in Article II, Section 6.2.3 of this Land Use regulation. In addition, the following will also be required on the plat and called to the attention of each buyer of property designed "Primitive Recreation".

IV.2.2.4.1. Additional notes required on the plat are:

- Law Enforcement is available _____ road miles from this site.
- Fire Protection and Suppression services may not be available on this site.
- Medical Facilities are available _____ road miles from this site.

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Other public services, including telephone, are available _____ road miles from this site.

Other restrictions a lot owner must comply with are:

Warning for a potential wildfire hazard. Lot owners have total liability for fires that originate on their own property and spread to other lands or properties.

Owners will be required to comply with Forest Service and/or BLM fire hazard warnings and take appropriate caution with open fires during periods of fire advisory warnings.

All domestic animals, including small animals and/or pets must be attended and controlled by their owners.

The owner will be required to maintain the natural existing density of trees, bushes, and/or natural brush on their site.

The storage of trash or junk on a site by an owner will not be permitted, nor will the burial of trash or junk be permitted on a parcel designated as "Primitive Recreation".

There is no public school transportation available to owners of this "Primitive Recreation" area.

IV.2.2.5. Application Procedures

The application procedures will be the same as those used for Conditional Review. They can be found in Section 3 of this Article IV. The specific sub-sections applicable run through 3.4.4 of this Section 3.

Application must be signed by the landowner(s).

IV.2.2.5.1. Visual Inspection

In addition to the above procedures, an on-site visual inspection will be conducted by one or more Planning Commission members within 30 days prior to the hearing for possible recommendation on designation as a "Primitive Recreation" area.

IV.3. ACCESSORY DWELLING UNITS

Listed below are minimum requirements to construct one Accessory Dwelling Unit to be used for residential purposes and a fee must be paid as set by the Saguache County Board of Commissioners.

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IV.3.1. Accessory Dwelling Units may be attached or detached from the primary dwelling.

- Accessory Dwelling Unit must be either maximum as listed below or 80% of primary, which ever is the smaller dwelling.
- Accessory Dwelling Unit must fit into the characteristics of the property and the surrounding dwellings.

Accessory Dwelling Units may not be sold separately from the primary residence.

IV.3.2. Accessory Dwelling Units must use the following existing amenities: if the amenities cannot be used a written reason must be supplied with application:

- Access – no new access may be created
- Electricity
- Water
- Sewage Disposal System – where applicable, an additional system may need to be installed

IV.3.3. Any Accessory Dwelling Unit to be constructed on a tract of land containing less than 35 acres but no less than one (1) acre, unless located within a water and sanitation district:

may only be a maximum size of 600 (six hundred) square feet if the structure is detached from the primary residence, the accessory dwelling must be within 200 (two hundred) feet of the primary residence.

IV.3.4. Any Accessory Dwelling Unit to be constructed on a tract of lands containing 35 acres or more:

- may only be a maximum of 1400 (fourteen hundred) square feet. If the structure is detached from the primary residence the accessory dwelling must be within 350 (three hundred fifty) feet of the primary residence.
- The applicant may apply to change which is the primary residence; Accessory Dwelling Unit may be constructed prior to the primary residence.

There may be recorded protective covenants that apply to some properties in Saguache County. Receiving County approval does not exempt any applicant from meeting any applicable covenants.

IV.4. Recreational Vehicle Parks

IV.4.1. Any parcel of ground, which has been planned, improved or used for simultaneous commercial placement of two (2) or more recreational vehicles or

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tent camping for human habitation and which furthermore meets all of the following conditions:

Recreational Vehicles may be occupied for no longer than three (3) months in one calendar year, unless permanently affixed to the land or to be used as permanent residence. If Recreational Vehicle is to be used as a permanent residence all Mobile Home Regulations must be followed.

IV.4.1.1. All Recreational Vehicle Park applications shall include the following:

IV.4.1.1.1. plot plan with Recreational Vehicle lot locations. This plot plan shall be recorded with approved Board of County Commissioner's resolution.

IV.4.1.1.2. map showing all egress and ingress roads.

IV.4.1.1.3. copy of well permit, water court decree or other agreement providing for water service.

IV.4.1.1.4. plot plan showing fire hydrants as set forth by the fire protection district in whose jurisdiction the Recreational Vehicle Park is located. If park is not in a fire protection district application shall include:

IV.4.1.1.5. written agreement providing for fire protection between the property owner and the fire protection district nearest to the property location, and

IV.4.1.1.6. written agreement for emergency medical service between the property owner and emergency medical technicians in the district nearest to the property location.

IV.4.2. Recreational Vehicle Park Requirements:

IV.4.2.1. adequate central water station for each Recreational Vehicle shall be in place and ready to be used before any Recreational Vehicle is placed on the property.

IV.4.2.2. a central sewage dump station shall be in place and ready to be used before any Recreational Vehicle is placed on the property. Sewage Dump Station shall be located away from camp sites.

IV.4.2.3. adequate restroom facilities.

IV.4.2.4.—only one Recreational Vehicle customer may occupy any space as defined on the County approved plot plan.

IV.4.2.5. adequate trash disposal shall be at a central location and screened with a six (6) foot high privacy fence. Trash shall be removed to an approved solid

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waste facility as often as necessary to protect the health and safety of the public.

- IV.4.2.6. Recreational Vehicle Parks shall be in compliance with Article 20, “Wildlife”, of this code.
- IV.4.2.7. before approving a Recreational Vehicle Park, the Board of County Commissioners shall hold a public hearing. The applicant shall be required to pay for any cost accrued for all public hearings.
- IV.4.2.8. all utilities are required to be placed underground. Outdoor lighting is to be directed downward and shielded. High or low pressure sodium bulbs may be a maximum of 75 watts. Mercury vapor lamps are prohibited. Mast mounted lights must be kept to a minimum number and a maximum height of twenty (20) feet.
- IV.4.2.9. no Recreational Vehicle Park may open for business until a County permit is issued.

IV.5. Industrial Development Requirements

Any industrial development within Saguache County shall first and foremost, respect the quality of life enjoyed by present and future County residents. The location of the industrial site should be appropriate and consistent with current permitted land use to the adjacent area.

- IV.5.1. Access route shall be on a major County Road or State Highway designed for commercial traffic. Access route shall not be through residential areas.

IV.5.2. Application Requirements

Applicant will be required to supply the following along with all other application requirements as stated previously. Applicant may also be required to supply supplemental documents.

- IV.5.2.1. A plot plan and site view plan including, but not limited to the following:

- Buildings
- All accesses
- Active digging sites or working sites
- Existing landmarks
- Machinery
- Berming - natural berming and manmade berming
- Any planting that will be done
- Lighting
- Proximity - Location of all surrounding land uses
- Fencing - perimeter

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- IV.5.2.2. noise abatement plan
- IV.5.2.3. dust abatement plan for hours of operation and idle time
- IV.5.2.4. hours of operation
- IV.5.2.5. copy of all water rights and water well permits. A water plan shall be supplied to show how applicant will handle dust abatement. Applicant shall show all ground water levels on proposed property location
- IV.5.2.6. sewage disposal plan
- IV.5.2.7. specific number of employees proposed
- IV.5.2.8. copies of all State of Colorado permit applications, along with any supporting documentation, if applicable
- IV.5.2.9. amount of time industrial use will be in existence
- IV.5.2.10. specify the amount of average daily business related traffic
- IV.5.3. Industrial Use may be required to be operated on a phase basic only. Applicant shall supply a copy of all phase plans along with any proposed reclamation plans for each phase.
- IV.5.4. Structure height limit and height for stored materials is limited to forty (40) feet, as per Saguache County Land Development Code Article IV.2.1.2.27.
- IV.5.5. Saguache County may require additional Bonding. This will be considered on site-specific basics.
- IV.5.6. Applicant has the option of applying for a variance from these regulations as described in Article VIII of this Code.
- IV.5.2.2. noise abatement plan
- IV.5.2.3. dust abatement plan for hours of operation and idle time
- IV.5.2.4. hours of operation
- IV.5.2.5. copy of all water rights and water well permits. A water plan shall be supplied to show how applicant will handle dust abatement. Applicant shall show all ground water levels on proposed property location
- IV.5.2.6. sewage disposal plan
- IV.5.2.7. specific number of employees proposed

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- IV.5.2.8. copies of all State of Colorado permit applications, along with any supporting documentation, if applicable
- IV.5.2.9. amount of time industrial use will be in existence
- IV.5.2.10. specify the amount of average daily business related traffic
- IV.5.3. Industrial Use may be required to be operated on a phase basis only. Applicant shall supply a copy of all phase plans along with any proposed reclamation plans for each phase.
- IV.5.4. Structure height limit and height for stored materials is limited to forty (40) feet, as per Saguache County Land Development Code Article IV.2.1.2.27.
- IV.5.5. Saguache County may require additional Bonding. This will be considered on site-specific basics.
- IV.5.6. Applicant has the option of applying for a variance from these regulations as described in Article VIII of this Code.

IV.6 TEMPORARY AND CONDITIONAL USE PERMITS FOR TEMPORARY LIVING QUARTERS (TLQs)

All Temporary Living Quarters (hereinafter TLQs), constructed or installed in Saguache County related to commercial, industrial, transportation, oil & gas or mineral extraction projects require a Conditional Use permit pursuant to Article IV of the Saguache County Land Development Code (hereinafter LDC).

- IV. 6.1. TLQs are divided and defined in three distinct categories as follows:
 - IV.6.1.1. (A) Type 1: Small On-site Quarters. These are for 6 workers or less housed at the work location or in the case of oil and gas drilling, on the well pad. These quarters are temporary structures such as manufactured housing or recreational vehicles. These quarters require a Temporary Use Permit pursuant to Sec LDC.
 - IV.6.1.2. (B) Type 2: Small Central Location Quarters. These quarters are for up to 24 workers and are located away from the work site or well pad. These quarters are temporary structures such as manufactured housing or recreational vehicles. These quarters require a Conditional Use Permit pursuant to Article IV, LDC and may be permitted for up to one year with additional annual extensions by Administrative Review for compliance.
 - IV.6.1.3. (C) Type 3: Large Central Location Quarters. These quarters are for 25 or more workers, located away from the work site or well pad. These quarters are permanent structures. These quarters require a Conditional Use Permit pursuant to

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Sec., LDC and may be permitted for multiple years with annual Administrative Reviews for compliance.

IV.6.2. The following provisions apply to all three types of TLQs with exceptions as noted:

IV.6.2.1. General Requirements for all TLQ permit requests:

IV.6.2.1.1. On or before thirty days after the date the Temporary Use Permit or Conditional Use Permit expires all housing structures and associated infrastructures shall be removed and the land shall be reclaimed to the satisfaction of the Land Use Department.

IV.6.2.1.2. All Type 1 and Type 2 TLQs, except licensed motor homes, recreational vehicles and camp trailers, and all type 3 TLQs require a Saguache County construction permit and letter of occupancy before occupancy.

IV.6.2.1.3. All TLQs must be located on property owned by or leased for the period of the permit by the Applicant, except TLQs located on Federal land which must have an approved Right Of Way issued by the BLM, U.S. Forest Service or U.S. Fish and Wildlife Service.

IV.6.2.1.4. TLQ sites must be related to one or more commercial, industrial, transportation, oil & gas, or mineral extraction projects and generally should be located with separation of at least one mile between sites regardless of land ownership or operator.

IV.6.2.1.5. TLQs for oil and gas extraction projects in agricultural zones may be exempt from the one mile spacing requirement if the Applicant can demonstrate that the housing structures and all supporting infrastructure will be contained within a Colorado Oil and Gas Conservation Commission (COGCC) approved well pad. To qualify for such an exemption there must be no land disturbance outside of the COGCC approved well pad.

IV.6.3. Time Limitations.

IV.6.3.1. Temporary Use Permits issued pursuant to Sec. LDC are valid for six months with one six month extension. In recognition of the fact new technology allows for multiple wells to be drilled on one well pad over an extended period of time, a Temporary Use Permit for Type 1 TLQs may be extended for additional six month periods by Administrative Review. Applications for extensions must be made on forms provided by the Saguache County Land Use Department (hereinafter Land Use Department)

IV.6.3.2. Conditional Use Permits issued for Type 2 TLQs are for a maximum of one year. For good cause shown, a permit may be extended annually by Administrative Review. Applications for extensions must be

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made on forms provided by the Land Use Department. Approval of annual extensions will be granted for good cause provided the Applicant is in compliance with the terms and conditions of the existing Oil and Gas Operations or Conditional Use Permit as well as in compliance with all rules and regulations in the LDC.

IV.6.3.3. Type 3 TLQs are issued for multiple years and do not require annual extensions. These TLQs require only annual Administrative Reviews for determination of whether there is compliance with the terms and conditions of the Oil and Gas Operations or Conditional Use Permit and other rules and regulations in the LDC.

IV.6.4. Application Process

IV.6.4.1. All Applicants must schedule and attend a pre-application meeting with the Land Use Department staff to discuss project information and permitting requirements. One of the issues to be discussed at the pre-application meeting is the need for the TLQ the Applicant intends to apply for. Applicant should be prepared to provide an assessment of currently available housing and projected housing availability within existing municipalities, including but not limited to commercial campgrounds, mobile home parks and similar facilities within thirty minutes driving time of the proposed TLQ site location. If it is determined that suitable housing inventory is available within thirty minutes driving time of the proposed TLQ site location, a permit for a TLQ will not be granted, unless it is for assurance of adequate public safety that some workers live on the project site.

IV.6.4.2. Information and documents which must be submitted for an application to be considered complete include the following:

- A detailed site plan and vicinity map in both hard copy and digital format including location of the TLQ site, private and public roadways accessing the site marked open, gated and/or locked, and detailed directions to the site from a County road or State highway.
- As to applications for Type 1 TLQs, a copy of the approved Form 2 or Form 34 documents from the COGCC indicating housing location(s).
- A statement of the estimated total length of time the TLQ will be at the proposed location.
- A listing of the names and addresses of the owners and zoning of all land adjacent to and within two miles of the proposed location.
- Applicant's Drug and Alcohol Policy including mechanism of enforcement.

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- Applicant's Firearms and Weapons Policy including mechanism of enforcement.
- The Site Security Plan including the registration/check-in policy. If a professional security service is to be used, information must be provided concerning the service.
- On site medical and emergency medical services to be provided.
- A traffic and transportation plan including the anticipated volume and type of vehicle use, vanpooling or bussing plans, actions taken to reduce/ minimize traffic, parking design and policy, copies of Applicant's driving rules and an Equivalent Single Axel Load (ESAL) estimate specific to the construction and operation of the TLQ.
- A copy of House Rules for the TLQ.
- A storm water management plan for the site.
- A copy of the site weed control plan, approved by the Saguache County Weed Manager.
- A lighting plan showing design to provide required lighting while minimizing light pollution.
- Complete details of the water system proposed to service the TLQ.
- Complete details of the Wastewater System proposed to service the TLQ.
- Complete details of the Fire Protection System proposed to service the proposed TLQ.
- Complete details of waste disposal system proposed to service the proposed TLQ.
- Complete details of the proposed reclamation plan.

IV.6.4.3. Requirements Related To The Operation Of TLQs:

IV.6.4.3.1. Water Systems.

- Water Systems proposed to service TLQs must comply with all applicable state and local laws and regulations.

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- For facilities serving under twenty five (25) workers (Type 1 & Type 2 TLQs),
- the Applicant must conduct monthly tests (or quarterly if an on-site disinfection system is installed) of stored potable water samples specific for coli form and maintain records of such tests. Any tests indicating coli form contamination must be disclosed to the Land Use Department.
- Water systems serving twenty five (25) people or more (Type 3 TLQs) must demonstrate conformance to state regulations by obtaining all necessary state permits prior to the scheduling of a TLQ Special Permit public hearing.
- In no case shall unsafe water be used for drinking or used water be discharged on the ground surface.
- Records related to water supply and testing must be maintained for inspection by the Planning Department for the life of the permit.

IV.6.4.3.2. Wastewater Systems.

Wastewater systems proposed to service TLQs must comply with all applicable state and local laws and regulations. In addition, all wastewater from Type 2 and Type 3 TLQs must be disposed of on-site using an Individual Sewage Disposal System (ISDS) or Community Wastewater Facility.

A specific TLQ may be granted an exemption from the above ISDS/Community Waste Water Facility requirement if it is determined that:

- An ISDS system is not feasible due to environmental, topographic or engineering conditions where the TLQ is to be located; and
- A Community Wastewater Facility is not appropriate; and
- Year-round access is available and maintained for safe and regular access for wastewater hauling vehicles.

If a pump and haul system is approved, the following requirements must be met:

- All wastewater must be disposed of at an approved facility.
- The Applicant must demonstrate an arrangement for hauling wastewater including an appropriate contract with a licensed hauler

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and a letter of understanding with a back up licensed hauler in the event the primary hauler fails.

- Applicant must provide a detailed emergency response plan that addresses such issues as, equipment failure.
- Applicant must provide a letter from a licensed disposal facility stating the facility has the capacity and willingness to receive and treat Applicant's anticipated wastewater.
- Applicant must maintain all records including but not limited to trip logs and disposal reports for one year after the termination of the TLQ permit.
- All wastewater disposal records must be available to the Land Use Department and/or any other interested third party upon request and must be provided to the Land Use Department as part of any application for a TLQ permit extension.
- In no case shall wastewater be discharged on the ground surface or disposed of at any location other than an approved facility.

IV.6.4.3.3. Fire Protection

A Site Fire Plan must be provided with the application and must include, at least the following:

- Provisions for giving alarm in case of fire.
- A duly authorized attendant or caretaker who has the responsibility to inform all tenants about means for summoning fire apparatus, the sheriff's office and resident employees.
- Open burning is not allowed on any TLQ site.
- Provisions for location of one or more approved fire extinguishers of a type suitable for flammable liquid or electrical fires (Class B and Class C), carbon dioxide or dry chemical, in one or more open stations so that it will not be necessary to travel more than one hundred (100) feet from any location in the TLQ to reach the nearest fire extinguisher.
- Sprinkler systems if required by the Land Use Department.
- A water storage tank if required the Land Use Department.

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Bi-monthly inspection of the fire alarm and extinguishing equipment is required. Records of the inspections must be available for review by the Land Use Department.

IV.6.4.3.4. Waste Disposal

- Bear-proof refuse containers as recommended by the Colorado Division of Wildlife must be provided for trash. At least one thirty (30) gallon (4 cubic feet) container must be provided for each unit or the equivalent in a central trash collection facility. These container(s) must be durable, washable, non-absorbent metal or plastic with tight-fitting locking lids.
- For Type 3 TLQs, a central, bear-proof, wire fenced trash storage site with a covered top may be used as an alternative to or in addition to individual containers.
- Trash must be disposed of not less than once weekly.
- Outdoor food storage is prohibited unless facilities that prevent the attraction of animals to the TLQ site are provided.
- Visual screening of trash facilities may be required.

IV.6.4.3.5. Reclamation

Reclamation Plan is required. The Applicant shall submit as part of the TLQ Temporary or Conditional Use Permit application, a reclamation and re-vegetation plan for each specific site satisfying the following requirements:

- Construction debris and waste materials, including, but not limited to structures, concrete, footings, sewage disposal systems and related infrastructure, water storage and related distribution infrastructure, roads, and other sand, plastic, gravel, pipe and cable must be removed.
- All pits, cellars, and other holes must be backfilled and compacted as soon as possible after all equipment is removed to conform to surrounding terrain.
- All access roads to the site and associated facilities must be closed, graded and re-contoured.
- Culverts and any other obstructions that were part of the access road(s) must be removed.

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- Upon closure of a TLQ, wastewater tanks and leach fields must be completely pumped out and removed. Any waste material pumped from a wastewater tank or leach field or waste debris from tank and leach field removal must be disposed of at an approved facility that is permitted by Colorado Department of Public Health and Environment (CDPHE) and/or Saguache County to receive said wastes. Materials may not be burned or buried on the premises.
- All areas compacted by TLQs and subsequent operations must be cross-ripped. On crop land, such compaction alleviation operations shall be undertaken when the soil moisture at the time of ripping is below thirty-five percent (35%) of field capacity. Ripping shall be undertaken to a depth of eighteen (18) inches unless and to the extent bed rock is encountered at a shallower depth.
- All disturbed areas affected by TLQ sites must be reclaimed as nearly as practicable to their original condition and shall be maintained to control dust, weeds and minimize erosion. Reclamation shall occur no later than three (3) months after termination of the TLQ unless the Land Use Department extends the time period because of conditions outside the control of the Applicant.
- For disturbed areas not regulated by the Colorado Oil and Gas Conservation Commission, the following regulations apply:
 - a. Re-vegetation of crop lands. All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour, and shall be tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be reestablished.
 - b. Re-vegetation of non-crop lands. All segregated soil horizons original relative positions and contour as near as practicable to achieve erosion control and long-term stability, and shall be tilled adequately in order to establish a proper seedbed. The disturbed area then shall be reseeded in the first favorable season. Reseeding with species consistent with the adjacent plant community is encouraged. In the absence of an agreement between the Applicant and the affected surface owner as to what seed mix should be used, the Applicant shall consult with a representative of the local soil conservation district to determine the proper seed mix to use in re-vegetating the disturbed area.

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- During occupation and reclamation operations, all disturbed areas must be kept free of Saguache County and State of Colorado Lists A and B noxious weeds.
- Successful reclamation of the site and access road will be considered accomplished and completed when:
 - a. On crop land, reclamation has been performed as per this section, and observation by the Land Use Department over two growing seasons confirms no significant unrestored subsidence.
 - b. On non-crop land, reclamation has been performed as per this Section, and the total cover of live perennial vegetation, excluding noxious weeds, provides sufficient soils erosion control as confirmed by the Land Use Department by a visual inspection. The Land Use Department shall consider the total cover of live perennial vegetation of adjacent or nearby undisturbed land, having similar soils, slope and aspect of the reclaimed area.
 - c. A final reclamation inspection has been completed by the Land Use Department and there are no outstanding compliance issues relating to Saguache County rules, regulations, orders or TLQ permit requirements and conditions.
 - d. The Land Use Department has notified the Applicant that final reclamation has been approved.

IV.6.5. Miscellaneous Provisions

This Section is not intended to be applied to emergency or disaster situations where temporary housing is necessary.

- If structures that require Construction Permits under Saguache County Construction Permit Article XIII of the Saguache County LDC are constructed for the commercial, industrial, transportation project or mineral extraction operation related to the TLQ site for which an Oil and Gas Operations Permit or Conditional Use Permit is issued, upon expiration or revocation of the permit, Letters of Occupancy for such structures shall be withheld until the TLQ is removed and the site is restored to the satisfaction of the County Land Use Department.
- TLQ sites must be maintained in a clean, safe and sanitary condition, free of weeds and refuse. Any hazardous or noxious materials that must be stored on site for operational or security reasons must be managed in accordance with all applicable federal, state, county and local laws and regulations.
- Inhabitants of the temporary housing must be Applicant's employees and/or subcontractors, working on the related construction or mineral extraction operation, and not dependents of employees, guests or other family members.

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- No animals are allowed at TLQ sites.
- If a permit for TLQ is granted, the Applicant shall notify the County when site construction begins. For Type 1 TLQs not requiring a Construction Permit (recreational vehicles, motor homes and camp trailers) the Applicant shall notify the County when occupancy begins.
- As to Type 3 TLQs, on-site County emergency services and/or law enforcement staff may be required. The cost of such must be borne by the Applicant.
- The Land Use Department or other County designee shall have the right to inspect a TLQ site, without notice, to assess compliance with the TLQ permit. A determination of noncompliance with any Temporary Living Quarters, Temporary or Conditional Use Permit, or conditioned approval thereof, is grounds for revocation or suspension of said Permit.
- TLQ Permits may include additional requirements as may be necessary to ensure the health, safety and welfare of the public.

IV.6.6. Reporting Requirements

- When the need for a TLQ at a given location is ended and the TLQ facility and associated structures are to be removed, the Applicant will notify the Land Use Department at least 10 days prior to removal.
- Each Applicant must submit an annual summary of TLQ use, January 1 through December 31, including number of persons housed in each TLQ. Reports are due by January 31st of each year.

IV.6.7. Revocation and Penalties

Failure to comply with the requirements or conditions of a Temporary Living Quarters Permit or Conditional Use Permit may be grounds for revocation pursuant to Article XI of the LDC or imposition of penalties or remedies pursuant to Article X of the LDC.

IV.7. RETAIL/MEDICAL MARIJUANA

Retail/Medical Marijuana

In addition to all Conditional Use Permit requirements, the following will also be required for the three types of Medical Marijuana facilities and all dual operations allowed within the State of Colorado under Amendment 64:

Medical Marijuana Centers, Optional Premises Cultivation facilities, Infused Product Manufacturers, may also operate under dual licensing with correlated Retail Marijuana Centers. Retail Marijuana Cultivation facilities and Retail Infused Product Manufacturing and Testing Facilities.

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IV.7.1. Retail/Medical Marijuana Center Parking Requirements:

IV.7.1.1. One space per 200 square feet of floor area used for office, sales, or personal service operations.

IV.7.1.2. One space per 1,000 square feet of floor area used for growing, warehousing, or storage operations.

IV.7.2. Additional Provisions for Medical and Retail Marijuana Operations and Testing Facilities:

IV.7.2.1. These uses must obtain and maintain all necessary state and local permits regardless of when they are established, businesses operating for the purpose of cultivation, manufacture, or sale of medical marijuana or medical marijuana-infused products, as defined in Colorado House Bill 10-1284 and any and all dual operations allowed within Amendment 64, are and will be subject to the provisions and limitations stated in 1 CCR 212-1 M304 and 1 CCR 212-2 R304 of the Colorado Retail Marijuana Code. These provisions and limitations include those in the legislation and any State and County requirements promulgated under the legislation. Such businesses or uses, even if allowed under this Section or prior provisions of this Code, are subject to termination if they cannot meet the requirements of, or legally operate under State Law and the Colorado Marijuana Code.

IV.7.2.2. One single-family dwelling to house the owner or manager and their family will be considered customary and incidental as part of this use, to the extent authorized by state law.

IV.7.2.3. These uses shall not be located within 1,000 feet of an alcohol or drug treatment facility, a licensed child care facility, or an educational facility with students below the college grade level, liquor stores and places of worship including facilities in the unincorporated County or substantially similar facilities in an adjacent municipality, as measured from the closest point of the subject parcel lines.

IV. 7.2.4. Lighting – No artificial lighting for cultivation purposes shall be visible from outside, if located in an area that directly affect neighbors.

IV.7.2.5. All applications for this type of use must include the following:

IV.7.2.5.1. An approved copy of the State MED (Marijuana Enforcement Division) License must be supplied to the Land Use Office within 10 days of receipt from the State of Colorado Department of Revenue.

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IV.7.2.6. Approved Water Supply – must provide a copy of approved State of Colorado Permit or contract for water.

IV.7.2.7. Approved Sewage Disposal Permit.

Unless otherwise authorized by the permitting agency.

IV.8. CONDITIONAL USE REVIEW

Although each activity district is primarily intended for permitted uses, there are a number of uses which may or may not be appropriate in a particular district depending upon, for example, the location, nature of the proposed use, character of surrounding development, soil suitability, traffic capacities of adjacent streets, and potential environmental effects. These factors may dictate that the circumstances of development should be individually reviewed.

Uses, which have not been listed or cannot be included in an encompassing category, shall be considered as a conditional use. The Planning Commission and Board of County Commissioners shall make a determination if the unlisted use is appropriate for and consistent with the intent of a district.

IV.8.1. Purpose

It is the purpose of this regulation to provide for review of such uses so that Saguache County is assured that they are compatible with their locations and surrounding land uses, and will further the purpose of these Regulations.

IV.8.2. Application Procedure

An application for approval of a conditional use shall be filed by a person who owns a legal or equitable interest in the property for which conditional use is requested and shall be made on a form provided by Saguache County. Such application shall be filed in the office of the Land Use Administrator. The application must include:

IV.8.2.1. A nonrefundable processing fee shall be submitted with the application. If the Board of County Commissioners decides a public hearing is necessary, an additional nonrefundable processing fee shall be submitted prior to setting the date for the public hearing. The amount of these fees shall be set by the Board of County Commissioners and shall remain in effect until changed.

IV.8.2.2. A plan drawn to appropriate scale showing the major details of the proposed use consisting of the following, if applicable, location of buildings and structures; off street parking area; off street loading areas; service and refuse

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areas; means of ingress and egress; major landscaping or screening and pedestrian areas, if pertinent.

- IV.8.2.3. A time schedule for construction.
- IV.8.2.4. Proof of Ownership.
- IV.8.2.5. A fee set by the Board of County Commissioners.
- IV.8.2.6. Applicant shall notify the Land Use Office within one (1) year of the status of project.
- IV.8.2.7. Such other information as the Planning Commission or Board of County Commissioners shall require by written request to the applicant.
- IV.8.2.8. Any other information the applicant believes will support his request.
- IV.8.2.9. A list of landowners of properties located within fifteen hundred feet (1500) of the proposed conditional use request, along with the current addresses as recorded will be obtained from the Saguache County Assessor for the use of certified mailing notifications.
- IV.8.2.10. If property is not located within a Fire Protection or Ambulance Service District a written agreement must be supplied to show coverage for any emergency services that may be needed.
- IV.8.2.11. If water and sanitation services are provided by a district written agreement must be supplied with the application.

Property Taxes on all affected parcels must be current at the time of Board of County Commissioners decision. A Certificate of Taxes Due will be obtained at the beginning of the application process and confirmed before the Board of County Commissioners final review.

IV.8.3. Review Procedure

The following procedure will be used to review Conditional Use applications.

- IV.8.3.1. The Land Use Administrator will review the application to determine if it is complete and eligible for consideration by the Planning Commission.
- IV.8.3.2. At least forty five days (45) days prior to the Planning Commission or Board of County Commissioners meeting for which the application is scheduled, the Land Use Office will send notification to the owners listed in the application by first class mail with a certificate of mailing. Such notification shall include information that a conditional use application has

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been filed and the nature of the conditional use, that such application may be reviewed during regular office hours of the Land Use Department and the time that the Planning Commission or Board of County Commissioners will consider oral or written statements regarding the application. If the property described on the application lies in part or wholly within the Town of Saguache, Center, Moffat, Crestone or Bonanza planning areas as outlined on the activity map, like notice will be sent to these municipalities.

- IV.8.3.3. The Planning Commission shall, in a timely manner, either recommend approval of the application in whole or in part, with or without modification and conditions, or recommend denial of the application to the Board of County Commissioners. The recommendation of the Planning Commission shall be transmitted to the Board of County Commissioners and to the applicant.
- IV.8.3.4. The Board of County Commissioners may hold a public hearing on any proposed conditional use application in a timely manner after receiving the written report of recommendations from the Planning Commission. A notice of such public hearings shall be published in a newspaper of general circulation within Saguache County at least thirty (30) days prior to the hearing date or in the manner and form required by statute for an activity resolution or amendment. An adequate record of the hearing shall be maintained. If no adverse or negative responses are received a public hearing may not need to be held. The Board of County Commissioners shall make the decision whether or not a public hearing will be held.
- IV.8.3.5. The Board of County Commissioners shall, in a timely manner, either grant the application in whole or in part with or without modifications and conditions, or deny the application. The decision of the Board of County Commissioners shall be transmitted in writing to the applicant.
- IV.8.3.6. All approved site plans for conditional uses including modifications and conditions, shall be certified by the Board of County Commissioners and kept on file.

IV.8.4. General Criteria, Conditions and Modifications

The Planning Commission and the Board of County Commissioners will consider the following when reviewing Conditional Use applications.

- IV.8.4.1. Conditional uses existing at the time of the adoption of these Regulations shall be allowed to continue as conditional uses, unless approved use changes.
- IV.8.4.2. No conditional use shall be approved unless the Board of County Commissioners finds that the application complies with all requirements imposed by Section 3 of this Article and with all applicable laws and regulations and is consistent with all objectives and purposes of these

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Regulations as declared in Section 3.1 of this Article and in Article I of this Code.

IV.8.4.3. Decisions on conditional use applications shall be based upon policy and guidelines set forth in Section 3 of this Article including but not limited to the following:

IV.8.4.4. The compatibility of the proposed use with surrounding land users and uses. Reasonable suggestions and objections from persons in the neighborhood are a measure of compatibility and will be considered.

IV.8.4.5. The impact on County Roads, traffic congestion or traffic hazards

IV.8.4.6. The impact on the public health, safety, or welfare

IV.8.4.7. The impact on soil, noxious weeds, water, air and aesthetics

It will be the policy to accommodate reasonable conditional uses applied for, and conditions and modifications may be offered as a means of mitigating adverse effects of the use should they make it possible to approve the application.

IV.9. Modification Criteria

Some approved Conditional Use Permits may at some time require modifications to the approval given. An application and an application fee as set by the Board of County Commissioners must be applied for and paid for with the Land Use Office prior to review. The Land Use Administrator shall review the request and determine if the request will be handled as a full review process with the Planning Commission and the Board of County Commissioners or if only the Board of County Commissioners shall review the request.

IV.9.1 Modification Criteria

IV.9.1.2. No complaints have been received by the Land Use office

IV.9.1.2. No impact increase on the adjacent landowners

IV.9.1.3. Legal or technical changes are requested for a prior approved permit

Any modification shall complete the same application and pay the same fees a Conditional Use Application.

Application must be signed by the landowner(s).

ARTICLE V

AREAS OF LOCAL INTEREST

V.1. Purpose and Intent

The primary purpose and intent of this section is to provide criteria to evaluate development proposals for land which either lies within or is impacted by natural hazards, or which contains resources of major importance.

V.2. Saguache County contains areas where natural hazards can impact development.

V.2.1. Flood Plain Areas

The Land Use Administrator shall keep on file and available to the public a set of maps clearly showing all known and identified flood prone areas in Saguache County. Saguache County shall not approve any subdivision plan if the proposed subdivision is either in one of these identified flood prone areas, or in the absence of maps, is in an area suspected by Saguache County to be a flood prone area, unless the developer can submit adequate evidence prepared by a professional engineer that the proposed subdivision is not in a flood plain, or unless the proposed subdivision meets the following conditions:

- V.2.1.1. It allows for no storage or processing of materials that in times of flooding are buoyant, flammable, explosive or otherwise potentially injurious to human, animal or plant life.
- V.2.1.2. It allows for no disposal of garbage or other solid waste materials in such a way that they will contaminate the stream during flooding.
- V.2.1.3. It allows for no substantial solid debris being carried downstream by flood waters.
- V.2.1.4. It allows for no obstruction which would impair the flow capacity of the flood plain so as to cause foreseeable damage to others, wherever located.
- V.2.1.5. It allows for no human occupation of fixed residential structures (including prefabricated homes), either permanent or temporary, which are not flood proofed to at least one foot above the level of the intermediate regional flood.
- V.2.1.6. It requires proposed construction in a flood plain to be anchored to prevent flotation, collapse or lateral movement of the structure.

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- V.2.1.7. It allows for no human occupation of mobile homes, either temporary or permanent, unless the mobile home park contains:
 - V.2.1.7.1. Ground anchors for tie downs sufficient to secure the mobile structures in the event of an intermediate regional flood, as required in accordance with the Mobile Home Manufacturers Association standards or standards determined by the administration of HUD.
 - V.2.1.7.2. Stands or lots elevated on compacted fill or on piers, so that the lowest floor of the home will be at least one foot above the intermediate regional flood.
 - V.2.1.7.3. Adequate surface drainage.
 - V.2.1.7.4. In the instance of elevation on piers, lots large enough to permit steps, pier foundations placed on stable soil no more than ten (10) feet apart, and steel reinforcement for piers more than six (6) feet high.
- V.2.1.8. It allows for no utility and sanitary facilities which are not flood proofed to or above the level of the intermediate regional flood.
- V.2.1.9. Provision is made for disclosure to buyers, prior to sales, of the location of flood plain areas within the subdivision.

V.2.2. Geologic Hazard-Prone Areas

The Land Use Administrator shall keep on file and available for public inspection a set of maps showing all known and identified geologic hazard-prone areas in Saguache County. Saguache County shall not approve any subdivision plan if the subdivision is either in one of these identified geologic hazard-prone areas, or in the absence of maps, is in an area suspected by Saguache County to be geologic hazard-prone, unless the developer can submit adequate evidence prepared by a professional geologist that the proposed subdivision meets the following criteria:

- V.2.2.1. Provision is made for disclosure to buyers, prior to sales, of all geologic hazards and mitigation procedures undertaken, and for attaching a delineation and description of the geologic hazard and mitigation measures to all deeds, titles, and recorded documents involving a transfer of ownership on the subject land.
- V.2.2.2. Provision is made for the long-term health, welfare and safety of the public from geologic hazards to life, property, and associated investments.

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- V.2.2.3. The proposed development will not create an undue financial burden on existing or future residents of the area or community.
- V.2.2.4. Structures designed for human occupancy and sites designed for human use shall be constructed so as to prevent danger to human life or property.
- V.2.2.5. Permitted land uses, including public facilities which serve such uses, shall avoid or mitigate geologic hazards at the time of initial construction.
- V.2.2.6. Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.
- V.2.2.7. Any development either identified or suspected to be within a geologic hazard-prone area must be designed or reviewed by a professional geologist.

V.2.3. Wildfire Hazard-Prone Areas

The Land Use Administrator shall keep on file and available for public inspection a set of maps clearly showing all known and identified wildfire hazard-prone areas in Saguache County. Saguache County shall not approve any subdivision plan if the proposed subdivision is either in one of these identified wildfire hazard-prone areas, or in the absence of maps, is in an area suspected by Saguache County to be wildfire hazard-prone, unless the developer can submit adequate evidence that the proposed subdivision meets the following criteria:

- V.2.3.1. Any development in which residential activity is to take place will be designed so as to minimize significant hazards to public health and safety or to property.
- V.2.3.2. Any authorized developments will have adequate roads for service by fire trucks, fire fighting personnel and other safety equipment. Such developments will also have firebreaks and other means of reducing conditions conducive to fire.
- V.2.3.3. All precautions required to reduce or eliminate wildfire hazards will be provided for at the time of the initial development.
- V.2.3.4. The development will adhere to the Guidelines and Criteria for Wildfire Hazard Areas promulgated by Colorado State Forest Service.
- V.2.3.5. Saguache County has considered the recommendations of the Colorado State Forest Service upon review of a proposed development in a wildfire hazard area.

V.3. Important Resource Areas

V.3.1. Potential Mineral Resource Areas

The Land Use Administrator shall keep on file and available for public inspection a set of maps clearly showing all known and identified potential mineral resource areas in Saguache County. Saguache County shall not approve any subdivision plan if the proposed subdivision is either in one of these identified potentially important mineral resource areas, or in the absence of maps, is in an area suspected by Saguache County to be a mineral resource area, unless the developer can submit adequate evidence prepared by a professional geologist that the proposed subdivision is not in a potentially important mineral resources area, or unless the proposed subdivision meets the following criteria:

- V.3.1.1. The development shall not obstruct the extraction of a valuable commercially-extractable mineral resource, or that the anticipated value of the development will exceed the value of the minerals under the development; or
- V.3.1.2. Potential health and safety hazards are reasonably mitigated.

V.3.2. Historically-Significant or Archaeologically-Important Areas

Consideration will be given to the protection and/or retention of identified sites of historical and archaeological importance. Alteration of such sites shall be avoided. Emphasis should be put on reuse of historical structures and the incorporation of these sites into parks or open space. If disturbance of such sites is unavoidable, the subdivider shall contact the State Historical Society, or other applicable agency or organization, and allow them an opportunity to preserve the site or move the improvements or artifacts before alteration takes place.

V.3.3. Wildlife Habitat

The Saguache County Land Use Administrator shall keep on file and available for public inspection a map of all known and identified critical wildlife habitats and important fisheries on Saguache County non-exempt lands. This map shall have been prepared by, or with the advice of, the Colorado Division of Wildlife.

When planning and approving subdivision plats located in or affecting critical habitat and fisheries, consideration will be given to the anticipated effects of the subdivision of wildlife, fisheries, and critical wildlife habitat. As a minimum the following criteria will be considered:

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- V.3.3.1. Adequate precautions will be taken to ensure pollutants or poisons will not be introduced into fisheries
- V.3.3.2. The social and/or economic benefits of the subdivision will be sufficient to offset economic and social benefits of wildlife and fish that will be foregone.
- V.3.3.3. All practical measures will be taken to prevent or mitigate the adverse effects of the development to wildlife.
- V.3.4. Development shall be discouraged on prime farmland as defined and identified by the Soil Conservation Service Soil Survey of Saguache County Area, and other lands which are of vital importance to agricultural production such as hay land needed to round out a livestock operation for significant acreage's of grazing land.

ARTICLE VI

HOME OCCUPATIONS

VI.1. Purpose

The economic structure of Saguache County makes the existence of home-based businesses necessary to a large segment of the population. In the interest of encouraging small business within the County while preserving the residential nature of local neighborhoods certain restrictions concerning home occupations must be observed.

Ranching and farming activities are permitted under a different Article of this regulation, and the home occupation regulations do not apply to such agricultural activities.

VI.1.1. Permitted Uses

These regulations apply to any occupation or business conducted entirely within a dwelling or an accessory structure, or both, by a resident of the property and which is clearly incidental to the residential use of the structure. Such as a Bed and Breakfast that has 3 or less rental rooms. It must also meet the operating guidelines listed in this section.

VI.1.2. Operation of the Business

Home occupation commercial use must be secondary to the residential use, and it must not detract from the character of the neighborhood. Home occupations shall not give evidence that the structure is anything other than a dwelling. The exception to this shall be a permitted sign meeting the requirements listed in this Article.

VI.1.2.1. Nuisance

Home occupations shall not create any nuisance detectable beyond the property line. Examples of nuisances include, but are not limited to, smoke, dust, noise, glare, light pollution, odors, electrical interference, excessive trash or waste materials, or water pollution.

VI.1.2.2. Parking

On-street parking will be restricted to existing parking only immediately in front of the property in question. Any additional parking needed is required to be on the property. Delivery and pickup services are exempted. Large or heavy equipment parking or storage will not be permitted.

VI.1.2.3. Traffic

A home occupation shall cause no undue disturbance or impair traffic.

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VI.1.2.4. Employees

No more than two employees shall be allowed beyond those residing on the premises.

VI.1.2.5. Signage

One business sign shall be permitted on site. It shall be no larger than 32 square feet, and shall not be illuminated or animated. All Signage shall be in compliance with all other applicable State and County sign regulations. Any single-event Signage must be removed within three (3) days of the end of the event.

VI.1.2.6. Storage

No outdoor storage of equipment, material or merchandise shall be permitted. No storage on the premises explosives; highly flammable, or extremely hazardous materials, as defined by the U. S. Environmental Protection Agency, shall be permitted.

VI.1.3. Notice of Home Occupation

Prior to establishing a home occupation on a property, the owner must file with the Land Use Office a Notice of Home Occupation. The Notice must be resubmitted annually during the time the home occupation is in operation.

Application must be signed by landowner(s).

ARTICLE VII

BOARD OF ADJUSTMENT

VII.1. Board of Adjustment

The Board of County Commissioners shall act as the Board of Adjustment until such time as the Board of County Commissioners deems it appropriate to appoint members of a Board of Adjustment. Until such time as a Board of Adjustment is appointed, all references to actions of the Board of Adjustment in this regulation shall be construed to mean the Board of County Commissioners.

However these regulations shall not be considered to limit the powers of the Board of County Commissioners as authorized by state law.

VII.1.1. Members, Appointments, Terms and Structure

At the time the Board of County Commissioners chooses to appoint a Board of Adjustment, the following regulations shall apply.

VII.2.1. The Board of Adjustment shall consist of three (3) members who shall be appointed by the Board of County Commissioners. One (1) member must be a current member of the Planning Commission.

VII.2.2 Appointments to the Board of Adjustment shall be for a period of three (3) years, except when vacancies occur prior to the expiration of a regular term, they shall be filled in the same manner as regular appointments, but shall serve only until the expiration of the term in which the vacancy occurred. In the case of the first Board of Adjustment, one member shall be appointed for three years, one for two years, and one for one year. In this manner members' terms will be staggered to maintain the continuity of the Board.

In addition to the regular members of the Board of Adjustment, the Board of County Commissioners may appoint two (2) alternate members for staggered three (3) year terms. In the event that any regular member is temporarily unable to act owing to illness, interest in a case before the Board of Adjustment, or any other cause, an alternate member who shall enjoy full voting privileges may take his place during such temporary presence.

VII.2.3. Members of the Board of Adjustment shall elect from among their members a Chairman to serve for a term of one (1) year.

VII.2.4. The majority vote of three (3) members of the Board of Adjustment shall be necessary to revoke any order, requirement, decision or determination of any administrative official charged with the enforcement of this ordinance or to

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decide in favor of the applicant any matter upon which it is required to pass under this ordinance or to effect any variation in these Regulations.

VII.2.5. The Board of County Commissioners shall have the power to remove any member of the Board of Adjustment for cause after public hearing in which the member shall have the right to counsel and to question witnesses.

VII.2.6. Proceedings of the Board of Adjustment

The Board of Adjustment shall adopt rules necessary to conduct its affairs and in keeping with the provisions of these Regulations. The rules shall also provide for meetings of the Board of Adjustment.

VII.2.6.1. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings shall be open to the public.

VII.2.6.2. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each decision, or if absent, or failing to vote, indication such fact, all of which shall be public record and immediately filed in the Land Use Office.

VII.2.7. Appeals

VII.2.7.1. Appeals to the Board of Adjustment may be taken by any person aggrieved by any administrative decision based upon or made in the course of the administration or enforcement of the provisions of these Regulations. Appeals to the Board of Adjustment may also be taken by any officer, department, board or bureau of the County of Saguache, affected by any decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of these Regulations. The time within which such an appeal must be made and the form or other procedure relating thereto, shall be as specified in the rules of procedure adopted by such Board of Adjustment.

VII.2.7.2. No such appeal to the Board of Adjustment shall be allowed for structure use violations that may be prosecuted pursuant to Section 30-28-124 (1)(b) C.R.S. 1973.

VII.2.7.3. Any further appeal from the decision of the Board of Adjustment may be made to the courts, as provided by law, provided however that such appeal is made prior to 20 days following the date of the notification of the Board's decision.

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VII.2.8. Powers of the Board of Adjustment

The Board of Adjustment shall have the following powers.

VII.2.8.1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of these Regulations. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from.

VII.2.8.2. To grant or deny variances from the provisions of these Regulations when the strict application of these Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property. The Board of Adjustment may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these Regulations. In granting any variance, the Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of these Regulations. However, the Board of Adjustment may not grant variances from the provisions of these Regulations covering the use of land or buildings or the provisions governing planned unit development. In granting or denying variances the Board of Adjustment shall consider the following criteria and standards.

- Whether there are unique physical circumstances or conditions such as exceptional irregularity, narrowness or shallowness of a piece of property, or whether there are exceptional topographic or other physical conditions or other extraordinary and exceptional situations or conditions peculiar to the affected property.
- Whether the unusual circumstances or conditions exist through the neighborhood or district in which the property is located.
- Whether such unnecessary hardship has not been created by the applicant.

VII.2.8.3. To grant or deny special exception to district regulations for the purpose of providing access to sunlight for solar energy devices.

VII.2.8.4. To interpret the district maps and pass upon disputed questions of lot lines, district boundary lines, or similar questions as may arise in the administration of district regulations.

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VII.2.9. Reapplication

If an appeal or request for variance has been denied by the Board of Adjustment, a request for a rehearing shall not be granted by the Board of Adjustment unless evidence is presented showing that there has been a substantial change in physical conditions or circumstances.

All Land Use applications must be signed by the landowner(s).

ARTICLE VIII

VARIANCES FROM REGULATIONS

In the event that it may be shown that strict compliance with this code will result in extraordinary hardship the Board of Adjustment may vary, modify or waive the requirements such that any variance, modification, or waiver shall not have the effect of nullifying the intent and purpose of this code.

In granting any variance, the Board of Adjustment may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of these Regulations.

In no case shall any variance, modification, or waiver be more than a minimum easing of the requirements and in no instance shall it conflict with any existing District Resolution.

VIII.1. Cause for Variance

Variance to these regulations shall consist of a minimal easing of the requirements to prevent unnecessary hardship. Any application for variance shall include the cause for such request. The Board of Adjustment will consider the following criteria.

VIII.1.1. Physical Conditions of the Property

Whether there are unique physical circumstances or conditions such as exceptional irregularity, narrowness or shallowness of a piece of property, or whether there are exceptional topographic or other physical conditions or other extraordinary and exceptional situations or conditions peculiar to the affected property.

VIII.1.2. Circumstances or Conditions in the District

Whether unusual circumstances or conditions exist through the neighborhood or district in which the property is located.

VIII.1.3. Source of Hardship

Whether such unnecessary hardship has not been created by the applicant.

VIII.1.4. Special exception to district regulations for the purpose of providing access to sunlight for solar energy devices.

VIII.1.5. Mobile Home Mitigation

VIII.1.5.1. The retrofitting of a pre-1976 Mobile Home to meet the requirements of the National Manufactured Housing Construction and Safety Act of 1974, 42

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U.S.C. Section 5401, et. seq., as amended, (commonly known as the HUD Act, effective June, 1976).

- VIII.1.5.2. Waiver of the requirement for the provision of utilities, if the structure is not to be occupied until a date six months or more from the time of application. The occupancy of said structure prior to meeting the requirements for utilities shall be considered as grounds for permit revocation.

VIII.2. Application for Variance

Application for variance shall be made to the Land Use Administrator indicating the need for variance requested. The application shall include the following.

Application must be signed by landowner(s).

Property Taxes on all affected parcels must be current at the time of Board of County Commissioners review. A Certificate of Taxes Due will be obtained before the Board of County Commissioners review.

- VIII.2.1. Proof of ownership of the land on which a structure is to be located, or a letter from the owner acknowledging their approval of the structure's placement and the requested variance.
- VIII.2.2. Indicated provisions for utilities.
- VIII.2.3. Notification of property owners within fifteen hundred (1500) feet of the affected property may be required by the Board of Adjustment. In this event, names and addresses, as shown in the County Assessor's records, shall be required. Land Use Office shall obtain and send certified mailing notices to all adjoining property owners. Applicant shall be required to pay certified mailing fee before mailings are sent. This notification will add thirty five (35) days to the application process.
- VIII.2.4. The application must be submitted to the Land Use Office at least 35 days prior to the meeting at which the applicant wishes to have the application heard.

VIII.3. Approval Procedure

The Board of Adjustment will use the following procedure to consider variance applications.

- VIII.3.1. The Land Use Administrator shall review the application to ensure that it is complete and eligible for consideration by the Board of Adjustment.

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- VIII.3.2. The Land Use Administrator will schedule the application for the appropriate Board of Adjustment meeting agenda, and, if necessary, notify adjoining property owners and interested parties by certified, return-receipt mail.
- VIII.3.3. The Board of Adjustment will consider the application in a regular meeting. The Board will approve, approve with modifications, or deny the application in a timely manner.
- VIII.3.4. The decision shall be transmitted to the applicant in writing.

VIII.4. Revocation

Failure on the applicant's part to comply with the conditions of the variance shall be considered as grounds for permit revocation. If the application is for a mobile home, such revocation may ultimately result in the removal of the mobile home from the County.

ARTICLE IX

AMENDMENTS TO THESE REGULATIONS

Amendments to these regulations may be made from time to time.

IX.1. Authorization to Initiate Amendments

Any amendment to the text of these regulations or to the maps must be approved by the Board of County Commissioners, following a recommendation from the Planning Commission, on the application of a property owner or his authorized agent.

IX.2. General Procedure

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

IX.2.1. Study and recommendation on the proposed amendment by the Planning Commission.

IX.2.2. Completion of a public hearing before the Board of County Commissioners after at least thirty (30) days notice of the time and place of such hearing shall have been given by at least one publication in a newspaper of general circulation within Saguache County.

IX.3. Regulation Amendment Procedure

The following procedure will be used for amending these regulations.

IX.3.1. An application for an amendment of the regulations or maps may be filed by an owner of an equitable or legal interest in a property within Saguache County and shall be made on a form provided by Saguache County.

Failure to provide accurate information as required on the application and by established administrative procedure shall invalidate the application.

The application must be accompanied by the following.

IX.3.1.1. A minimum nonrefundable processing fee in the amount currently in effect as set by the Board of County Commissioners; provided however, the applicant shall also pay the total actual cost in excess of current processing fee.

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- IX.3.1.2. A list of owners of properties located within five hundred (500) feet of a subject property in Agricultural Districts, along with the current address of all such owners as listed with the Saguache County Assessor.
- IX.3.2. The Planning Commission may hold a public meeting on the proposed amendment with the following special conditions required.
- IX.3.2.1. A notice of said meeting shall be published in a newspaper of general circulation within Saguache County at least fifteen (15) days prior to the meeting date, or in the manner and form required by statute for a resolution or amendment.
- IX.3.2.2. A written notice of said meeting shall be sent by first class mail with a certificate of mailing, at least fifteen (15) days prior to the hearing date, to the property owners listed in 3.1.2 of this Article.
- IX.3.2.3. If the application lies in part within the Center, Saguache, Crestone, Bonanza or Moffat Planning Areas as outlined on the district map, a notice shall be sent to the applicable municipal planning commission, board of trustees, or town council indicating the date, time and place of such public meeting.
- IX.3.3. The Planning Commission shall, in a timely manner, either recommend approval of the application, in whole or in part, with or without modifications and conditions, or recommend denial of the application to the Board of County Commissioners. The recommendation of the Planning Commission shall be transmitted to the Board of County Commissioners and the applicant.
- IX.3.4. The Board of County Commissioners shall hold a public hearing on all proposed amendments after receiving a written report of recommendations from the Planning Commission.
- IX.3.4.1. A notice of said hearing shall be published in a newspaper of general circulation within Saguache County at least thirty (30) days prior to the hearing date, or in the manner and form required by statute for a resolution or amendment. An adequate record of the hearings shall be maintained.
- IX.3.4.2. In the case of map amendments, written notice of said public hearing before the Board of County Commissioners shall be sent by first class mail with a certificate of mailing, at least fifteen (15) days prior to the hearing date, to property owners of abutting properties and properties within five hundred (500) feet of the boundary of the subject property.
- IX.3.4.3. If the application lies in part within the Bonanza, Crestone, Moffat, Center, or Saguache Planning Areas as outlined on the district map, a notice shall be sent

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to the applicable municipal town council, indicating the date, time and place of such public hearing.

IX.3.4.4. In the case of map amendments, the applicant shall post on the subject property a sign with clearly legible letters at least one inch in height, at the top of which would appear "Notice of District Request", and which would contain information showing the present Designation of the property, the legal description of the property, the requested Districting of the property, and the date, time and location of the hearing on said District change request. Said sign shall be installed and remain in place for a period of at least thirty (30) days prior to the hearing.

IX.3.5. The Board of County Commissioners shall, in a timely manner, either grant the application, in whole or in part, with or without modifications and conditions or deny the application. The decision of the Board of County Commissioners shall be transmitted in writing to the Planning Commission and the applicant.

IX.3.6. All approved amendments to maps shall be made a permanent part of said map.

IX.3.6.1. Declaration of Policy for Redistricting

For the purpose of establishing and maintaining sound, stable and desirable development within Saguache County, the redistricting of land is to be discouraged. Redistricting should only be considered if:

IX.3.6.1.2 The land to be redistricted was in error and as presently districted is inconsistent with the policies and goals of the County Land Use Plan; or

IX.3.6.1.3. The area for which redistricting is requested has changes or is changing to such a degree that it is in public interest to encourage a redevelopment of the area; or

IX.3.6.1.4. The proposed redistricting is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of Saguache County's Land Use Plan, and that such redistricting will be consistent with the policies and goals of Saguache County's Land Use Plan.

IX.3.6.1.5. The area for which redistricting is requested is of such a nature and so located that the proposed district change will not adversely affect existing or anticipated uses or property values in the vicinity, and the proposed district change will not result in land uses that are incompatible with Saguache County's Land Use Policy and Guidelines stated in Article I of this Code.

IX.3.6.2. Minimum Size of Parcel

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No amendment changing the district classification of any lot, parcel, or tract of land shall be adopted unless such lot, parcel, or tract has a minimum of one hundred fifty (150) feet of frontage on a public street, or has a minimum of one (1) acre of area or abuts on a lot, parcel, or tract of land that has the same district classification as that which is proposed for the property which is subject of the proposed amendments.

IX.3.6.3. Approval of Amendment to Activity Map

In granting an amendment to the Activity Map, upon application by a property owner or his authorized agent, the Board of County Commissioners may require the dedication of additional street rights-of-way where an officially adopted street plan indicates need for increased width or where the nature of the proposed development warrants increased street width, and the Board of County Commissioners may require permanent screen strips or other devices to minimize conflict with residential land use.

IX.4. Records of Amendments

The Board of County Commissioners shall maintain a record of amendments to the text and map of these regulations in a form convenient for the use of the public.

ARTICLE X

VIOLATIONS AND PENALTIES

Any person, firm or corporation violating any provision of these regulations shall be subject to the penalties set forth below or contained in this section, in addition to any penalties or remedies provided by County Regulations or ordinances or as provided by Colorado Revised Statutes and any other legal action provided by law.

X.1. SUBDIVISIONS, REPLATS AND EXEMPTIONS

The Board of County Commissioners shall have the power to bring an action to enjoin any sub-divider from selling, agreeing to sell or offering to sell subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners.

X.2. NATIVE RANGELAND

In addition to penalties provided by law, the Board of County Commissioners shall have the power to re-vegetate or otherwise stabilize the soil when the provisions of Article XV, Native Rangeland Plow-out and Cultivation of Lands Subject to Wind Hazard, of this Code have been violated.

- X.2.1. Upon completion of the re-vegetation and/or stabilization caused as provided in Article XV, Section 3.1.3 of this Code, the Board of County Commissioners may, by resolution, assess against the landowner the cost of said treatment, which shall in no event exceed the actual cost of re-vegetation and/or stabilization.
- X.2.2. Any person, firm or corporation violating Article V may be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the Saguache County Jail for not more than ninety (90) days, or by such fine and imprisonment. Each day during which such illegal cultivation continues shall be deemed a separate offense as provided by ordinance.

X.3. ENFORCEMENT PROCEDURE

Whenever a possible violation of the Land Development Code comes to the attention of the Land Use Administrator, the following procedure will be followed:

- X.3.1. The Land Use Administrator will notify the owner of the property and/or the person responsible for the violation in writing, and will order the property be brought into compliance within 30 days.

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- X.3.2. If the property is not brought into compliance within 30 days and no good-faith effort to comply can be demonstrated, the Land Use Administrator will negotiate a reasonable amount of time to take corrective action or to make appropriate permit application.
- X.3.3. If property owner does not agree to corrective process and a time table or if the property owner clearly resists compliance, the Land Use Administrator will issue a Cease and Desist Order indicating the specific violation (citing the section and page(s) with a copy attached.), requiring corrective action to obtain compliance and a specific time allowed for correcting the violation, ceasing the activity in violation and/or obtaining the needed permit. The Cease and Desist Order shall be sent certified mail with return receipt.
- X.3.4. At the end of the period allowed to gain compliance the Land Use Administrator or his designee will re-inspect the property for compliance.
- X.3.5. If the property has not been brought into compliance, the Land Use Administrator will place the item on the next agenda of the Board of County Commissioners. The Land Use Administrator will notify the property owner and/or the person responsible for the violation of the date and time they are scheduled to appear before the Board of County Commissioners.
- X.3.6. The Board of County Commissioners will review the circumstances and the current status of the violation. If the Board finds that the violation has not been adequately addressed, it may, at its discretion, negotiate a satisfactory schedule for resolution, or instruct the Land Use Administrator to request the Saguache County Sheriff to issue a citation to the property owner.

At that time the court assumes jurisdiction.

- X.3.7. If the Court renders judgment against the property owner and the violation still has not been corrected, then issuance of a second citation will be requested by the Board of County Commissioners. Each time the Court System renders judgment against the property owner and the violation still has not been corrected, a new citation will be requested by the Board of Commissioners.

When the violation has reached the maximum (see violation fines below) then the Board of Commissioners may ask the Sheriff to issue a citation for the maximum fine per day permitted by law.

Therefore any individual or corporation who violates or permits any violation of any of the provisions of the Saguache County Land Development Code shall be subjected to the following administrative penalties, in addition to these penalties as set forth in the beginning of this article:

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First Violation \$100.00

Second Violation \$200.00

Third Violation \$400.00

Fourth Violation \$600.00

Each violation thereafter shall be \$600.00

ARTICLE XI

NON-CONFORMING USES, STRUCTURES AND LOTS

XI.1. Non-conforming Uses, and Structures

Existing lawful structures or uses at the time these regulations, or any amendments thereto, become effective and which do not conform to the requirements of the district in which they are located are non-conforming.

XI.1.1. Continuance of Non-conforming Uses or Structures

Under the following circumstances, a non-conforming use of structure may be continued.

- XI.1.1.1. A non-conforming use in existence prior to the adoption of these regulations shall be exempt from these regulations and be allowed to continue as a non-conforming use despite transfer of ownership.
- XI.1.1.2. Structures or uses existing prior to adoption of these regulations may be maintained in reasonable repair and subject to minor alterations, and still retain their exempt status. A non-conforming structure to be modified shall conform to the provisions of this resolution. A non-conforming activity may only be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of the original resolution or amendment thereof.

XI.2. Discontinuance of Non-conforming Uses or Structures

- XI.2.1. When a non-conforming use is discontinued for a period of one (1) year, such use of the area shall be discontinued and further use of the property shall be for a conforming use only.
- XI.2.2. An existing use such as salvage or junk yard which is non-conforming with respect to provision for screening shall be discontinued if such screening is not provided within such time as is prescribed by the Board of County Commissioners.
- XI.2.3. A non-conforming use may not be changed to another non-conforming use, nor may it be changed back to a non-conforming use once it has been changed to a conforming use.
- XI.2.4. If a non-conforming structure, or a structure containing a non-conforming use, is destroyed by fire, flood, wind, explosion, or act of God to an extent exceeding fifty (50) percent of the structure, a future structure or use on the property shall conform to the provision of these Regulations.

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- XI.2.5. If destruction is determined to be less than fifty (50) percent, restoration must be started within twelve (12) months of such calamity and completed within twenty four (24) months of initiating such start to repair.

Nothing contained in these Regulations shall require any change in the plans, construction, alteration, or designated use of a structure for which construction work has commenced prior to the adoption of these Regulations, except that if the designated use will be non-conforming, it shall, for the purposes of 1.2.1 of this Article, be a discontinued use if not in operation within two (2) years.

XI.3. Non-conforming Lots of Record

In any district in which one-unit dwellings are permitted, a single-family residence and customary accessory structure may be erected on a single lot of record which exists as such at the time of adoption of these Regulations. This provision shall apply even though such lots fail to meet the requirements of the district in which it is located for area, or width, or both; provided, however, that the requirements of the district for minimum setback dimensions shall be met unless a variance to said requirements has been granted by the Board of Adjustment.

The provisions of Article XV, Native Rangeland Plow-out and Cultivation of Lands Subject to Wind Hazard, of this Code shall not apply to any non-conforming use existing on or before October 15, 1984, provided, however, that any such non-conforming use which may hereafter cease to be cultivated for a period of five (5) consecutive years shall thereafter become subject to the provisions of Article XV.

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ARTICLE XII

IMPROVEMENT GUARANTEES

The Board of County Commissioners may require a bond, collateral or other improvement guarantee from an applicant in cases where the county would need to complete work if the applicant was unable or refused to complete it.

Upon inspection of improvements and approval of the work, the Board of County Commissioners may release said collateral. If the Board of County Commissioners determines that any such improvements are not constructed in substantial compliance with the agreement, it shall furnish the sub-divider a list of specific deficiencies and shall be entitled to withhold the collateral sufficient to insure such substantial compliance. If the Board of County Commissioners determines that the sub-divider will not construct any or all of the improvements in accordance with the agreement, the Board of County Commissioners may withdraw from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications of the agreement.

XII.1. IMPACT FEES

XII.1.1. Statement of Purpose:

Saguache County is in the process of adopting a comprehensive Capital Improvement plan and ordinance to address long term development of infrastructure improvements, including roads, open space and services for the citizens of Saguache County. This plan will include consideration of the effects of the building or development of single-family dwellings and subdivisions as well as the issuance of Conditional Use Permits, on the infrastructure and services of Saguache County.

XII.1.2. Temporary Policy:

It is the policy of Saguache County that each request for a construction permit, subdivision, subdivision exemption from subdivision regulations or request for Conditional Use Permit, will be reviewed by the Land Use Department, and when appropriate, the Planning Commission and other County Departments to determine if the approval of the application will place an additional and disproportional burden on the roads or services of Saguache County, such as to require the imposition of an impact fee as a requirement of the proposed construction permit, subdivision, subdivision exemption or Conditional Use Permit.

Such fee will include, when appropriate, a 3% cost of the application fee for administrative review of the proposed construction, development or Conditional Use Permit, as well as a reasonable cost estimate of the additional and disproportional burden

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on the roads and services of Saguache County. The applicant will be informed by the County Land Use Department of the impact fee and any appeal of the same will be processed in accordance with the County's existing procedures.

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ARTICLE XIII
CONSTRUCTION PERMIT

XIII.1. General Provisions

The Board of County Commissioners recognizes the need to protect the public while maintaining an environment that encourages the development of diverse structure styles and methods. It is also understood that it is in the best interest of the county as a whole to preserve a diverse economic structure in which all residents can obtain suitable housing.

XIII.2. Purpose

These regulations are designed and enacted for the purpose of protecting the health, safety and welfare of present and future inhabitants of Saguache County, Colorado, by insuring that all new structures and dwellings conform to current State electrical, plumbing, gas and sewage regulations.

XIII.3. Authority

The authority to establish the following regulations is provided for, without exclusion, in Article 20 of Title 29 C.R.S., Local Government Land Use Control Enabling Act, and Article 28 of Title 30 C.R.S., County Planning and Building Codes.

XIII.4. Application

This article shall apply to residential structures or dwellings constructed within the unincorporated areas within the County. It shall also apply to all types of manufactured housing, including mobile homes, brought into the County from other counties or states, or relocated within the County after the date of its adoption.

In addition, this article applies to barns, storage facilities or other structures, which are NOT intended for human occupancy.

Construction permits expire two years from the date of issue. If construction is not completed within the two-year time limit you may request one (1) extension for a six (6) month period. Any extension must be presented to the Board of County Commissioners for approval. Pictures must be supplied for extension to show progress.

Any person seeking to engage in development in any designated wildlife habitat shall apply for a permit from the Saguache County Land Use office on the appropriate form as prescribed by these Regulations, and maintained in the office of the Saguache County Land Use Administrator.

The Saguache County Land Use office staff shall inspect any parcel of land for which a Land Use Application has been received, and a staff member shall make a

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recommendation to mitigate any issues that arise from the inspection. There shall be a fee charged to the landowner/applicant for the Land Use Application, and this inspection, on any property located within a designated wildlife habitat area as determined by maps supplied by the Colorado Parks and Wildlife. There shall be a fee charged to the landowner/applicant for this application and inspection on any property located within a designated wildlife habitat area, as determined by maps supplied by the Colorado Parks and Wildlife.

- XIII.4.1 Applications for permits shall include the following:
- XIII.4.1.1. A non-refundable application fee to cover the cost of processing.
 - XIII.4.1.2. Proof of ownership of the land on which the structure is to be located, or a letter from the owner acknowledging their approval of the structure's placement.
 - XIII.4.1.3. Copy of the Individual Sewage Disposal System Permit, if required.
 - XIII.4.1.4. A copy of water well permit, water court decree or other agreement providing for water service, if required.
 - XIII.4.1.5. A physical address from the Saguache County Assessor's office. A County Road access permit may also be required from the Saguache County Road and Bridge Department.
 - XIII.4.1.6. At the completion of construction applicant must supply Saguache County Land Use office with copies of approved State plumbing, gas and electric permits, if required. Permits will remain incomplete until these copies are supplied.
- It is encouraged that all electrical utility lines be placed underground.
- XIII.4.1.7. A sketch plan showing all improvements already existing on property and new structures to be constructed, showing footage from all sides of parcel. Also, sketch plan must show all access roads used to access parcel to be built on.
 - XIII.4.1.8. There shall be a minimum setback of ten (10) feet from all property lines except where a public road easement exists, and then there shall be a minimum of twenty five (25) feet from the edge of said easement.
 - XIII.4.1.8.1 Setback shall be determined by the foot print of the structure.

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This will also include any subdivision lots that are in existence as of the date of this regulation.

- XIII.4.1.9. Outdoor lighting is to be directed downward and shielded. High or low-pressure sodium bulbs may be a maximum of 100 watts. Mercury vapor lamps are prohibited. Mast mounted lights must be kept to a minimum number and a maximum height of twenty-two (22) feet.

No internally lit outside signs are permitted within the County.

Any light used for illumination of signs shall be shielded so that the beams or rays of light will not shine directly onto the surrounding areas OR onto surrounding residences.

Neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.

- XIII.4.1.9.1. If electrical service has been abandoned for (1) year or more all-outdoor lighting must conform to State Electrical Standards.
- XIII.4.1.10. In addition, any person intending to place a "Mobile Home" within the County shall show proof of the following with the application for a Mobile Home permit.
- XIII.4.1.10.1. A copy of the manufactured home tax certification indicating ownership and point of origin. A certificate of VIN registration that shows the year and make shall also be included.
 - XIII.4.1.10.2. A photograph of the structure as a whole and a legible photograph of the HUD sticker and/or other suitable documentation indicating compliance with the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, (commonly known as the HUD Act, effective June, 1976). No mobile home shall be transported into or maintained within Saguache County, which does not comply with state standards as promulgated by the Division of Housing. Mobile home must meet 1976 HUD Standards.
 - XIII.4.1.10.3. Any structure older than twenty (20) years and larger than two hundred (200) square foot may not be transported into Saguache County. Any structure legally in place in Saguache County at the time this regulation is adopted may remain in its current position indefinitely. If the structure is moved, it must be moved out of Saguache County.

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If structure is not twenty (20) years old this regulation does not apply. Is structure is not larger than two hundred (200) square foot this regulation does not apply.

- XIII.4.1.10.3.1. Before any structure older than twenty (20) years may be moved in the Saguache County, the County must approve a Variance application and a Building Permit application. See Article VIII of the Saguache County Land Development Code for Variance regulation.
- XIII.4.1.10.3.2. Variance application must include a photograph of the structure as a whole and a legible photograph of the HUD sticker and/or other suitable documentation indicating compliance with the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. Section 5401, et. seg., as amended (commonly known as the HUD Act, effective, June, 1976).
- XIII.4.1.10.4. Adequate sewage, existing and ready to connect into before any mobile home can be occupied on property.
- XIII.4.1.10.5. A copy of well permit, water court decree or other agreement providing for water service.
- XIII.4.1.10.6. In addition mobile home shall be placed on permanent foundation or tied and anchored down.
- XIII.4.1.10.7. In addition skirting must be attached within 45 days of placement of mobile home.
- XIII.4.1.10.8. No reflective surfaces except glass may be used.
- XIII.4.1.10.9. Any Recreational Vehicle or Vehicle to be used as a permanent residence shall follow all mobile home regulations.

It is encouraged that all skirting coordinate with the mobile home in color. All exterior colors are encouraged to be muted earth tones, which blend with the immediate environment.

It is encouraged that no tires or cement blocks be placed on roof of mobile home.

XIII.5. Mobile Home for Storage within the County

- XIII.5.1. All plumbing fixtures will be removed, and the Land Use Administrator or designated agent will inspect said structure to insure all fixtures are removed.

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XIII.5.2. All Mobile Homes for storage must have the electrical wiring brought up to HUD standards and a copy of the inspection attached to the building permit, or if the mobile home will not have electricity all of the electrical wiring will be removed, and the Land Use Administrator or designated agent will inspect said structure to insure all wiring is removed.

XIII.5.3. All Mobile Homes for storage must be placed on a permanent foundation, such as a concrete slab or stem wall.

XIII.6. Permitting

Before beginning the construction for any structure, and before moving a manufactured housing unit onto any property located in Saguache County, the Land Use Office must issue a permit.

XIII.6.1. Permits

Permits will be processed upon the receipt of a completed permit application along with the required fee. Incomplete applications will not be accepted for processing.

XIII.6.2. Posting

A copy of the permit shall be posted on the front of the structure, or upon a post or board in a location visible from the road.

ARTICLE XIV

MOBILE HOMES AND MOBILE HOME PARKS

XIV.1. Title

This section of the Land Development Code and the affected lands shall herein be referred to as Mobile Homes and Mobile Home Park regulations.

XIV.2. Purpose

These regulations are designed and enacted for the purpose of protecting the health, safety and welfare of present and future inhabitants of Saguache County, Colorado, by insuring that all new structures and dwellings conform to current State electrical, plumbing, gas and sewage regulations. The purpose of these regulations shall be to establish minimum standards governing the construction and maintenance of mobile homes and mobile home parks, to establish minimum standards governing the provided utilities and facilities, and other physical characteristic and conditions to make mobile home and mobile home parks safe, sanitary and fit for human habitation; establishing the responsibilities and duties of owners and operators of mobile home and mobile home parks providing a variance schedule for all non-conforming mobile home parks.

XIV.3. Authority

The authority to establish the following regulations is provided for, without exclusion, in Article 20 of Title 29 CRS, Local Government Land Use Control Enabling Act, and Article 28 of Title 30 CRS, County Planning and Building Codes.

XIV.4. Control and Enforcement

It shall be unlawful for any person to construct, maintain, operate or alter any mobile home park within the unincorporated area of Saguache County, Colorado unless the Board of County Commissioners for the specific mobile home park has approved a valid application.

XIV.5. Application

This article shall apply to all mobile homes or mobile home parks created or sold within the unincorporated areas within Saguache County. It shall also apply to all types of mobile homes, brought into Saguache County from other counties or states, or relocated within Saguache County after the date of its adoption.

Before beginning the construction for any structure, and before moving a mobile home unit onto any property located in Saguache County, the Land Use Office must issue a permit.

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XIV.5.1. All applications for permits shall include the following:

- XIV.5.1.1. A non-refundable application fee.
- XIV.5.1.2. Proof of ownership of the land on which the structure is to be located, or a notarized letter from the owner acknowledging their approval of the structure's placement.
- XIV.5.1.3. Copy of the Individual Sewage Disposal System Permit, if required. All plumbing in the mobile home park site shall comply with State plumbing laws and regulations. Each mobile home space shall be provided with at least four (4) inch sewage connection. The sewer connection shall be closed when not linked to a mobile home and shall be capped so as to prevent any escape of odors.
- XIV.5.1.4. The mobile home drain shall be watertight and self-draining. This drain shall be constructed of smooth plastic pipe or of other material approved by the State plumbing and gas regulations.
- XIV.5.1.5. Adequate sewage disposal for the mobile home shall be in place and ready to connect into before any mobile home is placed on the property.
- XIV.5.1.6. Adequate water for the mobile home shall be in place and ready to connect into before mobile home is placed on the property.
- XIV.5.1.7. All electric and communication utility lines and services and all street lighting circuits shall be encouraged to be installed underground.
- XIV.5.1.8. A photograph of the mobile/manufactured home as a whole and a legible photograph of the HUD sticker and/or other suitable documentation indicating compliance with the National Manufactured Housing Construction and Safety Act of 1974, 42 USC. Section 5401, et. seq., as amended, (commonly known as the HUD Act, effective June, 1976). No mobile home shall be transported into or maintained within Saguache County, which does not comply with state standards as promulgated by the Division of Housing. Mobile homes must meet 1976 HUD Standards.
- XIV.5.1.9. At the completion of construction applicant must supply Saguache County Land Use office with copies of approved State plumbing, gas and electric permits, if required. Permits will remain incomplete until these copies are supplied.
- XIV.5.1.10. If electrical service has been abandoned for (1) year or more all lighting must be brought up to Saguache County Building Code standards.

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XIV.6. Permits

- XIV.6.1. Permits will be processed upon the receipt of a completed permit application along with the required fee. Incomplete applications will not be accepted for processing.
- XIV.6.2. If construction has not began within two years of date of issue, permit expires.
- XIV.6.3. Permits will only be issued on mobile homes that are in compliance with all applicable regulations.

XIV.7. Posting

A copy of the permit shall be posted on the front of the structure, or upon a post or board in a location visible from the road.

XIV.8. Requirements

- XIV.8.1. A twenty five (25) foot setback for all buildings from the edge of all property boundaries except where a County easement exists then twenty five (25) feet from the edge of said easement.
- XIV.8.2. All mobile homes shall be parked in such spaces so that there will be a minimum of twenty five (25) feet between each mobile home between the edges of each mobile home.
- XIV.8.3. Mobile homes parked end-to-end shall have an end-to-end clearance of not less than twenty five (25) feet.
- XIV.8.4. Only one mobile home may be placed on any space as defined in Article IV, Section 3.3.6. of the Saguache County Land Development Code.
- XIV.8.5. No mobile home shall be parked or permitted to stand upon any public street, highway, road, alley or other such right-of-way for more than a twenty four (24) hour period. If parked for less than a twenty four (24) hour period, it shall be parallel to the edge of the right-of-way safely out of the flow of moving traffic.
- XIV.8.6. Any person intending to place a mobile home within the County shall show proof of the following with the application for a Building Permit:
 - XIV.8.6.1. A copy of the mobile/manufactured home tax certification indicating ownership and point of origin. A certificate of VIN registration that shows the year and make shall also be included.

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- XIV.8.6.2. Any Recreational Vehicle or Vehicle to be used as a permanent residence shall follow all mobile home regulations.
- XIV.8.7. No mobile home shall be occupied on any site until all requirements and improvements have been met.
- XIV.8.8. Any mobile home older than twenty (20) years and larger than two hundred (200) square feet may not be transported into Saguache County. Any structure legally in place in Saguache County at the time this regulation is adopted may remain in its current position indefinitely. If the structure is moved, it must be moved out of Saguache County unless a variance is granted by the Saguache County Board of Commissioners.
- XIV.8.9. If mobile home is not twenty (20) years old this restriction does not apply. If structure is not larger than two hundred (200) square foot this section of this regulation does not apply.
- XIV.8.10. Before any mobile home older than twenty (20) years may be moved into Saguache County, the County must approve a Variance application and a Building Permit application. See Article VIII of the Saguache County Land Development Code for Variance regulation.
- XIV.8.11. Variance application must include a photograph of the structure as a whole and a legible photograph of the HUD sticker and/or other suitable documentation indicating compliance with the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended (commonly known as the HUD Act, effective, June, 1976).
- XIV.8.12. The mobile home park shall be on a well-drained site and shall be located so that its drainage will not cause adverse effect of surrounding areas and water supplies. Existing streams and creeks shall be preserved.
- XIV.8.13. Existing zoning and health regulations shall be encouraged in the selection of the site for a mobile home. Sparsely wooded sites providing shade trees are advantageous. Rock formations close to the surface shall be avoided if possible.

XIV.9. Mobile Homes Used for Storage

- XIV.9.1. All Mobile Homes for storage must have the electrical wiring brought up to HUD standards and a copy of the inspection attached to the building permit, or if mobile home will not have electricity, all of the electrical connection boxes and power sources shall be removed, and the Land Use Administrator or designated agent will inspect said structure to ensure compliance.

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- XIV.9.2. All Mobile Homes for storage must be placed on a permanent foundation, such as a concrete slab or stem wall.
- XIV.9.3. It is encouraged that tires or cement blocks not be placed on roof of mobile home.

XIV.10. MOBILE HOME PARKS

XIV.10.1. Site selection criteria

XIV.10.1.1. Existing zoning and health regulations must be considered prior to selection of the site for a mobile home park. Sparsely wooded sites providing shade trees are advantageous. Rock formations close to the surface shall be avoided. The mobile home park shall be on a well-drained site and shall be located so that its drainage will not cause adverse effect on surrounding areas and water supplies. Existing streams and creeks shall be preserved. Mobile home parks shall not be subject to flooding or fire hazards and shall not be exposed to chronic nuisances such as noise, smoke, fumes or odors. The topography shall be favorable to minimum grading and ease of maintenance.

XIV.10.1.2. No mobile home shall be occupied on any site until all improvements have been made as submitted in the approved site plan and application.

XIV.10.1.3. The applicant to whom a conditional use permit is issued shall at all times operate the park in compliance with these regulations, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times.

XIV.10.2. Permits

All buildings and utilities to be constructed or altered in a mobile home park shall comply with all applicable codes of Saguache County and the State of Colorado, including building, electrical, plumbing, gas and similar codes and shall require a permit issued by the appropriate authorized representative.

XIV.10.3. Registration of Occupants

XIV.10.3.1. Applicant shall at all times keep a current register containing a record of all mobile home owners and occupants located within the mobile home park. The register shall contain the following information:

XIV.10.3.1.1. Name and address of the owner of each mobile home.

XIV.10.3.1.2. Name and address of the occupant of each mobile home, if different from the owner.

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XIV.10.3.1.3. Make, model and year of each mobile home.

XIV.10.3.1.4. Date of arrival and departure of each mobile home.

XIV.10.3.1.5. The mobile home park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of two (2) years following the date of departure of the mobile home park.

XIV.11. MOBILE HOME PARK REQUIREMENTS:

XIV.11.1. The following shall be required for All Mobile Home Parks:

XIV.11.1.1. Each mobile home park shall set aside along the perimeter of the park the following setbacks, which may be landscaped or maintained in its natural state, except for those portions used for ingress and egress.

XIV.11.1.2. Enclosed additions to the mobile home structures shall be considered a part of the mobile home in measuring required footage distance.

XIV.11.1.3. The required area for each mobile home space shall not include additional area required for access roads, off street parking, service buildings, recreation areas, office and similar mobile home park needs.

XIV.11.1.4. An accessible supply of adequate, safe and potable water under pressure shall be provided in each mobile home park, capable of furnishing a minimum of five hundred (500) gallons per day per mobile home space. The number of mobile home spaces to be occupied in a mobile home park shall be limited to the quantity of water available to supply each such mobile home space with the minimum requirements. Where public supply of water of such quantity is available, connection may be made thereto and its supply shall be used exclusively or the development of an independent water supply to service the mobile home park shall be made only after plans and specifications for the water system have been approved by the State Department of Health and local applicable authority. All plumbing in the mobile home park shall comply with State plumbing regulations.

XIV.11.1.5. Mobile home parks shall if possible be served by a public sewage system or by a private central collection and treatment system. Where public sewage is or becomes available connection may be made thereto and the public sewage disposal system shall be used exclusively or the development of a private central collection and treatment system to serve the mobile home park shall be made only after plans and specifications for

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the central collection and treatment system have been approved by the State Department of Health.

- XIV.11.1.6. All plumbing in the mobile home park shall comply with State plumbing laws and regulations. Each mobile home space shall be provided with at least a four (4) inch sewage connection. The sewer connection shall be closed when not linked to a mobile home and shall be capped so as to prevent any escape of odors.
- XIV.11.1.7. The mobile home drain shall be watertight and self-draining. This drain shall be constructed of smooth plastic pipe or of other material approved by the State Plumbing and Gas regulations.
- XIV.11.1.8. All electric and communication utility lines and services and all street lighting circuits shall be installed underground.
- XIV.11.1.9. Groups or clusters of mobile homes may be placed on a combined lot where the area of the combined lot is equal to the minimum lot area required for an equal number of mobile homes on standard lots and where the minimum setbacks are honored on the combined lot perimeter line and minimum spacing requirements are met.
- XIV.11.1.10. Adequate central water for each mobile home shall be in place and ready to connect into before any mobile home is placed on the property.
- XIV.11.1.11. Adequate central sewage disposal for each mobile home shall be in place and ready to connect into before any mobile home is placed on the property.
- XIV.11.1.12. Adequate trash disposal shall be at a central location and screened with a six (6) foot high privacy fence. Trash shall be removed to an approved solid waste facility as often as necessary to protect the health and safety of the public.
- XIV.11.1.13. No reflective surfaces except glass shall be permitted.
- XIV.11.1.14. No mobile home park shall be permitted in an area of significant big game habitat or wetlands area.
- XIV.11.1.15. A public hearing before the Board of County Commissioners. Applicant shall be required to pay for any cost associated with the requirements for public hearing.
- XIV.11.1.16. No mobile home shall be placed on property until County approval is given.

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XIV.11.1.17. It shall be unlawful to park a mobile home so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park.

XIV.11.2. Mobile Home Park Space Requirements

11.2.1. The following minimum area requirements shall apply to mobile home park spaces:

XIV.11.2.1.1. The minimum area of a mobile home space shall be three thousand five hundred (3,500) square feet.

XIV.11.2.1.2. Only one mobile home may be placed on any space as defined on the County approved plot plan.

XIV.11.2.1.3. Groups or clusters of mobile homes may be placed on a combined lot where the area of the combined lot is equal to the minimum lot area required for an equal number of mobile homes on standard lots and where the minimum setbacks are honored on the combined lot perimeter line and minimum spacing requirements are met.

XIV.11.2.1.4. All mobile homes shall be parked in such spaces so that there will be a minimum of twenty five (25) feet between the edges of each mobile home space.

XIV.11.2.1.5. Mobile homes parked end-to-end shall have any end-to-end clearance of not less than twenty five (25) feet between the edges of each mobile home space.

XIV.11.3. Skirting and Exterior Features:

XIV.11.3.1. All mobile home units shall have a skirting of a rigid type material. Such skirting must be in place within sixty (60) days after the mobile home is set on the mobile home space.

XIV.11.3.2. It is encouraged that all skirting coordinate with the mobile home in color. All exterior colors are encouraged to be muted, native earth tones, which blend with the immediate environment.

XIV.11.3.3. No tires or cement blocks shall be placed on roof of mobile home.

It shall be the duty of the applicant for the mobile home park that mobile homes are in compliance with all regulations.

XIV.11.4. All Mobile Home Park applications shall include the following:

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- XIV.11.4.1. A plot plan with mobile home lot locations. This plot plan shall be recorded with approved Board of County Commissioners resolution.
- XIV.11.4.2. A plot plan showing parking for motor vehicles;
- XIV.11.4.3. A minimum of two (2) off street parking spaces shall be provided for each mobile home space. The minimum size of each parking space shall be eight (8) feet by twenty (20) feet.
- XIV.11.4.4. On street parking may be permitted in place of off street parking by widening roadways. On street parking shall be equal to the minimum area required for an equal number of off street parking spaces. A minimum width of on street parking spaces shall be eight (8) feet.
- XIV.11.4.5. Outdoor lighting is to be directed downward and shielded. High or low pressure sodium bulbs may be a maximum of 100 watts and a maximum height of twenty two (22) feet.
- XIV.11.4.6. No mobile home shall be parked or permitted to stand upon any public street, highway, road, alley or other such right-of-way for more than a 24-hour period. If parked for less than a 24-hour period, it shall be parallel to the edge of the right-of-way safely out of the flow of moving traffic.
- XIV.11.4.7. A plot plan showing fire hydrants as set forth by the fire protection district in whose jurisdiction the Mobile Home Park is contained. If the park is not in a fire protection district, application shall include:
 - XIV.11.4.7.1. A written agreement providing for fire protection between the property owner and the fire protection district nearest to the property location.
 - XIV.11.4.7.2. A written agreement for emergency medical service between the property owner and emergency medical service provider in the district nearest to the property location.
- XIV.11.4.8. A plot plan showing storage areas;
 - XIV.11.4.8.1. An outdoor storage area surfaced with gravel, asphalt, concrete or similar substance for boats, boat trailers, camping units and horse trailers shall be provided for the mobile home park in an amount equal to fifty (50) square feet per mobile home space
 - XIV.11.4.8.2. A storage area, either individual or common, for the personal use of mobile home occupants shall be provided in an amount equal to fifty (50) square feet per mobile home space. (Space beneath the mobile home shall not fulfill this requirement.)

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- XIV.11.4.9. A map showing all egress and ingress roads
- XIV.11.4.10. A plot plan showing that not less than ten (10) percent the gross mobile home park area shall be dedicated to recreational area or areas. The area allowed for recreation shall not include any area designated as a roadway, vehicle parking, mobile home space or storage.
- XIV.11.4.11. A copy of well permit, water court decree or other agreement providing for water service.

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ARTICLE XV
BLIGHT

XV.1. Title

This section of the Land Development Code and the affected lands shall herein be referred to as Blight Regulation.

XV.2. Purpose

This regulation is to provide for and compel the removal of rubbish, which includes trash, junk, garbage, inoperable automobiles and appliances from lots, and tracts of land lying within the unincorporated areas of Saguache County.

XV.3. Authority

The authority to establish the following regulation is provided for without exclusion in Article 15, of Title 30 CRS, which authorizes Counties to adopt regulations providing for the removal of rubbish, which includes trash, junk, garbage, inoperable automobiles and appliances from lots, and tracts of land. The Board of County Commissioners finds that there are lots or tracts of land in Saguache County which contain conditions of such rubbish and that such condition constitute a threat to the general health, safety and welfare of all residents and visitors.

XV.4. Control and Enforcement

It shall be unlawful to permit or sustain accumulation of rubbish, including trash, junk, garbage, inoperable automobiles and appliances. Hereinafter accumulation on lots or tracts of land within the county, except industrial tracts of ten or more acres and agricultural land currently in agricultural use as the term agricultural land is defined in section 39-1-102(1.6), CRS, and from the alleys behind and from the sidewalk areas in front of such property.

- XV.4.1. Upon determination by the Land Use Administrator that a condition as described above exists, after an investigation, the Land Use Administrator shall, after approval by the Board of County Commissioners, cause notice to be served by certified mail, return receipt requested or by personal service, the landowner of the property on which the accumulation has occurred shall remove the accumulation within thirty (30) days or appear before the Board of County Commissioners at a time and date set out in said notice for a hearing on the issue.
- XV.4.2. The Board of County Commissioners may order the removal of said accumulation upon determination at a hearing as described above. If the landowner fails or refuses to remove the accumulation, the Land Use

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Administrator is authorized to apply to the appropriate Court for a administrative entry and seizure warrant, and to have the accumulation removed by the County pursuant to such warrant.

XV.4.3. The reasonable cost of such removal, including five (5) percent administrative assessment for items such as: inspection and other incidental costs in connection with the removal, shall be assessed to the property owner. The assessment pursuant to this Article shall be a lien against such lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments. In case such assessment is not paid within a reasonable time specified, it shall be certified by the Clerk to the County Treasurer, who shall collect the assessment, together with a ten (10) percent penalty for the cost of collection, in the same manner as other taxes are collected.

XV.4.3.1. The penalty assessment procedure may be followed by any arresting law enforcement officer for any such violation.

XV.4.3.2. In addition to the penalties prescribed in this Article, and in Article X of this Code, persons convicted of a violation of this Article are subject to a surcharge of ten (10) dollars. The defendant shall pay these surcharges to the Clerk of the Court. Each Clerk shall transmit the moneys to the Court Administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in this judicial district pursuant to section 24-4.2-103 CRS.

XV.5. Severability

If any provision of this Article or the application thereof to any person or circumstances is held to be invalid or unconstitutional, such invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application and to this end and provisions of this Article are declared to be severable.

XV.6. Necessity

It is hereby declared that this Article is necessary to the immediate preservation of the public peace, health and safety and shall take effect and be enforced from and after its final adoption.

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ARTICLE XVI
CRESTONE / BACA SUB-AREA

XVI.1. Title

This section of the Land Development Code and the affected lands shall herein be referred to as the Crestone/Baca Sub-Area Code and the Crestone/Baca Sub-Area.

XVI.2. Authority

The authority to enable this body of regulation is provided for in the Colorado Revised Statutes 30-28-1.08 and 1.09.

XVI.3. Purpose

In the interest of protecting the public health, safety and welfare and preserving a certain quality of life that has been considered by the local residents and property owners to be desirable, these regulations have been developed. Their purpose is to protect that quality of life, preserve the natural rugged beauty of the area, protect the environment and wildlife, maintain the archeological, historical and cultural elements of the area, and the ranching/agricultural character, reduce potential density and provide for the regulated development of the lands affected.

These goals are to be gained by the establishment of growth boundaries, overlay areas, which set specific limits on the types of development and means of development, and incorporating various activity districts.

XVI.4. Application

The regulations described herein shall affect those unincorporated areas of the county described in the paragraph below and in the Crestone/Baca Sub-Area map which is to be kept on file in the Land Use Office. Those incorporated areas within the boundary of the Crestone/Baca Sub-Area are not affected by these regulations. The Town of Crestone has its own zoning ordinances and regulations.

The area regulated by the provisions set herein is approximately a 40,000-acre area.

XVI.5. Districting

The Crestone/Baca Sub-Area Code designates several districts or zones to accommodate various types of use. In addition there are one or more Overlay Districts, which may apply additional restrictions to use in certain areas. For the designation of any specific property refer to the current Crestone/Baca Sub-Area Zone Map. The designated districts and their uses are as follows.

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XVI.5.1. AGRICULTURAL

Those areas not otherwise designated shall be considered to carry the Agricultural designation. The permitted uses for this designation shall be as described in Article IV.

XVI.5.2. RESIDENTIAL

This includes all areas where the primary use is residential, with different sub-zone designations based on different features of the various residential areas. Home occupations may be allowed provided they meet the restrictions set forth in Article VI, titled HOME OCCUPATIONS.

XVI.5.2.1. Rural Residential 1 - (RR1)

Includes Casita Park. This designation covers all properties sized less than one-half acre, and within a centralized water and sewer district. Density shall be a maximum of one residential unit per lot. Mobile or modular homes may be placed within this designation.

XVI.5.2.2. Rural Residential 2 - (RR2)

Includes Baca Grande Chalets. This designation covers all properties sized at a minimum of one-third acre, and within a centralized water and sewer district. Density shall be a maximum of one residential unit per lot.

XVI.5.2.3. Rural Residential 3 - (RR3)

Includes Baca Grande Grants. These properties are sized between one acre and thirty-five acres and are not within a centralized water and sewer district. Density is set at a maximum of one residential unit per lot.

XIV.5.2.4. Multi-Unit Residential (MUR)

Density per acre will be determined on a site-specific basis through the Conditional Use process.

XVI.5.3. INSTITUTIONAL

This designation includes educational facilities and religious retreat/project areas. Sub-zone designation of these areas will be on a review basis.

XVI.5.3.1. Institutional (I1)

This designation covers institutions, and their related support operations, which do not cause a major impact upon the environment or community. Large gatherings on a

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periodic basis are allowable; however activities requiring significant numbers of people for extended periods must be handled through a Conditional Use Permit. All operations must provide on-site parking. Additional sanitary facilities must be provided to accommodate use greater than the sizing of the existing sewage-disposal facility.

XVI.5.3.2. Institutional (I2)

This designation may accommodate activities, which require significant infrastructure and substantial numbers of people on a regular basis. Religious projects/activities, adult education, specialized training facilities, conference centers, schools and libraries, and related support operations are allowable uses. Impact assessment and mitigation will be required. All operations must provide on-site parking, and, sanitary facilities to accommodate peak use.

XVI.5.4. COMMERCIAL / INDUSTRIAL

This designation covers areas with various levels of commercial operations and activity.

XVI.5.4.1. Commercial 1 - (C1)

Commercial 1 - (C-1) Business in this zone must be of a non-intrusive nature, which may have limited outdoor element. No activity, which may be deemed as a nuisance, no outside warehousing or open storage, is allowed. Business will provide on site parking. On street parking is also permitted. Appropriate mixed use is permissible through the Conditional Use application and review process, which can allow uses that are included in the less restrictive commercial districts.

XVI.5.4.1.1. Permitted Uses

Video Store
Art Galleries
Cafes with or without outdoor patio
Professional Office (Realty, Attorney, Engineering, Doctors etc.)
Drug Store
Gift Shop
Clothing Store
Health Food Store
Personal Beauty (Beauty/Barber Shop/ Shoe repair, Tailor)
Computer Store
Book Store

XVI.5.4.1.2. Conditional Uses

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Those uses included in the Commercial 2 and 3 areas as are deemed necessary or appropriate to provide the range of goods and services for the area.

XVI.5.4.1.3. Prohibited Uses

Equipment or vehicle sales
Drive-in Theaters
Heavy Equipment rental, sales or repair
Large Animal Hospitals
Lumber Yards
Commercial Residential dwellings except as incidental to a permitted use
Storage Yard for vehicles or equipment

XVI.5.4.1.4. Use Limitations

Facilities for storage fabrication processing or assembly of products directly related to the retail activity shall be permitted if incidental or accessory to a permitted or approved conditional use.

XVI.5.4.1.4.1. All impact generating uses shall be operated primarily within enclosed structure;

XVI.5.4.1.4.2. Dust fumes, odors, refuse matter, smoke, vapor, noise, lights and vibrations shall be confined primarily to the premises of the lot on which such use is located.

XVI.5.4.1.4.3. Outdoor storage areas shall be concealed from abutting streets and highways and from adjoining residential properties.

XVI.5.4.1.4.4. Such activity does not create any substantial danger to safety in surrounding areas and does not cause water pollution.

XVI.5.4.1.4.5. All business, service, repair, storage or merchandise display on property abutting a lot in a residential/commercial 2 or 3 district shall be conducted wholly within an enclosed structure unless screened from the residential/commercial 2 or 3 by a sight obscuring fence permanently or subsequent owners.

XVI.5.4.1.4.6. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any adjacent property or on any public

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right-of-way, except to the extent permitted under any sign ordinance or conditional use permit.

XVI.5.4.1.5. Lot Size and Setbacks, and structure Height

XVI.5.4.1.5.1. Minimum Lot Area

- for all land not provided with central sewer facilities, the minimum lot area shall be one (1) acre.
- for all land provided with central sewer facilities, the minimum lot area shall be ten thousand (10,000) square feet for interior lots and ten thousand five hundred (10,500) square feet for corner lots.

XVI.5.4.1.5.2. Minimum Lot Width

- All lots one (1) acre or larger, One hundred fifty (150) feet
- All lots less than one (1) acre; One hundred (100) feet

XVI.5.4.1.5.3. Minimum Setback Requirements

- Minimum front setbacks (includes awnings, canopies, roofs and any permanent fixtures): Twenty five feet (25).
- Minimum side setbacks: Twenty five (25) feet, on corner lots where the setback for all buildings shall be a minimum of that required on front setbacks of the applicable street.
- Minimum rear setback: Twenty five (25) feet.

XVI.5.4.1.5.4. Height of Buildings and Sign Size

- Maximum height for all uses: Sixteen (16) feet
- No sign shall be bigger than 32 square feet.

XVI.5.4.2. Commercial 2 - (C2)

This designation covers operations, which are separated from other commercial or residential facilities. These operations may take place in or out of doors. These areas may be used for purposes, which may cause a limited nuisance, which must be mitigated as practicable. On site parking is required. Effects upon transportation must be addressed.

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XVI.5.4.2.1. Permitted Uses

Pet Store
Hardware Store
Printing & Publishing Shop
Commercial Laundry May/Dry Cleaning
Movie Theater
Bank
Convenience Store
Health Spa
Retail Furniture Store
Retail Sporting Goods
Day Care Center
Auto Parts Store

XVI.5.4.2.2. Conditional Uses

Those uses included in the Commercial 1 and 3 areas as are seemed necessary or appropriate to provide the range of goods and services for the area.

XVI.5.4.2.3. Prohibited Uses

Equipment or vehicle sales
Drive in Theaters
Heavy Equipment rental, sale or repair
Large Animal Hospitals
Lumber Yards
Commercial Residential dwellings except as incidental to a permitted use
Storage yard for vehicles or equipment

XVI.5.4.2.4. Use Limitations

XVI.5.4.2.4.1. Facilities for storage fabrication processing or assembly of products directly related to the retail activity shall be permitted if incidental or accessory to a permitted or approved condition use.

XVI.5.4.2.4.2. All impact generating use shall be operated primarily within enclosed structure

XVI.5.4.2.4.3. Dust fumes, odors, refuse matter, smoke, vapor, noise, lights, vibrations shall be confined primarily to the premises of the lot on which such use is located.

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XVI.5.4.2.4.4. Outdoors storage areas shall be concealed from abutting streets and highways, and from adjoining residential properties.

XVI.5.4.2.4.3. Such activity does not create any substantial danger to safety in surrounding areas and does not cause water pollution.

XVI.5.4.2.4.4. All business, service, repair, storage or merchandise display on property abutting a lot in a residential/commercial 1 or 3 district shall be conducted wholly within an enclosed structure unless screened from the residential/commercial 1 or 3 by a sight obscuring fence permanently maintained at least six (6) feet in height, upon the request of the adjoining property owner or subsequent owners.

XVI.5.4.2.4.5. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any adjacent residential property or on any public right-of-way, except to the extent permitted under any sign ordinance or conditional use permit.

XVI.5.4.2.5. Lot Size and Setbacks and Structure Height

XVI.5.4.2.5.1. Minimum Lot Area

For all land not provided with central sewer facilities, the minimum lot area shall be one (1) acre.

For all land provided with central sewer facilities, the minimum lot area shall be ten thousand (10,000) square feet for interior lots and ten thousand five hundred (10,500) square feet for corner lots.

XVI.5.4.2.5.2. Minimum Lot Width

- For all lots one (1) acre or larger: One hundred fifty (150) feet.
- For all lots less than (1) acre; One hundred (100) feet.

XVI.5.4.2.5.3. Setback Requirements

- Minimum front setbacks (includes awnings, canopies, roofs and any permanent fixtures): Twenty five (25) feet).
- Minimum side setbacks: Twenty five (25) feet except on corner lots where the setback for all buildings shall be a minimum of that required on front setbacks of the applicable street.

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- Minimum rear setback: Twenty five (25) feet.

XVI.5.4.2.5.4. Height of Buildings

- Maximum height for all uses: Sixteen (16) feet
- No sign shall be bigger than 32 square feet.

XVI.5.4.3. Commercial 3 - (C3)

This designation covers operations, which are separated from other commercial and residential operations. These operations may have a substantial transportation factor as well as noise and other elements commonly considered to be a nuisance. On site parking is required. Activities may include assembly, packaging and light manufacturing. Any operations with potential damaging effects upon the environment must undergo conditional use review to assure reasonable mitigation.

XVI.5.4.3.1. Permitted Uses

Pet Kennels
Mini Storages
Woodworking (cabinets, furniture etc.)
Mechanic Garage
Welding Shop
Equipment Rental

XVI.5.4.3.2. Conditional Uses

Those uses included in the Commercial 1 and 2 areas as are deemed necessary or appropriate to provide the range of goods and services for the area.

XVI.5.4.3.3. Prohibited Uses

Drive in Theater
Heavy Equipment rental, sale or repair
Large Animal Hospitals
Lumber Yards
Commercial Residential dwellings except as incidental to a permitted use
Storage yard for vehicles or equipment

XVI.5.4.3.4. Limitations

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- XVI.5.4.3.4.1. Facilities for storage, fabrication, processing or assembly of products directly related to the real activity shall be permitted if incidental or accessory to a permitted or approved conditional use.
- XVI.5.4.3.4.2. All impact generating uses shall be operated primarily within enclosed structure, though incidental storage of equipment outside is permitted.
- XVI.5.4.3.4.3. Dust fumes, odors, refuse matter, smoke vapor, noise, lights and vibrations shall not be allowed to enter any Residential or Commercial 1 and 2 zoned property.
- XVI.5.4.3.4.4. Outdoors storage areas shall be concealed from abutting streets and highways, and from adjoining residential properties.
- XVI.5.4.3.4.5. Such activity does not create any substantial danger to safety in surrounding areas and does not cause water pollution.
- XVI.5.4.3.4.6. All business, service, repair, storage or merchandise display on property abutting a lot in a residential/commercial 1 or 2 district shall be conducted wholly within an enclosed structure unless screened from the residential/commercial 1 or 2 area by a sight obscuring fence permanently maintained a least six (6) feet in height, upon the request of the adjoining property owner or subsequent owners.
- XVI.5.4.3.4.7. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any adjacent residential or commercial 1 or 2 area property or on any public right-of-way, except to the extent permitted under any sign ordinance or conditional use permit.
- XVI.5.4.3.5. Lot Size and Setbacks and structure Height
- XVI.5.4.3.5.1. Minimum Lot Area
- For all land not provided with central sewer facilities, the minimum lot area shall be one (1) acre.
 - For all land provided with central sewer facilities, the minimum lot area shall be ten thousand (10,000) square feet for interior lots and ten thousand five hundred (10,500) square fee for corner lots.
- XVI.5.4.3.5.2. Minimum Lot Width

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- For all lots one (1) acre or larger: One hundred fifty (150) feet.
- For all lots less than one (1) acre: One hundred (100) feet.

XVI.5.4.3.5.3. Setback Requirements

- Minimum front setbacks (includes awnings, canopies, roofs, and any permanent fixtures): Twenty five (25) feet.
- Minimum side setbacks: Twenty five (25) feet, except on corner lots where the setback for all buildings shall be minimum of that required on front setbacks of the applicable street.
- Minimum rear setback Twenty five (25) feet.

XVI.5.4.3.5.4. Height of Buildings

- Maximum height for all uses: Twenty (20) feet.
- No sign shall be bigger than 32 square feet.

XVI.5.4.4. Commercial 4 (C-4)

This designation covers operations, which are separated from other commercial and residential operations. These operations may have a substantial transportation factor as well as noise and other elements commonly considered to be a nuisance. Any operations with potential damaging effects upon the environment must undergo conditional use review to assure reasonable mitigation.

XVI.5.4.4.1. Permitted Uses

Gas Station
Convenience Store
Car Wash
Mini Storage
Indoor Automobile Repair

XVI.5.4.4.2. Conditional Uses

Those uses included in the Commercial 1, 2 and 3 areas as are deemed necessary or appropriate to provide the range of goods and services for the area.

XVI.5.4.4.3. Prohibited Uses

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Drive in Theaters
Large Animal Hospitals
Lumber Yards
Commercial Residential dwellings except as incidental to permitted use
Storage yard for vehicles or equipment

XVI.5.4.4.4. Limitations

XVI.5.4.4.4.1. Facilities for storage, fabrication, processing or assembly of products directly related to the real activity shall be permitted if incidental or accessory to a permitted or approved conditional use.

XVI.5.4.4.4.2. All impact generating uses shall be operated primarily within enclosed structure, though incidental storage of equipment outside is permitted

XVI.5.4.4.4.3. Dust fumes, odors, refuse matter, smoke vapor, noise, lights and vibrations shall not be allowed to enter any Residential or Commercial 1 and 2 zoned property.

XVI.5.4.4.4.4. Outdoor storage areas shall be concealed from abutting streets and

XVI.5.4.4.4.5. Highways and from adjoining residential properties.

XVI.5.4.4.4.6. Such activity does not create any substantial danger to safety in surrounding areas and does not cause water pollution.

XVI.5.4.4.4.7. All business, service, repair, storage or merchandise display on property abutting a lot in a residential/commercial 1, 2 and 3 district shall be conducted wholly within an enclosed structure unless screened from the residential/commercial 1 or 2 area by a sight obscuring fence permanently maintained a least six (6) feet in height, upon the request of the adjoining property owner or subsequent owners.

XVI.5.4.4.4.8. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any adjacent residential or commercial 1 or 2 area property or on any public right-of-way, except to the extent permitted under any sign ordinance or conditional use permit.

XVI.5.4.4.5. Lot Size and Setbacks, and structure Height

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XVI.5.4.4.5.1. Minimum Lot Area

- For all land not provided with central sewer facilities, the minimum lot area shall be one (1) acre.
- For all land provided with central sewer facilities, the minimum lot area shall be ten thousand (10,000) square feet for interior lots and ten thousand five hundred (10,500) square feet for corner lots.

XVI.5.4.4.5.2. Minimum Lot Width

- For all lots one (1) acre or larger: One hundred fifty (150) feet.
- For all lots less than one (1) acre: One hundred (100) feet.

XVI.5.4.4.5.3. Setback Requirements

- Minimum front setbacks (includes awnings, canopies, roofs, and any permanent fixtures): Twenty five (25) feet.
- Minimum side setbacks: Twenty five (25) feet, except on corner lots where the setback for all buildings shall be minimum of that required on front setbacks of the applicable street.

Minimum rear setback Twenty five (25) feet.

XVI.5.4.4.5.4. Height of Buildings

- Maximum height of all principal uses is Twenty (20) feet.
- No sign shall be bigger than 32 square feet.

XVI.5.5. Light Industrial - (LI)

Applications for this designation must be handled on a Conditional Use basis. Conditional Uses may include Public Utility facilities and Public Transit operations, heavy equipment repair and sales, warehousing and processing. (See Article IV for more information on Conditional Uses.) Any application for this designation must identify and mitigate, as far as practicable, any hazards and nuisances to the community and the environment.

XVI.5.6. COMMUNITY SERVICES (CS)

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These areas are for activities providing for the use and service of the community at large. This designation covers operations of benefit to the general community. Activities of a non-profit nature that provide a service to the public may be situated here. Recreational Centers, Local and State government offices and extensions, libraries, postal centers, playgrounds, public galleries and educational facilities are allowable uses. All impacts upon traffic and the environment must be addressed. Appropriate mixed use is permissible, through Conditional Use application and review process.

XVI.5.7. RECREATION AND OPEN SPACE

XVI.5.7.1. Recreational Facilities- (REC)

This designation shall cover activities, both private and public, which provide for recreation. These facilities shall require minimal infrastructure and facilities. This may include parks, playgrounds, ball fields, lakes, golf courses and shooting ranges.

XVI.5.7.2. Open Space- (OS)

This designation shall cover those areas set aside as undisturbed land; such as natural preserves, wetlands, buffer areas, greenbelts, and animal migratory areas. Any use of this land shall cause little or no impact. In addition, some agricultural and recreational lands may acquire Open Space designation. Nature trails, equestrian trails and non-motorized access are allowed so long as impact is kept to a minimum. Application to change Open Space designations to those of greater impact are discouraged. Conservation Easements may carry this designation, although their use may vary according to the stipulations of their instrument.

XVI.5.8. SCOPE OF AUTHORITY

Nothing in these zoning regulations shall be construed as to the ceding of mineral or water rights. The described uses shall in no way be construed as to relive the landowner from complying with all County, State and Federal regulations. Any development must meet the requirements of the County Land Development Code, as well as any applicable State and Federal restrictions.

XVI.5.9. MAPPING

The County shall maintain a current map indicating zone status within the Crestone/Baca Sub-Area. This map shall be available for viewing at the County Courthouse during regular business hours.

XVI.6. SCENIC RESOURCE OVERLAY (SRO)

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The SRO shall extend from the south east corner of Section 12, Township 41 North, and Range 11 East of the N. M. P. M. to the entrance of Casita Park.

XVI.6.1. Authority

The Scenic Resource Overlay (SRO) District is adopted pursuant to the authority of the County to prevent scenic degradation, and to preserve and protect scenic views as seen from public places within the County. Authority for this regulation is given in Section 3-28-101, and Section 29-20-101, Colorado Revised Statutes.

XVI.6.2. Purpose

- The SRO District for the Crestone/Baca SAMP is adopted for the following purposes.
- Preserve and protect aesthetic values and scenic views from County Road T.
- Minimize the adverse visual effects of development within the SRO District by regulating the use and location of future development within that district.
- Preserve and protect existing agricultural and recreational uses presently in existence within the SRO District.
- Provide for a system of graduated restrictions in three areas within the SRO District, each successively further from the centerline of County Road T, such that the impact of the SRO district regulations is similarly graduated.
- Protect the wilderness environment of the Crestone/Baca Sub-Area as it is affected by development within the SRO District, and which is a significant resource to the local economic base.
- Preserve the historical open space and rural character of the Entrance to the Crestone/Baca community.

XVI.6.3. Description and Restrictions

The Scenic Resource Overlay District shall follow the centerline of County Road T. A strip 2,000 feet wide (1,000 feet to the North of the centerline and 1,000 feet to the South of the centerline of the roadway) from a beginning boundary located at the midpoint of the intersection of the entrance to Casita Park and County Road T and extending to an ending boundary 400 feet East of the intersection of County Road T and the entrance to the Baca Grande Chalets.

XVI.6.3.1. SRO Area 1

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SRO Area 1 is comprised of the area extending along the centerline of County Road T to 350 feet to the North and to the South of that centerline, from a beginning boundary located at the midpoint of the intersection of the entrance to Casita Park and County Road T and extending to an ending boundary 400 feet East of the intersection of County Road T and the entrance to the Baca Grande Chalets. No new structures shall be erected other than fencing for livestock, and sprinkler equipment.

Permitted uses include-raising of livestock, grains, fruits, vegetables, grasses, hay; management of natural wildlife habitats, migration corridors and reserves, both public and private; light recreational uses such as playing fields and hiking, biking, equestrian trails.

XVI.6.3.1.1. Lighting

Outdoor lighting is to be directed downward and shielded. High or low pressure sodium bulbs may be a maximum 75 watts. Mercury vapor lamps are prohibited. Mast-mounted lights must be kept to a minimum number and maximum height of 20 feet.

XVI.6.3.2. SRO Area 2

SRO Area 2 is comprised of the area extending along the centerline of County Road T and located between 350 feet and 700 feet to the North and to the South of that centerline, and from a beginning boundary located at the midpoint of the entrance to Casita Park and County Road T and extending to an ending boundary 400 feet East of the intersection of County Road T and the entrance to the Baca Grande Chalets.

In this zone all buildings must meet the following restrictions:

XVI.6.3.2.1. No structures higher than 24 feet.

XVI.6.3.2.2. Footprint of any buildings not to exceed 4000 sq. ft. per structure.

XVI.6.3.2.3. All exterior colors used shall be muted native earth tones, which blend with the immediate environment.

XVI.6.3.2.4. No reflective surfaces except glass.

XVI.6.3.3. SRO Area 3

SRO Area 3 is comprised of the area extending along the centerline of County Road T and located between 700 feet and 1,000 feet to the North and to the South of that centerline, and from a beginning boundary located at the midpoint of the intersection of

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the entrance to Casita Park and County Road T and extending to an ending boundary 400 feet East of the intersection of County Road T and the entrance to the Baca Grande Chalets.

In this zone all buildings must meet the following restrictions.

XVI.6.3.3.1. No structure higher than 30 ft.

XVI.6.3.3.2. Square footage of buildings not to exceed 5,000 sq. ft.; low- profile design that blends with the terrain is encouraged.

XVI.6.3.3.3. All exterior colors used shall be muted native earth tones, which blend with the immediate environment.

XVI.6.3.3.4. No reflective surfaces except glass.

XVI.6.4. Supplementary Restrictions

The following restrictions shall apply throughout the SRO, unless more stringent regulations are described for specific areas.

XVI.6.4.1. Lighting

Outdoor lighting is to be directed downward and shielded. High or low pressure sodium bulbs may be a maximum 75 watts. Mercury vapor lamps are prohibited. Mast-mounted lights must be kept to a minimum number and maximum height of 20 feet.

XVI.6.4.2. Signs and Graphics

Signs and graphics on buildings and along County Road T must conform to the following criteria.

XVI.6.4.2.1. No interior lighted signs.

XVI.6.4.2.2. No billboards.

XVI.6.4.2.3. A single directory sign at entrance to Elk Park Subdivision or a commercial area where there are one or more businesses.

XVI.6.4.2.4. A single exterior sign permitted per business/owner on premises.
Signs not to exceed 4 square feet.

XVI.6.4.2.5. No animated or illuminated signs.

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XVI.6.4.2.6. Signs are not to extend over six feet above the ground.

XVI.6.4.2.7. Materials are to be of wood, stone or other natural materials.

XVI.6.4.2.8. No reflective surfaces except glass.

XVI.6.4.3. Landscaping

XVI.6.4.3.1. Landscaping and berming are encouraged to blend construction with the environment.

XVI.6.4.3.2. Land disturbed by construction must be reclaimed, within three years after the building permit is issued, to no less than pre-construction condition to preserve the environmental integrity of the view corridor.

XVI.6.4.3.3. Sharing of driveways to the extent possible is encouraged.

XVI.7. HOME OCCUPATIONS

Home Occupations are allowed provided they meet the criteria given in Article VI.

XVI.8. CRESTONE/BACA SUB-AREA PLANNING COMMISSION

The Crestone/Baca Sub-Area Planning Commission shall have all the powers granted and shall perform all of the duties imposed by Title 30, Article 28, Colorado Revised Statutes, 1973, as amended, within the jurisdiction of this Sub-Area.

XVI.8.1. Purpose

The purpose of having Sub-Area Planning Commissions is to ensure the Board of County Commissioners has the best advice possible for land use decisions in each locale. Because of the diversity of communities in the County, the local inhabitants are in the best position to review applications.

XVI.8.2. Members

The Board of County Commissioners shall appoint members of the Crestone/Baca Sub-Area Planning Commission. The Commission shall consist of five regular members plus three alternate members, all of whom shall be bona fide residents and property owners of the Sub-Area. If any member ceases to reside in the Sub-Area, his membership on the Commission shall immediately terminate.

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There shall be one regular member who represents the Baca Grande Property Owners' Association, one who represents the Town of Crestone, one alternate member to represent the Town of Crestone, all of which will be up for re-appointment each year. Terms will expire on December 31st of each year. And one who represents owners of unincorporated land, which is neither in the Town of Crestone nor within Baca Grande, and two at-large members.

At Large Alternate members shall be members at large and may be from the Baca Grande Subdivision, Town of Crestone or any landowner within the Crestone/Baca Sub-Area. Alternate members will be eligible to vote only when they are seated to replace a regular member who is unable to act.

Members shall serve for a term of three years, except that the appointments of the first board shall be staggered such that two regular members shall be appointed to serve a three-year term, two regular members shall be appointed to serve a two-year term, and one regular member and the at-large alternate member shall be appointed to serve a one-year term.

Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments.

XVI.8.3. Officers

At the first regular meeting of each year, the Planning Commission shall elect a chairman, vice-chairman, secretary, representative to act as liaison with the County Planning Commission, and such other officers as the Commission may deem necessary. The term of each office shall be one year with eligibility for re-election.

XVI.8.4. Meetings

The Crestone/Baca Sub-Area Planning Commission shall meet monthly at a regularly-scheduled time and location. When there is no business to come before the Commission, the meeting may be canceled. Special meetings may be called from time to time by the chairman.

All meetings are subject to "sunshine" laws, and must be announced in a manner and timeframe to give the public adequate notice.

The Commission shall conduct its business in an orderly fashion, adopting such standing rules as it deems necessary.

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XVI.8.5. Quorum

A quorum of the Crestone/Baca Sub-Area Planning Commission shall be three out of five members. If a quorum is not present, alternate members may be seated to achieve a quorum.

XVI.8.6. Budget

The members of the Commission shall serve with compensation of mileage and Workers' Compensation Insurance while on County business as established by the Board of County Commissioners, who shall also set the budget of the Crestone/Baca Sub-Area Planning Commission each year at the time of the adoption of the County budget.

XVI.8.7. Reconsideration/Appeal of Decision

Because the Crestone/Baca Sub-Area Planning Commission is an advisory body to the Board of County Commissioners, appeal of a decision is before the Board of County Commissioners. Applicants may not request reconsideration of a Planning Commission recommendation unless there is substantial change in the circumstances or the application.

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ARTICLE XVII

NATIVE RANGELAND PLOW-OUT AND CULTIVATION OF LANDS SUBJECT
TO WIND HAZARD

XVII.1. General Provisions

- XVII.1.1. Purpose and Intent
- XVII.1.1.1. To insure that land-disturbing activities in areas containing privately owned native rangelands shall be conducted in a manner which minimizes damage to those resources for future use.
- XVII.1.1.2. To prevent soil erosion and dust blowing that results from improper soil management techniques.
- XVII.1.1.3. To insure that both food and wildlife are preserved to the greatest extent possible for the benefit of present and future inhabitants of Saguache County, the State and the Nation.
- XVII.1.1.4. To regulate the use of land on the basis of impact thereof on the community or surrounding areas.
- XVII.1.1.5. To regulate the location of activities, which may result in significant changes in population density.
- XVII.1.1.6. To otherwise plan for and regulate the use of land so as to provide planned and orderly use of land, and protection of the environment in a manner consistent with constitutional rights.
- XVII.1.2. Applicability
- XVII.1.2.1. The provisions of this Article shall apply to application for permits to engage in cultivation of lands over 20 acres in size, which consist of 25% or more of the soils listed in Appendix A, Sections 7 and 42.
- XVII.1.2.2. Any person seeking to cultivate soil types that are listed in Appendix A, Sections 7 and 42, that are found within Saguache County shall obtain a permit pursuant to this Code.
- XVII.1.2.3. This sections applies to any person or persons seeking to cultivate or plow lands listed in Appendix A, Sections 7 and 42, which have not been cultivated prior to October 15, 1984.

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XVII.1.3. Non-conforming Use

The provisions of this Article shall not apply to any non-conforming use existing on or before October 15, 1984, provided, however, that any such non-conforming use which may hereafter cease to be cultivated for a period of five (5) consecutive years shall thereafter become subject to the provisions of this Article.

XVII.1.4. Relationship to other Regulations

Nothing in this Article shall be construed as exempting an application from any other requirement of Saguache County or any State or Federal laws.

XVII.2. Application and Permits

Applications for permits are available in the Office of the Land Use Administrator during normal business hours.

Application must be signed by the landowner(s).

Property Taxes on all affected parcels must be current at the time of Board of County Commissioners decision. A Certificate of Taxes Due will be obtained at the beginning of the application process and before the Board of County Commissioners final review.

XVII.2.1. Permit Submission Requirements

Applicants for a permit to engage in cultivation or plowing of native rangelands shall submit to the Board of County Commissioners through the Land Use Administrator the following:

- XVII.2.1.1. A completed application;
- XVII.2.1.2. A complete legal description of the land involved;
- XVII.2.1.3. A map delineating the proposed land use change;
- XVII.2.1.4. A conservation plan approved by the local Soil Conservation District, which shall delineate the proposed usage of said lands, and the specific cultivation techniques and practices, which shall be required;
- XVII.2.1.5. A wildlife impact statement;
- XVII.2.1.6. A non-refundable application fee as established by the Board of County Commissioners in the fees for land use applications/permits.

XVII.2.2. Permit Application and Approval Procedure

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The following review process will be used for consideration of applications.

- XVII.2.2.1. If the applicant has a conservation plan approved by the local Soil Conservation District board, the Board of County Commissioners may issue a permit summarily.
- XVII.2.2.2. If the local Soil Conservation District board disapproves the conservation plan, the applicant may appeal to the Board of County Commissioners for a hearing.
- XVII.2.2.3. In a timely manner after receiving an appeal for a hearing, the Board of County Commissioners shall set a date for a hearing. At the hearing, the applicant may be present to testify and present evidence on his behalf if he so desires.
- XVII.2.2.4. The Board of County Commissioners may approve the application without plan approval from the Soil Conservation District Board, if the applicant's conservation plan ensures that cultivation will be conducted in a manner which will minimize damage to the soil, minimize soil erosion and dust blowing potential and minimize any other adverse impacts on surround property.
- XVII.2.2.5. Upon issuance of a permit pursuant to this Article, the conservation plan and permit shall be filed and recorded upon the land records of the Saguache County Clerk and Recorder.

XVII.3. Administration and Enforcement

In addition to the administration and enforcement procedures described in Article X, the following apply to native rangeland plow-out and cultivation of lands subject to wind hazard.

XVII.3.1. Enforcement Provisions

When the Board of County Commissioners is advised that a landowner or operator is cultivating or causing to be cultivated any land in violation of this Article, the Board of County Commissioners is authorized to issue an order to the owner as listed upon records of the Saguache County Assessor, specifying that cultivation shall cease immediately. Such an order may be issued only after a hearing, which shall be conducted by the Land Use Administrator not less than forty eight hours after written notice thereof is given to the owner of said land or cultivator of said land. At which time the owner and/or cultivator may be present, with counsel, and be heard. The order shall require that the owner or cultivator cease said nuisance or hazard immediately. The owner or cultivator is

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given a reasonable period of time not to exceed thirty (30) days to come into compliance with this Article.

A cease and desist order issued by the Board of County Commissioners shall be reviewable in District Court for the County wherein the land is located, and upon a petition filed not later than ten (10) days after the order is issued.

- XVII.3.1.1. Within thirty (30) days of the receipt of such order, the landowner shall make an application for a permit as provided in Section 2 of this Article.
- XVII.3.1.2. If the landowner fails to submit the information in Section 2 of this Article, or if the landowner fails to comply with provisions of any approved permit, or if the landowner advises the Board of County Commissioners that he/she does not intend to, or cannot, comply with the provisions of the approved permit, the Board of County Commissioners may take the reasonable action necessary to re-vegetate and/or stabilize the land specified in the order issued pursuant to Section 3.1 of this Article. Notice of such action shall be sent by certified mail to the landowner prior to the performance of such action.
- XVII.3.1.3. Any order to re-vegetate and/or stabilize or any decision by the Board of County Commissioners to cause said land to be re-vegetated and/or stabilized shall be subject to review by the District Court, but such action for review must be brought by the landowner within thirty (30) days from the date of such order or decision.

ARTICLE XVIII
SIGNIFICANT GROUNDWATER RECHARGE ZONES

XVIII.1. Applicability

This Article applies to any activity that may occur on land containing highly permeable soil, as defined herein, which is identified as significant ground water recharge area. Significant ground water recharge soils are those that exhibit permeability characteristic of 6 in./hr. or greater. Technological engineering or economic benefits to or by, or advances of any industry or activity shall not take precedence for permitting and use purposes over the protection of significant ground water recharge zones.

XVIII.1.2. General Provisions

Because water is both a scarce and fragile resource, the County has adopted this regulation to protect it.

- XVIII.1.2.1. To regulate identified areas designated as significant groundwater recharge zones, to prevent immediate or foreseeable degradation of quality to the ground water and/or connecting subsurface water, surface water, flood plains, wet lands, or riparian areas. To prevent material impact to aquatic life, wildlife, agriculture, and the health, safety and welfare of Saguache County residents.
- XVIII.1.2.2. To identify the use of land overlaying significant ground water recharge zones, by using maps identified as the "Soil Survey of Saguache County Area, Colorado" prepared by the Soil Conservation Service. (Natural Resource Conservation Service)
- XVIII.1.2.3. To regulate the location of those activities that take place over soils that exhibit permeability characteristics of 6 inches per hour or greater.
- XVIII.1.2.4. To otherwise plan for and regulate the use of land overlying ground water recharge zones so as to provide for planned and orderly use of land and protection of the environment and health, and safety and welfare of Saguache County residents in a manner consistent with Federal, State and County regulations.
- XVIII.1.2.5. No activities, which in any way alter the native vegetation, disturb the soil, or impact the local ecosystem which materially affect the ground water, shall be conducted on lands identified as a significant ground water recharge areas without a special use permit in accordance with this Article XVIII. Any application for a special use permit will be approved only if the County finds that no material impact to the ground water quality and

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other related environmental and public health, safety and welfare values to be protected by this article will result.

XVIII.2. Submission Requirements

Applications must include the following.

- XVIII.2.1. A completed application form, provided by the Saguache County Land Use Office.
- XVIII.2.2. Initial permit fee as established by the Saguache County Board of Commissioners. The application fee will be set by the Board and shall reflect the cost of reviewing and processing the application package, including the costs of copies, mailings, publications, staff, and overhead, all hearings and meetings on the application package and the retention of such consultants, experts and attorneys as the County deems advisable.
- XVIII.2.3. Completed maps as described in the application form.
- XVIII.2.4. Complete documentation of all required state and federal permits or licenses and plans including local water conservation district approval, when applicable.
- XVIII.2.5. Professionally qualified persons shall prepare all tests, analyses, surveys, and maps.
- XVIII.2.6. All information submitted in an application must be accurate and complete, and acknowledged as such by signature of an authorized individual.
- XVIII.2.7. A statement shall be given stating the applicant will conduct all activities in accordance with the terms and conditions listed in the application along with provisions of this article, or other applicable articles in the land use planning code, the county 1041 regulations, state regulations, and federal regulations.
- XVIII.2.8. Failure to provide all the required information or to comply with all of the application requirements except as provide in Section 5 of this regulation, will result in denial of a special use permit.

XVIII.3. Approval Procedure

The following review procedure will be used when considering an application.

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- XVIII.3.1. The County will conduct an initial review of a permit application in a timely manner.
- XVIII.3.2. The County may assess additional fees. The applicant, in consultation with the Board of County Commissioners, will establish and administer a schedule for payment of subsequent installments of the application fee. Installments may be structured so that, during the application process, the County retains a reserve with an amount necessary to cover anticipated processing costs and expenses.
- XVIII.3.3. The County may ask other agency experts to review the application.
- XVIII.3.4. An initial public hearing will be held with the Saguache County Planning Commission on the permit application.
- XVIII.3.5. The County may require additional information on any part of the permit application such as baseline water quality study, environmental assessment, or an environmental impact statement.
- XVIII.3.6. After the Planning Commission has recommended action on an application the Board of Commissioners will conduct a public hearing, following a thirty (30) day notice of said hearing being given pursuant to county notice procedures. The Board of Commissioners will give a written decision in a timely manner after the conclusion of the public hearing.

XVIII.4. Application Form

An application form is available in the Office of the Land Use Administrator.

Application must be signed by landowner(s).

- XVIII.4.1. The application shall show the owner, agent or operator; the address and telephone number of the main office; and the site.
- XVIII.4.2. Name, address, and telephone number of the surface and subsurface owners, if different from the applicant, of the land within the identified significant ground water recharge area.

XVIII.4.3. Map Requirements

The following criteria must be met when submitting maps.

- XVIII.4.3.1. Maps must be prepared and signed by a Colorado professionally certified person.

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- XVIII.4.3.2. Maps must show the date of preparation.
- XVIII.4.3.3. Maps shall identify and outline the areas corresponding with the application description.
- XVIII.4.3.4. Maps shall be of an appropriate scale to clearly identify and show elements that are being delineated and clearly show topography.
- XVIII.4.3.5. Maps shall show explanation notes of items delineated on them.
- XVIII.4.3.6. Maps shall identify groundwater recharge zones and/or any drainage's that enter or cross groundwater recharge zones within the project boundaries.

XVIII.4.4. Site Description

Information describing or identifying the following characteristics shall be included.

- XVIII.4.4.1. The vegetation and soil types of the affected area.
- XVIII.4.4.2. All man-made structures within the affected area.
- XVIII.4.4.3. The water resources of the affected area including streams, springs, lakes, stock ponds, ditches, reservoirs, wetlands, dry drainage's, aquifers, that affect the groundwater recharge zone.
- XVIII.4.4.4. How the water resources identified in Section 4.3.3 could enter a groundwater recharge zone inside and outside the affected area.
- XVIII.4.4.5. Information on water quality conditions, if available. If data is not available the county may require adequate baseline water testing.
- XVIII.4.4.6. How surface and groundwater quality may be affected.
- XVIII.4.4.7. The depth of the groundwater table from the surface of the area of the application.
- XVIII.4.4.8. Where disturbed rock; soil and other spoil will be stored
- XVIII.4.4.9. Substances that might be disturbed or exposed during any activity. and their potential to create an adverse contamination of the groundwater.

XVIII.4.5. General Activities

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The following information for evaluating the activities planned for the ground water recharge zone shall be included.

- XVIII.4.5.1. Activities that will occur on a groundwater recharge zone
- XVIII.4.5.2. Chemical substances, and how much of each, that will be used, created, transported, stored, discharged or disposed at the site
- XVIII.4.5.3. The amount of time during a year that the activity will occur: seasonally, quarterly, or annually.
- XVIII.4.6. Leaks, Spills, and Discharges

The application must include information on planned procedures for protecting ground water.

- XVIII.4.6.1. Structures and materials will be used to contain impoundments, leaks, spills and accidental discharges
- XVIII.4.6.2. Methods of monitoring activities to detect releases
- XVIII.4.6.3. How and where water quality will be monitored
- XVIII.4.6.4. Adequacy of roads serving the site to prevent spills during transporting of potentially contaminating substances
- XVIII.4.6.5. Other measures that will be taken to prevent accidental releases
- XVIII.4.6.6. Emergency clean up procedures that will be used on accidental spills or releases
- XVIII.4.6.7. Adequacy of roads to permit emergency fire and hazardous material personal to get to the site in a reasonable time
- XVIII.4.6.8. Availability of personnel on site 24 hours a day to respond to emergencies, if necessary or required
- XVIII.4.7. Site Activity Reclamation Plan

A reclamation plan must be presented with the application.

- XVIII.4.7.1. Methods of reclamation of the site, and monitoring after the activities end.

- XVIII.4.7.2. The County may require a bond to ensure and monitor compliance with procedures and requirements of these regulations, and as needed to prevent degradation of the surface and groundwater in the event the applicant is unwilling or unable to take such required actions.

XVIII.5. Partial Waiver of Requirements

The Board of County Commissioners may modify or waive requirements provided that any modification or waiver will not have the effect of nullifying the intent and purpose of this article.

- XVIII.5.1. The Board of County Commissioners may waive any part, but not all, of the requirements imposed by this Article XVIII where it can be shown that strict compliance with these requirements would result in extraordinary hardship to the applicant.

- XVIII.5.2. Such a waiver may be granted after due consideration by the Board of County Commissioners of the written request by the applicant for said waiver. The Board's decision will be made at a scheduled public meeting.

- XVIII.5.3. The applicant will be required to show that the submission requirements, for which the waiver is requested, would be unreasonably burdensome; and that the proposed activity will have an insubstantial impact on the surrounding area and groundwater recharge zone.

XVIII.6. Enforcement and Administration

In addition to the procedures for administration and enforcement described in Article X, the following procedures apply to significant ground water recharge zones.

XVIII.6.1. Enforcement Provisions

When the Board of County Commissioners is advised of a violation of the terms and conditions of this article or of any permit issued there under, the Board shall investigate the allegations and if there is reasonable cause to suspect such a violation, the Board shall immediately schedule a public hearing with the operator, applicant and/or owner.

A cease and desist order may be issued in conjunction with a public hearing which shall take place with the Board of County Commissioners not more than seventy-two (72) hours after determination of a violation.

The cease and desist order issued by the Board of County Commissioners shall be reviewable in District Court within the county wherein the land is located, and upon petition filed not later than thirty days after the order is issued.

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XVIII.6.2. Enforcement and Penalties

Any person or agency not in compliance with the articles of this regulation shall be enjoined by the county from engaging in such activities, and may be subject to such other criminal or civil liabilities as may be prescribed by law.

XVIII.6.3. Mapping Disputes

Where interpretation might be needed as to exact location of the boundaries of any designated area, and where there appears to be a conflict between mapped boundary and actual field conditions, the Board of County Commissioners may make necessary determinations of said boundaries. Any person contesting the location of the boundaries shall be given an opportunity to make a presentation, and objection, to the Board of County Commissioners.

XVIII.6.4. Compliance Requirements

Upon notification of a violation of these regulations by any Federal, State or County Agency, the Board of County Commissioners shall order an immediate investigation of the complaint be completed no later than thirty (30) days from the date ordered. In the event that a violation has occurred, the Board of County Commissioners shall follow the procedures given in 7.1 and 7.2 of this regulation.

XVIII.6.5. Inspection

The Board of County Commissioners, the County Land Use Administrator or an Authorized Representative is hereby empowered and authorized to inspect and examine activities subject to these regulations for the purpose of determining compliance.

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ARTICLE XIX
RIGHT TO RANCH AND FARM

XIX.1. Purpose

The Board of County Commissioners of Saguache County, Colorado has the policy of protecting the viability and recognizing the importance of farming, ranching and other agricultural activities in the county. The changing nature of land use and demography in the county has increased the potential of conflicts between agricultural operations and rural residents and visitors to Saguache County.

It is desirable to protect agricultural operators from complaints about legal and non-negligent agricultural operations and activities. Furthermore, it is desirable to educate the public and nonagricultural residents and visitors to the county about the existence, value, and importance of the county's agricultural operations and activities.

XIX.2. Conflicts

Examples of such conflicts include, but are not limited to, harassment of livestock and livestock losses due to free roaming dogs; trespass by livestock; movement of livestock and machinery on highways and county roads, gates inappropriately left open or shut; chemical applications; complaints regarding noise, dust, and odor; weed and pest control; trespass.

XIX.3. Authority

Pursuant to Article 3.5, Title 35, Colorado Revised Statutes, it is the declared policy of the State of Colorado to conserve, protect, and encourage the development and improvement of agricultural lands for the production of food and other agricultural products. The Colorado General Assembly has also recognized that when nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance litigation and that a number of agricultural operations have been forced to cease operations and many others are discouraged from making investments in farm operation as the result of such lawsuits. The State has also stated that the purpose of Article 3.5 is to reduce the loss to the State of Colorado of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance.

In addition, pursuant to Section 35-3.5-102(1), C.R.S., an agricultural operation is neither, nor shall it become, a public or private nuisance by any change in conditions in or about the locality of such operation after it has been in operation more than one year, provided that it was not a nuisance at the time the operation began, and also provided that it is not a negligent operation and that a change in a operation or substantial increase of the size of operation does not result in a private or public nuisance.

XIX.4. Policy Statement

The policy of the Board regarding potential conflicts between agricultural and nonagricultural residents and visitors to rural Saguache County is set out as follows.

XIX.4.1. RIGHT TO FARM COVENANT

Saguache County is one of the most productive agricultural Counties in the United States. The rural areas of Saguache County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town.

Agricultural users of the land are not expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage, and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers in the fields, including the use of aerial spraying. Ditches and reservoirs cannot simply be moved "out of the way" of residential development without threatening the efficient delivery of irrigation to fields which is essential to farm production.

Saguache County covers a land area of 3146 square miles, with approximately 900 miles of county-maintained roads. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the county and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance, and fire. Volunteers who must leave their jobs and families to respond to emergencies usually provide fire protection. County gravel roads, no matter how often they are bladed will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Snow removal from school bus routes has first priority. Snow removal for roads within subdivisions is of the lowest priority for public works or may be the private responsibility of the homeowners. Services in new areas, in many cases, will not be equivalent to municipal services.

Children are exposed to different hazards in the county than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center-pivot operations, high-speed traffic, sand burrs, puncture vines, territorial farm dogs, and livestock present real threats to children. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood.

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Parents and guardians must be responsible for their children.

XIX.5. Public Education and Information Campaign

The Board shall use county staff to support efforts to educate and inform the public of the Right to Farm Policy. Such efforts shall include dissemination of written information and oral presentations to community associations and organizations; creation of signs for roadways in Saguache County; preparation and distribution of press releases relating to the Right to Farm Policy; sponsoring tours and events; supporting the publication and distribution of "A Guide to Rural Living in Saguache County" to be prepared by Saguache County; and other similar activities.

XIX.5.1. Property owner notification

The Board shall notify owners of land within the County by the following means:

XIX.5.1.1. A one-time mailing to owners of record of land within Saguache County of the above policy statement. The copy of the policy statement shall accompany the Tax Notices mailed to the owners of record of all real property in Saguache County for the 1997 tax year.

XIX.5.1.2. Whenever a subdivision, subdivision exemption, variance, or other official action of the Board of County Commissioners or the Saguache County Board of Adjustment, which will result in additional residential lots being created, the applicant shall be required to provide any purchasers of such lots a copy of the policy. The receipt of such policy and the policy shall be recorded with the Saguache County Clerk and Recorder as an addendum to any recorded deed or other transfer of such property. The form for the receipt is given in Appendix F.

XIX.5.1.3. Whenever a construction permit is issued for new construction in the unincorporated area of Saguache County, the Land Use Office shall provide a copy of the policy to the applicant. As a condition of the construction permit, the applicant shall sign the receipt and statement of understanding, which shall be maintained by the Land Use Office in the applicant's file.

XIX.5.1.3. The Board shall encourage real estate brokers doing business in Saguache County to voluntarily disclose the policy to purchasers of real property within the county. To that effect, the Board shall provide information to Realtors and other professionals to explain the policy, and distribute copies of the policy.

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ARTICLE XX
WILDLIFE

XX.1. Purpose and Intent

The purpose and intent of the regulations contained in these paragraphs are:

- XX.1.1. To protect those areas essential for wildlife habitat.
- XX.1.2. To establish procedures and requirements for development or activity within significant wildlife habitats, which will allow man to function in harmony with, rather than be destructive to, significant wildlife habitat.
- XX.1.3. To regulate development and activities within areas of significant wildlife habitat in a manner that will minimize damage to this resource for future use.

XX.2. Definitions

- XX.2.1. "Wildlife" means wild vertebrates, including any and all avian species, as well as mollusks and crustaceans, and, any other species introduced or released by the Colorado Parks and Wildlife.
- XX.2.2. "Wildlife habitat" means the region or environment containing those elements, necessary for the survival and health of a wildlife species, and consisting of principle feeding areas, winter range, summer range, shelter/security areas, concentration areas, production areas, movement corridors, areas providing essential minerals and water, and special habitat needs.
- XX.2.3. "Avian" means, refers to and includes any and all species of birds.

XX.3. Applicability

These Regulations apply to applications for permits to engage in development in all designated significant wildlife habitat areas within the unincorporated territory of this County.

Any person seeking to engage in development in any designated or regulated significant wildlife habitat area in the unincorporated territory of this County, as determined by maps supplied by the Colorado Parks and Wildlife, shall obtain a permit pursuant to these Regulations before seeking any other permit, rezoning, or other action by this County.

XX.4. All Areas designated or Regulated must be listed

All areas within this County that are subject to regulation or designation under this Article are listed and described in Section 5 of this Article. Any and all property not so listed has not been designated or regulated under this Article.

XX.5. Descriptions of Designated or Regulated Significant Wildlife Habitats

This County hereby declares that the following areas shall be designated as significant wildlife habitats in order to meet the purposes and intent of these Regulations.

- XX.5.1. The significant wildlife habitats shown as areas where development would have a Moderate, High, or Very High Impact on wildlife as defined by the Colorado Division of Wildlife on its Significant Wildlife Habitat Overlay Map for Saguache County.
- XX.5.2. An official copy of the maps shall be filed in the office of the Saguache County Land Use Administrator and available for public inspection.

XX.6. Prohibition on Development in Designated Significant Wildlife Habitat without Permit

- XX.6.1. No person may engage in development in a designated significant wildlife habitat in this county without first obtaining a permit pursuant to these Regulations.
- XX.6.2. No person may apply for a rezoning, a building permit or any other requirement of this County for development in a designated significant wildlife habitat without first obtaining a permit pursuant to these Regulations.

XX.7. Procedural Requirements

- XX.7.1. The procedures concerning permit applications, notice and conduct of permit hearings, review of Permit Authority decisions and issuance and content of permits to engage in development in any designated significant wildlife habitat shall comply with the provisions set forth in Article IV.
- XX.7.2. Any person seeking to engage in development in any designated significant wildlife habitat shall apply for a permit from the Permit Authority on the appropriate form prescribed by these Regulations, and maintained in the office of the Saguache County Land Use Administrator.

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- XX.7.3. Any person seeking to engage in development in any designated wildlife habitat area shall apply for a permit from the Saguache County Land Use office, on the appropriate form as prescribed by these Regulations, and maintained in the office of the Saguache County Land Use. The Saguache County Land Use office staff shall inspect any parcel of land for which a Land Use Application has been received, and a staff member shall make a recommendation to mitigate any issues that arise from the inspection. There shall be a fee charged to the landowner/applicant for this inspection on any property located within a designated wildlife habitat area, as determined by maps supplied by the Colorado Parks and Wildlife.

XX.8. Applicant's Submission Requirements

Applicants seeking to engage in development in a designated significant wildlife habitat shall submit to the Permit Authority, as a minimum, five (5) copies of the following documents and information:

- XX.8.1. Completed application form. Application must be signed by landowner(s).
- XX.8.2. Legal description of the proposed development site.
- XX.8.3. Index map showing the general location of the proposed development site and its relationship to surrounding topographic and cultural features (a standard U.S.G.S. quadrangle map would usually be adequate for an index map).
- XX.8.4. Topographic map or maps showing the location, nature and density of the proposed development or land use change.
- XX.8.5. Description of the nature, density and intensity of the proposed development, activity, or land use change in sufficient detail to allow analysis of the effects of the proposed development, activity, or land use change upon significant wildlife habitat and to evaluate the effectiveness of any proposed mitigating measures or programs.
- XX.8.6. A plan of operations, which shall contain the applicant's analysis of the effects of the proposed development, activity or land use change upon wildlife species (identified by the Division of Wildlife of the Department of Natural Resources) within the designated significant wildlife habitat. The plan shall demonstrate how the applicant will meet the applicable habitat needs listed below by the identified wildlife species and will avoid conflict with these needs. Where conflicts are unavoidable, the applicant shall present proposals

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to minimize the extent and degree of the conflict, including compensation through replacement or enhancement of habitat on an alternative site.

- XX.8.6.1. Production Areas: These include areas necessary for pre-nuptial activities, breeding, young-bearing and rearing, i.e., spawning beds, nursery streams, and protected shoal areas for fish; permanent shallow water for amphibians; strutting, booming and dancing grounds and calling perches, nesting places, and protective young-rearing cover for birds; breeding grounds, caving and fawning areas, den trees, burrows, and young-rearing cover for mammals.
- XX.8.6.2. Principal Feeding Areas: These include areas containing the natural foods of a wildlife species of sufficient quantity and quality and readily available to sustain a normal population.
- XX.8.6.3. Summer Ranges: Summer ranges relatively free of human disturbance are highly important to the survival of some species, especially those requiring extended periods of time for young rearing.
- XX.8.6.4. Winter Ranges: Winter ranges of sufficient quality and quantity are critical for two reasons: (1) they are frequently so restricted in area that they limit the size of an animal population over its entire range; and (2) these ranges are often in proximity to human populations and human activities so that the species involved are adversely affected, or the species may adversely affect real and personal property.
- XX.8.6.5. Concentration Areas: Areas where high density of wildlife species at certain times of the year makes them highly susceptible to developments and activities of man. Examples of concentration areas include staging areas for waterfowl, sand hill cranes and deer; roosting areas for a number of birds; colonies of such colonial species as swallows, herons and beaver; and mass dens of snakes.
- XX.8.6.6. Shelter Areas: Those physical or natural features in their habitats, which provide escape from their enemies and adverse weather conditions. Included here are such things as rough terrain for many species of wildlife; rocky bottoms and shorelines and aquatic vegetation in and adjacent to water for protection of fish, amphibians, and aquatic-oriented species of terrestrial wildlife.
- XX.8.6.7. Water and Minerals: A permanent water supply in sufficient quantity and quality is necessary to support most wildlife species. In addition, some species have special mineral needs. Continuous stream flows and conservation pools in reservoirs are essential to the survival of fish. Stable water levels in lakes

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and reservoirs are highly desirable for fish, amphibians and many forms of terrestrial wildlife. High quality water, free of pollutants, is essential to the survival of fish amphibians and many birds, as well as to the food organisms upon which they depend.

- XX.8.6.8. Movement Corridors: Many species of wildlife have daily and seasonal movement patterns along more or less established corridors. These may be between seasonal ranges; to reach spawning areas; or between nesting, resting, roosting, feeding and watering areas. Concentrations of animals along such corridors increase the likelihood of conflict between wildlife and humans. many of these corridors offer the only means for wildlife movements, or their uses become so traditional that disruption or interference could be disastrous for the species involved.
- XX.8.6.9. Buffer Zones: Some species of wildlife are intolerant to disturbance from human activities during portions of the year. In order to protect these species, buffer zones with no, or limited, human-related disturbances are necessary during those seasons when these species occupy specific areas.
- XX.8.6.10. Special Habitat Needs: Some wildlife species have very specific habitat needs, without which they cannot survive. Therefore, reduction of such needs beyond certain limits, or a complete destruction of these habitat features could cause a species to be reduced in number or perish. For example, sagebrush is essential to the survival of sage grouse; wild turkeys need roost trees meeting certain requirements; catfish will only spawn when water temperatures are within certain limits; and black-footed ferrets are limited to ranges occupied by prairie dogs.
- XX.8.6.11. Shoreline Vegetation: Vegetation along stream banks and the shorelines of lakes is extremely important to aquatic wildlife and aquatic-related forms of terrestrial wildlife. Such vegetation controls water temperatures, provides food and shelter and protects banks from excessive erosion which damages or destroys wildlife habitats.

XX.9. Waiver of Submission Requirements

The Permit Authority may waive any part but not all of the submission requirements imposed by these Regulations upon petition of the applicant that full compliance with the submission requirements would be unreasonably burdensome for the applicant and that the proposed development will have an insubstantial impact on the surrounding area.

- XX.9.1. Such a waiver may be granted, after due consideration by the Permit Authority, upon a written determination that the information to be submitted is

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sufficient for the Permit Authority to arrive at a permit decision in full compliance with the law and these Regulations that the proposed development will have an insubstantial impact on the surrounding area, and upon written concurrence by the Director of the Colorado Division of Wildlife. The Division of Wildlife shall provide a written response to the Permit Authority within 30 days after receiving a copy of such petition for waiver of submission requirements from the Permit Authority.

XX.9.2. The petition shall be considered and the decision rendered by the Permit Authority at a public hearing held in compliance with the provision of Article IV, Section 3.3 of this regulation.

XX.9.3. In the event the waiver request is denied, the applicant shall provide the required additional information on or before five (5) days prior to the date set for hearing of the application itself. If the applicant fails to provide such information, the Permit Authority may in its discretion vacate the public hearing on the application itself and require complete reapplication, or may continue the hearing in accordance with Regulations adopted by this County.

XX.10. Approval of Permit Application

The Permit Authority shall approve an application for a permit to develop within a designated significant wildlife habitat (with reasonable conditions, if any, in the discretion of the Permit Authority) only if the proposed development complies with all of the following criteria:

XX.10.1. The development is compatible with the significant wildlife habitat as designated;

XX.10.1.1. The development is designed and will be administered, mitigated, controlled and regulated to allow the development to function in harmony with, rather than be destructive to, the significant wildlife habitat as designated;

XX.10.1.2. The applicant has presented and is capable of administering a program to meet the specific habitat needs of species identified by the Division of Wildlife of the Department of Natural Resources within the significant wildlife habitat as designated; and

XX.10.1.3. The development adopts the recommendations of the Division of Wildlife of the Department of Natural Resources.

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XX.10.2. The Permit Authority shall deny the permit if the proposed development does not meet all of the criteria in Section 10.

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OIL AND GAS OPERATIONS

XXI.1. Authority:

This Section is authorized by *inter alia*, C.R.S. §§ 29-20-101 et seq., 34-60-101 et seq., 30-28-101 et seq., 30-28-201, et seq.

XXI.2. Purpose:

This Article XXI is enacted to protect and promote the health, safety, morals, and convenience, order, prosperity and general welfare of the present and future residents of the county...It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners or leasees of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a respectful manner, and to have adverse land use impacts upon their property, associated with the development of the mineral estate, minimized and mitigated through compliance with this Section. Should it be established by competent evidence that a proposed major or minor facility cannot be operated in compliance with this Section, county land use approval for such a facility may be denied.

XXI.3. Jurisdiction:

This Article XXI shall apply to public and private lands within the unincorporated area of Saguache County.

3.1. General Procedures.

- 3.1.1. Construction, installation and operation of oil and gas facilities which are subject to this Section shall not commence until administrative approval has been granted by the relevant authority in accordance with the requirements of this Section.
- 3.1.2. Planning Commission review and recommendation together with Board of County Commissioners review and approval shall be required for all activities and facilities.
- 3.1.3. This Section provides standards for development review of the surface impacts and natural resource protection requirements for oil & gas operations that consider applicable state and federal standards. Saguache County requires the appropriate use of directional drilling, the placement of multiple wells on a single pad, the use of closed loop (“pitless”) systems, the use of non-toxic or “green” drilling and fracturing fluids and other techniques, including current and available best

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management practices, designed to protect the integrity of the surface estate and subsurface water resources.

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XXI.4. DEFINITIONS

For the purposes of this Article, the following words, terms and phrases shall have the following meanings, except where the context clearly indicates a different meaning:

- 4.1. ACCESS ROAD.** A road located on private property between the site on which an oil and gas facility is located and the municipal or county road or state highway serving such a Facility, constructed in accordance with applicable Land Development Code standards.
- 4.2. AGRICULTURAL LAND.** Any land that is used to produce plant or animal products in a raw or unprocessed state and/or any property that is used for grazing livestock.
- 4.3. APPLICANT.** The person, corporation or other legal entity possessing the legal right to develop the mineral resource or any other use proposed in connection thereof for the site in question: generally, the applicant will be the owner or lessee of the mineral interests.
- 4.4. COLLECTION LINE.** A pipeline to a well designed to collect produced or waste water and transport it to a central disposal area (evaporation pit or injection well).
- 4.5. COGCC.** Colorado Oil and Gas Conservation Commission.

- 4.6. COMPATIBLE/COMPATIBILITY.** Able to exist or act together harmoniously, considering noise levels, odors, potential fire hazard, visual impacts, and effects to surface water and groundwater quality/quantity, adequacy of the road system, air quality and surrounding land uses and inhabitants.
- 4.7. COMPRESSOR STATION.** An installation consisting of one or more individual compressors, located on a gathering or transmission line, or both.
- 4.8. CONTAMINATED SOIL.** Soils impacted by production operations in a way that adversely affects their ability to support normal uses or could adversely affect water quality in the future.
- 4.9. COUNTY.** Saguache County, its Board of Commissioners or other agency of Saguache County with delegated authority to set or enforce these regulations.
- 4.10. CORRIDOR.** The route within which a pipeline right-of-way is located.
- 4.11. DESIGNATED AGENT.** An agent designated by the owner or lessee, as defined by the Colorado Oil & Gas Conservation Commission.
- 4.12. EASEMENT.** Authorization by a property owner for the use of a designated portion of his or her property by another, for a specified purpose.
- 4.13. EVAPORATION PIT.** A lined excavated pit used for storing and evaporating wastewater produced in degasification activities, during drilling and/or production.
- 4. 14. EXHIBIT A -**
- 4.15. FACILITY.** Either a minor a major oil and gas facility as defined in Section 5.

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4.16. FLOW LINE. Those segments of pipe from the wellhead downstream through the production facilities ending at:

- In the case of gas lines, the gas metering equipment; or
- In the case of oil lines, the oil loading point or LACT unit; or
- In the case of waterlines, the water loading point, the point of discharge to a pit, or the injection wellhead.

4.17. GAS WELL. A well having a pressure and volume of natural gas, specifically, producing methane, often in combination with a variety of other substances such as butane, propane and carbon dioxide.

4.18. GATHERING SYSTEM. All Pipelines from the meter at the end of the flow line to the compressor station. A system consisting of well (or gathering), lateral, and trunk pipelines that transport oil, gas or other products derived from oil and gas production to a central facility or transmission line, and so classified under the United States Department of Transportation and/or COGCC regulations.

4.19. GEOPHYSICAL OPERATION. See Seismic Exploration/Operation.

4.20. GOLD BOOK. The “Surface Operating Standards for Oil and Gas Exploration and Development” prepared by the United States Department of the Interior Bureau Of Land Management and the United States Department of Agriculture Forest Service, most current edition.

4.21. MINERAL ESTATE. Mineral interest in real property that is shown by the real estate records of the county in which the real property is situated and that is not owned as part of the full fee title to the real property.

4.22. NON-CROPLAND. Any land used in ways other than those defined as agricultural land.

4.23. OPERATING PLAN. A general description of a facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operating, source of services/infrastructure, and any other information related to regular functioning of that facility.

4.24. OPERATOR. A company or individual who has been permitted by the Colorado Oil and Gas Conservation Commission and by Saguache County to conduct any type of oil and gas exploration, extraction or development activity on a permitted site.

4.25. PAD AREA. The areas associated with any oil, gas or injection well that are either directly disturbed by the drilling or are subsequently affected by the operation of production facilities, excluding the access road.

4.26. PAD SIZE. Pad size shall be measured from the edge of the disturbed area.

4.27. PIT. Any natural or man-made depression in the ground, either lined or unlined, used for oil or gas exploration or production purposes. Pit does not include enclosed steel,

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fiberglass, concrete or other similar vessels, which do not release their contents to surrounding soils.

4.28. POLLUTION. The contamination or other degradation of the physical, chemical or biological properties of water or air, including, but not limited to: change in temperature, taste, color, turbidity or odor, or such discharge of any liquid, gaseous, solid, radioactive or other substance into water or air as will or is likely to create a nuisance or render such water or air harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other beneficial uses, or to livestock, wild animals, birds, fish or other aquatic, life or native flora.

4.29. POTENTIAL CONSERVATION AREA (PCA). Areas known to contain significant ecological or biological features or species of concern as defined and identified by the Colorado Natural Heritage Program (CNHP).

4.30. PRODUCED WATER. Water that is extracted from the ground in the process of accessing and extracting gas or oil.

4.31. PRODUCING (IN PRODUCTION). The development stage in which marketable oil and gas are extracted from a well; may also signify the extraction level at which the quantitative terms of the lease are fulfilled.

4.32. RECOMPLETION. The operator reenters a well to complete or deepen the well to a new formation from that in which a well has previously been completed.

4.33. RECREATIONAL LAND(S). Lands that are used for the purpose of public or private outdoor recreational activities. Recreational activities may be active or passive and may include, but shall not be limited to; sports fields, playgrounds, public parks, camping sites, horse back riding, cross-county skiing, snowshoeing, hunting and fishing.

4.34. RESERVE PIT. Those pits used to store drilling fluids for use in drilling operations or to contain exploration and production waste generated during drilling operations.

4.35. RESIDENTIAL AREA. Having an existing residence or platted subdivision lot located within a one-quarter mile radius of a facility site.

4.36. RESTRICTED SURFACE OCCUPANCY AREA (RSO). Restricted surface occupancy areas are highly sensitive wildlife habitats where avoidance of anthropogenic structures and disturbances is the most effective method of protecting sensitive species and wildlife.

4.37. RIGHT OF WAY. A tract or strip of land, separate and distinct from the adjoining property, that is owned, occupied or intended to be occupied by an oil, gas and/or water pipeline.

4.38. SEISMIC EXPLORATION/OPERATION. All activities associated with acquisition of seismic data including but not limited to surveying, shothole drilling, recording, shothole plugging and reclamation.

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- 4.39. SPACING.** Acreage dedicated to each well producing from the same formation. Spacing regulations are established by the Colorado Oil & Gas Conservation Commission.
- 4.40. SPECIES OF CONCERN.** Any plant or animal species or subspecies of state or federal concern as identified by the Colorado Division of Wildlife, the Bureau of Land Management, U.S. Department of Agriculture, U.S. Fish and Wildlife Service or the Colorado Natural Heritage Program, including any species listed as threatened, endangered, candidate or currently under litigation pursuant to the Endangered Species Act.
- 4.41. SPLIT ESTATE.** Land in which the ownership of the surface estate and the ownership of the mineral estate are held by different parties.
- 4.42. STORM WATER MANAGEMENT PLAN.** A detailed analysis of how storm water on the site will be managed, including the system's design and how it will be constructed to meet applicable County and Colorado Department of Health and Environment requirements.
- 4.43. SUBCONTRACTOR.** A company or individual who is employed by an Operator to conduct drilling, oil and gas services, waste disposal, or other related activity on the permitted premises or otherwise in Saguache County.
- 4.44. SURFACE ESTATE.** An interest in real property that is less than full fee title and that does not include mineral rights as shown by the real estate records of the county in which the real property is situated.
- 4.45. SURFACE OWNER BILL OF RIGHTS - Surface Owner Bill of Rights (SRA) (Exhibit A)** as referred to in the Saguache County Oil & Gas Operations regulations, a separate document to be executed by the surface owner acknowledging/understanding of areas which can be negotiable with the operator as they work to relate to impacts on the surface rights.
- 4.46. TIMING LIMITATION AREAS.** Any area where a time restriction on development activity is required to protect a PCA, species of concern or other ecological process or feature during sensitive seasonal or lifecycle processes.
- 4.47. TRANSMISSION LINE.** A pipeline transporting oil, natural gas or any other products derived from oil and gas production, which is defined as a transmission line by the Department of Transportation regulations under the Natural Gas Pipeline Safety Act of 1968, as amended.
- 4.48. WATER BODIES.** The term "water bodies" shall include reservoirs, lakes, perennial or seasonally flowing rivers, streams, creeks, springs, irrigation ditches, aquifers, wetlands, playa, arroyos, stock ponds and draws.
- 4.49. WELL.** An oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.
- 4.50. WORKOVERS.** Commencement of operations on a producing well to restore or increase production from formations that have been producing in the well bore.

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All other words used in this Section shall be given their usual, customary and accepted meaning in the oil and gas industry, or as defined in the Rules and Regulations of the Oil and Gas Conservation Commission of the State of Colorado or the BLM "Gold Book".

XXI.5. Delineation Of Major and Minor Oil and Gas Facilities.

5.1 Minor Facilities. Minor oil and gas facilities require an Oil and Gas Operations Permit. A minor oil and gas facility is defined as follows:

- 5.1.1. An individual well site built and operated to explore for or produce petroleum and/or natural gas (methane), including auxiliary equipment required for such production, i.e., separators, dehydrators, pumping units, tank batteries, and other equipment located within the perimeter of the well site pad, employing engines or motors with a cumulative horsepower rating of less than fifty (50) bhp, except that the first facility proposed in an area where no other oil and gas development currently exists will be processed as a major facility regardless of its size;
- 5.1.2. Facilities associated with gas gathering lines and water collection lines, such as: drip stations, vent stations, pigging facilities, transfer pump stations and valve boxes, where such equipment or facilities employ engines or motors with a cumulative horsepower rating of less than fifty (50) bhp;
- 5.1.3. Individual wellhead compression and multiple well compression facility powered by motors or engines with a cumulative horsepower of less than fifty (50) bhp;
- 5.1.4. Storage yards or construction staging areas occupying one (1) acre or less; or
- 5.1.5. Geophysical (Seismic) and Gas Exploration Operations, including, but not limited to, seismic activities.

5.2. Major Facilities. A Major oil and gas facilities require an Oil and Gas Operations Permit. Major oil and gas facilities are defined as follows:

- 5.2.1. The first oil or gas facility proposed for an area where no other oil and gas development currently exists will be processed as a major facility.
- 5.2.2. Compressor stations and associated facilities, which serve multiple wells employing engines and/or motors with a cumulative horsepower rating of fifty (50) bhp or more;
- 5.2.3. Water injection stations and associated facilities;
- 5.2.4. Storage yards and construction staging yards, which occupy an area greater than one (1) acre;
- 5.2.5. Any other facility related to the production of oil and/or gas, which contains engines and/or motors with a cumulative horsepower rating of fifty (50) bhp or more;
- 5.2.6. Gas treatment facilities, which serve multiple wells or gathering systems;
- 5.2.7. Chemical injection stations – Due to the size, quality, value and sensitivity of the underlying aquifers, chemical injection waste facilities are not permitted in oil and gas operations;

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5.2.8. Pipelines located outside an individual well site.

XXI.6. Application Submittal Requirements for an Oil and Gas Operations Permit

- 6.1 The applicant shall submit a minimum of sixteen complete copies, or a number as directed by the Land Use Administrator, of the application and associated materials detailed below, along with the filing fee as set by the Board of County Commissioners.
- 6.2 An applicant may provide a copy of a Form 34 and/or Application for Permit to Drill (APD) or other application submitted to the Colorado Oil and Gas Conservation Commission and/or federal Environmental Assessment (EA) or Environmental Impact Statement (EIS) as documentation for one or more of the following submittal requirements, if it contains information sufficient to demonstrate compliance with these regulations and that information is highlighted.
 - 6.2.1. **Applicant.** The name, address, telephone and fax numbers, and e-mail address for the applicant; and if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and also stating the same information for the agent.
 - 6.2.2. **Surface Ownership.** For Facilities to be located upon real property with split estates, for which the Operator does not currently own or lease the surface estate, the Operator shall provide the name, address, telephone and fax numbers and e-mail address of the owner of the property; documentation of surface ownership; evidence of surface owner notification, including the Landowner Bill of Rights which may be procured from the County Land Use Office; copies of any surface use/damage agreements and leases affecting the area where the Oil and Gas Operation will be conducted, including proof of right of entry for ingress and egress and installation of all necessary infrastructure, and such other provisions relating to the use of the surface estate as may be appropriate. Such submitted agreement(s) may be redacted to delete any provisions pertaining to financial and/or non-monetary compensation that the Operator has paid to the surface owner. If such agreements have not been executed, an Operator shall submit a notarized written consent or written waiver to the proposed Major or Minor Facility that has been executed by the owner(s) of the surface estate for the parcel(s) upon which such Facility is to be located. Should the Operator neither have entered into a Surface Damages or Surface Use Agreement with the owner(s) of the surface estate, nor secured a written consent or waiver executed by the owner(s) of the relevant parcel, the Operator shall submit a written certification to that effect, together with a copy of the bond that has been posted as security for possible surface damages as required by the COGCC rules. For Major and/or Minor Facilities located within a parcel or parcels for which the Operator is the current owner or lessee of the surface estate, the Operator shall provide a copy of a current title policy reflecting the same or a copy of the lease.

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- 6.2.3. Mineral Interest Owner.** Documentation of mineral interest ownership, including name, address, telephone and fax numbers and email address of the owner of the mineral interests.
- 6.2.4 Parcel Location.** The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the Operation is proposed to be located. A copy of the recorded deed or lease to the parcel should be included.
- 6.2.5. Identification of Previously Approved Uses.** List any Federal, State and County permits, which have been previously approved under the Land Development Code after April 1988 for the parcel on which the Operation is proposed.
- 6.2.6 Characteristics and Current Condition of the Operation Location.** Identification of physical characteristics and descriptions of current conditions of the site where the Operation is proposed to occur, including water bodies, soils and vegetation, roads, potential geologic hazards, other potential mineral resources, and any other characteristics requested by the Land Use Department to determine potential impacts. Indications if trees or other vegetation have been removed and changes caused either by weather-related or human activity within the past five years.
- 6.2.7. List of Adjacent Land Parcels.** A listing of all land parcels and land uses that are within 1500 feet of the boundaries of the parcel on which the project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the parcels except for the existence of the roadway.
- 6.2.8. Vicinity Map.** A vicinity map which shall, at a minimum, include the following:
- 6.2.8.1. Operation Location.** Location of the Operation on a United States Geological Survey quadrangle map or on a recorded plat if the proposed Oil and Gas Operation is within an approved subdivision, including GPS localization coordinates, with the location highlighted so that it is easy to see.
 - 6.2.8.2 Topographic Features.** Water bodies, contour lines and elevations, within one mile of the proposed well pad.
 - 6.2.8.3. Roads.** All public and private roads that traverse and/or provide access to the proposed Oil and Gas Operation, and identification of the public or private entity having jurisdiction over each road(s).
 - 6.2.8.4. Easements.** Easements recorded or historically used that provide access to or across, or other use of, the parcel.
 - 6.2.8.5. Special Districts, Municipalities, Subdivisions, Structures.** Locations of special district boundaries, municipalities, subdivisions, and commercial or residential structures within three miles of the site.
 - 6.2.8.6. Proximity of other Oil and Gas Operations.** Location of other Oil and Gas Operations within five miles of the site.

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- 6.2.9. Site Plan Map.** A map with north arrow and appropriate scale (generally 1"=50') for the parcel where the Oil and Gas Operation will occur, indicating the following:
- 6.2.9.1. Easements and Rights-of-Way.** Utility easements and rights-of-way.
 - 6.2.9.2. Improvements.** Any existing improvements.
 - 6.2.9.3. Proposed facilities** Proposed facilities such as well pad size and location, structures, pipelines, tanks, wells, pits, flow lines, impoundment facilities, temporary living quarters, staging and storage areas and equipment, fencing, type and location of exterior lighting.
 - 6.2.9.4. Gathering System Lines.** All gathering lines for any Facility shall be shown on the site plan for each individual well. Prior to installation of gathering lines, an Encroachment Permit shall be obtained from the Road and Bridge Department for any road crossings and work in County rights-of-way or a County Road.
 - 6.2.9.5 Site Features.** Any significant site features including floodplains, water bodies, drainage patterns, cultural and archeological resources.
 - 6.2.9.6. Topography.** Existing and proposed topography at five-foot intervals or some other interval established by the Land Use Department as necessary to portray the direction and slope of the area affected by the Oil and Gas Operation.
 - 6.2.9.7. Lease Boundary.** All boundaries of the lease(s) upon which the proposed Operation will take place.
 - 6.2.9.8. Color photos, 8" x 10"** of the proposed well site and adjacent areas facing north, south, east, and west showing existing landscape. Photos should be taken during a season when vegetation features can be clearly documented.
- 6.2.10. Application and Permits.** Copies of all local, state and federal applications authorizing or required for the Operation, and permits, when issued.
- 6.2.11. Operation Plan.** A plan including projected start and completion dates for construction and operation, the method of drilling, hours of operation during construction & operation; description of equipment used, including horsepower; transportation, production and post-operation activities, including a site reclamation plan pursuant to COGCC requirements and Section 8.5.8 of this Article.
- 6.2.12. Reasonably Foreseeable Future Development Plan. Prior to production,** the operator shall provide a summary of the operator's projected development scenario including location and density of well pads, wells, roads, pipelines and major facilities for all of the proposed and adjacent lands owned or operated by the permittee.
- 6.2.13. Water and Sewer.** Detailed data on the projected use of water, its availability and source and a plan for sewage handling

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- 6.2.14. Noxious Weed and Introduced Species Prevention Plan.** A plan for the management and prevention of noxious weeds and/or harmful introduced species on the site that complies with all County and State requirements..
- 6.2.15. Waste Management Plan.** A plan for the handling, storage, transportation, treatment, recycling and disposal of waste generated by the operation, including exploration and production (E & P) waste.
- 6.2.16. Access and Transportation Routes/Plan.** A map that identifies the access route to and within the parcel, color photos of the proposed road locations to be used for accessing the property, and a narrative estimating the number and types of vehicles anticipated per day, including weights, that will travel over the route(s).
- 6.2.17. Roadway Impact Analysis.** An analysis of the impacts of the Operation to the roadway system within the County.
- 6.2.18. Visual and Sound Mitigation Plans.** Measures proposed to minimize and mitigate the visual and sound impacts of the Operation.
- 6.2.19. Identification of Water Structures.** Identification of irrigation ditches and other water structures, ownership of water rights appurtenant thereto, and evaluation of any impacts to the structures, water rights or water quality.
- 6.2.20. Water Quality Non-Point Source Impacts.**
- 6.2.20.1. Identification of All Water Bodies.** An inventory and location of all water bodies, including aquifers, within three miles of the proposed Oil and Gas Operation.
 - 6.2.20.2. Description of Existing Water Quality.** A description of existing water quality based upon a current baseline water quality analysis of all water bodies that lie within one mile of the parcel, down and side gradient, and a sampling of water bodies beyond one mile of the parcel, to be determined in consultation with the responsible local water conservation agency.
 - 6.2.20.3. Non-Point Source Impacts to Water Quality.** A description of potential non-point source pollution associated with the proposed Oil and Gas Operation and proposed mitigation.
 - 6.2.20.4. Mitigation and Avoidance.** Proposed avoidance and mitigation measures to minimize the water quality impacts associated with the Operation that fully meet the requirements of Article XVIII, “Significant Groundwater Recharge Zones”, of the Saguache County Land Development Code. Proposed mitigation may include an erosion control plan required under this Section
- 6.2.21. Soil Suitability.** Maps and tables identifying the types of soil in the proposed parcel, in accordance with the National Soil Survey.
- 6.2.22. Biological Assessment (BA) Report.** A site-specific biological assessment, including the results of consultation with the Colorado Division of Wildlife,

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and any other relevant agencies as listed in Article II of the Land Development Code, to determine the presence of any significant biological resources within a one-mile radius of the proposed project area, with the landowner's permission. Biological assessments shall include presence of or potential habitat for sensitive species and plant communities, wildlife corridors and migration routes, critical wintering habitat, calving or other significant wildlife habitat. The BA should include an analysis and evaluation of the impacts of the Operation on any biological resources identified, and proposed mitigation including identification of any RSO areas and/or recommended timing restrictions. Mitigation measures must, at a minimum, meet the requirements under Article XX "WILDLIFE" of the Saguache County Land Development Code and Section 8.4.3. of this Article. The BA report shall include detailed description and GIS recordings of all significant biological resources identified. If the one mile radius includes private property not owned by the owner of parcel proposed for the project, permission to access the relevant parcels for the purpose of performing the BA should be sought from the relevant property owner(s).

- 6.2.23. Vegetation.** A written description of the type, character, and density of existing and proposed vegetation on the parcel, a summary of the impacts of the Operation on vegetation, and proposed mitigation.
- 6.2.24. Drainage and Erosion Control Plan.** A plan that identifies existing and proposed drainage patterns and the methods for controlling erosion during construction and operation phases of the Operation.
- 6.2.25. Emergency Response Plan.** An emergency response plan that addresses fire protection and hazardous spills, including the name and contact information for the applicant's incident commander, proposed signage, access/evacuation routes, and health care facilities anticipated to be used. The plan must be approved by the County's office of Emergency Management and shall include a provision for the Oil and Gas Operator to reimburse the appropriate emergency response service providers for costs incurred in connection with an emergency, pursuant to section 9.1 of this Article.
- 6.2.26. Flood Hazard.** If applicable, a map showing the boundaries of a 100-year flood, delineating the possible depth of flood waters on the proposed site, and the proposed location of public improvements within the flood boundaries, including buildings, utilities and roads. This information must be certified by a professional engineer.
- 6.2.27. Fire Hazards.** An assessment of fire and wildfire hazards within three miles of the site, and a plan for mitigating wildfire hazards.
- 6.2.28. Geologic Hazards.** An assessment of the geologic hazards within three miles of the site, including but not limited to induced earthquakes, hydrothermal/volcanic intrusion breaches, subsidence and mudflows, and a plan for mitigating geologic hazards.

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- 6.2.29. Cultural Survey.** A cultural, historical, and archeological assessment of the parcel, which has been submitted for review by the relevant agencies pursuant to the Land Use Development Code. The Cultural Survey shall include identification, GIS recording and evaluation of any potential cultural, archeological or historical resources within a ¼ mile radius of the proposed project area, including Native American burial or other culturally significant sites that meet the requirements for eligibility for registry under the National Historical Preservation Act.
- 6.2.30. Existing and Future Land Uses.** A written summary of the existing uses of the parcel and the proposed future land uses of the parcel after completion of the Operation, including any prime agricultural land designation by the Conservation District's soil survey of Saguache County.
- 6.2.31. Technical Infeasibility Waiver.** Documentation of the basis for any technical infeasibility waiver from the Oil and Gas Operation Standards that the applicant may request pursuant to this Section.
- 6.2.32. Geophysical (Seismic) Operations.** A permit application for geophysical operations shall also include the following information:
- 6.2.32.1. A Surface Use Plan including all of the information required above, the general location of shothole exploration, the likelihood of detonation failure and surface restoration
 - 6.2.32.2. Operator Certification.
 - 6.2.32.3. List of hazardous and/or explosive materials to be used.
 - 6.2.32.4. Identification of any wildlife habitat as mapped by the Colorado.
 - 6.2.32.5. A description of the time period and duration of the operation and any seasonal restrictions per the Colorado Division of Wildlife and/or applicable Federal and/or State permits.
 - 6.2.32.6. Documentation authorizing the proposed Geophysical (Seismic) Operation executed by the owner or lessee of the mineral estate(s) and from the surface owner that is the subject of the Geophysical Operation.

Note: Certain submittal requirements may be waived or modified by the Land Use Administrator if it is demonstrated that the material to be waived or modified is not applicable to the specific application.

XXI.7. APPLICATION and REVIEW PROCESS. Applicants for an Oil and Gas Operations Permit shall comply with the following procedures:

7.1 Pre-Application Meeting.

- 7.1.1. All Applicants for either a Minor or Major Facility shall schedule and attend a pre-application meeting with a member of the Land Use Department before submitting an application. The purpose of the pre-application meeting is to inform the Applicant of the applicable procedures, submittal requirements,

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development standards, and other pertinent matters before the Applicant finalizes its proposal. If a formal permit application is not submitted within one hundred-eighty (180) days of the pre-application meeting, a new pre-application meeting must be scheduled and held before the formal application will be accepted.

- 7.1.2. It shall be the Applicant's responsibility to invite the surface owner to the pre-application meeting by sending a letter at least thirty (30) days in advance of the pre-application meeting to the surface owner, inviting the surface owner to attend the meeting. Proof of such notice shall be submitted to the Land Use Department by a certificate of mailing.

7.2. Review Procedure for all Oil and Gas Operations Permit Applications.

Proposed Oil and Gas Facilities require an Oil and Gas Permit, applications for which shall be administratively processed by the Land Use Administrator or a designee, and presented to the Planning Commission for review and recommendation and to the Board of County Commissioners for final decision.

- 7.2.1. Determination of Completeness by Land Use Administrator.** The Land Use Administrator or a designee shall determine whether the application is complete and includes all of the required information prior to beginning any review of an application under this Article. Relevant COGCC forms may suffice as a portion of the application, subject to Administrative Review. The Land Use Department shall, within (ten) 10 days of receiving the application, notify the applicant in writing that the application is either complete or incomplete, or shall indicate a date by which such determination shall reasonably be made.

7.2.1.1. Application Is Not Complete. If the application is not complete, the Land Use Department shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied.

7.2.1.2. Failure To Correct Constitutes Withdrawal. If the applicant fails to correct the deficiencies within 60 days of the postmarked or certified date of the mailing of the notification of incompleteness, the application shall be considered withdrawn.

7.2.1.3. Application Is Complete. If the application is complete, the Land Use Department shall certify it as complete, assign the application an agenda date with the Planning Commission and provide notification of the meeting date to the applicant.

7.2.1.4. Completeness is not a determination of compliance. A determination that an application is complete shall not constitute a determination that it complies with the applicable standards of this Article.

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7.2.2. Notice to Adjacent and Affected Property Owners.

7.2.2.1. The Land Use Department shall provide written notice by certified mail to owners of real property within three miles of the subject parcel in which the Oil and Gas Operation is proposed to be located. This notice shall be mailed within ten business days of the application being determined complete by the Land Use Administrator. A copy of the notice will be provided to the applicant. The applicant shall pay the cost of mailing the notice. The notice shall include:

- a description of the Oil and Gas Operation;
- a map showing the location of the proposed Operation, including a physical address and GPS coordinates;
- the identification of the Applicant and its designated agent, including contact information for the Applicant and its agent;
- a vicinity map showing the site, existing and proposed access roads; construction, facilities and description of the equipment proposed to be used or located upon the site, both during and after completion of the Facility; and
- the date of the public meeting of the Planning Commission(s) to review the application in accordance with subsection 8.6.1.

The property owners to whom notice is mailed shall be determined by the Land Use Department using the most current list of property owners maintained by the Office of the Saguache County Assessor. The notice to affected surface owners shall provide a statement that all written comments regarding the application must be received by the Land Use Department within thirty days after the postmarked date of the notice, with such specific deadline referenced in the Notice.

7.2.2.2. Subdivisions and Associations. If any part of an existing subdivision or 35-acre tract development is within 3 miles of the subject parcel in which the Oil and Gas Operation is located, the Land Use Department shall notify all of the surface landowners within the existing subdivision or 35-acre tract development. If any landowners required to be provided notice are also members of a condominium or homeowner's association, the Land Use Department shall also provide written notice to the association in the same manner as other landowners.

7.2.2.3. The Applicant shall post a notice (to be obtained from the Land Use Department) in a conspicuous place on the property or closest public roadway within 5 days of the submittal of the oil and gas operations permit application to the Land Use Department. The Applicant shall submit to the Land Use Department a photograph of the posted notice

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taken at the time of posting, which displays the date and time of said posting.

7.2.2.4. Pursuant to COGCC rules, it shall be the responsibility of the notified surface owner(s) to give notice of the proposed operation to any affected tenants. Waiver of notice requirements by any affected surface owner does not eliminate that surface owner's responsibility to notify affected tenants of the proposed operation. The Land Use Department shall notify the surface owner of this responsibility

- 7.3. Land Use Department Review.** The Land Use Department shall review the application. The express purpose of the review is to ensure that the proposal complies with all applicable development standards and requirements.
- 7.4. Review by Referral Agencies.** The Land Use Department may require the application materials or any portion thereof be submitted for professional analysis and recommendations by any other review agency, organization, or technical consultant deemed appropriate and necessary to complete the review, including other County offices and departments, municipal, state, or federal agencies having an interest in or authority over all or part of the proposal, and other reasonable substantive experts and legal consultants. The applicant shall be responsible for all necessary costs associated with the referral. The referral review and comment period shall be thirty (30) days from the date that the application is deemed complete.
- 7.5. Report.** Following the referral review and comment period, the Land Use Department shall prepare a report that identifies whether the Oil and Gas Operation complies with the Oil and Gas Operation Standards set forth in this Article.
- 7.6. Public Review Procedure.** All applications for permits for oil and gas operations shall be scheduled for public review according to the following process:
- 7.6.1. Review by Planning Commission.** The application for an Oil and Gas Operation Permit shall be considered by the relevant Planning Commission(s) following a properly noticed public meeting.
- 7.6.2. Schedule Public Meeting by Planning Commission(s).** A public meeting of the relevant Planning Commission(s) shall be scheduled within forty-five (45) calendar days of the date of completeness determination.
- 7.6.3. Notice of Public Meeting.** Public notice shall be given as follows:
- 7.6.3.1. Publication of Notice.** The notice shall be published no less than thirty (30) days prior to the date of the meeting, in the newspaper of record and any other publication(s) deemed necessary and appropriate by the Land Use Administrator.

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7.6.3.2. Notice to Affected Parties. No less than thirty (30) days prior to the date of the public meeting of the Planning Commission(s) to review the application, the Land Use Department shall provide written notice by certified mail to affected parties as defined in Section 8.2.2.

7.6.4. Planning Commission Recommendation. Following the public meeting, the relevant Planning Commission(s) shall recommend to the Board of County Commissioners that the application for an Oil and Gas Operation Permit be approved, approved partially, approved with conditions, or denied, based upon the Oil and Gas Operation Standards set forth in Sections 8 and 9 of this Article.

7.6.5. Review and Decision by Board of County Commissioners.

7.6.5.1. Schedule of Public Hearing. After the Planning Commission(s) conveyance of recommendation(s) to the Board of County Commissioners, the permit application shall be placed on the Board's agenda and a public hearing scheduled. Notice of the public hearing shall be made as detailed in section 8.6.3. The public hearing shall be conducted in accordance with Section 11 of this Article.

7.6.5.2. Oral Announcement. Immediately following the public hearing, the Board may proceed to verbally render its provisional decision on the application, or it may take the matter under advisement until an announced date certain.

7.6.5.3. Written Resolution. Following the Board of County Commissioners' oral announcement of its decision, a written resolution shall be adopted as its final action or decision on the application. This written resolution shall set forth findings based upon competent evidence in the record of proceedings before the Board and any applicable federal, state or county statutes, rules, regulations or policies. The Land Use Department shall prepare the written resolution for the Board of County Commissioners' consideration within fifteen (15) days of the verbal decision, or such period of time as the Board of County Commissioners may specify.

7.6.5.4. Final Decision. For the purposes of judicial review, the Board of County Commissioners' final action or decision on an application shall be deemed to have been made as of the date upon which the Board of County Commissioners executes the written resolution, which shall constitute the Board of County Commissioners' final action or decision.

7.6.6. Review Criteria: Review and decision to approve, approve partially, approve with conditions or deny an application for an oil and gas facility shall be made and determined based upon its compliance with all applicable performance standards and other requirements of this Article and by applying the following criteria to the evidence in the record of proceedings before the Planning Commission and the Board of County Commissioners:

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7.6.6.1 Need. The demonstrated need for the facility, in the location proposed, to serve the applicant's existing and projected oil and gas development, production and operational requirements.

7.6.6.2. Suitability. Suitability of the location of the proposed facility given its size, design and operational characteristics. Factors to be considered include, but are not limited to, noise levels, impacts upon air and water quality, vibration and odor levels, fire protection and access requirements, visual impacts, wildlife impacts and public safety.

7.6.6.3. Adequacy of Existing Roads and Access to the Site. Consideration of existing and proposed road alignment, intersections, condition, structure and site distances; traffic volumes and types of equipment; dust control; existing road uses; and documentation of the Applicant's legal right to use the proposed access(es).

7.6.6.4. Site Characteristics. Factors to be considered include, but are not limited to: topography, natural hazards (landslides, flooding, wildfire), current resource values (water resources; open space corridor, prime agricultural land, other potential minerals, wildlife habitat), identified natural heritage, historic, cultural and archeological sites, and other special designations under various provisions of the Land Development Code, such as significant recharge areas and areas designated "unique and irreplaceable".

7.6.6.5. Compatibility. Compatibility with existing uses and those which can reasonably be anticipated, based upon present subdivision and land use approvals for properties located within the surrounding affected area, as determined by the Board of County Commissioners, based upon competent evidence in the record. A Facility's compatibility with land uses in the surrounding area which the Board of County Commissioners finds will be affected by its operation, shall be determined by the applicant's projected ability to minimize and mitigate the impacts which it generates, as set forth in the facility's operational plan. Provisions of the operational plan shall be in accordance with proven management practices that are designed to protect the public health, safety and welfare, and the value and integrity of the surface estate and other natural, cultural, agricultural resources, and with all applicable County regulations and standards.

7.7. Coordination with State or Federal Actions and County Permitting Process

Final action by the County on an Oil or Gas Permit application may be delayed until any required Environmental Assessment (EA), Environmental Impact Statement (EIS) or other permit by a state or federal agency is issued, so that the County will have the benefit of the analysis and determinations made by other entities in reaching its own decision.

XXI.8. Performance Standards for All Oil and Gas Facilities.

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- 8.1. Rights and Responsibilities.** Recognizing the need to avoid operational conflicts, yet acknowledging the rights of surface owners to preserve the value of their property, the right of the county to regulate land uses to protect and promote the health, safety and well-being of the public and environment, and the right of mineral interest owners to extract minerals (or the value thereof), the following criteria shall be used in siting oil and gas facilities. Facilities that cannot comply with these criteria may be denied. All negative impacts of operations will be required to be mitigated to an acceptable standard. The County shall determine the compliance of the proposal using the standards contained in this Section. Standards are listed in the order of their importance. Where conflicts between standards occur, the higher ranked standard will be used.
- 8.1.1.** The siting of a major or minor facility shall, at a minimum, lie within the COGCC determined drilling window, or in a location that complies with COGCC rules and regulations.
- 8.1.2.** The standards in this Code shall not cause the operator to site the facility in: a geologic hazard area; an area with slopes exceeding thirty (30) percent; an area of wetlands under the jurisdiction of the U.S. Army Corps of Engineers; in an area within a floodway of a stream or river as shown on the Flood Insurance Rate Maps (FIRM) or as determined by a state licensed professional engineer.
- 8.1.3.** All facilities shall be sited to minimize the impact to existing residences, commercial structures, public buildings, and county approved platted building envelopes, in accordance with all provisions of this Article.
- 8.1.4.** Facilities shall be constructed using, to the extent feasible, existing infrastructure. This includes, but is not limited to, the use of existing roads, pipeline routes, and well pads within the existing drilling windows.
- 8.1.5.** All facilities shall be sited to minimize the impact to ongoing agricultural operations. (See Exhibit A)

8.2. Well Pad Density.

Finding: The County finds that scenic resources are primary to the County's economy and quality of life, and that the high quality of our vistas should be maintained to the maximum extent feasible. Therefore the County finds that the potential impacts attendant to future oil and gas development would be best mitigated for the County as a whole if multiple wells are drilled on existing well pads, and the use of directional drilling is maximized to reduce surface impacts.

- 8.2.1.** Facilities shall be planned so that the well pad occupies and disturbs the least surface area feasible to ensure safe and effective operations. (See Exhibit A)
- 8.2.2.** Well pads generally shall not occur at a density of greater than 1 per 4 sq. miles. The County may grant special exceptions to this standard under Sections 10.1 or 10.2 of this Article when the County finds that one or more of the following factors apply in a manner that renders use of an existing well pad impractical: (See Exhibit A)
- 8.2.2.1.** There are no existing well pads within feasible proximity of the proposed parcel.

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- 8.2.2.2. Topographic characteristics of the site;
- 8.2.2.3. Natural resource constraints (e.g. wetlands);
- 8.2.2.4. The location of utilities or similar services;
- 8.2.2.5. Geological factors or where issues concerning distances between wells are present;
- 8.2.2.6. Other site conditions beyond the control of the applicant;
- 8.2.2.7. Safety concerns;
- 8.2.2.8. The spacing provision does not allow the mineral interest owner feasible access to the mineral estate; or
- 8.2.2.9. At the request of the surface owner and with County approval.

8.3. Land Use Coordination Standards.

8.3.1. Purpose: The purpose of these standards for the coordination of land uses is to minimize conflicts between oil and gas facilities and other land uses.

8.3.2. Setbacks. Setbacks of all oil and gas operations from occupied buildings; surface property lines; water bodies and areas of agricultural, cultural, scenic, recreational, environmental, or economic significance shall be adequate to assure no significant degradation to the quality or value of any natural, cultural, recreational or economic resource or affected property or activity. Setback requirements will be according to the characteristics of the proposed site of the Facility, and the existing or planned land uses and other resources proximal thereto. (See Exhibit A)

8.3.3. Major Facilities shall not be located in platted subdivisions containing any lots of ten acres or less.

8.3.4. Sound Emissions.

Findings: 70% of the land in Saguache County is publicly-owned: national forest, national park, BLM-managed lands, wildlife refuge, wilderness areas, etc. Ambient sound levels are lower in most locations (20-35dBA daytime) than the standard for rural residential areas (45dBA).

In some areas of the County, the viability of the facilities and activities that form the economic base for the community is dependent on quietude.

Sound levels are measured in decibels, and increase logarithmically. The acoustic energy between 25dBA and 45dBA is an increase in sound pressure energy of 100 times and represents a six fold increase in subjective sound perception. The increase of sound energy from 15dBA to 45dBA is 1000 times, and an increase in sound energy level from 15dBA to 55dBA is 10,000. Therefore, any determination of “acceptable” sound levels cannot be arbitrary or absolute, but must take into account the ambient sound levels existing on the parcel prior to the commencement of operations.

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- 8.3.4.1. All construction, maintenance, and operations of the oil and gas facility shall be conducted in such a manner so as to make the least noise possible.
- 8.3.4.2. The exhaust from all engines, motors, coolers and other mechanized equipment, including compressor station fans, shall be vented in a direction away from the closest existing building units or platted subdivision lots.
- 8.3.4.3. All minor and major facilities with engines or motors, not electrically operated, shall be equipped with quiet design mufflers (also referred to as “hospital grade” or “dual dissipative”) or equivalent. Such equipment shall be properly installed and maintained in proper working order.
- 8.3.4.4. All facilities that have compressors, engines, or motors which generate sound and are located within 400 feet of an existing residence, office, institutional, commercial or industrial structure; or within 400 feet of known wildlife habitat and/or migration routes; or within 400 feet of recreational areas, must be placed behind a maintained, acoustically insulated housing or a cover enclosing the motor or engine to further reduce sound and lessen visual impact.
- 8.3.4.5. No oil and gas operation shall exceed sound levels of 55 dBA between 7AM and 7 PM and 50 dBA between 7PM and 7AM when measured at a distance of 350 ft. in any direction from the origin of the sound. The sound can be measured at a greater distance if an impacted party requests that the sound level shall also be measured at a point beyond three hundred fifty (350) feet that said party believes is more representative of the noise impact. If an oil and gas well site, production facility or gas facility is installed closer than three hundred fifty (350) feet from an existing occupied structure, sound levels shall be measured at a point twenty-five (25) feet from the structure towards the noise source. In situations where measurement of noise levels at three hundred and fifty (350) feet is impractical or unrepresentative due to topography, the measurement may be taken at a lesser distance and extrapolated to a 350-foot equivalent using the following formula:
- $$db(A) \text{ DISTANCE } 2 = db(A) \text{ DISTANCE } 1 - 20 \times \log_{10} (\text{distance } 2 / \text{distance } 1)$$
- 8.3.4.6. In determining noise mitigation requirements, specific site characteristics shall be considered, including but not limited to:
- a. Nature and proximity of adjacent development (design, location, type)
 - b. Prevailing weather patterns, including wind direction.
 - c. Vegetative cover on or adjacent to the site.
 - d. Topography.
- 8.3.4.7. Based upon the specific site characteristics set forth in this Section, the nature of the proposed activity, its proximity to surrounding development,

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and type and intensity of the noise emitted, one or more of the noise abatement measures listed below may be additionally required:

- a. Acoustically insulated enclosures for motors/engines.
- b. Vegetative screen of trees and shrubs that may be placed within a fenced enclosure.
- c. Solid wall, fence or berm of acoustically insulating material surrounding all or part of the facility.
- d. Acoustically insulated building enclosing the installation.
- e. Restrictions on hours of operation of certain activities

8.3.4.8. **Vibration.** All stationary equipment associated with minor and major facilities shall be anchored on isolation pads so as to minimize transmission of vibration through the ground.

8.3.4.9. Sound levels may be monitored pursuant to Section 9.3.2 of this Article.

8.3.5. Visual Impacts.

8.3.5.1. To the maximum extent possible, the applicant shall use structures and equipment of the minimum size necessary to satisfy functional requirements. The Operator is encouraged to use low profile pumps and equipment to mitigate visual impacts.

8.3.5.2. When clearing trees and vegetation for construction of minor and major facilities, the applicant shall feather and thin edges of vegetation.

8.3.5.3. The applicant shall replace earth adjacent to water crossings at slopes less than the natural angle of repose for the soil type of the site.

8.3.5.4. To the maximum extent possible, the applicant shall align access roads to follow existing grades and minimize cuts and fills.

8.3.5.5. Minor and major facilities shall be painted as follows:

- a. Uniform, non-contrasting, non-reflective color tones, similar to Munsell Soil Color coding system.
- b. Color matched to land, not sky, slightly darker than adjacent landscape.

8.3.5.6. The applicant shall minimize damage to existing trees and vegetation.

8.3.5.7. Pad dimensions for an oil and gas facility shall be the minimum size necessary to provide a safe work area and minimize surface disturbance. The pad shall be oriented in a manner to reduce visual impact of view corridor or road; ideally the pad shall be sited perpendicular to any roads or highways, not parallel.

8.3.5.8. Upon completion of the well or other work associated with drilling, the operator shall reseed the disturbed area with native grasses or other vegetation similar in kind to surrounding vegetation. Re-vegetation on

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cropland shall be accomplished within three months after completion and within twelve months for non-crop land. The surface owner may agree, in writing, to other suitable deadlines or type of re-vegetation, in consultation with the NRCS. The Operator shall ensure that any weeds in the re-vegetation area shall be mitigated prior to the re-seeding. The requirements for re-vegetation shall not apply to main access roads and the immediate areas surrounding the above-ground facilities, which are necessary for safe operations, and which are to be graveled.

- 8.3.5.9. During operations, one or more of the following landscape practices shall be applied, on a site specific basis:
- a. Establishment of ground covers, shrubs and trees. Landscaping shall be appropriate to the surrounding territory and vegetation. Vegetation clusters shall be placed ten (10) to fifteen (15) feet apart along the edge of the permanent pad site or as otherwise agreed to by the surface owner.
 - b. Shaping cuts and fills to appear as natural forms.
 - c. Cutting rock areas to create irregular forms.
 - d. Designing the facility to utilize natural screens.
- 8.3.5.10. **Exterior lighting**, when required, shall meet the standards set forth under the Land Development Code. All lighting associated with oil and gas development will be shielded to prevent direct visibility of the source of light from off-site, directing all exterior lighting either toward the ground or the surface of the building. The minimum lighting necessary to effectively carry out operations safely shall be used.
- 8.3.5.11. All facilities shall be sited in areas that maximize the amount of natural screening available for the facility. Natural screening includes, but is not limited to, the use of existing vegetation as a background, the construction of the facility near mature stands of vegetation or behind ridges and natural rock formations.
- a. All facilities shall be sited at the base of slopes, if possible, to provide a background of topography and/or natural cover.
 - b. All facilities shall be sited to avoid crossing hills and ridges or silhouetting.
 - c. All facilities shall be sited in order to minimize the amount of cut and fill needed to construct the facility.
- 8.3.5.12. Minor and major facilities shall be sited away from prominent natural features such as distinctive rock and land forms, vegetative patterns, river crossings and other landmarks.
- 8.3.5.13. All equipment used for construction, drilling, re-drilling, well completion and re-completion and maintenance of the facility shall be removed from the site within thirty (30) days of completion of the work for which the equipment is used, unless otherwise agreed to by

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the surface owner. Permanent storage of equipment on well pad sites shall not be allowed, unless otherwise agreed to by the surface owner and determined by Saguache County to be in conformance with the applicable Land Development Code standards.

- 8.3.5.14. To the maximum extent possible, all utilities must be underground, unless site specific factors make underground location of any utility inadvisable.
- 8.3.5.15. Colors of surface equipment used and rigs/wells must be approved by Saguache County.

8.3.6. Safety and Security

- 8.3.6.1. Security fencing and a locked gate for minor and major facilities shall be required in the following locations:
 - a. Where there are four (4) or more existing residences within one thousand (1000) feet of the facility site perimeter.
 - b. Where there is a public or private school within one thousand (1000) feet of the facility site perimeter.
 - c. Where there is any other existing structure with commercial occupancy as defined by the adopted building code within six hundred (600) feet of the facility site perimeter.
 - d. Where there is an existing recreational facility designated by an appropriate federal, state or local authority within one quarter mile six hundred (600) feet of the facility site perimeter.
- 8.3.6.2. Safety practices generally accepted by the oil and gas industry shall be used at all times during drilling and production to minimize the danger to the general public.
- 8.3.6.3. Open-ended discharge valves on all storage tanks, pipelines and other containers shall be secured where the facility site is unattended and/or accessible to the general public.
- 8.3.6.4. All land within twenty-five (25) feet of any tank or other structure containing flammable or combustible materials shall be kept free of dry weeds, grass or rubbish.
- 8.3.6.5. Where the applicant's visual mitigation plan specifies alternative security fencing, the alternative fencing shall apply.

8.4. Environmental Quality Standards:

8.4.1. Water Quality:

Finding: The majority of Saguache County is comprised of high altitude desert. Two major aquifers, which supply water to San Luis Valley residents, towns, and agricultural operations, lie partially within the County's boundaries. Much of the

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County serves as a significant recharge area for these aquifers, which lie atop one another and are referred to as the shallow, or unconfined aquifer and the deep, or confined aquifer.

The Colorado Division of Water Resources (CDWR) oversees the water withdrawal from these groundwater systems and carefully monitors the annual recharge of these aquifers as well as the quality of the water contained in them. In 2004, the Rio Grande Decision Support System study on the confined aquifer was completed, which documents this fragile water system and allows the State Water Engineer to promulgate rules regarding the aquifer based on the information provided by the study. As a part of the Rio Grande Water Conservation District, Saguache County keeps itself apprised of water drawn from the shallow or unconfined aquifer for the federally-mandated Closed Basin Project. The Closed Basin Project helps supply Colorado's water commitment to New Mexico and Texas under the federal agreement known as the Rio Grande Compact. These vital aquifers are part of a vast water system that is not fully understood, but upon which all life in the region depends. They are an irreplaceable resource that the County will continue to collaborate to protect.

All streams and creeks are vital and precious water systems, which must be protected. CDWR oversees and adjudicates the use of water from them. Those which rise and flow in that part of the county located on the western side of the Continental Divide are part of the Gunnison watershed, which is overseen by the Arkansas and Gunnison River Water Conservation Districts and is subject to the Colorado River Compact. The County will continue to collaborate with these agencies to protect these water resources.

The value of both surface and ground water and the life and lands that depend on them is immeasurable, but by any method of assessment, significantly more valuable than all currently known or projected oil and gas reserves that may lie beneath the County's surface. Therefore, the County finds that the protection of the water resources is of primary importance, and must be adequately ensured by any applicant for an oil and gas facility permit.

8.4.1.1. Nonpoint Source Pollution. The Oil and Gas Operation shall not cause significant degradation in the quality or quantity of surface waters from the addition of nonpoint source pollution.

8.4.1.2. Water wells. The Oil and Gas Operation shall not cause significant degradation in the water quality or water pressure of any public or private water wells.

8.4.1.3. Aquifer protection. Acknowledging the quality and value of the significant subsurface water resources underlying Saguache County, and all present and future interests in those water resources, the Oil and Gas Operation may not pose any significant risk nor cause any significant degradation to these water resources. At a minimum, the Operation shall comply with COGCC Rules sections 324 and 325.

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8.4.1.4. "Green" drilling fluids – The oil and gas operation shall use environmentally benign, chemically inert, water-based drilling fluids.

8.4.1.5. Well pad liner – Well pads shall be lined with an impermeable liner of a minimum thickness of 40 mil, in order to protect soil and groundwater from contamination.

8.4.1.6. Water body setbacks. Activities associated with the Oil and Gas Operation shall be located a minimum of 1000 feet from the normal high water mark of any water body, unless such a setback would interfere with spacing requirements established by the Colorado Oil and Gas Conservation Commission

8.4.1.7. Storm water: The operator shall submit a storm water management plan and comply, at a minimum, with State storm water management standards.

8.4.1.8. Monitoring. An approved or conditionally approved Facility shall comply with the following requirements:

a. Comply with COGCC water well testing and water-bearing formation protection procedures and requirements.

b. Until such time as final reclamation of a site has been completed as described in the COGCC Reclamation Regulations, all Test and Survey reports and water well testing information that have been required by the COGCC to determine the presence of waste or occurrence of pollution, as well as the results from well-head monitoring to allow safe and convenient determinations of pressure and fluid flow shall be forwarded to the Saguache County Land Use Administrator.

c. All oil and gas operations shall comply with all applicable state water quality standards and classifications established by the Water Quality Control Commission.

d. Oil and gas operators will be required to fund the testing of water wells within 3 miles of the perimeter of the operation, or as recommended by the designated County authority.

1. Substances tested for must include all chemicals and additives used during or created as a result of drilling or related activities.

2. Preliminary baseline testing must be done prior to any surface disturbing activity and must be submitted as requested to the County designee.

3. Water well testing may be required for 3 to 5 years after drilling is completed.

8.4.1.9. Comply with the Water Right Determination and Administration Act and the Ground Water Management Act for beneficial uses of produced water related to coalbed methane production.

a. Identify physical source of water and legal entitlement to use such water (e.g., Water Court decree) for irrigation, dust control and drilling.

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- b. Onsite containment and disposal of water associated with minor and major facilities shall be in accordance with applicable federal, state and county requirements and all other provisions of this Article.

8.4.2. Air Quality.

Finding: The County notes that the San Luis Valley has been found to be one of the most optimal sites for solar energy generation in the United States.

- 8.4.2.1. No oil and gas operation shall cause significant degradation to air quality. Specifically, all standards and requirements under the Clean Air Act and Organic Act for the preservation of the Class 1 airshed of the Great Sand Dunes National Park and Preserve and other applicable public lands shall be met.
- 8.4.2.2. Air emissions from the operation shall be, at a minimum, in compliance with the permit and control provisions of the Colorado Air Quality Control Program, Title 25, Section 7, C.R.S.
- 8.4.2.3. Oil and gas operations are prohibited from causing airborne emissions that are known to cause negative health impacts.
- 8.4.2.4. No oil and gas operation shall cause a reduction in solar radiation which results in an actual or potential decrease in current or future capacity for solar energy generated output in the San Luis Valley.
- 8.4.2.5. **Odors and Dust.** Oil and gas facilities and equipment shall be operated in such a manner that odors and dust do not constitute a nuisance or hazard to public health, safety, welfare, and the environment.

Odors. At a minimum, compliance with COGCC Rules section 805.b.(1) shall be met.

Fugitive dust. Operators shall employ practices for control of fugitive dust. Such practices shall include but are not limited to the use of speed restrictions, regular road maintenance, and restriction of construction activity during high-wind days. Additional management practices such as road surfacing, wind breaks and barriers, or automation of wells to reduce truck traffic may also be implemented.

Any oil and gas operator engaged in clearing or leveling of land or owner or operator of land that has been cleared that is greater than five (5) acres in attainment areas or one (1) acre in non-attainment areas from which fugitive dust will be emitted shall be required to use all available and practical methods which are technologically feasible and economically reasonable to minimize such fugitive dust emissions.

- 8.4.2.6. **Greenhouse Gas Reduction:** The operator shall make every reasonable effort to minimize methane emissions by using all feasible “green completion”

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techniques, pursuant to COGCC Rules Section 805(3) and the installation of “low bleed” pneumatic instrumentation.

- 8.4.2.7. **Emission Control Equipment:** The operator shall comply with existing EPA rules and any future regulations validly adopted by an authority. To the maximum extent possible, all fossil fuel powered engines used on site shall employ the latest emission-reduction technologies, e.g. high pressure direct injection (HPDI) of fuel and exhaust gas recirculation (EGR).
- 8.4.2.8. **Electric Motors for Artificial Lift** - With respect to wells requiring long-term artificial lift, the operator shall assess the feasibility of utilizing electric motors for all artificial lift installations. If the well pad is within 1320 feet of distribution voltage and the ability to do so is not cost prohibitive due to the demands of property owners from whom easements are required, topography or other physical features (e.g., the presence of a river), electric motors shall be used. If distribution voltage is not currently within 1320 feet of the proposed well pad, the operator shall contact and provide the surface owner an opportunity to extend distribution voltage to within 1320 feet of the proposed well pad. It is understood that gas powered artificial lift equipment may be used prior to the time that power is brought to the site. The operator shall request that the power lines be placed underground except in areas where the topography or subsurface conditions render it infeasible or in situations in which the landowner requests overhead lines.

8.4.3. Wildlife and Species of Concern.

- 8.4.3.1. The Oil and Gas Operation shall not cause significant degradation of wildlife, including any federal, state or Colorado Natural Heritage Program-identified species of concern, or to their habitat.
- 8.4.3.2. At a minimum, the operation shall comply with the CDOW’s recommended Standard Operating Practices (SOPs) for oil and gas operations in Colorado.
- 8.4.3.3. When planning facilities, the applicant shall consult and reference the current wildlife occurrence data, including the CDOW’s Natural Diversity Information Source database (NDIS) and the Colorado Natural Heritage Program database to identify species of concern that may occur in the vicinity of the proposed development.
- 8.4.3.4. Occurring species must be surveyed, mapped and reported using CDOW protocols and existing CDOW occurrence data , including those on the defined list of species for which limited data exists and/or where occurrences may move from one year to the next. Surveys will be conducted within 1/2 mile of proposed facilities on lands legally accessible to the operator. A current list of species for which seasonally appropriate surveys must be performed will be provided to the applicant by the Land Use Department. All data from wildlife surveys performed shall be forwarded to CDOW and CNHP on completion.

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8.4.3.5. The following measures shall be included in the site specific wildlife mitigation procedures required under this Section, as appropriate:

- a. Timing Limitation Areas.** Timing Limitation Areas are imposed where wildlife is susceptible to disturbance from oil and gas development activities. In this context, No Development Activity means the seasonal deferral of ground disturbance, construction, drilling and completion, non-emergency workovers and pipeline installation activity. It does not include production, maintenance, emergency operations, reclamation activities or habitat improvements. Avoidance of these areas during the CDOW prescribed seasonal periods is the presumptive standard for oil and gas development in Colorado.
- b. Restricted Surface Occupancy (RSO) Areas.** Restricted surface occupancy areas are highly sensitive wildlife habitats that are limited in size and where avoidance of anthropogenic structures and disturbances is the most effective method of protecting wildlife. The RSO areas listed by the CDOW should be avoided to the maximum extent possible when planning and conducting oil and gas development operations. Avoidance of these areas is the presumptive standard for oil and gas development in Colorado. In addition to the restrictions for specific species, RSO areas include within 1000 feet of the ordinary high water mark of any natural perennial, intermittent or ephemeral stream or river, lake bed, ephemeral pool, playa lake or wetland.
- c. Confine vehicular access to established roads except under emergency circumstances. Transportation plans will guide and manage the development of any new road networks.
- d. Install locked gates at the parcel perimeter where the operation is accessed from the closest public road.
- e. Work at or near stream crossings should be conducted at periods of little or no flow, to ensure minimal siltation and erosion. Place all pipes below channel scour depths in streams and rivers to avoid partial diversion or channel discharges.
- f. Excess materials shall not be deposited at stream and river crossings.
- g. Fueling and lubrication of construction equipment shall be done off-site and in designated containment areas in a manner that does not impact aquatic environments.
- h. Facilities, roads, fencing and lighting shall be sited to minimize the impact and disturbance on wildlife habitat and wildlife corridors as identified or mapped by the Colorado Division of Wildlife, including raptor proofing any potential perching structures.
- i. Ensure exclusion of wildlife from any permitted pits through pit fences, netting or other effective methods.

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- j. Treat any pit containing water with Bti (*Bacillus thuringiensis v. israelensis*), commonly known as Mosquito Dunks, or take other effective approaches to control mosquito larvae that may spread West Nile Virus to wildlife.
- k. Maintain a condensed TDS (total dissolved solids) and SAR (sodium absorption ratio) monitoring log in areas where produced water is permitted for surface discharge. Records should be made easily accessible for review and provided to agencies upon request.
- l. Disinfect heavy equipment, hand tools, boots and any other equipment used previously in another river, lake, pond, or wetland, with one of the following practices:
 - 1. Remove all mud and debris from equipment and the equipment kept dry for 10 days, or
 - 2. Remove all mud and debris from equipment and spray/soak equipment with a 1:1 solution of Formula 409 Household Cleaner (or equivalent) and water or a 1:15 solution of Sparquat 256 Institutional Cleaner (or equivalent) and water, keeping the equipment moist for at least 10 minutes and discard rinse water in an approved manner, or
 - 3. Remove all mud and debris from equipment and spray/soak equipment with water greater than 130 degrees F for at least 10 minutes.
 - 4. Using the methods described above, sanitize water suction hoses and water transportation tanks withdrawing from or discharging into surface waters (other than contained pits) and discard rinse water in an approved disposal facility. The disinfection practice should be repeated after completing work or before moving to the next water body.
- m. Install wildlife crossovers and escape ramps at maximum 1/4 mile intervals and at well defined game trails during pipeline construction.
- n. Utilize bear-proof dumpsters and trash receptacles at all facilities

8.4.3.6. Multiple Site Plan. In lieu of a site specific mitigation review for each facility, the applicant may submit to the Land Use Department a multi-site plan addressing cumulative impacts to wildlife from the estimated total number of facilities. The multi-site plan shall include, but not be limited to, all items under this Section.

8.4.3.7. Nonmitigable Impacts. Impacts from oil and gas facilities that threaten endangered species (as defined by the Colorado Division of Wildlife) shall be considered nonmitigable and grounds for either denial of the permit or request for relocation of the site.

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8.4.4. Geologic Hazard Areas; Floodplains. The applicant shall demonstrate that a Major Facility is not located within a geologic hazard area as determined by the State of Colorado Geological Survey.–Major facilities shall comply with the adopted county floodplain ordinance when they are located, wholly or in part, in a one-hundred (100) year floodplain area.

8.4.5. Waste Management and Disposal:

- 8.4.5.1. When a minor or major facility becomes operational, all construction-related debris shall be removed from the site. The site shall be maintained free of debris and excess materials at all times during operation.
- 8.4.5.2. No burning of trash shall occur on the site.
- 8.4.5.3. Bear-proof dumpsters and trash receptacles shall be utilized at all facilities
- 8.4.5.4. All human waste shall be fully contained and disposed of off the site at a appropriately licensed facility in accordance with all County regulations.
- 8.4.5.5. Operators shall ensure that all E & P (exploration and production) waste is properly stored, handled, transported, treated, recycled or disposed of to prevent threatened or actual significant adverse environmental impacts to air, water, soil or biological resources.
- 8.4.5.6. **Secondary containment.** Secondary containment shall be constructed or installed around all tanks containing crude oil, condensate or produced water, with greater than 10,000 milligrams per liter (mg/l) total dissolved solids (TDS) and shall be sufficient to contain the contents of the largest single tank in the project area plus sufficient freeboard to contain precipitation. Secondary containment structures shall be sufficiently impervious to contain discharged material.
- 8.4.5.7. A permit for a centralized, non-commercial E & P waste disposal facility will be considered only if the applicant can demonstrate to the satisfaction of the County that no degradation to the quality of groundwater and surface water resources can be guaranteed.
- 8.4.5.8. E & P waste management activities shall be conducted, and facilities constructed and operated, to protect the waters of the county from significant environmental impacts from E & P waste.
- 8.4.5.9. A written management plan for waste minimization through beneficial reuse and recycling of E & P waste is required. The plan shall describe the proposed use of the waste, method of waste treatment, product quality assurance and shall include a copy of any certification or authorization that may be required by other laws, rules or regulations.

8.4.6. Produced Water Disposition:

Finding: The County finds that the characteristics of produced water can vary from a nearly drinking water quality suitable for livestock and irrigation to a

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highly-saline, high TDS, radioactive liquid laced with metals, hydrocarbons and chemicals. Therefore appropriate disposition of produced water is wholly dependent on its quality.

8.4.6.1. Due to the scope and depth of groundwater resources, only closed loop (pitless) drilling systems shall be permitted by Saguache County, unless a special exception is granted under Section 10.1 of this Article. In addition, closed containment of stored fluids shall be utilized to the maximum extent feasible.

8.4.6.2. Except during drilling, completion and well servicing operations, the operator shall use reasonable efforts to transport produced water by pipeline. The final disposition of produced water from any oil and gas operation will be by the most environmentally beneficial method based upon its relevant characteristics. The water will be tested by a State and/or U.S. EPA-approved analytical laboratory for contaminants, including but not limited to salts, metals, hydrocarbons, chemical residues, total dissolved solids and radioactive materials and the disposal method determined in consultation with the COGCC and the Colorado Department of Public Health and Environment, in accordance with relevant regulatory agency requirements and industry best management practices. The Land Use Department shall receive a copy of the test results, which will be public information.

8.4.6.3. Pipelines and Flowlines. Pipelines and flowlines should be constructed and maintained in conformance with applicable COGCC pipeline regulations and industry best management practices.

8.4.7. Pits.

8.4.7.1. **Limitation.** To prevent contamination of ground water and soils and/or to conserve water, use of pits shall be minimized. Pits will be permitted as a Special Exception pursuant to Section of this Article, only when the operator can demonstrate that no feasible alternative exists to the use of a pit, and that the groundwater, surface water, soil and wildlife resources will be fully protected. Unlined pits shall not be allowed under any circumstances.

8.4.7.2. Any permitted pits shall comply, at a minimum, with all requirements under COGCC Series 900 Rules regarding pits.

8.4.7.3. Any permitted pits shall be located and constructed to ensure no contamination of surface water bodies in the event of a leak or overflow

8.4.7.4. Any permitted pits shall be fully lined with an impermeable liner a minimum of 40 mils thick, shall be resistant to deterioration by ultraviolet light, weathering, chemicals, punctures and tearing, and designed for the life of the well. The foundation for the liner shall be constructed with soil

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having a minimum thickness of twelve (12) inches after compaction covering the entire bottom and interior sides of the pit, and shall be constructed so that the hydraulic conductivity shall not exceed 1.0×10^{-7} cm/sec after testing and compaction to prevent punctures from soils or other materials beneath the liner. The synthetic or fabricated liner shall cover the bottom and interior sides of the pit with the edges secured with at least a twelve (12) inch deep anchor trench around the pit perimeter. The pit lining system shall be designed, constructed, and installed following good engineering practices.

- 8.4.7.5. All substances intended for placement in the pit must first be tested for radioactivity, and be cleaned of residual oil, grease and toxic substances. No radioactive or other hazardous materials may be placed in pits.
- 8.4.7.6. Fencing of reserve pits is required to prevent access by persons, wildlife or livestock. Netting or alternative method of covering pits acceptable to the CDOW shall be required in order to prevent access and mortality of birds and other animals.
- 8.4.7.7. Sediments remaining in lined pits after evaporation shall be treated and disposed of according to their properties, pursuant to the County Landfill Code, as hazardous materials if warranted.
- 8.4.7.8. Pit liners shall be removed from the site and disposed of in accordance with all local, state and federal regulations as soon as practicable after the pit is no longer in use.
- 8.4.7.9. After removal of the liner, soil beneath the low point of the pit must be sampled and tested to verify no leakage of the managed fluids.

8.4.8. Fracing/Cavitation:

Finding: The majority of Saguache County sits atop 2 aquifers that contain vast quantities of high quality water that sustains all aspects of the life of the San Luis Valley. Dependence on these water resources extends far beyond the boundaries of the County. In addition, a major portion of the County serves as a significant recharge area for these aquifers, and parts have been acknowledged and reserved as a buffer zone to protect the water systems that support the unique and fragile ecosystems of the Great Sand Dunes National Park and Preserve. The County shares the compelling responsibility to protect these essential and irreplaceable “waters of the State”. Therefore the County finds that the standard industry practice of injecting highly toxic substances under high pressure into the earth for the purpose of fracturing geologic formations poses an unacceptable risk of polluting these invaluable groundwater resources.

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8.4.8.1. Only non-toxic substances may be used in the hydraulic fracturing operation. The use of diesel fuel and known carcinogens and endocrine disruptors in fracturing fluid is expressly prohibited.

8.4.8.2. The permit holder shall provide a list, including Material Safety Data Sheets, of all chemicals, additives and organics used on site to the Saguache County Office of Emergency Management. This information will be held in strictest confidence and shared with other relevant local emergency response personnel only on a “need to know” basis.

8.5. Surface Disturbance Standards

Purpose: The purpose of this section is to minimize negative impacts to surface activities and surface conditions.

8.5.1. Agricultural Resources: Subject to COGCC spacing requirements for wells, minor and major facilities shall be located so as to reasonably minimize surface use necessary for the operation of the facility and to avoid the unreasonable loss of agricultural land. This standard may be waived if verified written consent is obtained from the surface owner.

8.5.2. Recreational Resources - The Oil and Gas Operation shall not cause a significant degradation in the quality or quantity of recreational activities in the County such as hiking, hunting, fishing or related activities.

8.5.3. Cultural and Historic Resources – The Oil and Gas Operation shall not cause significant degradation of cultural, historic, or scientific resources or significant disturbance to archeological sites.

All requirements under the following Acts shall be met: the National Historic Preservation Act, including Section 106; the Native American Grave Protection and Repatriation Act; and the American Indian Religious Freedom Act.

8.5.4. Economic Resources and Activities – The Oil and Gas Operation shall not have a significant negative impact on other economic resources and activities in the County.

8.5.5. Energy Resources – The Oil and Gas Operation shall not cause any significant decrease in the County’s ability to generate energy from renewable sources.

8.5.6. Roads and Access:

8.5.6.1. **Ingress and Egress.** Ingress and egress points to public roads shall be located, maintained and improved to assure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.

8.5.6.2. **Improvements.** Installation of major facilities which are accessible by non-maintained roads included in the county road system, which the County Road & Bridge Supervisor determines are inadequate to safely accommodate the

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additional traffic associated with the operation of the facility, shall be permitted only if such roads are improved and maintained by the operator to a level which the County Road & Bridge Supervisor determines is necessary to allow such traffic to use such roads in accordance with applicable state and county standards.

8.5.6.3. Use of Existing Roads. With the exception of such circumstances and other operational requirements or limitations imposed by existing contractual agreements or government regulations (e.g. CDOT access permits), with the installation of each well the operator shall use existing roads, easements, and pipeline routes.

8.5.6.4. Use of Subdivision Roads. In those instances where an Operator accesses a Facility via a road or roads within a County-approved subdivision and a governing entity exists (e.g. homeowners' association) with legal authority to bind the entity and its members, and with the authority to grant access rights over such roads and/or negotiate agreements with respect to their use, the operator will negotiate a fair and reasonable road maintenance or road improvement agreement with such entity for the purpose of paying or making in-kind contributions for its pro rata share of the cost of maintaining or improving the affected road(s). Such agreement or memorandum shall be recorded with the Clerk and Recorder.

8.5.6.5. Access Roads. Access Roads serving Facilities, including existing and/or proposed roads that connect a Facility to a county road or state highway shall be reviewed in accordance with this Section and Section III of the Saguache County Land Development Code and shall be subject to all applicable impact fees. All access and oversize or overweight vehicle permits must be obtained from Saguache County Road & Bridge Department prior to beginning construction of a facility or use of a County road. All proposed transportation routes to the site shall be reviewed and approved to minimize traffic hazards and adverse impacts on County roadways. Existing roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts are determined to require new or additional roads, or unless the applicant demonstrates to the County's satisfaction that it has been unable to obtain authorization to use an existing road.

8.5.6.6. Private Access Roads. For those Access Roads located between the parcel on which a Facility is proposed and the county road or state highway serving such a Facility, the applicant shall provide written documentation as part of the application demonstrating that it has the legal right to use such road(s) for the purpose of accessing the Facility and the applicant shall demonstrate that such road(s) can provide adequate physical access to the proposed Facility, in accordance with applicable Land Development Code standards.

8.5.6.7. Maintenance Agreement. If the projected use of the public roads resulting from the Oil and Gas Operation will result in a need for an increase in roadway maintenance or snow removal on County roads, the County shall require the Operator to:

- a. reimburse the County for any short term costs; and

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b. provide a bond or other financial assurance in an amount acceptable to the County to cover any costs of repairing longer term impacts to roads due to the operation that have not been offset by overweight vehicle fees and impact fees..

8.5.6.8. State Highway Access. If access is directly off of a State Highway, the applicant must have an approved State Highway Access Permit for the proposed facility.

8.5.6.9. Use of Equipment. The operator shall:

Remove or require the removal of tire chains from its heavy equipment before entering onto a County road;

Ensure that all new roads and well pads are graveled with a minimum of four inches (4") of Class 6 Aggregate Base Course as defined by the Colorado Department of Transportation Standard Specifications for Road and Bridge construction over a stabilized base, both of which shall be maintained throughout permanent operations of the well pad; and

Remove and restore the condition of the road as promptly as is reasonable under the circumstances if mud and/or debris are tracked onto the County road by the operator's equipment.

8.5.6.10. Hazardous Materials –Full disclosure, including Material Safety Data Sheets, of all hazardous materials that will be transported on any public or private roadway within the County for the oil and gas operation must be provided to the Saguache County Office of Emergency Management. This information will be held in strictest confidence and shared with other emergency response personnel only on a "need-to-know" basis.

8.5.7. Weed Control.

The Applicant shall be responsible for ongoing weed control for all permitted Facilities and the access roads under applicant's control leading to such Facilities. The appropriate weed control methods and species to be controlled shall be determined through review and recommendation of the Natural Resource Conservation Service (NRCS), the CSU Extension Service and the Saguache County Weed Manager or designee, in accordance with Colorado Noxious Weed Act and any applicable Resolution of the Board of County Commissioners for the management and eradication of noxious weeds in Saguache County.

8.5.8. Reclamation. Interim and final reclamation shall be governed by the approved reclamation plan for the facility.

8.5.8.1. The reclamation plan shall provide for a reasonable reclamation schedule pursuant to COGCC rules and considering the specific surface use and surrounding land uses. COGCC rules regarding reclamation shall be considered the minimum standard.

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8.5.8.2. Interim reclamation should take place on an ongoing basis throughout the duration of the project (e.g. as wells are completed, portions of well pads can be reclaimed; ground surface can be re-vegetated after pipelines or power lines are buried).

8.5.8.3. Re-vegetation Plan. Where facilities reduce or destroy existing vegetation, the applicant in consultation with the NRCS and the Center Conservation District shall develop a re-vegetation plan for the site.

- a. The plan shall specify species, planting schedule, planting method, quantity of seed or plant material to be used, and other related components. The applicant may, in consultation with the NRCS, develop a standard re-vegetation format for all sites within the county, for submittal with oil and gas operations permit applications. Generally, measures more stringent than those recommended by the NRCS and the Center Conservation District shall not be required. Re-contouring and re-vegetation of the surface to pre-disturbance conditions equivalent to adjacent undisturbed areas will generally be required.
- b. The County may also approve a plan for an alternative post-disturbance reclamation, provided the surface owner and the applicant agree, and the plan is in harmony with the surrounding land uses and the Saguache County Land Development Code regulations and shall be done in accordance with industry best management practices.
- c. In addition, each operator is encouraged to consult with the responsible official or governing body of an owner's association or common interest community in which the facility may be located, with respect to any weed control, reclamation or mitigation plan currently in effect.

8.5.8.4. Road Design and Construction. Roads should be designed and constructed to allow for successful interim and eventual final reclamation. Re-vegetation of roads, ditches and cut and fill slopes will help stabilize exposed soils and reduce sediment loss, reduce the growth of noxious weeds, reduce maintenance costs, maintain scenic quality and forage, and protect habitat. To ensure successful growth of plants and forbs, topsoil must be salvaged where available during road construction and re-spread to the greatest degree practical on cut slopes, fill slopes, and borrow ditches prior to seeding. To ensure stability of freshly topsoiled slopes during re-vegetation, the application of mulch or other sediment control may be appropriate.

8.5.8.5. Primitive Roads. The appropriateness of primitive roads or routes is site/use specific and is based on factors such as anticipated dry or frozen soil conditions, seasonal weather conditions, flat terrain, low anticipated traffic, or operator's access needs. Operators should not flat-blade roads. Drainage must be maintained to avoid erosion or the creation of a muddy, braided road. Resource damage must be repaired as soon as possible and the operator will

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consult with the County and private surface owner(s) to determine if all or a portion of the road needs to be upgraded to an all-weather access road.

8.5.8.6. Protection and Monitoring - Newly reclaimed areas should be adequately fenced for two years or until interim reclamation vegetation is established. Interim and final reclamation progress of all disturbed areas shall be monitored with a standardized evaluation and monitoring protocol to include the establishment of photo points and vegetative cover measurements approved by the NRCS and the Center Conservation District.

8.5.8.7. Previously approved and established reclamation or mitigation projects or sites shall not be developed or otherwise impacted without replacement in-kind.

XXI.9. Public Health, Safety & Welfare Protections

9.1. Emergency Preparedness and Response Plan Required. The applicant for an oil and gas operations permit is required to provide an emergency preparedness and response plan that fulfills all the requirements of the plan adopted by the County. This plan must be reviewed by the Saguache County Office of Emergency Management, which will make its recommendations to the relevant Planning Commission(s). The plan shall be filed with the County and updated on an annual basis or as conditions change (e.g. turnover in responsible field personnel, change in substances used). The emergency plan shall consist of the following information, at a minimum:

- 9.1.1. Name, address and phone number, including a twenty-four (24) hour emergency number of at least two (2) persons responsible for emergency field operations.
- 9.1.2. A printed map, including GPS coordinates, showing the name, location and description of all minor and major facilities, including the size and type of all pipelines and isolation valves (note: isolation valves shall not be operated by anyone except the owner of the pipeline). The map shall be prepared digitally on the county geographic information system parcel maps. The as-built facilities map that includes the information regarding the location of isolation valves shall be held confidentially by the county's emergency management officer or other County designee, and shall only be disclosed in the event of an emergency. The Office of Emergency Management shall deny the right of inspection of the as-built facilities map to the public pursuant to C.R.S. §24-72-204(3)(a)(IV).
- 9.1.3. A written response plan for the potential emergencies that may be associated with the operation of the facilities. This may include any or all of the following: explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills.

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- 9.1.4. A fire prevention, response and safety plan.
- 9.1.5. Project-specific emergency preparedness plans are required for any project that involves drilling or penetrating through known or likely zones of hydrogen sulfide gas, as determined by the County's Office of Emergency Management. This plan shall be coordinated with and approved by the County's emergency management officer prior to beginning field operations.

9.2. Inspections.

9.2.1. 24 hour contact - The applicant shall provide the telephone number of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed County inspection under this Section or in case of emergency. Any permitted oil and gas operations site may be inspected by Saguache County at any time, to ensure compliance with the requirements of the approved development plan, provided that at least one hour's prior notice is given to the contact person at the telephone number supplied by the applicant. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one hour in advance of the proposed inspection shall constitute sufficient prior notice if the contact person does not answer. By accepting an approved oil and gas operations permit, the applicant grants consent to such inspections. The cost of any inspection deemed reasonable and necessary by the County shall be borne by the applicant.

9.2.2. Right to Enter - For the purpose of implementing and enforcing this Section, duly authorized County personnel may enter onto subject property upon notification of the permittee, lessee or other party holding a legal interest in the property. If such entry is denied, the County shall have the right to obtain an order from a court of competent jurisdiction to obtain entry.

9.2.3. Independent Monitoring Team – The Board of County Commissioners may authorize an independent monitoring team to ensure compliance with the performance standards contained in this Article. The costs associated with monitoring the operation shall be borne by the operator.

9.2.3.1. The team will be composed of individuals who have one or more of the following areas of expertise: biological (e.g. wetlands, wildlife, agriculture), archeological, or cultural resource preservation, hazardous materials handling, water and/or air quality monitoring, soil conservation/erosion control, E & P waste handling and disposal, oil and gas engineering, storm-water management, or any other knowledge area required for adequate monitoring of a specific site. In addition, each monitoring team may have a community liaison member, at the recommendation of the relevant Planning Commission. The composition of the monitoring team will be established according to the affected resources and operational requirements of the site.

9.2.3.2. Any data collected by the team may be submitted to an independent agency, to be agreed upon by the Operator and the County, for review and

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analysis. Agency personnel responsible for the review and analysis of the data shall be agreed to by the Board of County Commissioners.

9.2.3.3. The Independent Monitoring Team shall have the same right of access to the facility site as other duly authorized County personnel. The team as a whole shall determine the appropriate level of monitoring of a site.

9.2.3.4. Except in cases of emergency, the Land Use Department and all members of the monitoring team shall be notified of any site inspection undertaken by any member of the team.

9.3. Financial Assurance

Finding:.

Saguache County has determined that oil and gas development and production activities inherently include a realistic potential for serious and long term damage to the health of the citizens, environment water source and wildlife of Saguache County. This potential for damage is unlike that associated with any other permitted activity in the County.

Oil and gas operations pose a unique and specific potential for accidents, unforeseen events and the potentially significant damage that may result from them. Therefore the Board of County Commissioners, pursuant to C.R.S. Sec. 30-29-123, exercises its authority as the local jurisdiction governing land use development, to augment COGCC-required financial assurances in order to ensure fulfillment of the State's mandate to protect the public's health, the environment, wildlife and water from adverse impacts of oil and gas exploration and development activities, as well as the Board's fiscal responsibility for the County.

9.3.1. Bonding. To ensure compliance with the mitigation and other performance requirements of this Section and the specific conditions for approval for all facilities, the applicant, to become a permitted Operator, shall provide such security as set forth in this Section,:

9.3.1.1. Performance Bonds.

- a. A performance bond in the amount of at least \$10,000; and
- b. an additional, site specific performance bond which shall be 100% of the estimated actual cost of plugging and abandoning wells, removal of surface facilities and restoration of disturbed surface areas. The amount of such bonds will be based upon cost estimates provided by the Operator subject to review and approval by the County and subject to increase or decrease based upon revised cost estimates required to be provided by Operator on an annual basis, dating from initial approval of the application, but in no case shall be less than the current COGCC-required per well amount.
- c. As a condition of approval, the required performance bond(s) shall be in place before any activity permitted by the approval commences. The performance bond shall remain in place until all obligations contemplated by the bond have been fulfilled to the satisfaction of the County and, in the case of plugged and abandoned wells, for 5 years thereafter.

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- d. The form of the performance bond shall consist of cash, certificates of deposit, an irrevocable letter of credit or equivalent financial security acceptable to the County.
- e. Bonds provided to the Colorado Oil and Gas Conservation Commission may be applied against bonding requirements of this Section provided they are for the purposes specified above and they are in a form approved by the County.
- f. Upon notification by Operator that obligations contemplated by the bond have been fulfilled or that work contemplated by the bond will not be necessary, the County shall have 90 days to accept or reject Operator's request to reduce or retire the bonding requirement.

9.3.1.2. Road Mitigation Bond. In addition to the performance security described above, if the Minor or Major Facility will utilize County roads to access the facility, a road mitigation bond may be required to ensure adequate repair and restoration of County roads from any damages due to facility-related use, as stipulated in Section 8.5.6.7. Any road mitigation bond requirement will be determined on an application-by-application basis depending upon roads utilized, miles traveled, type of Facility to be operated, weight of vehicles and the traffic generated thereby.

For a Major or Minor Facility, the road mitigation bond shall be determined by the Board of County Commissioners, in consultation with the County Road and Bridge Supervisor and/or, if deemed necessary, a licensed civil engineer, as part of the approval of the Facility.

9.3.1.3. Emergency Response Bond.

- a. Operators will also be required to post bonds sufficient to cover the estimated cost of emergency response to hazardous material spills, fires and accidents that may reasonably be expected to have a significant chance of occurrence. The amount of such bonds will be determined on a case-by-case basis by the designated County authority taking into consideration the nature and scope of risks imposed by the operations.
- b. In the event that the County determines that neither the Operator or its Subcontractors nor the County is capable of providing adequate emergency response, the Operator will be required to provide a contract with a party capable of providing the unmet response need, subject to the approval of the County, in addition to a bond to cover emergency response costs that the County is able to provide. The county may revise the amount of the required bond or the requirement for an emergency response contract at any time based upon new information by giving 30 days notice. If Operator or Subcontractor fails to comply with any new requirement at the end of the notice period, operations shall be suspended until such time as the new requirement is met.

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9.3.1.4. Transfer of Interest. An Operator shall not be allowed to transfer its interest in, nor be replaced as Operator of permitted oil and gas facilities unless and until bonding requirements for the transferee or new operator have been set by the County and met prior to the date of transfer or replacement.

9.3.2. Indemnification and Liability Insurance. The Operator shall provide or cause to be provided the insurance described below for each well for which an Oil/Gas Drilling Permit is issued, such insurance to continue until the well is abandoned and the site restored.

9.3.2.1. Indemnification and Express Negligence Provisions. Each permit for an Oil and Gas operation issued by the County shall include the following language: “Operator does hereby expressly release and discharge all claims, demands, actions, judgments, and executions which it ever had, or now has or may have, or its successors or assigns may have, or claim to have, against Saguache County, and/or its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, created by, or arising out of personal injuries, known or unknown, and injuries to property, real or personal, or in any way incidental to or in connection with the performance of the work performed by the Operator under an Oil and Gas Operations Permit issued by the County, or caused by or arising out of, that sequence of events which occur from the Operator’s actions under the Oil and Gas Operations Permit or work performed by the Operator. The Operator shall fully defend, protect, indemnify, and hold harmless Saguache County and/or its departments, agents, officers, servants, successors, assigns, sponsors, or volunteers, or employees from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in defense of Saguache County and/or its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, including, without limitation, personal injuries and death in connection therewith which may be made or asserted by Operator, its agents, assigns, or any third parties on account of, arising out of, or in any way incidental to or in connection with the performance of the work performed by the Operator under an Oil and Gas Operations Permit and the Operator agrees to indemnify and hold harmless Saguache County and/or its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees from any liabilities or damages suffered as a result of claims, demands, costs, or judgments against the County and/or, its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, created by, or arising out of the acts or omissions of Saguache County occurring on the Drill Site or Operation Site or in the course and scope of inspecting and permitting the oil/gas wells including, but not limited to, claims and damages arising in whole or in part from the sole negligence of Saguache County occurring on the drill site or operation site or in the course and scope of inspecting and permitting the oil/gas wells. It is understood and agreed that the indemnity provided for in this section is an indemnity extended by the operator to indemnify and protect Saguache county and/or its departments, agents, officers, servants, successors, assigns, sponsors, volunteers, or employees from the

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consequences of the negligence of Saguache County, its departments, agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, whether that negligence is the sole or contributing cause of the resultant injury, death, and/or damage. Liability for the sole negligence of the county in the course and scope of its duty to inspect and permit the oil/gas well is limited to the maximum amount of recovery under the tort claims act.”

9.3.2.2. Liability Insurance. Operators shall be required to carry insurance against personal injury, property damage, environmental damage and general liability in amounts to be determined by the County in reasonable relationship to the risks presented by the scope of operations to be permitted. This amount shall be subject to annual review and revision by the County and shall be reviewed and may be revised at any time following an incident involving substantial damage. All drilling, oil service, waste disposal or other Subcontractors employed by the Operator shall be subject to insurance requirements bearing a reasonable relationship to the nature and scope of work to be done for the operator as evidenced by the contract with Subcontractor which shall be submitted to the County at least 30 days prior to commencement of any work. The Operator shall be required to provide prior notice to the County of at least 30 days of any new subcontractor or increase in the scope of work of an existing subcontractor. No work shall commence until the County requirement for insurance has been determined and evidence of insurance has been submitted to the County Land Use Department from an insurer licensed to operate in the State of Colorado. Required insurance coverage shall be provided by insurers with an A. M. Best rating of at least A (VIII) or by a self-insurance program approved by the Colorado Insurance Commission and re-approved on an annual basis. Insurance certificates shall require at least 30 days’ notice to the County prior to termination of coverage for any reason and shall include the County as a named insured. The amount of any deductibles and the existence of any exclusions is subject to approval by the County as reasonably within the financial responsibility of the Operator or Subcontractor. Insurance and self-insurance programs shall be reviewed annually and insurance requirements may be revised at any time based on changed circumstances with 30 days notice. If new insurance requirements are not met within the 30 days notice period, the affected operations of Operators or Sub-contractors shall be terminated until such time as the new insurance requirement is met.

9.3.2.3. Minimum insurance guidelines. (Subject to application on a case-by-case determination and annual revision or revision at any time with 30 days notice based a changed scope of activities or new information regarding hazards). Nothing in this section is intended to limit the liability of the operator to the listed amounts, in the event that damages exceed them. The County reserves the right to pursue every means available to recover actual costs associated with damages of any kind related to the oil and gas operation from any and all responsible and/or interested parties.

- a. **General Liability** – Coverage should be a minimum Combined Single Limit of \$1,000,000 per person per occurrence for bodily injury and property damage with total coverage per occurrence equal to \$1,000,000 times the number of

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people who may be at risk at any one time, as determined by the County based on Operator or Subcontractors scope of operations. The policy should carry a maximum deductible of \$25,000.

- b. **Well control.** \$5,000,000 per occurrence. In addition, a well control service contract with a well control service provider approved by the COGCC must be submitted. A combined well control service/well control insurance contract is preferred.
- c. **Environmental liability.** Not less than \$1,000,000 per occurrence per well with a deductible of no greater than twenty five thousand dollars (\$25,000) per occurrence. Environmental Impairment (or Seepage and Pollution) shall be either included in the coverage or written as separate coverage applicable to bodily injury and property damage, including loss of use of that damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with a loss arising from the insured site. . Such coverage shall not exclude damage to the lease site. Coverage shall apply to sudden and non-sudden pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants.
- d. **Excess (or Umbrella) Liability Insurance** – for coverage above the limits of or not included in other coverage’s, a minimum of \$10,000,000 per occurrence.

9.3.2.4. Certificates and Policies of Insurance. Certificates of insurance must be provided to the County Land Use Department evidencing all coverage and endorsements required by this section with the Oil and Gas Drilling Permit Application, and the acceptance of a certificate without the required limits and/or coverage shall not be deemed a waiver of these requirements. Copies of original policies confirming coverage must be provided prior to the issuance of a Permit.

9.3.2.5. Failure to Maintain Insurance Cause for Revocation of Permit. Substantive violations (that is, a failure at any time for any reason) to have in force required insurance coverage shall result in revocation of the permit to operate and all permitted operations shall cease consistent with safety considerations until a valid insurance certificate has been supplied to the County Land Use Department. In addition, as a condition to reinstate the permit, the Operator or Subcontractor shall be subject to payment of a per diem fine to be set by the County Commissioners according to the scale and scope of the operation, for each day of operation without required insurance coverage in force, and a showing that they have a plan in place to insure that future violations will not occur.

9.3.2.6. Operators and Subcontractors Dually Responsible. For clarity, the performance of any work on Operator’s premises by a Subcontractor who has not met fully met these requirements in advance shall be deemed a substantive violation by the Operator and may also be deemed a substantive violation by the

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Subcontractor or grounds for refusal to approve operation in the County by Subcontractor.

9.3.2.7. Responsibility of Parent Companies and Non-operating Economic Interests.

Any Operator or Subcontractor who is a subsidiary of another company shall provide a guarantee of its obligations from its parent company. Any non-operating entity which has a financial interest of any kind in Operator's activities may be required by the County to demonstrate financial responsibility appropriate to the nature and extent of its interests as determined by the County which may include but is not limited to liability insurance coverage. Oil and gas operations permit applicants are required to disclose in their application the existence and nature of any non-operating economic interests and any new such interests that are to be created at least 60 days before the effective date. The County may impose insurance or other financial responsibility requirements on the non-operating interest holder as a condition of the continuing validity of Operator's permit.

XXI.10. Exceptions/Limitations/Amendments/Penalties

10.1. Special Exception Requests:

10.1.1. The applicant may request special exceptions to provisions of this Article. All applications where a special exception is requested will be processed as a major facility. Requests for special exceptions for proposed facilities may include, but not be limited to, one or more of the following factors:

- 10.1.1.1. Topographic characteristics of the site;
- 10.1.1.2. Duration of use of the facility;
- 10.1.1.3. Proximity of the facility to occupied structures;
- 10.1.1.4. Ownership status of adjacent and/or affected land;
- 10.1.1.5. Construction of adequate infrastructure to serve the project; or
- 10.1.1.6. Planned replacement and/or upgrading of facility equipment.

10.1.2. If the Board of County Commissioners finds, based upon competent evidence in the record, that compliance with certain portions of this Article is impossible, a special exception may be granted for a period of time not to exceed six (6) months. Upon completion of the six (6) month period, the application shall receive additional review by the County. The Board of County Commissioners, upon showing of good cause by the applicant, may:

- 10.1.2.1. Further extend the special exception;
- 10.1.2.2. Require that the facility be brought into compliance with the performance standards; or
- 10.1.2.3. Revoke the special exception approval.

10.2. Operational Conflicts Special Exception: Special exceptions to this Section may be granted where the requirements of the section actually conflict in operation with the requirements of the Oil and Gas Conservation Act ("Act") or implementing regulations. All applications where a special exception due to operational conflicts is requested shall

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be processed as a major facility and heard in a noticed public hearing by the Board of County Commissioners. The applicant shall have the burden of pleading and proving both an actual, material, irreconcilable operational conflict between the requirements of this Section and those of the Act or the Colorado Oil and Gas Conservation Commission (“COGCC”) in the context of a specific application, and that compliance with the COGCC Act alone adequately fulfills the County’s responsibilities to protect and promote the health, safety, and convenience, order, prosperity and general welfare of the present and future residents of the county. For purposes of this section, an operational conflict exists where the County condition of approval or regulation actually conflicts in operation with the state statutory or regulatory scheme, and such conflict would unreasonably materially impede or destroy the state’s interest in the development, production, and utilization of oil and gas resources in the state, and the protection of the public health, safety and welfare. An operational conflict may occur where the County regulation prohibits an activity, which the COGCC, or its valid regulations, has clearly authorized, or authorizes an activity, which the COGCC, or its valid regulations, has clearly prohibited. Additional County requirements in areas regulated by the COGCC, which also fall within County land use powers and which are necessary to protect the public health, safety and welfare under the facts of the specific application presented, and which do not impose unreasonable burdens on the applicant, shall be presumed not to present an operational conflict. If the Board of County Commissioners finds, based upon competent evidence in the record, that compliance with the requirements of this Article shall result in operational conflicts with the state statutory and regulatory scheme, a special exception to this Article may be granted, in whole or in part, but only to the extent necessary to protect the State’s demonstrated compelling interest or to alleviate that burden on the applicant that has been found to be unreasonable. The Board of County Commissioners may condition the approval of a special exception as necessary to protect the public health, safety and welfare by mitigating any adverse impacts arising from the grant of approval.

10.3. Limitations.

10.3.1. General. Issuance of a minor or major oil and gas facility permit shall authorize only the well(s) and/or related facilities for which it is issued.

10.3.2. No Authority to Reenter Abandoned Well. An Oil/Gas Drilling Permit shall not constitute authority for the re-entering and drilling of an abandoned well. Re-entry and drilling of an abandoned well shall require a new Oil/Gas Operations Permit. Any shut in or temporarily abandoned well approved by the COGCC Director pursuant to COGCC Rules section 319.b. shall not be considered an abandoned well for the purposes of this section.

10.3.3. Permit Duration. Oil and gas operations shall be commenced within one (1) year of the date of approval. Failure to commence the permitted activity within one (1) year shall cause the permit to expire. A new permit may be approved subject to the submission and full review of a new application.

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10.3.4. Validity. The permit shall be valid for as long as the applicant maintains the conditions of approval. If the Colorado Oil and Gas Conservation Commission does not approve the project, then the County's permit will be terminated.

10.3.5. Violations. If the conditions of approval of the permit are not maintained, the applicant shall be considered in violation of these regulations and the permit subject to the penalty and revocation provisions of this Code.

10.4. Amendments.

- 10.4.1. Where a minor or major facility has been approved and the applicant desires to modify the subject facility by changes to equipment, site layout, approved operating plan, etc., an amendment to the original application shall be required if the level of impact will be increased as a result of the modification. The activity described in the amendment to a minor or major facility will be granted administrative approval if it complies with the standards herein. (In cases where the amendment would consist of the addition of a major facility, review shall be required as for a new major facility.
- 10.4.2. The Land Use Department may approve minor amendments to an approved oil and gas facility. Authorized minor amendments include those that do not alter the basic intent and character of the approved permit, are consistent with the performance standards herein, are deemed necessary in light of technical and engineering considerations first discovered during actual construction, and could not have been reasonably anticipated during the initial review process.
- 10.4.3. Minor amendments must comply with all relevant Saguache County regulations. Minor amendments may include, but are not limited to, variations in the location of the well pad which do not decrease the approved setback to residential or commercial structures, minor changes to equipment which do not increase the cumulative horsepower rating to greater than fifty (50) bhp, deviations to the location of access roads which are wholly contained on site and are approved by the owner of the surface rights, and modifications to the visual mitigation plan which do not adversely impact adjoining property owners or the general public.
- 10.4.4. Modifications which the applicant determines in good faith are required in order for the facility to continue operating and must be done immediately in order to maintain the existing level of production, may be done on an emergency basis, without prior notice to or approval by the Land Use Department, provided that such modifications do not include the addition of equipment or operation of the facility which would exceed those defined in Section 6.2.11. The applicant shall provide the Land Use Department with notification of emergency modifications by filing a written amendment to the application, specifying the modifications made, within two (2) working days of their completion.

10.5. Penalties and Enforcement:

- 10.5.1. **Civil Action:** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is or is proposed to be used, in

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violation of any provision of this Section; or an Applicant fails to comply with any other provisions of this Section or the Saguache County Land Use Code or fails to comply with any conditions placed upon any approval of a Facility, the County Attorney, or where the Board of County Commissioners deems it appropriate, the district attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use. In the event that enforcement action is required to be taken under the provisions of this Section, Saguache County shall be entitled to collect its reasonable attorneys fees and costs incurred in any such action from the Operator

10.5.2. False or Inaccurate Information: The Board of County Commissioners may revoke approval of a facility if it is determined at a public meeting, held on at least ten days notice to the applicant, that the applicant provided information and/or documentation upon which approval was based, which the applicant, its agents, servants and employees knew, or reasonably should have known, was false, misleading, deceptive or inaccurate. The applicant and the Land Use Department shall be provided with an opportunity to be heard at the public meeting prior to the Board of County Commissioners' rendering its decision.

XXI.11. CONDUCT OF PUBLIC HEARING. A public hearing shall be conducted in accordance with the following process:

11.1. 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 as designated by the review body chairperson.

11.2. Order Of Proceedings. The order of the proceedings shall be as follows:

11.2.1. Applicant's Presentation. At its option, the applicant may make an oral or a written presentation that informs persons at the hearing of the nature, location, and scope of the proposed Operation. This presentation shall not be made by County staff or consultants, and may be waived by the Chairperson if there are no members of the public at the hearing, and the applicant has previously explained the proposed Operation to the review body conducting the hearing.

11.2.2. Questions by Review Body. The review body may ask questions of the Land Use Department, or the applicant, or anyone else who is present.

11.2.3. Public Comments. Public comments shall be heard. Written comments that have been received at least 5 business days prior to the date of the hearing shall be reported by the Land Use Department and acknowledged to be part of the hearing record.

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- 11.2.4. *Ex Parte* Communications.** Members of decision-making bodies shall not engage in *ex parte* communication about applications under review or reasonably anticipated to come under review. If an *ex parte* communication is attempted by telephone, in person, by telefax or other means outside of a regularly scheduled meeting, the member of the decision-making body involved shall first attempt to stop the party from the prohibited behavior, then document the communication and notify the Land Use Administrator by telephone or in written form. The Land Use Administrator shall then enter that documentation into the public file. The Land Use Administrator shall report that documentation at the next meeting or hearing on the subject application. No *ex parte* communication shall be considered by a decision-making body, or any of its members, in making a decision on an Oil and Gas Permit matter.
- 11.2.5. Applicant Response.** The applicant may respond to any comments made by the public, the Land Use Department, or the review body.
- 11.2.6. Land Use Department Response.** The Land Use Department may respond to any statement made by the applicant, the public, or the review body.
- 11.3. Time Limits for Testimony.** The chairperson conducting the public hearing shall set reasonable time limits for testimony or presentation of evidence. If any testimony or evidence is so limited, the person offering that testimony or evidence shall have an opportunity to enter it into the record in writing at the public hearing.
- 11.4. Continuance of Public Hearing.** At the conclusion of the hearing, the body conducting it may continue the public hearing to a fixed date and time. An applicant shall have the right to request, and be granted on a showing of good cause, one continuance of each required hearing. All subsequent continuances shall be granted at the discretion of the body conducting the public hearing and upon a finding that good cause has been shown for the continuance.
- 11.5. Closure of Public Hearing and Acceptance of Written Testimony after Closure.** If the hearing is not continued, it shall be closed. At the close of the hearing, the chairperson of the body conducting the hearing may leave the record open for a defined period of time during which only written comment will continue to be accepted. If no such time period is defined, no further written comment shall be accepted after the hearing is closed, except that any public comments received in writing prior to the hearing, but after the report prepared by the Land Use Department pursuant to Section 11.2.3. shall be included in the record.
- 11.5.1. No *Ex Parte* Comments Accepted.** The chairperson shall announce that there shall be no *ex parte* comments accepted by members of the decision-making body.
- 11.5.2. All Written Comments Received become Part of Record.** All written comments, along with supporting data and references, received within the specified comment period shall be made a part of the record and shall be available for public inspection at the Planning Department when the hearing was conducted by the Planning Commission. When the hearing was conducted

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by the Board, copies of all such comments shall be available at the Administration Office. All timely written submittals shall be made a part of the record of the proceeding.

11.5.3. Record of Public Hearing. The body conducting the public hearing shall record the public hearing by any appropriate means, including audiotape or videotape, and written minutes. The written and taped record of oral proceedings, including testimony and statements of personal opinions, the minutes of the hearing and other meetings of the review body, all applications, exhibits, and papers submitted in any proceeding before the decision-making, administrative, or review body, the Land Use Department's report, and the decisions of the review and decision-making bodies, shall constitute the record. Those materials, on presentation to the County, shall become the public property of the County and shall not be removed from County possession without proper written authorization from the custodian of the record.

11.5.4. Materials Are Part Of Public Record. Said materials shall be public information, available to the public at the Land Use Administration office during regular business hours. The Department, as official custodian of those records, may make such rules with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the Land Use Department.

A. Emergency Response and Hazard Mitigation for Oil and Gas Operations

1. Each operator with facilities in the county is required to provide an emergency response plan (ERP). No applications for a minor or major facility will be considered until the operator has provided such plan to the County that has been approved by the Saguache County Office of Emergency Management or the county Public Safety Committee. The ERP shall be filed with the County and updated and approved on an annual basis or more frequently as conditions (responsible field personnel, ownership, new technologies, etc.) change.
2. The emergency response plan shall consist of the following information:
 - (a) Name, address and phone number, including a twenty-four (24) hour emergency number of at least two (2) persons responsible for emergency field operations. This information must also be posted on each drill rig.
 - (b) Company contact list for critical functions, including surface-rights owner and drilling operator.
 - (c) Procedures for reporting the emergency to management, response contractors and regulatory authorities.
 - (d) Assessment of potential for a sour gas hazardous occurrence, and potential hazards for an uncontrolled release of H₂S and SO₂.
 - (e) Maps including a proposed facilities and vicinity map showing the name, location and description of all minor and major facilities. Map(s) will include all

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public and private facilities and residences, potential roadblock locations, trails, roads, major highways, railways, airports, rivers, lakes, seasonal wetlands, all agricultural and industrial activity sites, EPZ (Emergency Planning Zone) and EAZ (Emergency Awareness Zone), true north, tank batteries and transmission and gathering lines within six hundred sixty feet (660') of the well site, existing transmission lines, irrigation and drainage ditches, utility easements and other rights-of-way of record within six hundred sixty feet of the well site and other information relevant to an emergency.

The maps shall be prepared using the County geographic information system (GIS) parcel maps. The as-built facilities map will include all of the above and the size and type of all pipelines and isolation valves (note: isolation valves shall not be operated by anyone except the owner of the pipeline or the owner's designee). The map that includes the information regarding the location of isolation valves shall be held confidentially by the County's public safety officer or his/her authorized agent, and shall only be disclosed in the event of an emergency or as otherwise agreed to. The County's public safety officer shall deny the right of inspection of the as-built facilities map to the public pursuant to C.R.S. §24-72-204(3)(a)(IV).

- (f) The ERP shall include specific response and recovery procedures for the potential emergencies that may be associated with the installation, operation, maintenance and reclamation of the facilities, including: explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, and hazardous material vehicle accidents and other hazardous material spills of any size. The fire prevention and response portion of the ERP must additionally be approved by the local fire district Chief or assignee, or the nearest fire district or agency if there is not any in the jurisdiction. The Emergency Response Plan will include:
- i. Projected start dates of construction and operation
 - ii. Location of the well, including the bottom hole and surface locations
 - iii. Legal location name and nearest town
 - iv. Latitude/ longitude of each well head and project area
 - v. Driving directions to the site, with alternate routes when they exist
 - vi. List of all local governments including property owners associations, law enforcement, fire departments, hazmat responders, ambulance services and hospitals that may be affected or need to respond in the event of an emergency, including 24 hour contact information with an alternate contact method described for each
 - vii. Potential H₂S release rate
 - viii. Topographic description, land use and estimated population
 - ix. Containment and recovery plan for spills of each product expected to be used with threshold planning quantities for each

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- x. Decontamination procedures
- xi. Risk management plan or program including prevention of accidental releases
- xii. Facility response plans including spill prevention, control and countermeasures
- xiii. Emergency Procedures: detailed procedure for declaring an emergency requiring any evacuation or shelter-in-place measures. Include trigger points for activating the ERP and describe how and when site personnel, potentially impacted residents, visitors, transients, businesses, itinerant workers and other organizations and local emergency services will be notified. Consider conditions at the well site and any special evacuation needs of residents, and level of toxins that have a significant chance of reaching the public. For shelter-in-place consider the following criteria: topography and expected plume behavior, number of residents waiting to be evacuated, risks associated with evacuation, reasonably available escape routes, expected duration of release, etc... If applicable, include notification procedure for the Colorado Department of Transportation and railroads
- xiv. Procedure for locating and following the plume, checking for hazardous concentrations at sample residence and business locations, recording H₂S, and SO₂ and any other relevant toxin concentrations. List of wind speed and directional monitoring capabilities
- xv. Number and type of mobile air quality monitors including H₂S detection devices
- xvi. Criteria for expanding the EPZ or EAZ, e.g. if the well is within five miles of a town or county-approved subdivision boundary, and the potential H₂S release rate is greater than 0.3 cu. m per second; identification of potential hazards; or determination of the vulnerability of an area as a result of the existing hazards. To calculate the pre-determined EPZ for a pipeline, such input parameters as the pipeline's inside diameter, maximum operating pressure, licensed H₂S concentration and line length between emergency shutdown devices shall be used. Include threshold planning quantities for each chemical used in the construction, operation, maintenance and reclamation and specific air monitoring criteria for defining and expanding the evacuation zone. Include volume and environmental attributes associated with the site.
- xvii. Sample shelter-in-place notification
- xviii. Evacuation center locations
- xix. Command center location
- xx. Number of dedicated evacuation vehicles and location of each
- xxi. Number of emergency vehicles and list of emergency equipment included in each one
- xxii. Registered hunting and guiding operations within the EPZ

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- xxiii. Contact list for all residents within the EPZ including phone number, location, number of residents and any special needs for assistance during evacuation. Include residents outside the EPZ who must egress through the EPZ. Personal information is protected by the privacy provisions of the *Freedom of Information and Protection of Privacy Act* and must be kept confidential at all times.
- xxiv. Public safety information plan to be implemented before any construction or operations commence, to include notification procedures for public warning, all potential hazards and planned emergency measures, risks associated with evacuation and shelter-in-place options, who to notify in case of a suspected release of H₂S or SO₂ or other toxin and first aid for each, evacuation plan and area map.
- xxv. Communications plan for command post, roadblock and evacuation personnel, well control coordinator, well control operations and monitoring personnel
- xxvi. Ignition procedures and table of equipment needed and nearest location of same for ignition, criteria for ignition including potential impacts on human life and health, wildlife and sensitive ecological areas, and procedure if limited or no monitoring is available. List of on-site personnel with the authority to ignite
- xxvii. Detailed shut-off or cease-operations procedure for workers
- xxviii. Evacuation plan for workers including destination and method of transport
- xxix. Evacuation plan for residents, visitors, transients, businesses, itinerant workers
- xxx. Roadblock plan for residential areas affected by hazardous material spills or releases which would require evacuation. Include equipment list and prepare roadblock “kits” with listed equipment in sufficient number for the largest potential EPZ
- xxxi. Procedure for returning residents to area and/ or notification that the situation is over
- xxxii. Procedure for resumption of work
- xxxiii. Form to report all events and decisions leading up to and throughout the duration of an incident
- xxxiv. Form to register evacuees, including name and address, home and alternate phone number, next of kin.
- xxxv. Name and address for evacuation expense reimbursement procedure detailed
- xxxvi. Form for roadblock checkpoints, to record all ingress into the area of concern
- xxxvii. Form for environmental monitoring and procedure to initiate mobile monitoring. Include the provision for air monitoring at the nearest

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- downwind unevacuated residence or business. Detail mobile monitoring equipment kept within the County
- xxxviii. General information on H₂S, SO₂, including known and suspected health effects of each, table of toxicity levels of each including IDLH levels at various exposure rates. Provide this and other meaningful, relevant education to the general public and regionally recognized First Nations communities regarding impacts from oil and gas incidents to their health and safety.
- xxxix. A list of all hazardous substances that will be transported within the County or used on site.
- xl. Dust abatement plan with trigger points for humidity and average wind speed
 - xli. Certificates of completion for all relevant, on-site workers for hazardous materials emergency response, company-defined waste-handling procedures, first aid, H₂S casualty resuscitation techniques, casualty rescue training and other emergency response training requirements.
 - xlii. List of company-required personal protective equipment for the size and scope of project considering proximity to residents, special topographic considerations, etc...
3. The fire prevention plan should include:
- a. A list of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard;
 - b. Procedures to remove daily accumulations of flammable and combustible waste materials;
 - c. Procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials;
 - d. The job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires; and
 - e. The job title of employees responsible for the control of fuel source hazards.
4. Project specific emergency preparedness plans are required for any project (minor or major) that involves drilling or penetrating through known zones of hydrogen sulfide gas. These plans shall be coordinated with and approved by the County's Office of Emergency Management prior to beginning field operations. These plans will contain all of the information required in Section 2, in addition to any other information deemed necessary for the protection of life, health and property.
5. Each rig site must keep a written copy of all ERPs that are available to workers for review.
6. Inspections. The operator shall provide the telephone number of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed

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County inspection under this Section or in case of emergency or of any suspected non-compliance. Any site under an approved Major or Minor Permit may be inspected by the County at any time, to ensure compliance with the requirements of the approved development plan, provided that at least one hour's prior notice is given to the contact person at the telephone number supplied by the applicant. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one hour in advance of the proposed inspection shall constitute sufficient prior notice if the contact person does not answer. By accepting an approved Major or Minor Facility Permit, the applicant grants its consent to such inspections.

7. Reporting. Spills meeting threshold planning quantities must be reported to the County Office of Emergency Management in writing within 72 hours. All spills of H₂S or SO₂ detected must be reported within one hour to the County public safety officer. The report must include the name and chemical content of the product or material spilled or released, amount, containment measures taken, clean-up activity, amount of product that was not reclaimed and any copies of other reports required by regulatory agencies. Complete reports including the above and the emergency response plan report of all events and decisions, roadblock reports, evacuation registration and results of all environmental monitoring are required whenever the ERP is activated, or should have been activated by a reasonable person.
8. Use of Explosives. There will be no use of high-flash primacord permitted. All blasting operations will cease during and upon the approach of an electrical storm, dust storm or snowstorm.
9. Geologic Hazard and Floodplain or Floodway. All equipment at well sites and production sites in geological hazard and floodplain or floodway areas shall be anchored to the extent necessary to resist flotation, collapse, lateral movement or subsidence and to the extent necessary to comply with the Federal Emergency Management Act
10. Fire Fighting Training and Equipment. Maintain appropriate fire extinguishers and other fire control equipment and adequate volume and pressure of water at the facility to minimize hazards present. Make provisions as needed for up to 20 hours of emergency response training annually to the local fire district and Emergency Medical Service or the nearest fire district or agency and Emergency Medical Service if there is not any in the jurisdiction. Training will include blowout response protocols and the state-certified hazardous materials awareness course. In areas where there are not enough fire fighters or fire fighting equipment adequate to successfully contain a fire caused by a blowout, as determined by the local Fire Chief (or nearest fire district or agency), the Operator shall provide such additional equipment and personnel to be available on the site at all times during installation and operations. Alternatively the Operator may choose to provide such equipment and all associated costs of same, including purchase, taxes, insurance, maintenance costs, garaging) free of charge as a permanent donation to the relevant district or agency. In any case the Operator will pay for

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all Emergency Medical Services and fire Fighting Services rendered, including cancelled calls and false alarms.

11. Lightning and Electrical Hazards. At the expense of the operator, qualified personnel approved by the county will inspect the grounding systems and measure pipe and pipeline voltage of all equipment prior to the initial commencement of operations and when any equipment is added or power supplies are changed, and will provide a written report. Copies of each inspection report will be furnished to the county Office of Emergency Management within two weeks of receipt of these reports. For pipeline work while above grade, the pipe should be grounded at least every 1000 feet with adequately sized cables. All work activity shall cease when lightning is present. The isolating flange, joint, union or coupling must be protected by a properly sized polarization or grounding cell. Maximum of 5 milliamps is the allowable electrostatic induction limit. When pipelines are installed in areas with electric transmission power systems, the following safety procedures must be followed in addition to other standard safety procedures in common use in the industry: All personnel must be able to recognize potential shock hazards and be trained in safety procedures; during construction temporary bonding and grounding must be used; voltage measurements must be taken prior to performing any work; highly visible warning signs must be posted; and danger zones and electrical power system crossings must be clearly designated.
- a. Copies of reports from the safety meetings will be forwarded to the county Office of Emergency Management
 - b. Pipeline Integrity and Corrosion Control. Pipeline operator of any hazardous liquid pipeline or gas transmission pipeline will provide a copy of the Integrity and Corrosion Control Management Program to the county Office of Emergency Management before any pipeline is placed in service. In-line inspection tools should be used where practical, and hydro-testing will be performed on all new pipelines and any pipelines being returned to service. Direct assessment will be used at regular intervals, not to exceed 90 days. Direct assessment will assess the condition of all pipelines for internal and external corrosion and stress corrosion cracking, as well as other obvious defects. Test results for in-line inspection, hydro-testing, direct assessment and other integrity and corrosion control tests will be forwarded to the county Office of Emergency Management.
 - c. Tanks. Spill, overfill and corrosion protection for all above-ground and underground tanks intended to contain any liquid or vapor must be in place before the use of any tank. Ongoing education and training is required for persons responsible for operating any tank systems. Regular monitoring and maintenance of corrosion protection systems are required. All fuel storage facilities must be properly grounded. All fuel tanks must be constructed of welded steel and have secondary containment features. Fuel lines at storage facilities must be constructed of welded steel and have in-line metering systems and automatic shut-off valves. Spill response measures, such as

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absorbent padding, should be placed in areas where spills might occur. Fuel storage areas must be clearly marked or barricaded to ensure they are not damaged by moving vehicles. Markers should be visible even under adverse weather conditions. Storage facilities must be equipped with adequate weather protection.

12. Evacuation Drill. A community-wide evacuation procedure drill shall be performed during the construction phase of the project. In no case may operations begin until the public safety information plan and community wide drill have been completed. This drill must be conducted annually as long as production continues.
 - a. Warning Signs. For above ground and fixed facilities the operator shall post clearly visible warning signs on the access road(s) 100 feet from the entrance to the facility. Signs will establish ownership and indicate through the use of the words "caution poison gas" to establish the existence of a potential hazard and will use the black and yellow contrast specified in ANSI (American National Standard Institute) and compatible with the regulations of the Occupational Safety and Health Administration. All vehicles carrying bulk fuel supplies and storage tanks must be properly placarded. "No Smoking" signs shall be posted to prohibit smoking within 30 feet of any fuel storage areas. All warning signs will be kept clean and maintained throughout the installation and production phases and will be removed as part of final reclamation.
 - b. High Winds. The San Luis Valley experiences erratic and high winds. All trash, sheet metal, and other potential flying hazards must be secured at all times.

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Glossary

Closure Order—when the County public safety officer finds that, because of hazardous conditions in a field or at a well, it is necessary or expedient to close an area and to shut out all persons except those specifically authorized, the commission may make an order in writing setting out and delimiting the closed area.

Emergency—a present or imminent event outside the scope of normal operations that requires prompt coordination of resources to protect the health, safety, and welfare of people and to limit damage to property and the environment.

Emergency Awareness Zone (EAZ) – the area twice the radius of the Emergency Planning Zone (EPZ).

Emergency Operations Center (EOC)—an operations center established in a suitable location to manage the larger aspects of the emergency.

Emergency Planning Zone (EPZ)—an area surrounding a facility, pipeline, or well where residents or other members of the public may be at highest risk during the early stages of an uncontrolled release of toxic materials such as H₂S or explosion or fire and the area for which the licensee must have a specific emergency response plan.

Emergency Response Plan (ERP)—a comprehensive plan to protect the public, including criteria for assessing an emergency situation and procedures for mobilizing response personnel and agencies and establishing communications and coordination, that is to be followed by all parties in the event of an incident.

Hydrogen Sulphide (H₂S)—a naturally occurring gas found in a variety of geological formations and also formed by the natural decomposition of organic matter in the absence of oxygen. H₂S is colorless, heavier than air, and extremely toxic. In small concentrations it has a rotten egg smell and causes eye and throat irritation.

Hyper-susceptible - a person or persons who may be abnormally reactive to a given exposure to toxins and whose reaction may occur in orders of magnitude greater than that of the susceptible population. Hyper-susceptibles include those persons with impaired respiratory function, heart disease, liver disease, neurological disorders, eye disorders, severe anemia, and suppressed immunological function.

Incident - an unexpected occurrence or event that requires action by emergency personnel to prevent or minimize the impact on the safety and health of people and/or on property and the environment.

Lower Explosive Limit (LEL)—the lowest concentration of gas or vapor (percent by volume in air) that burns or explodes if an ignition source is present at ambient temperatures.

Mutual Aid—an agreement developed between two or more public and/or private facilities or operations to provide assistance to the parties of the agreement. Such an agreement is between two or more parties such as oil and gas companies, service companies, and local authorities.

Publicly Used Facility—places where the presence of people can be anticipated. Examples include places of business, cottages, campgrounds, churches, and other locations created for use by the public. Includes any similar development the OGC may designate as a public facility.

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Shelter-in-place notification – a prepared statement outlining procedures for sheltering-in-place to include methods for communicating to residents that shelter-in-place precautions are no longer needed.

Sour Gas - natural gas, including solution gas, containing H₂S.

Sulphur Dioxide (SO₂)—a colorless, water-soluble, suffocating gas formed by burning sulphur in air; also used in the manufacture of sulphuric acid. SO₂ has a pungent smell similar to a burning match.

Surface Development—occupied permanent or part-time dwellings, publicly used facilities including campgrounds, places of business, and any other surface development where the public may gather on a regular basis.

Susceptible—the subpopulation of persons who may be considered more sensitive to the effects of H₂S and SO₂, including the elderly, pregnant women, and the very young, particularly preschool-aged children.

Threshold Planning Quantities – also known as TPQ, is the quantity of any substance listed in Appendices A & B of 40 CFR 355 that triggers the requirement to develop and file an emergency plan.

Uncontrolled Flow - a release of product that cannot be shut off at the licensee's discretion.

Water Body — The term “water body” shall include reservoirs, lakes, perennial or seasonally flowing rivers, streams, creeks, springs, irrigation ditches, aquifers, wetlands, playa, arroyos, stock ponds and draws.

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APPENDIX B

CERTIFICATE OF ACCEPTANCE

NOTICE

Public notice is hereby given that acceptance of this platted subdivision by the County of Saguache does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said County.

Until such roads and rights-of-way meet County Road Standards and are specifically accepted by this County by recording with the Clerk and Recorder of this County an official "acceptance", the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owner(s) of the land embraced within this subdivision.

Notice is further given that no building permit will be issued by officials of this County for improvements of any nature on any property as herein above described until the final plat and all accompanying information has been filed for record with the County Clerk and Recorder.

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APPENDIX C

CERTIFICATE OF FINAL PLAT

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS:

THAT _____, is the owner of that real property situated in (legal description), Saguache County, Colorado, and lying within the exterior boundary of (Subdivision Name).

THAT it has caused said property to be laid out and surveyed as _____ and does hereby dedicate and set apart all of the streets, alleys and other public ways and places as shown on the accompanying plat to the use of the public forever, and does hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS THEREOF _____ has caused his (their) name(s) to be hereto subscribed is _____ day of _____ A.D 20_____

ATTEST: _____
Corporation Secretary Owner or Corporation Name

President if Corporation

STATE OF COLORADO)
SS
COUNTY OF SAGUACHE)

The foregoing instrument was acknowledged before me this _____ day of _____, AD 20_____, by _____ (as Owner or President) and _____ as Secretary of _____ (if a Corporation).

Signed _____
Notary Address:

My Commission expires: _____

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SURVEYOR'S CERTIFICATE

I, _____, a duly registered land surveyor in the State of Colorado, do hereby certify that this plat of (Subdivision Name) truly and correctly represents the results of a survey made by me or under my direct supervision.

SURVEYOR
(Surveyor's stamp shall appear with this certificate)

COUNTY TREASURER CERTIFICATE

STATE OF COLORADO
COUNTY OF SAGUACHE

I, the undersigned, County Treasurer, in and for Saguache County, do hereby certify that there are not unpaid taxes or un-deemed tax sales as appears of record in this office on the above described application request.

In witness whereof, I have hereunto set my hand and seal, this ____ day of _____, 20____.

Saguache County Treasurer

By _____, Deputy

PLANNING COMMISSION CERTIFICATE

APPROVED this ____ day of _____, AD 20 _____, County Planning Commission, Saguache County, Colorado.

CHAIRMAN

COMMISSIONER'S CERTIFICATE

APPROVED this ____ day of _____, AD 20 _____, Board of Commissioners, Saguache County, Colorado. This approval does not guarantee that the size, or soil conditions of any lot shown hereon are such that a building permit may be issued. This approval is with the understanding that all expenses involving necessary improvements for all utility services, paving,

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grading, landscaping, curbs, gutters, streetlights, street signs, and sidewalks shall be financed by others and not the County of Saguache.

ATTEST: _____
CLERK OF THE BOARD

CHAIRMAN

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
SS
COUNTY OF SAGUACHE)

I hereby certify that this instrument was filed in my office at _____ O'clock ____m., this _____ day of _____, AD 20_____, and is duly recorded at Reception No. _____.

Fees \$_____ paid

_____ RECORDER

_____ DEPUTY

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APPENDIX D

CERTIFICATE FOR SUBDIVISION EXEMPTION

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT _____ is the owner(s) of that real property situated in (legal description), Saguache County, Colorado and lying within the exterior boundary of _____.

THAT I (they) have caused said real property to be laid out and surveyed as _____, and do hereby dedicate and set apart all of the streets, alleys, and other public ways and places as shown on the accompanying plat to the use of the public forever, and do hereby dedicate those portions of said real property which are indicated as easements on the accompanying plat as easements.

IN WITNESS WHEREOF _____ has (have) caused his (their) name(s) to be hereunto subscribed this _____ day of _____ AD 20_____.

Signed _____

STATE OF COLORADO)
SS
COUNTY OF SAGUACHE)

The foregoing instrument was acknowledged before me this _____ day of _____, AD 20 _____, by _____

Witness my hand and seal.

Signed: _____

Notary Address

My commission expires: _____

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SURVEYOR'S CERTIFICATE

I _____, a duly registered land surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made by me or under my direct supervision.

SURVEYOR
(Surveyor's stamp shall appear with this Certificate)

COUNTY TREASURER CERTIFICATE

STATE OF COLORADO
COUNTY OF SAGUACHE

I, the undersigned, County Treasurer, in and for Saguache County, do hereby certify that there are not unpaid taxes or un-deemed tax sales as appears of record in this office on the above described application request.

In witness whereof, I have hereunto set my hand and seal, this ____ day of _____, 20____.

Saguache County Treasurer

By _____, Deputy

PLANNING COMMISSION CERTIFICATE

APPROVED this ____ day of _____, AD 20____, County Planning Commission,
Saguache County, Colorado.

CHAIRMAN

COMMISSIONER'S CERTIFICATE

APPROVED this ____ day of _____, AD 20____, Board of Commissioners,
Saguache County, Colorado.

ATTEST: _____
CLERK OF THE BOARD

CHAIRMAN

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CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
SS
COUNTY OF SAGUACHE)

I hereby certify that this instrument was filed in my office at _____ O'clock, __.m. this _____
day of _____, AD 20____, and is duly recorded at Reception No. _____.

Fees _____ paid.

RECORDER

DEPUTY

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APPENDIX E

CERTIFICATE FOR CONSOLIDATION / VACATION

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT _____ is (are) the owner(s) of that real property situated in (legal description), Saguache County, Colorado and lying within the exterior boundary

_____.

THAT I (they) have caused said real property to be vacated and that those easements or streets or alleys or other public ways remaining as shown on the accompanying survey plat do hereby remain as easements or streets or alleys or other public ways for those uses as identified.

IN WITNESS WHEREOF _____ has (have) caused his (their) name(s) to be hereunto subscribed this _____ day of _____, A.D. 20_____.

Signed: _____

STATE OF COLORADO)
SS
COUNTY OF SAGUACHE)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20_____, by _____.

Witness my hand and seal.

Signed: _____

Notary Address

My commission expires: _____

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SURVEYOR'S CERTIFICATE

I, _____, a duly registered Land Surveyor in the State of Colorado, do hereby certify that this plat was prepared under my direction and supervision and is based solely on the plat of (Subdivision or Vacation plat title), filed under Reception Number(s) Reception number from Clerk and Recorder of the records in the office of the Saguache County Clerk and Recorder.

Surveyor
(Surveyor's stamp shall appear with the Certificate.)

COUNTY TREASURER CERTIFICATE

STATE OF COLORADO
COUNTY OF SAGUACHE

I, the undersigned, County Treasurer, in and for Saguache County, do hereby certify that there are not unpaid taxes or un-deemed tax sales as appears of record in this office on the above described application request.

In witness whereof, I have hereunto set my hand and seal, this ____ day of _____, 20____.

Saguache County Treasurer

By _____, Deputy

PLANNING COMMISSION CERTIFICATE

APPROVED this ____ day of _____, A.D. 20____, County Planning Commission, Saguache County, Colorado.

CHAIRMAN

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COMMISSIONER'S CERTIFICATE

APPROVED this _____ day of _____, A.D. 20____, Board of Commissioners,
Saguache County, Colorado.

ATTEST:

CLERK OF THE BOARD

CHAIRMAN

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
SS
COUNTY OF SAGUACHE)

I hereby certify that this instrument was filed in my office at _____ O'clock __.m. this _____ day
of _____, A.D. 20____, and is duly recorded at Reception No. _____.

Fees \$_____ paid

RECORDER

DEPUTY

Saguache County Land Development Code
effective March 4, 2014

APPENDIX F

RECEIPT AND STATEMENT OF UNDERSTANDING

I hereby certify that I have received, read, and understand the Saguache County Statement of Policy regarding Right to Farm.

I further state that I am aware that the conditions of living in an unincorporated area are different than living in a town or city and that the responsibilities of rural residents are different from urban or suburban residents. I understand that under Colorado law a pre-existing, non-negligent agricultural operation may not be considered a public or private nuisance.

Date:

Signature:

Printed Name:

Address:

Property Legal Description:

