I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. CITIZEN COMMENT

V. APPOINTMENTS
   A. Appointment of Chair and Vice Chair for 2018 and Consideration of Adoption of Resolution Concerning the Appointments to Various Boards, Committees, and Commissions

VI. CONSENT AGENDA
   A. Approval of Minutes from the 12-12-17 Regular Meeting and 12-19-17 Special Meeting
   B. Warrant Lists of 12-1-17 to 12-15-17 and 12-16-17 to 12-31-17 (Finance)
   C. Liquor License Modification for The Whiskey Bar at Copper Mountain LLC dba HIGH ROCKIES WHISKEY AND WINE BAR; Manager Registration; Hotel & Restaurant; Nichole Steuart; located at 260 Ten Mile Circle, Copper Mountain, CO (Clerk)
   D. Liquor License Modification for Keystone Food & Beverage Co. dba VISTA HAUS; Manager Registration; Hotel & Restaurant; Kelly Rodriguez; located at 2510 Summit County Road 750, Breckenridge, CO (Clerk)
   E. Liquor License Renewal for Spoon Café LLC dba SPOON CAFÉ; Hotel & Restaurant; Jeremiah Diaz; located at 195 River Run Road, Keystone, CO (Clerk)
   F. Approval of a Resolution for the Colorado Opportunity Scholarship Initiative (Colorado Mountain College)
   G. Approval of the Community Wildfire Protection Plan (CSU Extension)
   H. Approval of Appointments for Library Board (Library)
VII. NEW BUSINESS
A. Request for Public Hearing regarding Modification of Liquor License for Powdr-Copper Mountain LLC dba WOODWARD AT COPPER; Resort Complex; Laura Hunter-Brubaker; located at 505 Copper Road, Copper Mountain, CO (Clerk)

VIII. PUBLIC HEARING
A. Amendments to Chapters 2, 3, and 8 of the Summit County Land Use & Development Code to improve integration of wildfire hazard reduction planning and land use planning in the unincorporated areas of Summit County to facilitate development of a more wildfire resilient community. Such amendments include, but are not limited to: 1) §2202.01 Required Contents of Basin Master Plans; 2) §3202 Specific Rezoning Policies; 3) §3202.05-Wildfire Hazard Areas; 4) §3504.04 Fire Protection & Emergency Services; 5) §3505.17 Walls & Fences; 6) comprehensive amendments to §3600 et seq. Landscaping Requirements; 7) §3812 et seq. Milling/Mining; 8) §3815.02 Residential Outdoor Storage (storage of firewood); 9) §8101 Required Fire Protection Improvements; and 10) §8154 Lot & Block Design Criteria and other amendments to accomplish the foregoing. (PLN14-058) Wildfire Hazard Reduction/Land Use Planning Amendments to the Summit County Land Use and Development Code (Planning)
B. Public Hearing regarding Renewal of Liquor License for Sullivan Ventures Inc. dba LOVELAND PASS LIQUORS; Liquor Store; Paul Sullivan; located at 101 Mountain View Plaza, Keystone, CO (Clerk) Continued from the December 12, 2017 Regular Meeting

IX. ADJOURNMENT

*This agenda is subject to change at any time. Please contact the Manager’s Office or visit our website to obtain updates at:  
http://www.summitcountyco.gov
RESOLUTION NO. 2018 – 01

BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO

A RESOLUTION CONCERNING THE APPOINTMENT TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS, AND OFFICIAL POSTING LOCATION FOR MEETING NOTICES.

WHEREAS, the Board of County Commissioners of the County of Summit, State of Colorado (hereinafter referred to as “the Board”), desires to make certain administrative appointments and designations for the terms specified herein; and

WHEREAS, the following appointments and designations do not constitute contractual obligations of the Board, and the Board is not legally bound for the respective terms of appointment or designation as specified herein below; and

WHEREAS, the Board, having the authority, in its sole discretion, may change, add, or abolish such appointments and designations and to fill vacancies therefore as it sees fit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO THAT the following appointments are hereby made:

1. Commissioner Dan Gibbs is hereby elected Chair of the Board for a one-year term commencing January 9, 2018, and continuing until his successor is appointed for fiscal year 2019, in accordance with Section 30-10-307, C.R.S.

2. Commissioner Thomas Davidson is hereby elected Vice Chair of the Board to preside, in the absence of the Chair, at all meetings of the board and to sign all County orders and contracts concerning matters submitted to the board or connected with its powers and duties, for a one-year term commencing January 9, 2018 continuing until his successor is appointed for fiscal year 2019.

3. In conjunction with the aforementioned statutory authority, the following named County Commissioners are hereby appointed to serve and represent on the various boards, committees, and commissions designated under their names:
Commissioner Karn Stiegelmeier:
Summit County Art Forum
Blue River Watershed Group Advisory Board
CCI Steering Committee (Alternate)
Climax Area Community Partnership Panel (CACPP)
Colorado River Basin Roundtable
Colorado Workforce Investment Board
Upper Colorado River Wild & Scenic Stakeholder Group
Middle Park Natural Resources Conservation District
Middle Park Water Conservancy Board
Northwest Colorado Council of Governments (NWCCOG) Executive Board
Summit Water Quality Committee
Water Quality/Quantity (QQ) Executive Board
Building Hope Summit County Advisory Board
Colorado River Water Conservation District Board of Directors

Commissioner Dan Gibbs:
CCI Legislative Committee
CCI Steering Committee
Climax Area Community Partnership Panel (CACPP)
I-70 Coalition
Summit County Cooperative Extension Advisory Board
Summit Stage Board
Wildfire Council
Summit Chamber of Commerce

Commissioner Thomas C. Davidson:
Climax Area Community Partnership Panel (CACPP)
Clinton Ditch and Reservoir Company Board of Directors
Early Childhood Options Board
Head Start / Early Head Start Board
Personnel Board/Appeal Board

4. The Summit County Commissioners shall share the duties associated with overseeing the operations and administration of the Summit County Jail by conducting an annual visit.

5. The Summit County Commissioners hereby appoint Julie Sutor and Scott Vargo as its representatives to the Summit County Telecommunications Consortium.

6. The Summit County Commissioners hereby appoint Scott Vargo as the alternate to the Clinton Ditch and Reservoir Company Board of Directors.
7. The Summit County Commissioners hereby appoint Scott Vargo and Marty Ferris as the representatives to the Medical Office Building Owner’s Association.

8. The Summit County Commissioners hereby appoint Thad Noll as the alternate to the Summit Stage Board.

9. The Summit County Commissioners hereby appoint Thad Noll to the Intermountain Transportation Planning Region.

10. The Summit County Commissioners hereby appoint Tom Gosiorowski to the Board of Directors of the Old Dillon Reservoir Water Authority.

11. The Summit County Commissioners hereby appoint Scott Vargo as the County Manager Representative and Sarah Vaine as the Assistant County Manager Representative to Communications Center Policy Board.

12. The Summit County Commissioners hereby appoint Sarah Vaine as the representative to the CARE Council.

13. The Summit County Commissioners hereby appoint Brian Lorch as the representative to DRRReC.

14. The Summit County Commissioners hereby appoint Sarah Vaine to the Early Childhood Options Board.

15. The Summit County Commissioners hereby appoint Sarah Vaine to the Head Start/Early Head Start Board.

16. The Summit County Commissioners hereby appoint Kate Berg as the representative to the Keystone Housing Review Board.

17. The Summit County Commissioners hereby appoint Sarah Vaine as representative and alternates Jim Curnutte, Brian Lorch and Don Reimer to the Climax Area Community Partnership Panel (CACPP).

18. The Summit County Commissioners hereby appoint Scott Vargo and Jim Curnutte as alternates to Summit Combined Housing Authority.

19. The Summit County Commissioners hereby appoint Scott Vargo to the Summit Housing Development Corporation.

20. The Summit County Board of Commissioners, realizing that other appointments to various boards, committees and commissions are pending, shall make additional appointments from time to time throughout the year.
21. The designated posting location for all official meeting notices is located in the south foyer on the main level of the Summit County Courthouse, 208 East Lincoln Avenue, Breckenridge, Colorado.

ADOPTED THIS 9th DAY OF JANUARY, 2018.

COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS

____________________________________
Dan Gibbs, Chair

ATTEST:

____________________________________
Kathleen Neel, Clerk & Recorder
SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, December 12, 2017, 1:30 p.m.
SUMMARY MINUTES

I. CALL TO ORDER
The Meeting of the Board of County Commissioners on Tuesday, December 12, 2017 was called to order by Chair, Karn Stiegelmeier, at 1:31 p.m. in the County Commissioners’ Meeting Room, Summit County Courthouse, 208 Lincoln Avenue, Breckenridge, Colorado.

II. ROLL CALL
Board Members present and answered to the roll call were:
  Karn Stiegelmeier, Chair
  Thomas C. Davidson, Commissioner
  Dan Gibbs, Commissioner

Staff Present were as follows: Scott Vargo, County Manager; Jeff Huntley, County Attorney; Keely Ambrose, Assistant County Attorney; Cameron Turpin, Assistant County Attorney; Thad Noll, Assistant County Manager; Sarah Vaine, Assistant County Manager; Kathleen Neel, County Clerk & Recorder; Stacey Campbell, Chief Deputy Clerk & Recorder; Sergeant Tom Whelan, Sheriff’s Office; Lindsay Hirsh, Planner; Julie Sutor, Public Affairs Coordinator; Eva Henson, Administrative Manager; Sarah Vigil, Administrative Assistant, and Suzanne Pugsley, Deputy Clerk.


III. APPROVAL OF AGENDA
The agenda was approved, as presented.

IV. CITIZEN COMMENT
Emily Mulica, Dillon Valley resident, and Girl Scout Troup 55312 gave a brief digital presentation on Walkable Dillon Valley. They requested to have safer routes for children and residents to walk and bike to the Dillon Valley Elementary School and to downtown Dillon.

Commissioner Stiegelmeier thanked Ms. Mulica and the Girl Scout Troup for voicing their concerns. She noted that there are plans to create safer walking and biking routes in Dillon Valley.
V. CONSENT AGENDA

A. Warrant List of 11-1-2017 to 11-15-2017 and 11-16-2017-11-31-2017 (Finance). **Approved as presented by the Finance Department; and**

B. Approval of Minutes from the 11-14-17 Regular Meeting. **Approved as presented; and**

C. Liquor License Renewal for Haywood Inc. dba HAYWOOD CAFÉ; Hotel & Restaurant; Kristopher Huffman; located at 23110 U.S. Highway 6 #5, Keystone, CO (Clerk). **The Sheriff's report indicated no record of negative information on the establishment and stated no reason to disapprove the issuance of the license at this time; and**

D. Liquor License Renewal for River Run Bar & Grill LLC dba KICKAPOO TAVERN; Hotel & Restaurant; Dan Shipp; located at 129 River Run Road #A-1, Keystone, CO (Clerk). **The Sheriff's report indicated no record of negative information on the establishment and stated no reason to disapprove the issuance of the license at this time; and**

E. Liquor License Renewal for Koll Inc. dba DOS LOCOS MEXICAN RESTAURANT & CANTINA; Hotel & Restaurant, Joseph Koll; located at 22869 U.S. Highway 6 Unit #102, Keystone, CO (Clerk). **The Sheriff's report indicated no record of negative information on the establishment and stated no reason to disapprove the issuance of the license at this time; and**

F. Liquor License Renewal for The Eagle BBQ dba THE EAGLE BBQ; Hotel & Restaurant; Darrell Walsh; located at 214 Ten Mile Circle, Copper Mountain, CO (Clerk). **The Sheriff's report indicated no record of negative information on the establishment and stated no reason to disapprove the issuance of the license at this time; and**

G. Liquor License Renewal for River Run III LLC dba LUIGI’S PASTA HOUSE; Hotel & Restaurant; John Shipp; located at 140 Ida Belle Drive #F20-22, Keystone, CO (Clerk). **The Sheriff's report indicated no record of negative information on the establishment and stated no reason to disapprove the issuance of the license at this time; and**

H. Liquor License Renewal for Double Diamond Restaurant Inc. dba DOUBLE DIAMOND BAR & GRILL; Hotel & Restaurant; David Luthie; located at 154 Wheeler Place, Copper Mountain, CO (Clerk). **The Sheriff's report indicated no record of negative information on the establishment and stated no reason to disapprove the issuance of the license at this time; and**

I. Approval of the proposed revisions to the Employee Down Payment Assistance Program (Finance). **Approved as presented; and**

J. Approval of a Resolution dissolving Local Improvement Districts (Finance). **Approved Resolution 2017-82; and**

K. Approval of Doig Homestead Deed of Conservation Easement to Continental Divide Land Trust (Open Space & Trails). **Approved as presented; and**

L. Approval of an Amendment to the SPRTV Easement Agreement (Open Space & Trails). **Approved as presented; and**
M. Approval of Xcel Easement for SPRTV Power Feed (Open Space & Trails). **Approved as presented; and**

N. Approval to acquire various partial interest mining claims in Mayflower Gulch (Tennmile) (Open Space & Trails). **Approved as presented; and**

O. Approval of an Intergovernmental Agreement (IGA) with the Town of Breckenridge for the operation of the Breckenridge North (French Gulch/Wellington Area) Transit Route (Transit). **Approved as presented; and**

Commissioner Stiegelmeier requested information regarding the unknown items on Consent A, the Warrant Lists.

Marty Ferris explained that the new finance software is still being updated and they need to set up a category for the vendor.

**MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Gibbs to approve the Consent Agenda, items A-O, including Resolution 2017-82, Approval of a Resolution dissolving Local Improvement Districts (Finance).**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

VI. **NEW BUSINESS**

A. General Subdivision Exemption plat to vacate the lot lines associated with Lots 2 and 3 Skiers Edge, Section 36, T7S, R78W of the 6th P.M. (PLN17-123/Christie Mathews Leidal) Upper Blue River Basin (Planning).

Lindsay Hirsh reviewed the staff report in detail and gave a digital presentation. He noted that the subject application is the applicant’s effort to fulfill the first condition of approval for the Skiers Edge major PUD amendment.

Staff recommended approval of the proposed resolution including the 7 findings as listed in the staff report.

Danny Teodoru, attorney for applicant, gave a brief background of the subject property and spoke in approval.

**MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Gibbs to approve Resolution 2017-83, General Subdivision Exemption plat to vacate the lot lines associated with Lots 2 and 3 Skiers Edge, Section 36, T7S, R78W of the 6th P.M. (PLN17-123/Christie Mathews Leidal) Upper Blue River Basin (Planning) including the 7 findings.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**
VII. PUBLIC HEARING
   A. 2017 Budget Amendment (Finance).

   Marty Ferris noted that the 2017 Budget Amendment had been reviewed in detail at the work session this morning and recommended approval of the proposed resolution.

   Commissioner Stiegelmeier opened and closed the hearing with no public comment.

   MOTION: A motion was made by Commissioner Gibbs and seconded by Commissioner Davidson to approve Resolution 2017-84, 2017 Budget Amendment (Finance).

   MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

   B. Adopting a Proposed 2018 Budget for Summit County Government (Finance/Attorney).

   Ms. Ferris stated the overall 2018 County Budget is $100,779,900 and noted the proposed budget has been reviewed numerous times over the past two months.

   Staff recommended approval of the proposed resolution.

   Commissioner Stiegelmeier opened and closed the hearing with no public comment.

   MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Gibbs to approve Resolution 2017-85, Adopting a Proposed 2018 Budget for Summit County Government (Finance/Attorney).

   MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

   C. Appropriation of Money for Summit County Government for the 2018 Budget Year (Finance).

   Ms. Ferris recommended approval of the appropriation of sums of money to the various funds and spending agencies outlined in the proposed resolution.

   Staff recommended approval of the proposed resolution.

   Commissioner Stiegelmeier opened and closed the hearing with no public comment.

   MOTION: A motion was made by Commissioner Gibbs and seconded by Commissioner Davidson to approve Resolution 2017-86, Appropriation of Money for Summit County Government for the 2018 Budget Year (Finance).
MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

D. Mill Levy Certification for 2018 for Summit County Government (Finance).

Ms. Ferris commented that this proposed resolution allows the County to collect Property Taxes in 2018 and sets the mill rate for Summit County Government at 14.986 mills. This will generate approximately $27,986,286 in property tax revenues.

Staff recommended approval of the proposed resolution.

Commissioner Stiegelmeier opened and closed the hearing with no public comment.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Gibbs to approve Resolution 2017-87, Mill Levy Certification for 2018 for Summit County Government (Finance).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

E. Consideration of Renewal of Liquor License and request for formal Public Hearing for Sullivan Ventures Inc. dba LOVELAND PASS LIQUORS; Liquor Store; Paul Sullivan; located at 101 Mountain View Plaza, Keystone, CO (Clerk).

Stacey Campbell stated that the applicant submitted a timely renewal application for their liquor license and gave a brief overview of that process.

Ms. Campbell briefly described a burglary incident that occurred at the liquor store in October. As a result of this incident, the Summit County Sheriff’s Office has recommended disapproval of the liquor license renewal.

Staff recommended that the BOCC set this matter for a formal public hearing to consider whether to grant the renewal of the applicant’s liquor license.

The Commissioners requested additional information from the Sheriff’s Office.

Sergeant Tom Whelan gave a detailed account of the burglary incident in October and explained that the employee on duty during the incident at the liquor store was intoxicated and unable to perform their duties, resulting in 3 people burglarizing the store.

Sergeant Whelan stated that the owner has since fired the employee.

Jeff Huntley asked if the Sheriff’s Office had any other incident reports from this particular business.
Sergeant Whelan stated that he is unaware of any other incidents at Loveland Pass Liquors.

Commissioner Stiegelmeier requested information about how the Sheriff’s Office and Clerk’s Office communicates regarding liquor licenses.

Ms. Campbell explained that it is protocol for the Clerk’s office to request a background check from the Sheriff’s Office Records Division on any business that is applying, renewing or modifying a liquor license. She stated that in this case, the Sheriff’s Office contacted the Clerk’s Office first and that the timing coincided with the renewal application submission, which was around the same time the incident occurred.

Paul Sullivan, applicant and owner, gave a history of his business and stated that he has owned Loveland Pass Liquors for 18 years. He gave his account of the night the incident occurred and noted that he did not find out about the incident until the following morning.

Mr. Huntley asked Mr. Sullivan about his hiring practices and if he does background checks when hiring new employees.

Mr. Sullivan stated that he has not hired any new employees since the incident, but would consider implementing background checks and changing his hiring policy.

In response to the Commissioner’s questions, Mr. Huntley noted that in the past, the Commissioners have utilized a probationary period and allowed the business to continue if there are no further issues. He noted that staff and applicant could create an agreement regarding the business’s renewal in lieu of holding a full public hearing in the future.

The Commissioners indicated a willingness to consider a probationary period and discussed this plan with Mr. Sullivan.

Mr. Sullivan spoke in agreement.

Commissioner Stiegelmeier opened and closed the hearing with no public comment.

The Commissioners directed Staff to discuss and prepare a proposed stipulation with the applicant for a probationary renewal period.

**MOTION**: A motion was made by Commissioner Davidson and seconded by Commissioner Gibbs to continue to the BOCC Regular Meeting on Tuesday, January 9, 2017, Public Hearing E, Consideration of Renewal of Liquor License and request for formal Public Hearing for Sullivan Ventures Inc. dba LOVELAND PASS LIQUORS; Liquor Store; Paul Sullivan; located at 101 Mountain View Plaza, Keystone, CO (Clerk).
MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VIII. ADJOURNMENT
The meeting was adjourned at 2:20 p.m.

Respectfully submitted,  Approved by:

____________________________               ________________________________
Suzanne Pugsley, Deputy Clerk               Karn Stiegelmeier, Chair

NOTE: These minutes are a summary of the proceedings and motions of the December 12, 2017 Board of County Commissioners’ Regular Meeting. The complete digital recording is available in the Office of the Clerk & Recorder, Summit County Courthouse, 2nd Floor, 208 Lincoln Avenue, Breckenridge, Colorado 80424.
I. CALL TO ORDER
The Special Meeting of the Board of County Commissioners on Tuesday, December 19, 2017 was called to order by Chair, Karn Stiegelmeier, at 9:00 a.m. in the County Commissioners’ Meeting Room, Summit County Courthouse, 208 Lincoln Avenue, Breckenridge, Colorado.

II. ROLL CALL
Board Members present and answered to the roll call were:

   Karn Stiegelmeier, Chair
   Thomas C. Davidson, Commissioner
   Dan Gibbs, Commissioner

Staff Present were as follows: Scott Vargo, County Manager; Jeff Huntley, County Attorney; Sarah Vaine, Assistant County Manager; Bill Wallace, County Treasurer; Ryne Scholl, Deputy Treasurer; Denise Steiskal, Deputy Assessor; Marty Ferris, Finance Director; Julie Sutor, Public Affairs Coordinator; Sarah Vigil, Administrative Assistant, and Suzanne Pugsley, Deputy Clerk.

Additional Attendees: Greg Warren and Deepan Dutta.

III. APPROVAL OF AGENDA
The agenda was approved, as presented.

IV. CITIZEN COMMENT

V. CONSENT AGENDA

VI. NEW BUSINESS

VII. PUBLIC HEARING
A. Certification of Mill Levies for the Towns and Special Districts of Summit County for Fiscal Year 2017, for collection in 2018 (Treasurer).

   Bill Wallace reviewed the Certification of Levies and Revenue Report and stated that the collectible property taxes for 2018 will be $101,462,521.00.
Commissioner Stiegelmeier opened and closed the hearing with no public comment.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Gibbs to approve Public Hearing A, Certification of Mill Levies for the Towns and Special Districts of Summit County for Fiscal Year 2017, for collection in 2018 (Treasurer).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VIII. ADJOURNMENT
The meeting was adjourned at 9:11 a.m.

Respectfully submitted, Approved by:

__________________________________  ________________________________
Suzanne Pugsley, Deputy Clerk                Karn Stiegelmeier, Chair

NOTE: These minutes are a summary of the proceedings and motions of the December 19, 2017 Board of County Commissioners’ Special Meeting. The complete digital recording is available in the Office of the Clerk & Recorder, Summit County Courthouse, 2nd Floor, 208 Lincoln Avenue, Breckenridge, Colorado 80424.
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LIQUOR LICENSE REVIEW

Establishment Name: The Whiskey Bar at Copper Mountain LLC
 dba High Rockies Whiskey and Wine Bar

Physical Address: 260 Ten Mile Circle Units 2 & 3  Copper Mountain, CO  80443

Applicant Name: Nichole Steuart

Mailing Address: P.O. Box 1156  Frisco, CO  80443

Date of Application: December 19, 2017

[ ] INDIVIDUAL  [ ] PARTNERSHIP  [ ] CORP  [ X ] LLC

[ ] RENEWAL  [ ] NEW  [ ] TRANSFER  [ X ] MODIFICATION

[ X ] HOTEL AND RESTAURANT  [ ] 3.2% BEER
[ ] TAVERN  [ ] BED AND BREAKFAST PERMIT
[ ] BREW PUB  [ ] SPECIAL EVENT PERMIT
[ ] BEER AND WINE  [ X ] MANAGER REGISTRATION
[ ] OPTIONAL PREMISE  [ ] CORPORATE CHANGE
[ ] RETAIL LIQUOR STORE  [ ] TRADE NAME CHANGE

Sheriff’s Office Comments: See attached approval letter. This License is currently a Temporary Permit expiring February 7, 2018. Willis & Connelly P.C. is in process of filing Wholesaler Affidavits to obtain full Transfer of Ownership. This Manager Registration is an important component to this Hotel & Restaurant License.

Clerk and Recorder Comments: Complete application and proper fees submitted. Find enclosed clear CBI results.

BOARD OF COUNTY COMMISSIONERS DECISION – JANUARY 9, 2018

[ ] APPROVAL  [ ] DENIAL

COMMENTS: _________________________________
____________________________________________________________________________________
## Permit Application and Report of Changes

**Current License Number**  Transfer in process for 4706657  
**All Answers Must Be Printed in Black Ink or Typewritten**  
**Local License Fee $**  75.00 for Manager Registration

1. Applicant is a  
   - [ ] Corporation  
   - [ ] Individual  
   - [ ] Partnership  
   - [x] Limited Liability Company

2. Name of Licensee  
   THE WHISKEY BAR AT COPPER MOUNTAIN, LLC

3. Trade Name  
   HIGH ROCKIES WHISKEY AND WINE BAR

4. Location Address  
   260 Ten Mile Circle, Units 2 & 3  
   Copper Mountain  
   County  Summit  
   ZIP  80443

### SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

#### Section A – Manager reg/change

- [x] Manager's Registration (Hotel & Rest.) $75.00
- [ ] Manager's Registration (Tavern) $75.00
- [ ] Manager's Registration (Lodging & Entertainment) $75.00
- [ ] Change of Manager (Other Licenses pursuant to section 12-47-301(8), C.R.S.) NO FEE

- License Account No. 4706657

#### Section B – Duplicate License

- Liquor License No.
- [ ] Duplicate License $50.00

#### Section C

- [ ] Retail Warehouse Storage Permit (ea) $200.00
- [ ] Wholesale Branch House Permit (ea) $200.00
- [ ] Change Corp. or Trade Name Permit (ea) $100.00
- [ ] Change Location Permit (ea) $300.00
- [ ] Change, Alter or Modify Premises $300.00 x _____ Total Fee

- [ ] Addition of Optional Premises to Existing H/R $200.00 x _____ Total Fee
- [ ] Addition of Related Facility to an Existing Resort or Campus Liquor Complex $160.00 x _____ Total Fee
- [ ] Campus Liquor Complex Designation No Fee

### Do Not Write in This Space – For Department of Revenue Use Only

<table>
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<tr>
<th>Date License Issued</th>
<th>License Account Number</th>
<th>Period</th>
<th>TOTAL AMOUNT DUE $</th>
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The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.

75.00
Instruction Sheet

For All Sections, Complete Questions 1-4 Located on Page 1

☒ Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 4. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

☐ Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 4 for Oath of Applicant signature.

☐ Section C

Check the appropriate box in section C and proceed below.

1) For a Retail Warehouse Storage Permit, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Submit to State Licensing Authority for approval.

2) For a Wholesale Branch House Permit, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Submit to State Licensing Authority for approval.

3) To Change Trade Name or Corporation Name, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County), Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.

4) To modify Premise, go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County), Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.

5) For Optional Premises go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature, Retail Liquor License submit to Local Liquor Licensing Authority (City or County).

6) To Change Location, go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County), Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.

7) Campus Liquor Complex Designation, go to page 4 and complete question 10. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

8) To add another Related Facility to an existing Resort or Campus Liquor Complex, go to page 4 and complete question 11.
5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit
   □ Retail Warehouse Permit for:
     □ On-Premises Licensee (Taverns, Restaurants etc.)
     □ Off-Premises Licensee (Liquor stores)
   □ Wholesalers Branch House Permit
   Address of storage premise:
   
   City ____________________________, County ____________________________ Zip __________

   Attach a deed/lease or rental agreement for the storage premises.
   Attach a detailed diagram of the storage premises.

6. Change of Trade Name or Corporation Name
   □ Change of Trade name / DBA only
   □ Corporate Name Change (Attach the following supporting documents)
     1. Certificate of Amendment filed with the Secretary of State, or
     2. Statement of Change filed with the Secretary of State, and
     3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

<table>
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<th>Old Trade Name</th>
<th>New Trade Name</th>
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<tr>
<td>Old Corporate Name</td>
<td>New Corporate Name</td>
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7. Change of Location
   NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of $750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 12-47-311 (1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.

   Date filed with Local Authority ______________________ Date of Hearing ______________________

   (a) Address of current premises
   
   City ____________________________ County ____________________________ Zip __________

   (b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)
   
   Address ____________________________
   
   City ____________________________ County ____________________________ Zip __________

   (c) New mailing address if applicable.

   Address ____________________________
   
   City ____________________________ County ____________________________ State ________ Zip __________

   (d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.
8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 12-47-301(8).

(a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only)

<table>
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<th>Former manager's name</th>
<th>N/A</th>
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<td>New manager's name</td>
<td>Nichole Steuart</td>
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(b) Date of Employment **November 1, 2017**

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<th>Has manager ever managed a liquor licensed establishment?</th>
<th>Yes ☐ No ☑</th>
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<td>Does manager have a financial interest in any other liquor licensed establishment?</td>
<td>Yes ☐ No ☑</td>
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<td>If yes, give name and location of establishment</td>
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9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility

NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed

(b) If the modification is temporary, when will the proposed change:

<table>
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<tr>
<th>Start (mo/day/year)</th>
<th>End (mo/day/year)</th>
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NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS $500.00

(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

   (If yes, explain in detail and describe any exemptions that apply) Yes ☐ No ☑

(d) Is the proposed change in compliance with local building and zoning laws? Yes ☐ No ☑

(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes ☐ No ☑

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification.

10. Campus Liquor Complex Designation

An institution of higher education or a person who contracts with the institution to provide food services

(a) I wish to designate my existing Liquor License # to a Campus Liquor Complex Yes ☐ No ☑

11. Additional Related Facility

To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.

(a) Address of Related Facility

(b) Outlined diagram provided Yes ☐ No ☑
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<td>[Title]</td>
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Manager: [Signature] [Title] [Date: 12/22/17]

### Oath of Applicant
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

### Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. Therefore, This Application is Approved.

Local Licensing Authority (City or County) [Signature] [Title] [Date filed with Local Authority: ]

### Report of STATE Licensing Authority
The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

[Signature] [Title] [Date]
LIQUOR LICENSE TEMPORARY PERMIT APPLICATION & LICENSE
PENDING TRANSFER OF OWNERSHIP

APPLICANTS: Lindsay Atkins & Jennifer McCready of THE WHISKEY BAR AT COPPER MOUNTAIN LLC

TRADE NAME HIGH ROCKIES WHISKEY AND WINE BAR

MAILING ADDRESS PO BOX 1156
FRISCO, CO 80443

STREET ADDRESS 260 TEN MILE CIRCLE
COPPER MOUNTAIN, CO 80443

BUSINESS PHONE (979) 248-0132

TRADE NAME OF EXISTING LICENSEE: ON THE ROCKIES LLC
by Darrell Walsh, Owner

EXISTING LICENSE # OF ESTABLISHMENT BEING TRANSFERRED: 4706657

EXISTING LICENSE EXPIRATION DATE: JUNE 30, 2018

TYPE OF LICENSE: HOTEL & RESTAURANT

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<td>DATE COMPLETE PAPERWORK ACCEPTED</td>
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<td>EFFECTIVE DATE: 10/10/2017</td>
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APPROVAL BY LOCAL AUTHORITY FOR TEMPORARY PERMIT UPON TRANSFER OF OWNERSHIP

APPLICATION RECEIVED & REVIEWED BY:

STACEY CAMPBELL
CHIEF DEPUTY CLERK
OFFICE OF THE CLERK & RECORDER
SUMMIT COUNTY GOVERNMENT
DATE: OCTOBER 10, 2017
OFFICE OF THE SUMMIT COUNTY SHERIFF

DATE: December 27, 2017
TO: Office of the Clerk & Recorder
RE: Establishment Application for Liquor License

The Summit County Sheriff's Office has completed a background check on:

Applicant: The Whiskey Bar at Copper Mountain LLC
DBA: High Rockies Whiskey & Wine Bar
Manager: Samantha Nichole Stewart
License Type: Hotel & Restaurant
260 Ten Mile Circle
Copper Mountain, CO 80443

We have no record of negative information on the above establishment.
The Summit County Sheriff’s Office recommendation is:

× No reason found to disapprove this establishment at this time.

Disapproval.

Tori Powell

Joel Cochran

“Professionally Serving Our Community Since 1861”

Post Office Box 210 / 501 North Park Avenue, Breckenridge, CO 80424-210
(970) 453-2332 • FAX (970) 453-7329
**LIQUOR LICENSE REVIEW**

<table>
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<th>Establishment Name:</th>
<th>Keystone Food &amp; Beverage Co. (dba Vista Haus)</th>
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<td>Physical Address:</td>
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<td>Applicant Name:</td>
<td>Kelly Rodriguez</td>
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<td>Mailing Address:</td>
<td>P.O. Box 1058  BK3  Breckenridge, CO  80424</td>
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- [ ] INDIVIDUAL  [ ] PARTNERSHIP  [X] CORP  [ ] LLC
- [ ] RENEWAL  [ ] NEW  [ ] TRANSFER  [X] MODIFICATION
- [X] HOTEL AND RESTAURANT  [ ] 3.2% BEER
- [ ] TAVERN  [ ] BED AND BREAKFAST PERMIT
- [ ] BREW PUB  [ ] SPECIAL EVENT PERMIT
- [ ] BEER AND WINE  [X] MANAGER REGISTRATION
- [ ] OPTIONAL PREMISE  [ ] CORPORATE CHANGE
- [ ] RETAIL LIQUOR STORE  [ ] TRADE NAME CHANGE

**Sheriff’s Office Comments:** See attached approval letter.

**Clerk and Recorder Comments:** Complete application and proper fees submitted.

---

**BOARD OF COUNTY COMMISSIONERS DECISION – JANUARY 9, 2018**

<table>
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<tr>
<th>COMMENTS:</th>
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# PERMIT APPLICATION & REPORT OF CHANGES

**CURRENT LICENSE NUMBER** 05-13221-0028

All answers must be printed in black ink or typewritten

**LOCAL LICENSE FEE** $75.00

Applicant should obtain a Colorado Liquor & Beer Code Book
To order call (303) 370-2165

---

1. **Applicant is a**
   - [X] Corporation
   - [ ] Partnership
   - [ ] Individual
   - [ ] Limited Liability Company

   **PRESENT LICENSE NUMBER**
   - 05-13221-0028

2. **Name of Licensee**
   - Keystone Food and Beverage

3. **Trade Name**
   - Vista Haus

4. **Location Address**
   - 2510 Summit County Road 750

   **City**
   - Breckenridge

   **County**
   - Summit

   **ZIP**
   - 80424

---

Select the appropriate section below and proceed to the instructions on page 2.

### SECTION A - MANAGER REG/CHANGE

- **License Account No.** 05-13221-0028

  - 1983-750 (999) [X] Manager's Registration (Hotel & Restr.) $75.00
  - 2012-750 (999) [ ] Manager's Registration (Tavern) $75.00
  - [ ] Change of Manager (Other Licenses) NO FEE
  - 2315-100 (999) [ ] Concurrent Review $100.00

### SECTION B - DUPLICATE LICENSE

- **LIQUOR LICENSE No.**

  - [ ] 2270-100 (999) DUPLICATE LICENSE $50.00

### SECTION C

1. [ ] 2210-100 (999) Retail Warehouse Storage Permit (ea) $100.00
2. [ ] 2200-100 (999) Wholesale Branch House Permit (ea) $100.00
3. [ ] 2260-100 (999) Change Corp or Trade Name Permit (ea) $50.00
4. [ ] 2230-100 (999) Change Location Permit (ea) $150.00
5. [ ] 2280-100 (999) Change, Alter or Modify Premises $150.00 x _____ Total Fee
6. [ ] 2220-100 (999) Addition of Optional Premises to Existing H/R $100.00 x _____ Total Fee
7. [ ] 1998-100 (999) Addition of Related Facility to Resort Complex $75.00 x _____ Total Fee
8. [ ] 2340-100 (999) Bed and Breakfast Permit $50.00

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**DO NOT WRITE IN THIS SPACE – FOR DEPARTMENT OF REVENUE USE ONLY**

<table>
<thead>
<tr>
<th>DATE LICENSE ISSUED</th>
<th>LICENSE ACCOUNT NUMBER</th>
<th>PERIOD</th>
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<td>-750 (999)</td>
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<td><strong>TOTAL</strong></td>
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INSTRUCTION SHEET

For all sections, complete questions 1-4 located on page 1

☐ Section A

To Register or Change Managers, check the appropriate box in section A and complete question 9 on page 4. Proceed to the Oath of Applicant for signature (Please note: Hotel, Restaurant, and Tavern licensees are required to register their managers).

☐ Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 4 for Oath of Applicant signature.

☐ Section C

Check the appropriate box in section C and proceed below.

1) For a Retail Warehouse Storage Permit, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

2) For a Wholesale Branch House Permit, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

3) To Change Trade Name or Corporation Name, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

4) To modify Premise, go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

5) For Optional Premises or Related Facilities go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

6) To Change Location, go to page 3 and complete question 8. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

7) For a Bed and Breakfast Permit, go to page 4 and complete question 10. Submit the necessary information and proceed to Oath of Applicant signature.
5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit
   □ Retail Warehouse Permit
   □ Wholesalers Branch House Permit
   Include full address of storage premises.
   If granted, will the proposed warehouse or branch house be in compliance with local building and zoning laws?  Yes No
   Name and title of Person in Charge of Premises
   □ Attach a lease/deed and a diagram of storage premises.

6. Change of Trade Name or Corporation name
   □ Trade/DBA Name Change only
   □ Corporate Name Change (Attach a Certificate of Amendment from Secretary of State)
   Old Name ______________________  New Name ______________________

7. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility
   NOTE: LICENSEES MAY NOT MODIFY OR ADD TO THEIR LICENSED PREMISES UNTIL APPROVED BY STATE AND LOCAL AUTHORITIES.
   (a) Describe change proposed
   (b) If the modification is temporary, when will the proposed change:
       Start ______________________ (mo/day/year)  End ______________________ (mo/day/year)
       NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS $300.00
   (c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?
       (If yes, explain in detail and describe any exemptions that apply) Yes □  No □
   (d) Is the proposed change in compliance with local building and zoning laws? Yes □  No □
   (e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises? Yes □  No □
   (f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.
   (g) Attach any existing lease that is revised due to the modification.

8. Change of Location
   (a) Address of current premises ______________________  County ______________________  ZIP __________
   (b) Address of proposed New Premises (Attach a copy of the deed or lease that establishes possession of the premises by the licensee)
       Address ______________________  County ______________________  ZIP __________
   (c) New mailing address if applicable
       Address ______________________  County ______________________  ZIP __________
   (d) Attach a diagram of the premises showing the area where alcohol beverages will be stored, served, possessed or consumed. Include food preparation facilities for Hotel and Restaurants.
9. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.
   (a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)
   Former manager's name: Amy Geppi
   New manager's name: Kelly Rodríguez

   (b) Compensation of Mgr. Annual/Exempt Date of Emp. 10/27/2017 Exp. Date N/A
   Has manager ever managed a Liquor licensed establishment? ☐ Yes ☐ No
   Does manager have a financial interest in any other liquor licensed establishment? ☐ Yes ☐ No
   If yes, give name and location of establishment: Northstar California Mountain Dining

10. Bed and Breakfast Permit
   • Attach a copy of a deed or lease in the exact name of the applicant only, reflecting possession of the permitted area for at least the minimum duration of this permit (1 year from date of issuance).
   • Attach a diagram of the premises which accurately reflects the area where alcohol beverages will be stored, served, possessed or consumed.

   1. Applicant is a:
      ☐ Corporation
      ☐ Individual
      ☐ Partnership
      ☐ Limited Liability Company

   2. Name of Applicant

   3. Trade Name of Establishment (DBA)

   4. Address of Premises (specify exact location)

   5. State Sales Tax Number ___________________ Business Phone ________________

   Pursuant to 12-47-410, C.R.S., Applicant hereby states that it qualifies for a Bed and Breakfast Permit, in order to serve complimentary alcohol beverages, and certifies to the State Licensing Authority:
      ☐ That it has no more than 20 sleeping rooms, and
      ☐ That it provides at least 1 meal per day at no charge other than for overnight lodging, and
      ☐ That it does not sell alcohol beverages by the drink or in sealed containers, and
      ☐ That it will not serve alcohol beverages for more than 4 hours in any one day, as follows:

<table>
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<th>MONDAY HOURS</th>
<th>TUESDAY HOURS</th>
<th>WEDNESDAY HOURS</th>
<th>THURSDAY HOURS</th>
<th>FRIDAY HOURS</th>
<th>SATURDAY HOURS</th>
<th>SUNDAY HOURS</th>
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OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature ___________________________ Title Sr. Licenee M/Cr/Se
Date 11/14/2017

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY / COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)
Signature ___________________________ Title ___________________________ Date

Date filed with Local Authority

REPORT OF STATE LICENSING AUTHORITY

The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature ___________________________ Title ___________________________ Date
AFFIDAVIT OF DUTIES, LIMITATIONS AND COMPENSATION OF REGISTERED MANAGER

1. I, John Buhler, am the Vice President and Chief Operating Officer of Keystone Food and Beverage Company.

2. I do hereby state that Kelly Rodriguez is the Manager of Vista Haus, an establishment which operates a Hotel & Restaurant Liquor License held by Keystone Food and Beverage Company.

3. As Manager, she is responsible for the proper operation of such establishment, which duties include but are not limited to overseeing:

   Compliance with applicable laws, rules and regulations, including Colorado liquor laws; hiring and terminating personnel, including food and beverage staff; conducting personnel training, including training of food and beverage staff; controlling inventory, including food and beverage inventory; receiving revenues, including food and beverage revenues; and maintaining effective service levels.

4. As Manager, she is limited in his ability to bind the corporation to certain legal obligations.

5. As Manager, her compensation package includes a base salary in the amount of $____ per year.

KEYSTONE FOOD AND BEVERAGE COMPANY.

By:  
John Buhler
VP & Chief Operating Officer

State of Colorado )

County of Summit ) ss

Subscribed and sworn to before me this 11th day of NOVEMBER 2017, by John Buhler, as Vice President and Chief Operating Officer of Keystone Food and Beverage Company.

My commission expires:

DEBRA A. TAYLOR
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124027042
MY COMMISSION EXPIRES APRIL 30, 2020
DATE: December 18, 2017  
TO: Office of the Clerk & Recorder  
RE: Establishment Application for Liquor License  

The Summit County Sheriff's Office has completed a background check on:  

Keystone Food & Beverage Co.  
DBA: Vista Haus  
Manager: Kelly Rodriguez  
License Type: Hotel & Restaurant  
2510 Summit County Road 750  
Breckenridge, CO 80424  

We have no record of negative information on the above establishment.  

The Summit County Sheriff's Office recommendation is:  

___ X No reason found to disapprove this establishment at this time.  
____ Disapproval.  

Tori Powell  

Joel Cochran
LIQUOR LICENSE REVIEW

Establishment Name: Spoon Café LLC (dba Spoon Café)
Physical Address: P.O. Box 877 Dillon, CO 80435
Applicant Name: Jeremiah Diaz
Mailing Address: 195 River Run Road Keystone, CO 80435
Date of Application: December 21, 2017

[ ] INDIVIDUAL  [ ] PARTNERSHIP  [ ] CORP  [ X ] LLC

[ X ] RENEWAL  [ ] NEW  [ ] TRANSFER  [ ] MODIFICATION

[ X ] HOTEL AND RESTAURANT  [ ] 3.2% BEER
[ ] TAVERN  [ ] BED AND BREAKFAST PERMIT
[ ] BREW PUB  [ ] SPECIAL EVENT PERMIT
[ ] BEER AND WINE  [ ] MANAGER REGISTRATION
[ ] OPTIONAL PREMISE  [ ] CORPORATE CHANGE
[ ] RETAIL LIQUOR STORE  [ ] TRADE NAME CHANGE

Sheriff’s Office Comments: See attached approval letter.
Clerk and Recorder Comments: Complete application and proper fees submitted.

BOARD OF COUNTY COMMISSIONERS DECISION – JANUARY 9, 2018

[ ] APPROVAL  [ ] DENIAL

COMMENTS: __________________________________________
SPOON CAFE
PO BOX 877
DILLON CO 80435-0877

RETAIL LIQUR OR 3.2 BEER
LICENSE RENEWAL APPLICATION

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

Licensee Name
SPOON CAFE LLC

DBA
SPOON CAFE

Liquor License #
42584400000
License Type
Hotel & Restaurant (county)

Sales Tax License #
42584400000
Expiration Date
02/12/2018
Due Date
12/29/2017

Operating Manager
JEREMIAH DIAZ
Date of Birth
1-14-78
Home Address
53 Brook Ave, Silverthorne, CO 80498
Manager Phone Number
970 985 0523
Email Address
LUCKYSEVENSO7@GMAIL.COM

Street Address
195 River Run Rd Keystone CO 80435
Mailing Address
PO BOX 877 DILLON CO 80435-0877
Phone Number
9709850523

1. Do you have legal possession of the premises at the street address above? □ YES □ NO
   Is the premises owned or rented? □ Owned □ Rented* *If rented, expiration date of lease
   2023

8. Since the date of filing of the last application, there has been any change in financial interest (new notes, loans, owners, etc.) or
   organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail
   and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers,
   directors, managing members, or general partners are materially interested. □ YES □ NO
   
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any
   officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete
   and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership
   Report of Changes, along with all supporting documentation and fees.

3. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other
   than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. □ YES □ NO

4. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other
   than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked,
   or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.
   □ YES □ NO

5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct
   or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If
   yes, attach a detailed explanation. □ YES □ NO

AFFIRMATION & CONSENT
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business
JEREMIAH DIAZ
Title
GENERAL MANAGER

Signature
Date
11/16/2017

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report
that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority

Signature

Title

Attest
DATE: December 27, 2017
TO: Office of the Clerk & Recorder
RE: Establishment Application for Liquor License

The Summit County Sheriff’s Office has completed a background check on:

Applicant: Spoon Café, LLC
DBA: Spoon Café
License Type: Hotel & Restaurant
195 River Run Road
Keystone, CO 80435

We have no record of negative information on the above establishment.

The Summit County Sheriff’s Office recommendation is:

__X__ No reason found to disapprove this establishment at this time.

Disapproval.

[Signature]

[Signature]

Joel Cochran

“Professionally Serving
Our Community Since
1861”
Good afternoon,

The Colorado Opportunity Scholarship Initiative (COSI) has announced an additional year of scholarship funding for eligible Summit County residents, with the same 1:1 matching requirement of previous years. (Details: https://sites.google.com/a/state.co.us/cosi/matching-scholarships)

As in previous years Colorado Mountain College would be honored to take the lead on raising the required match and administering the COSI scholarship award on behalf of Summit County.

Please find attached a copy of an authorizing resolution for the consideration of the Summit County Commissioners authorizing CMC to pursue the matching COSI scholarship award on Summit County's behalf.

If the county commissioners are agreeable to CMC administering this opportunity we would need to have this passed resolution in hand by the end of middle of February 2018 at the latest.

Thank you in advance for your assistance in getting this routed to the Summit County Commissioners for their consideration.

If you have questions feel free to email me at echusid@coloradomtn.edu or reach me by phone at (970) 947-8347.

-Ed

EDWARD CHUSID
Grants Coordinator
970.947.8347 / echusid@coloradomtn.edu

Colorado Mountain College
802 Grand Avenue / Glenwood Springs, CO 81601
ColoradoMtn.edu / do something MAJOR
RESOLUTION NO. 2018 - __

BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO

RESOLUTION TO PARTNER WITH COLORADO MOUNTAIN COLLEGE (CMC) IN APPLYING FOR AND DISTRIBUTING THE COLORADO OPPORTUNITY SCHOLARSHIP (COSI) 2017-2018 MATCHING FUNDS SCHOLARSHIP

WHEREAS the State of Colorado, through the Colorado Opportunity Scholarship (COSI) has provided an opportunity for local counties to apply for scholarship support for students entering postsecondary education, and

WHEREAS COSI has required that matching scholarship funds awarded to any county be deposited with, and administered by, a local representative non-profit community foundation, and

WHEREAS COSI has required that matching scholarship funds will only be awarded to a county in which the student participants are engaged in a rigorous student success support program, and

WHEREAS the school districts contained either in part, or in full, within the boundaries of this county are currently participants within a previously funded COSI vigorous student success support program known as the Mountain Futures Fund (MFF), and

WHEREAS MFF was developed in cooperation with Colorado Mountain College (CMC) and has developed a functional framework for administering grant funds awarded by COSI, that is acceptable to COSI, and utilizes local non-profit community foundations, and

WHEREAS COSI has indicated that the MFF vigorous student success support program currently funded in part by COSI and in operation at present is provisionally sufficient to meet the requirements of the COSI matching scholarship grant requirements, and

WHEREAS the provision of additional scholarship support, to offset the cost of attending post-secondary education and a vigorous student success support program are critical to the continued economic competitiveness of this county, and

WHEREAS affordable post-secondary education for the citizens of this county is both a public good and a pathway towards greater individual economic success and greater economic health for this county, and

WHEREAS this citizens of this county have an expressed interest in providing affordable and cost-competitive quality post-secondary education for residents of this county,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO THAT approval is hereby given for CMC to apply on behalf of Summit County to COSI for $14,276 in matching scholarship funds through its 2017-2018 grant opportunity, and
BE IT FURTHER RESOLVED that the Summit County Board of County Commissioners agrees that the Colorado Mountain College Foundation will be the repository of all funds raised by this COSI grant initiative and will be responsible for the monitoring, distribution, and oversight of these scholarship awards, and

BE IT FURTHER RESOLVED that the Summit County Board of County Commissioners approves the allocation of all scholarship dollars raised by this 2017-2018 COSI initiative will be first applied to reducing the cost of attendance for eligible Summit County residents to attend CMC pursuant to a formal two-year degree, four-year degree, technical certificate, or success transfer to another institution of post-secondary education.

BE IT FURTHER RESOLVED that if all eligible Summit county residents for 2017-2018 have received the greatest financial aid possible from this award, the Summit County Board of County Commissioners authorizes CMC on its behalf to allocated unspent dollars for eligible residents from other counties participating in this initiative and this authority covers both current and standing unspent balances provided in past COSI allocations for Summit County.

ADOPTED THIS 9th DAY OF JANUARY, 2018.

ATTEST:

Kathleen Neel, Clerk & Recorder

COUNTY OF SUMMIT
STATE OF COLORADO
By and Through its
BOARD OF COUNTY COMMISSIONERS

Dan Gibbs
District 1
Summit County Commissioner

Thomas C. Davidson
District 2
Summit County Commissioner

Karn Stiegelmeier
District 3
Summit County Commissioner

Acknowledged on Behalf of Colorado Mountain College
Carrie Besnette-Hauser
Colorado
STAFF REPORT

TO: Board of County Commissioners
FROM: Dan Schroder
DATE: December 18, 2017
FOR: Consent Agenda, Regular Meeting of January 9, 2018
REQUEST: Approval of the revised Community Wildfire Protection Plan (CWPP)

BACKGROUND: Since its inception, the Summit County Community Wildfire Protection Plan (SCCWPP) has been a guiding document written to provide staff with wildfire prevention goals and objectives. Annually, staff refines and revises the SCCWPP to reflect the ongoing wildfire prevention activities undertaken. In 2016, a major revision was completed to reflect Summit County’s 10 year anniversary of the original SCCWPP writing.

STAFF RECOMMENDATION: Staff recommends that the Board of County Commissioners approve the revised Summit County Community Wildfire Protection Plan (SCCWPP) and its prior annual revisions to reflect the most recent 2016 version.

ATTACHMENTS: 2016 SCCWPP Final Version
Summit County Community Wildfire Protection Plan

Wildfire Is Everyone’s Fight

SUPPORTING AGENCIES

Summit County Government, Summit County Office of Emergency Management, Colorado State University Extension, Lake Dillon Fire Rescue, Red White and Blue Fire Protection District, Copper Mountain Consolidated Metropolitan District, United States Forest Service, Colorado State Forest Service, Town of Breckenridge, Town of Dillon, Town of Silverthorne, Town of Blue River, Town of Frisco, Town of Montezuma

Adopted 2006
**Table of Contents**

I. EXECUTIVE SUMMARY ........................................................................................................... 3

II. AUTHORIZATION ....................................................................................................................... 3

III. PURPOSE ................................................................................................................................. 4

IV. GOALS ................................................................................................................................... 4

V. COMMUNITY WILDFIRE PROTECTION PLAN STANDARDS ................................................... 4
   A. COMMUNITY AND AGENCY ENGAGEMENT IN THE DEVELOPMENT OF THIS CWPP ........ 5

VI. HISTORICAL BACKGROUND ............................................................................................... 5
   A. 2006 SUMMIT COUNTY COMMUNITY WILDFIRE PROTECTION PLAN ......................... 5
   B. FORMATION OF THE SUMMIT COUNTY WILDFIRE COUNCIL ....................................... 5
   C. HISTORICAL SUPPORT FOR WILDFIRE PROTECTION ................................................... 6

VII. CURRENT COMMUNITY STATUS .......................................................................................... 7
   A. COMMUNITY PROFILE ......................................................................................................... 7
   B. WILDLAND URBAN INTERFACE (WUI) ............................................................................. 11
   C. THE PINE BEETLE EPIDEMIC ............................................................................................ 14
   D. NEED FOR FOREST MANAGEMENT .................................................................................... 15
   E. FOREST MANAGEMENT ACTIVITIES ................................................................................... 15
   F. PROJECT PRIORITIZATION ................................................................................................. 16
   G. NEED FOR CITIZEN PREPAREDNESS AND EVACUATION PLANNING ................................ 18
   H. REDUCTION OF STRUCTURAL IGNITABILITY .................................................................... 19
   I. DEFENSIBLE SPACE/ FUELS REDUCTION ............................................................................ 20
   J. PUBLIC EDUCATION ............................................................................................................. 21

VIII. EXISTING FIRE PROTECTION INFRASTRUCTURE .............................................................. 23

IX. COMMUNITY BASE MAP .................................................................................................... 24

X. COMMUNITY PROTECTION ASSESSMENT .......................................................................... 26
   A. SUB-MODEL 5A - FUELS HAZARDS .................................................................................. 28
   B. SUB-MODEL 5B - RISK OF WILDFIRE OCCURRENCE ...................................................... 29
   C. SUB-MODEL 5C - ESSENTIAL INFRASTRUCTURE AT RISK ............................................. 30
   D. SUB-MODEL 5D - COMMUNITY VALUES AT RISK ............................................................ 31
   E. SUB-MODEL 5E - LOCAL PREPAREDNESS AND FIRE FIGHTING CAPABILITY ............... 32

XI. FOCUS AREAS FOR REDUCING WILDFIRE HAZARDS ....................................................... 33

XII. WILDFIRE PREPAREDNESS STRATEGIES ........................................................................... 35
   A. OBJECTIVE - ESTABLISH AND MAINTAIN COMMUNITY RISK REDUCTION MAPS ........ 35
   B. OBJECTIVE - IMPLEMENT THE NATIONAL COHESIVE STRATEGY .................................. 36
   C. OBJECTIVE - ESTABLISH PRESCRIPTIONS FOR MINIMIZING THE IMPACTS OF WILDFIRE 36
   D. OBJECTIVE - FUND AND IMPLEMENT THE CWPP ........................................................... 37
   E. OBJECTIVE - SUPPORT NEIGHBORHOOD, SUBDIVISION AND COMMUNITY EFFORTS TO REDUCE THE HAZARD OF WILDFIRES .............................................................. 37
   F. OBJECTIVE - INFORM THE PUBLIC ABOUT THE HAZARDS OF WILDFIRE AND RESPONSIBILITY TOWARD EMERGENCY PREPAREDNESS ..................................................... 37
   G. OBJECTIVE - PREVENT THE PROLIFERATION OF NOXIOUS WEEDS IN FUELS REDUCTION AREAS ..... 38
   H. SUPPORT THE UTILIZATION OF FOREST PRODUCTS .................................................... 39

XIII. IMPLEMENTATION ............................................................................................................... 39
   A. ACCOMPLISHMENTS ............................................................................................................. 40
   WILDFIRE PREVENTION CHIPPING PROGRAM METRICS .................................................. 41
   SUMMIT COUNTY COMMUNITY WILDFIRE PREVENTION PROJECTS FUNDED 2006 - 2016 .... 42

XIV. GLOSSARY OF TERMS ........................................................................................................... 47

APPENDIX A – MANAGEMENT RECOMMENDATIONS FOR REDUCING FIRE HAZARDS WITHIN EACH FOCUS AREA .......................................................... 49
I. EXECUTIVE SUMMARY

Summit County’s permanent resident population has more than doubled in the last several decades, with a corresponding increase in new development occurring in forested areas that have a high risk of wildfire. The community has a vested interest in minimizing the hazard of wildfire in these areas. The community, through various forums, has expressed a desire to maintain forests which not only have a reduced hazard of wildfire, but are also diverse and healthy.

Given that resources to address this concern are limited, officials from Summit County, local fire districts, state and federal forest agencies, towns and others joined forces to develop the community’s first wildfire protection plan. This plan, known as the Summit County Community Wildfire Protection Plan (CWPP), was adopted in 2006.

Early in the development of this first plan, participating entities agreed that it should be generally consistent with the national model for community wildfire protection planning, as set forth by the National Association of Counties and other organizations. This national model for wildfire protection planning is an extension of the Healthy Forest Restoration Act (HFRA) authorized by Congress in 2003.

The original CWPP was prospective in nature in that it established the Summit County Wildfire Council and set forth various objectives, actions and policies designed to reduce the risk and impact of wildfire. Since the plan’s inception, the Wildfire Council and staff have continually reviewed and refined the CWPP to meet the community’s changing needs concerning wildfire protection. While the 2006 plan envisioned cooperation between various agencies, one of the most important refinements that make this an extremely effective program is the close collaboration between the County, local fire-protection districts, the Colorado State Forest, the U.S. Forest Service and the towns.

Refinements to the plan have included the establishment of “focus areas,” the creation of an annual grant program to encourage and financially support fuels reduction efforts and the creation of a long-term funding mechanism through the adoption of Referred Measure 1-A in 2008 to help pay for those efforts. Further refinements include new language regarding the use of the five models that form the Community Protection Assessment (Chapter X), the need for community preparedness and evacuation planning (Chapter VII), the addition of requirements to the grant program to minimize the proliferation of noxious weeds in fuels reduction projects (Chapter XII) and management recommendations for the reduction of fire hazards for each focus area (Appendix A).

II. AUTHORIZATION

The initial authorities for community wildfire planning came from the HFRA. Title I of HFRA outlined requirements for reducing hazardous fuels on federal lands. The Summit County plan was developed to be consistent with the requirements of the HFRA and to provide Summit County with a countywide baseline from which to begin community wildfire planning in coordination with the U.S. Forest Service. The Colorado Legislature has since created specific law guiding the community planning at a County government level. The statutes providing authorization for this planning are outlined below:

- C.R.S. 23-31-312 Community wildfire protection plans, County government, guidelines and criteria, legislative declaration, definitions
III. PURPOSE

The purpose of this plan is to identify areas where the hazard and potential community impact of wildfire is greatest and to guide and coordinate community efforts to reduce the risk of wildfire through public education, reduction of hazardous fuels and reduction of structural ignitability.

IV. GOALS

The main goals of the HFRA are to enhance life-safety for residents and responders and to mitigate undesirable fire outcomes to property, infrastructure, the environment and quality of life. This CWPP addresses these goals and guides the Summit County community in implementation. The goals of this plan are to:

1. Identify and mitigate areas that are at particular risk from wildfire loss, especially those areas that are “at risk” as identified in Title I of the Healthy Forests Restoration Act of 2003. See [http://summitcountyco.gov/909/Community-Wildfire-Protection-Plan](http://summitcountyco.gov/909/Community-Wildfire-Protection-Plan) for at risk areas.
2. Develop and/or inform plans to reduce potential loss of property, critical infrastructure and valued ecological resources while protecting the safety of the public and firefighters.
3. Implement, manage or fund projects identified in this plan.
4. Improve the public’s understanding of our existing community fire protection infrastructure and limitations.
5. Inform members of the public of the benefits of reducing wildfire hazard and their responsibilities to do so.
6. Provide a meaningful structure to update plans and strategies in the future.
7. Engage interested members of the public and affected governmental agencies to shape and effectively implement this plan.
8. Inform and support future land use decisions.
9. Integrate wildfire risk reduction and planning efforts with other County environmental and sustainability planning goals and activities.

V. COMMUNITY WILDFIRE PROTECTION PLAN STANDARDS

CWPPs are a direct extension of the HFRA authorized by Congress in 2003. In an effort to promote these plans and to encourage consistency in the development of these plans, a model handbook was prepared by the Communities Committee, National Association of Counties, National Association of State Foresters, Society of American Foresters and the Western Governors’ Association. The Summit County Board of County Commissioners (BOCC), U.S. Forest Service (USFS), Towns, Upper Colorado River Interagency Fire Management Unit, the Colorado State Forest Service and fire chiefs for Lake Dillon, Red White and Blue, and Copper Mountain Consolidated Metropolitan Districts agreed that the development of the
CWPP should be generally consistent with this national model. CWPP minimum standards are:

- Collaboration
- Prioritized fuel reduction
- Treatment of structural ignitability.

**A. COMMUNITY AND AGENCY ENGAGEMENT IN THE DEVELOPMENT OF THIS COMMUNITY WILDFIRE PROTECTION PLAN**

The HFRA calls for collaboration among affected agencies and interested members of the public with an emphasis on the involvement of federal agencies. The Summit County Wildfire Council (SCWC) is the collaborative body for Summit County. The SCWC meets regularly to discuss and direct the implementation of the CWPP.

**VI. HISTORICAL BACKGROUND**

**A. 2006 SUMMIT COUNTY COMMUNITY WILDFIRE PROTECTION PLAN**

In March of 2005, the local fire protection districts/departments, the USFS, Upper Colorado River Interagency Fire Management Unit, the Colorado State Forest Service, Northwest Colorado Council of Governments and the BOCC agreed to create a Countywide CWPP based on the national model promulgated by the National Association of Counties and others. There was agreement that the multi-jurisdictional effort in the Upper Blue basin, spearheaded by the Town of Breckenridge and facilitated by Gary Severson with the Northwest Colorado Council of Governments, would be a component of this Countywide plan and would serve as a model as to how the Countywide program should be structured. After approval of the draft plan, the Summit County Wildfire Council was formed and formally adopted the first Summit County Wildfire Protection Plan in September of 2006.

**B. FORMATION OF THE SUMMIT COUNTY WILDFIRE COUNCIL**

Consistent with the direction given in the joint March 2005 meeting referenced above, the outline of this report and general strategy for reducing the risk of wildfire were developed jointly by the staffs of the Lake Dillon Fire Protection District, the Northwest Colorado Council of Governments and Summit County on April 15, 2005 and subsequently presented to both the federal and state forest services for their endorsement. An important mechanism established in this April outline was the creation of the Summit County Wildfire Council (SCWC). Direction of the SCWC includes:

- **Direct** the formation of mutually agreed upon objectives for the CWPP and determine the level of financial and human support needed to accomplish the priorities identified in the plan.
- **Review** staff-produced documents from the perspective of whether the product or process being proposed will aid locally elected officials and federal land management agency managers in making better, cooperative decisions.
- **Guide** revisions and plan updates in order to improve their quality as decision making tools and guide the implementation of these plans.
- **Evaluate** the plans and the process used to produce them.
- **Recommend** follow-up actions for the participating jurisdictions’ actions to improve the process.
• **Communicate** actions and proposed actions regarding wildfire mitigation and forest-health activities to the public and other governmental jurisdictions.

• **Adopt and Revise** the CWPP as determined necessary.

The SCWC oversees staff recommendations on fuels reduction projects, allocation of grant funding and strategic policymaking on critical issues.

**C. HISTORICAL SUPPORT FOR WILDFIRE PROTECTION**

Summit County has been a leader in proactive wildfire mitigation issues for the past two decades. After the Black Tiger Fire in July of 1989 destroyed 44 structures in Boulder County, the Summit County Board of Commissioners, along with stakeholders in the fire protection community, formed a task force to examine wildfire issues. This diverse task force made several strategic recommendations to the community. After analysis of these strategic recommendations, a two-tiered approach was initiated. One strategic goal was to enhance the public education efforts on wildfire prevention and mitigation issues to the community. The second broad strategic goal was to establish criteria in local building and/or fire codes to reduce structural ignitibility and improve defensible space around new construction.

In 1992 a chapter was added in the Uniform Building Code that contained specific criteria on defensible space, non-combustible roofing materials and key provisions for reducing structural ignitibility. A part-time employee was added to the staff of the Summit County Building Department to enforce the new provisions in the Building Code and educate the public on the new provisions. The Summit County fire districts provided enhanced education efforts on the strategic and tactical issues involved with wildfire mitigation. This part-time position was expanded to a full-time position in 2001, with the Summit Fire Authority funding one half of the position and Summit County Government funding the other half.

Since the infancy of the wildfire program, Summit County has received numerous grants from various sources at the state and federal levels. Summit County received its first grant in 2002 to fund fuels reduction efforts and to create a comprehensive countywide plan. Community support for wildfire protection efforts was clearly demonstrated in 2008 with the approval of Referred Measure 1-A, a twelve year property tax levy to support wildfire prevention efforts as well as other County-wide initiatives. The Board of County Commissioners has voiced their intent to devote funds from this tax levy annually toward wildfire mitigation efforts and to build a cash reserve to fund fire suppression costs.

Pre-disaster mitigation is critical to minimizing loss during a wildfire. Colorado has had its share of devastating wildfires in the past decade. The trend emerging is that fires are becoming less numerous but more destructive. Between 2010 and 2013 Colorado had the four most destructive wildfires in state history in terms of homes lost. The Four Mile Canyon (162 homes), High Park (259 homes), Waldo Canyon (346 homes) and Black Forest (511 homes) fires destroyed a combined 1,278 homes and cost hundreds of millions of dollars to fight. While these types of fires are rare, they are described as low frequency but high risk.
VII. CURRENT COMMUNITY STATUS

A. COMMUNITY PROFILE

Geographical Overview

Summit County is located in the central mountains of Colorado, approximately 70 miles west of Denver. Interstate 70 bisects the county east to west, serving as a conduit to bring visitors from the Denver metropolitan area and Colorado’s Western Slope.

Summit County’s land area covers approximately 619 square miles, of which approximately 80 percent is public lands managed by the U.S. Forest Service. Approximately 20 percent of the land in the county is privately owned and managed.

Elevations in the county range from 7,500 feet in the broad valley of the Blue River to 14,270 feet at the summit of Gray’s Peak. The county’s lowest elevations, in the lower Blue Valley, are comprised mainly of sage meadows. Above 9,000 feet, vast coniferous forests of Lodgepole Pine, Engelmann Spruce and Subalpine Fir dominate the landscape. Areas above 11,500 feet (approximate tree line) consist of rock, snow and alpine tundra.

The Blue River flows from south to north, serving as Summit County’s major drainage basin. Two major tributaries spill into the Blue River: the Snake River and Ten Mile Creek. The Blue River supplies two large reservoirs: the Dillon Reservoir in the central part of the county, and Green Mountain Reservoir in the county’s northern end.

Fuels and Vegetation

Summit County’s fuel types, elevation and geographical location play an important part in identifying the natural fire return interval, or fire regime. A fire regime is the period of time in which a forest is dependent on a fire for forest health. Summit County falls within three main fire regimes. Fuel types are the driving factor in identifying the fire return interval or natural fire regime. A large percentage of Summit County homes fall within Fire Regime IV due to the predominant lodgepole forest. The fire frequency for Fire Regime IV is predicted to be between 35-200 years. Although fires are less frequent for this fire regime, they are predicted to be high severity fires intended to consume or kill most of the aboveground vegetation (land fire). The maps below are used to identify the type of fire regime in Summit County and the type of fire that is predicted for this fuel type.
At an elevation in excess of 8,000’, very few vegetation types cover the Summit County landscape.
Fire Regimes

<table>
<thead>
<tr>
<th>Group</th>
<th>Fire Return Interval</th>
<th>Severity</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>&lt; 35 years</td>
<td>Low/ Mixed</td>
</tr>
<tr>
<td>II</td>
<td>&lt; 35 years</td>
<td>Replacement</td>
</tr>
<tr>
<td>III</td>
<td>35-200 years</td>
<td>Mixed/ Low</td>
</tr>
<tr>
<td>IV</td>
<td>35-200 years</td>
<td>Replacement- High Severity</td>
</tr>
<tr>
<td>V</td>
<td>200+ years</td>
<td></td>
</tr>
</tbody>
</table>

*Summit County falls within three fire regime groups, III, IV, and V. Fire occurrences are more common in fire regime group III but with less severity. Data Source: CO-WRAP (Fire Occurrence), LANDFIRE (Fire Regime)
Fires in a large portion of Summit County can be described as low frequency, high severity.
Population Growth and Development in the Wildland Urban Interface

Summit County’s permanent resident population has more than doubled in the last 20 years, with an estimated permanent resident population of 30,299 in 2015\(^1\). Much of this residential growth has occurred in the forested “wildland urban interface” (WUI), where private lands abut federal lands, largely due to the beauty, recreational opportunities, solitude and scenery that these areas provide. As development in the WUI continues, there is a corresponding increase in the hazard that wildfire presents to lives, property and community resources.

Additionally, with the county’s reputation as a national and international center for winter sports and outdoor recreation, peak seasonal population in Summit County increases to nearly 150,000 people\(^2\), greatly increasing the potential hazard posed by wildfire.

B. WILDLAND URBAN INTERFACE (WUI)

The Wildland Urban Interface or WUI is defined as the line, area, or zone where structures and other human development meet or intermingle with undeveloped lands or vegetative fuel.

It is estimated that approximately 99 percent of Summit County’s total population, or 30,299 people, live within the WUI.

The WUI area can be defined into two categories, the WUI and the Wildland Intermix. The Wildland Intermix is an area where there is no defined boundary between the forest and human development. The picture above is a good example of a Wildland Intermix. The forest and homes are intermixed. These areas are very prevalent in Summit County and create

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\(^1\) Source: Summit County Planning Dept., 2015

\(^2\) Source: Summit County Multi-Hazard Mitigation Plan, August 2013
unique hazards to residents living within them. Road access, water sources and firefighter capabilities are further challenged in these areas.

The WUI map of Summit County is a geographical representation of where the forest and urban development meet. Since embers from wildfires can travel up to one mile and can vary depending on fuel, weather and topography an area outside of the WUI is still subject to threat from wildfires.

Colorado is one of the fastest growing states in the nation, with much of this growth occurring outside urban boundaries. This increase in population across the state will impact counties and communities located within the WUI. The WUI is described as the area where structures and other human improvements meet and intermingle with undeveloped wildland or vegetative fuels. Population growth within the WUI substantially increases the risk from wildfire. For the purposes of this plan the WUI area can be defined as one-half mile from improved parcels and also includes areas of special interest such as ski areas, critical watersheds and the I-70 corridor where fire would adversely affect human improvement on the landscape. The WUI was drawn regardless of ownership, jurisdiction or administrative designation. A visual depiction of the Summit County WUI area can be seen on the WUI Boundary/Housing Density map..

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3 CSFS: COwrap
Housing density within the WUI boundary
C. THE PINE BEETLE EPIDEMIC

Between approximately 2002 and 2012, Summit County experienced an epidemic outbreak of mountain pine beetle.

Summit County experienced an epidemic outbreak of mountain pine beetle. During this epidemic nearly every mature lodge pole pine stand in Summit County was impacted.

The percentage of dead forest is clearly identified by the red needles.

This was the second pine beetle epidemic in the county over the last 30 years. The most recent epidemic extended far beyond the boundaries of Summit County. In 2012, it was estimated that 3.4 million acres of forest in Colorado had some level of mountain pine beetle activity. The epidemic reached its peak in Summit County between 2007 and 2008 and was declared to be at its end in 2013. While the most recent pine beetle epidemic is over, the effects will be felt for decades to come. Present and future generations must work to reduce the impacts of the most recent epidemic and prevent future outbreak. Current and future active management will help to diversify the forested landscape and create a healthier, more resilient forest.

Summit County is now in the position of dealing with the later stages of the pine beetle epidemic. The forest has gone through many stages of forest decay. Many areas have seen significant amounts of blow down. The increased amount of fuel close to the ground increases potential fire behavior. Standing dead trees have become a hazard to emergency response personnel as well as the public. Falling trees are likely to impact escape routes and result in delayed fire response.
D. NEED FOR FOREST MANAGEMENT

Any time people place their homes in the forest, a need arises to manage the forest. In Summit County, this management is centered on reducing the potential impacts of wildfire. Reducing fire hazard comes in many forms, including fuel breaks and defensible space, and is not just the responsibility of one party. Fuels reduction work needs to be a coordinated effort by all parties, and projects must cross jurisdictional lines to be effective.

Over 80% of the forested lands within Summit County are lodgepole pine forests. All lodgepole pine forests, alive or dead, are considered a high fire hazard forest type. Fire within this fuel type tends to be infrequent (on the order of 150-250 years), but very intense in nature. A fire can move quickly if it burns as an active crown fire, spreading from tree to tree. In addition to intense crown fire, spot fires can be expected one-half to one mile from the head of the fire. Although they are natural, crown fires can be very destructive when occurring near homes or critical infrastructure. Wildland fires are naturally occurring events and many forests are dependent on fires for forest health. The lodgepole forest is a stand replacement type forest in which the forest needs a disturbance, such as fire, for regeneration.

“Wildland Fire threat increases in lodgepole pine as the dense forests grow old.” (CSFS)

Photo: CSFS - Wildland fire involving Lodgepole Pine forest

E. FOREST MANAGEMENT ACTIVITIES

When Summit County drafted the CWPP in 2006, there was limited fuels reduction or forest management activity occurring in the County. Most activities occurring at the time were focused on controlling pine beetle activity. A great deal has changed since that time. With the creation of the original CWPP came the establishment of the Summit County Wildfire Council (SCWC). The SCWC has made a tremendous impact on forest management in Summit County. Through regular meetings, public outreach and various programs, the SCWC has
helped to coordinate efforts and direct many landowners to conduct fuels reduction activities on their own property.

The SCWC strives to implement cross-boundary, multi-jurisdictional projects which provide the greatest amount of protection to life and property. One of the first of these projects in Summit County occurred in the Iron Springs/Summit Medical Center focus area. This project included fuels reduction activities on National Forest, County and private properties. Activity began in 2006 and was completed in 2009, greatly reducing the hazard to the area. The Iron Springs/Summit Medical Center projects have provided protection for the hospital, Summit County government offices, county shops at the County Commons and more than 75 residences in the Bill’s Ranch community and the Town of Frisco.

Appendix A includes a list of forest management activities that have occurred in Summit County from 2006 to the present.

Multiple projects have occurred to reduce fuels.

Regeneration shows age diversity.

F. PROJECT PRIORITIZATION

The CWPP identifies areas that are in critical need of fire hazard reduction and preparedness. Since resources – both time and money – are limited, prioritizing projects is paramount to implementing this CWPP. Through hazard mapping and field visits, the SCWC has identified “Focus Areas,” or locations most in need of work. Annually, the SCWC reviews focus areas
and determines priorities based on several factors, including community buy-in, resources within the community and cooperative projects in the vicinity. Community involvement is the most important factor in successfully implementing projects.

Fuel breaks have been created throughout many areas in Summit County to push the forest back from homes. Beetlekill trees were removed.

Forest Management is a top priority for Summit County. Removing the dead trees reduces available fuels which reduces fire intensity. Removing fuel from areas around homes has shown to be highly effective to home survival.
G. NEED FOR CITIZEN PREPAREDNESS AND EVACUATION PLANNING

Individual preparedness is paramount when it comes to wildfire planning. Action taken by homeowners in advance of a wildfire is one of the simplest things that can be done to prevent the loss of life and property. Summit County’s Ready, Set, Go! program instructs homeowners to create defensible space around structures, prepare an evacuation kit and develop a family communication plan, and to be willing and prepared to evacuate when the order to do so is given. Each individual is ultimately responsible for his or her own safety and the safety of family members. Ready, Set, Go! Steps are outlined below.

**Ready:** Creating defensible space around structures includes the removal of most flammable vegetation from the side of each structure to 30’ away from the structure (zone 1). From 30’ – 100’ (zone 2), flammable vegetation should be thinned. Clusters of trees and shrubs should be well spaced. By modifying the vegetation, the desired outcome is to create a naturalized buffer from the structure out and away from the structure.

**Set:** Preparing an evacuation kit is an easy and economical way to ensure you know what to take when an evacuation order is issued. Include three days worth of supplies for each family member and pets. Cash, water, clothing, food, first aid and prescription medicines are just the basics. Create an inventory of household possessions by taking digital pictures or video and store important papers digitally or physically away from the structure. Contact your insurance agent to verify replacement value coverage in the event of wildfire loss.

**Go:** Evacuate when ordered to do so. The public is strongly encouraged by the Summit County Wildfire Council to be prepared to immediately respond to directions from public safety officials regarding wildfire emergencies. The public must prepare for the possibility of being evacuated from their home, or for not being allowed to return to their home if an evacuation order and security perimeter have been issued. The public should develop and practice home emergency plans to include all family members and pets. Abundant sources of preparedness information are available in Summit County. The section titled ”Public Education” outlines more details on our efforts.

Due to the diverse nature of Summit County’s residents and guests, notifications regarding fire conditions and evacuations must be communicated to the public through a number of redundant methods. The communication methods available in Summit County are:

- Reverse telephone dialing (commonly referred to as Reverse-911™)
- Cellular device text messaging
- Emergency Alert System (EAS) supported by the National Weather Service broadcast
- Radio and television announcements and scroll
- Public address systems and announcement from public safety vehicles
- Door-to-door notification.
The assessment of wildfire behavior will be a factor in the decision of the sheriff, fire or police chief to order an evacuation. The evacuation route will be identified by the incident commander and will be communicated to the public by the methods identified above. The Summit County GIS Department has prepared a wildfire evacuation map book, which creates uniquely identified zones, population numbers and road miles for all developed areas of Summit County. Municipal government evacuation planning has been done in coordination with the Summit County map book.

The decision to order an evacuation because of a wildfire entails a series of steps that are contingent upon the personal preparedness of the members of the public and their ability to evacuate their property immediately and then follow the instructions being provided. More information about evacuations can be located in the Summit County Multi-Hazard Mitigation Plan.

Each wildfire incident and situation will be influenced by the current fire behavior, current weather conditions and available fuels. Therefore, it has been the decision of the Office of Emergency Management not to pre-identify and establish evacuation routes for wildfire.

All wildfire evacuations will contain these consistencies: the incident commander will identify major thoroughfare roads as evacuation routes, the sheriff’s office or police department will isolate the impacted area with a large-area perimeter and restrict access, the incident commander will use the notification methods identified above to announce and give directions regarding the evacuation, and the Office of Emergency Management will establish a place for those evacuated to report and continue to receive incident-specific information.

H. REDUCTION OF STRUCTURAL IGNITABILITY

Recent research has clearly demonstrated that ember production from a wildfire can act as a significant source of ignition in structural ignitions. The reduction of structural ignitibility via building modifications can have a significant impact on a structure’s ability to withstand a wildland fire. Items such as Class “A” rated roof materials, non-flammable material on the side of building, metal gutters (as opposed to vinyl), recycled compounds for decking materials, the protection of openings in soffits and gables and double pane windows can make a difference.

In 1992 Summit County added a chapter to the former Uniform Building Code that contained specific criteria for defensible space and for more fire resistive construction. Chapter 45 was added to the 2012 International Residential Code, which has been adopted in Summit County. Chapter 45 has specific criteria on the reduction of structural ignitibility. Compliance with Chapter 45 is required on all new construction and most remodels to single family dwellings. Minimizing the chances of structural ignition via minor building modifications combined with defensible space results in a positive synergistic effect on a structure’s ability to withstand a wildfire.

Recent post-analysis of catastrophic fires has shown the positive impact that defensible space around homes has had on reducing structural ignitability. Summit County implemented a very
successful chipping program in 2014, 2015 and 2016 to encourage homeowners to remove fuel from areas around their homes.

I. DEFENSIBLE SPACE/ FUELS REDUCTION

Defensible space is an area around a structure where fuels and vegetation are treated, cleared or reduced to slow the spread of wildfire towards the structure. Defensible space also reduces the chance of a structure fire moving from the building to the surrounding forest and creates a safe zone for firefighters to carry out their work.

It is recommended that every home, business and structure in Summit County have defensible space.

The Summit County Chipping Program gives homeowners the opportunity to reduce fuels around their homes and have it removed at no personal cost.

There are several different specific standards for defensible space within Summit County, including those outlined in the Colorado State Forest Service publication “Creating Wildfire-Defensible Zones”, Summit County Residential Building Code Chapter 45, the Breckenridge Defensible Space Ordinance and others. Each standard varies slightly, but all agree in general principal. Specifics of each of these standards or general information about defensible space can be obtained from the agencies listed above or the local fire protection district.
J. PUBLIC EDUCATION

Community outreach and education are key activities which have contributed to the continued success of the SCWC. From the beginning, the SCWC recognized community outreach and education as the cornerstone of a successful wildfire mitigation program. The SCWC recognizes five specific programmatic target areas: defensible space, fuels reduction, reducing structural ignitability, preparedness and family planning for evacuation, and general forest health and continued vegetation maintenance. Each of these has been described in this section. To make these target areas easy for the public to internalize the SCWC has adopted the International Association of Fire Chiefs Ready, Set, Go! campaign: [www.wildlandFireRSG.org](http://www.wildlandFireRSG.org).

To improve wildfire protection efforts in the community, numerous community outreach and education efforts have been implemented. Additionally, ongoing outreach and education strategies around the five programmatic target areas have been developed and are being disseminated. Examples include:
- Presentations to professional organizations
- Community presentations
- Field trips for elected officials and the public
- Farmer’s Markets and wildfire mitigation fairs
- On-site one-on-one landowner/homeowner meetings.

Additionally, marketing efforts aimed at increasing citizen awareness of the importance of wildfire prevention include:
- Mobile billboards on the sides of county buses
- Floating ads at the movie theater
- Radio and television spots as well as newspaper ads.

The overarching goal of this effort is to increase public awareness of the inherent hazards associated with living in a forested area, while providing residents and visitors tools to protect themselves, their property and vital infrastructure.

Public education in Summit County is the responsibility of many agencies. To provide a coordinated public information message, the SCWC directed staff to form the Education Subcommittee of the Wildfire Council to address this issue. This subcommittee is tasked with organizing educational information to be disseminated to all Summit County agencies that maintain public outreach. Ultimately, this coordinated information is made available to residents and guests so they are prepared in the event of a wildfire. SCWC outreach messaging has disseminated thousands of items to reinforce the Ready, Set, Go! message. Over the years items such as informational flyers, stickers, magnets, and cloth shopping bags have been given away.

In addition to educating the residents of Summit County, the SCWC recognized the need to educate the large number of guests who visit the county each year. The SCWC is currently working on addressing this large and ever-changing group. One project that has been implemented to address this group was the interpretive sign project. Six permanent sets and one mobile set of interpretive signs are placed throughout Summit County to answer visitors’ questions about forest health and wildfire.
VIII. EXISTING FIRE PROTECTION INFRASTRUCTURE

The three Summit County Fire Districts are comprised of career firefighters. The 24/7 staffed fire stations include:

Station #1  Copper Mt. – Copper Mt. Fire
Station #2  Frisco – Lake Dillon Fire
Station #4  North Breckenridge – Red, White & Blue Fire
Station #6  Central Breckenridge – Red, White & Blue Fire
Station #7  Blue River – Red, White & Blue Fire
Station #8  Dillon – Lake Dillon Fire
Station #11  Keystone – Lake Dillon Fire

A first alarm wildfire assignment in Summit County is filled with a heavy Task Force from the three fire districts. Wildfires can quickly exhaust initial resources creating a need for additional resources. A second alarm wildfire assignment brings in an out-of-county Strike Team, consisting of apparatus from Kremmling Fire, Northwest (Alma) Fire, Leadville Fire, Vail Fire and Eagle River (Avon) Fire. Summit County has agreements with agencies outside of the county including Colorado State Forest Service, USFS, Kremmling Northwest Fire, Leadville Fire, Vail Fire and Eagle River Fire. The U.S. Forest Service generally has one apparatus stationed in Summit County on a seasonal basis which improves initial response capabilities.

All firefighters in Summit County are trained and certified in the National Wildfire Coordinating Group (NWCG) criteria to at least the Firefighter II level and are Red Carded. This national certification establishes a minimum level of expertise and compatibility with our federal and state partners. Many firefighters have achieved higher levels of certification in the NWCG system to include: Firefighter I, Engine Boss, Strike Team Leader, Task Force Leader, Division Supervisor, Wildfire Investigator and Type III & IV Incident Commanders.

The following apparatus is available in Summit County for wildland or WUI responses:

Copper Mt.:  1 Type VII engine, 1 Type VI engine, 2 Type I engines, 1 Ladder Truck.

Red, White & Blue Fire:  2 Type VI engines, 1 Type VII engine (seasonal), 1 Type III engine, 2 Type I engines, 1 Type II Tactical Water Tender and 1 Ladder Truck.

Lake Dillon Fire:  2 Type VI engines, 1 Type III engine, 4 Type I engines, 1 Type II Tactical Water Tender, 1 Type II Water Tender, 1 Ladder Truck.

All Summit County fire districts actively participate in out-of-county wildfire response across the United States. This enables firefighters to gain valuable experience and training that may not always be found in Summit County. Additionally, some firefighters are active members of regional and statewide incident management teams (IMTs) where they gain additional exposure to larger incidents. The Summit County fire districts work in strict compliance with the National Incident Management System to ensure coordination and safety.
IX. COMMUNITY BASE MAP

Understanding the basic geography of the County is a prerequisite to developing any effective strategy to reduce wildfire risk within a community. A community base map has been prepared to provide this understanding of the basic geography within the county through the preparation of a series of digital data layers used to describe the details of the county. The base map contains the following data layers:

1. Basin Boundaries
2. Town Boundaries
3. Private Parcel Boundaries – with Summit County Assessor data for ownership
4. White River National Forest Lands
5. Wilderness Area Boundaries
6. Streams, Lakes, and Reservoirs
7. Fire Response Zones
8. Roads and Trails Centerline
9. Aerial Imagery from September 2010
10. Dip sites for Arial Resources
11. 10M Digital Elevation Model.

The different layers may be overlaid to allow closer examination of an area and to aid in mapping. These data layers are to be used with the Community Protection Assessment (see Chapter X) to better understand and analyze the conditions in Summit County. All data listed above and below are maintained by the Summit County GIS Department.
X. COMMUNITY PROTECTION ASSESSMENT

The Community Protection Assessment map was developed using standard GIS modeling techniques. The original model was developed by ESRI in partnership with the Colorado State Forest Service and Teller County. Summit County GIS staff modified the original model to fit more accurately the environmental and infrastructure conditions in Summit County and prepared all data for input. The model consists of five sub-models adopted directly from the Community Wildfire Protection Plan handbook:

A. Fuels hazards
B. Risk of wildfire occurrence
C. Essential infrastructure at risk
D. Community values at risk
E. Local preparedness and firefighting capability.

Below is a breakdown of each of these sub-models. Once all sub-models were run, the outputs were combined using standard data-merging protocols which simultaneously incorporate all five contributing factors outlined above. Each sub-model received equal weighting in the final model analysis. This assessment can also be interpreted in depth by examining each sub-model component individually.

The real strength of this approach is that the final output establishes those areas where the need for fire protection is the greatest. The Community Protection Assessment Map depicts the level of wildfire hazard as Low, Medium, High and Extreme.
This map shows the GIS analysis of Step 5 in the Community Wildfire Protection Plan (CWPP). The CWPP model was developed by the National Association of Counties. The data model for Step 5 was created by ESRI and the Colorado State Forest Service. This model has 5 components that are used to generate the final output: Step 5A Fuel Hazards; Step 5B Risk of Wildfire Occurrence; Step 5C Essential Infrastructures at Risk; Step 5D Community Values at Risk; Step 5E Local Preparedness and Firefighting Capabilities. These steps are merged using a weighted overlay analysis where all five parts are given a percent of influence (See Analysis Model). The output, Wildfire Protection Assessment, is divided into 4 categories, LOW, MEDIUM, HIGH, and EXTREME to show the overall conditions in Summit County, CO.

Data for the model was prepared by USFS Dillon Ranger District, and Summit County Government. CWPP model was developed by ESRI and Colorado State Forest Service.
A. SUB-MODEL 5A - FUELS HAZARDS

Fuels hazards are modeled in 5A using information obtained from FlamMap. FlamMap is a fire behavior mapping and analysis program that computes potential fire behavior over an entire FARSITE landscape for constant weather and fuel moisture conditions. 5A uses the outputs of crown-fire activity, heat per unit area, rate of spread and flame length to model the fuels hazard present across the county. Each one of these four components gets equal weighting in the model. The map below shows the results of sub-model 5A.
B. SUB-MODEL 5B - RISK OF WILDFIRE OCCURRENCE

Risk of wildfire occurrence is modeled in 5B. Layers utilized in this model include buffered roads, lightning strike density, historical wildfire sites, known dispersed camping areas and developed campsites. These five layers are combined into four major fire-risk categories: roads grid, lightning, fire occurrence and camping areas. Each one of the four components received equal weighting in the model outputs. The map below shows the results of sub-model 5B.
C. SUB-MODEL 5C - ESSENTIAL INFRASTRUCTURE AT RISK

Essential infrastructure at risk is modeled in 5C. Six different layers were utilized for this model: watersheds, homes, businesses, communications structures, power lines and escape routes. The watershed layer that was utilized was the critical watershed layer from the 2010 Blue River Watershed Assessment. The six layers were not given equal weighting in this model. Homes and businesses were given 18 percent weighting, while the rest received 16 percent weighting. This difference reflects the intent of this CWPP. The map below shows the results of sub-model 5C.
D. SUB-MODEL 5D - COMMUNITY VALUES AT RISK

Community values-at-risk is modeled in 5D. Two different layers were utilized for this model: subdivision hazard rating and threatened and endangered species. The subdivision hazard rating is derived from the rating a subdivision is given when it is platted in unincorporated Summit County. No information is available for subdivisions within town boundaries because the rating is not required for their plats. The two layers are not equally weighted. Subdivision hazard rating is weighted at 75 percent and threatened and endangered species are weighted at 25 percent. The map below shows the results of sub-model 5D.
E. SUB-MODEL 5E - LOCAL PREPAREDNESS AND FIRE FIGHTING CAPABILITY

Local preparedness and firefighting capability are modeled in 5E. Five different layers were utilized in this model: fire station locations, slope, roads, water sources and dead-end roads. These five layers were combined into four different categories for the model: fire stations, roads, water sources and dead-end roads. These four categories were equally weighted in the sub-model. The map below shows the results of sub-model 5E.
XI. FOCUS AREAS FOR REDUCING WILDFIRE HAZARDS

Using the Community Protection Assessment Map to identify those areas with the greatest need for fire protection, the SCWC established more limited areas where community resources should be focused to reduce potential damage from wildfire. The focus area map shows the 27 “focus areas” identified by the SCWC in 2010. A listing of the focus areas may be found in the table below. The identification and designation of these focus areas relies heavily on the Protection Assessment Map as well as the recommendations of staff and site inspections of each area by members of the SCWC. The interjection of common and practical sense through the recommendations of staff and adjustments made to reflect the values of the community as expressed by the SCWC eliminate some of the modeling imperfections that are apparent in the computer generated Community Protection Assessment Map. Focus areas may also be adjusted if appropriate to include critical community infrastructure such as transmission lines and protection of watersheds that supply municipal and community water systems. Adjustments to focus area boundaries to reflect watershed protection should be based on detailed scientific analysis.

Concurrent with the identification of these focus areas, the SCWC established management recommendations to reduce the risk of wildfire. Management recommendations for reducing the hazard of wildfire are outlined in Appendix A. Mitigation projects are prioritized based on wildfire risk and infrastructure at risk. Fuel types, house density, slope, aspect and fuel types are used to determine appropriate mitigation projects. Focus areas are numbered starting from the north and ending in the south. Appendix A also has focus areas grouped by River Basins:

<table>
<thead>
<tr>
<th>Number</th>
<th>Focus Area</th>
<th>River Basin</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Acorn Creek</td>
<td>Lower Blue</td>
</tr>
<tr>
<td>2</td>
<td>Sierra Bosque</td>
<td>Lower Blue</td>
</tr>
<tr>
<td>3</td>
<td>Boulder Creek Ranch</td>
<td>Lower Blue</td>
</tr>
<tr>
<td>4</td>
<td>Pebble Creek Ranch</td>
<td>Lower Blue</td>
</tr>
<tr>
<td>5</td>
<td>Eagles Nest</td>
<td>Lower Blue</td>
</tr>
<tr>
<td>6</td>
<td>Hamilton Creek</td>
<td>Lower Blue</td>
</tr>
<tr>
<td>7</td>
<td>Ruby Ranch</td>
<td>Lower Blue</td>
</tr>
<tr>
<td>8</td>
<td>Ptarmigan</td>
<td>Lower Blue</td>
</tr>
<tr>
<td>9</td>
<td>Mesa Cortina</td>
<td>Lower Blue</td>
</tr>
<tr>
<td>10</td>
<td>Salt Lick Gulch- USFS</td>
<td>Lower Blue</td>
</tr>
<tr>
<td>11</td>
<td>Keystone</td>
<td>Snake River</td>
</tr>
<tr>
<td>12</td>
<td>Keystone Ranch</td>
<td>Snake River</td>
</tr>
<tr>
<td>13</td>
<td>Summit Cove</td>
<td>Snake River</td>
</tr>
<tr>
<td>14</td>
<td>Lewis Ranch</td>
<td>Ten Mile</td>
</tr>
<tr>
<td>15</td>
<td>Iron Springs/ Hospital</td>
<td>Ten Mile</td>
</tr>
<tr>
<td>16</td>
<td>Iron Springs/ Gold Hill</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>17</td>
<td>Summit Estates</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>18</td>
<td>Golden Horseshoe North</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>19</td>
<td>Golden Horseshoe South</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>20</td>
<td>Peak 7</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>21</td>
<td>Peak 8</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>22</td>
<td>French Gulch</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>23</td>
<td>Boreas Pass/ Baldy Rd</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>24</td>
<td>Warrior’s Mark</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>25</td>
<td>Crown/ Bekkedal</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>26</td>
<td>Blue River</td>
<td>Upper Blue</td>
</tr>
<tr>
<td>27</td>
<td>Quandary Village</td>
<td>Upper Blue</td>
</tr>
</tbody>
</table>
This map shows the GIS analysis of Step 5 in the Community Wildfire Protection Plan (CWPP). The CWPP model was developed by the National Association of Counties. The data model for Step 5 was created by ESRI and the Colorado State Forest Service. This model has 5 components that are used to generate the final output: Step 5A Fuel Hazards, Step 5B Risk of Wildfire Occurrence, Step 5C Essential Infrastructures at Risk, Step 5D Community Values at Risk, Step 5E Local Preparations and Firefighting Capabilities. These steps are merged using a weighted overlay analysis where all five parts are given a percent of influence (See Analysis Model). The output, Wildfire Protection Assessment, is divided into 4 categories: LOW, MEDIUM, HIGH, and EXTREME to show the overall conditions in Summit County, CO.

Data for the model was prepared by USFS Dillon Ranger District, and Summit County Government. CWPP model was developed by ESRI and Colorado State Forest Service.
XII. WILDFIRE PREPAREDNESS STRATEGIES

A. OBJECTIVE - ESTABLISH AND MAINTAIN COMMUNITY RISK REDUCTION MAPS

1. ESTABLISH AND MAINTAIN A COMMUNITY BASE MAP

DISCUSSION: Knowing the location of residences, businesses, governmental buildings, water supply improvements, roads and other physical improvements is a prerequisite to developing wildfire protection strategies that can effectively guide efforts to protect these improvements.

ACTIONS/POLICIES:

a. Periodically the SCWC should review the Community Base Map to determine if there is reason to believe community patterns have changed sufficiently to warrant updates to the Community Base Map.

b. If the SCWC determines that the Community Base Map should be updated, the SCWC should ask Summit County GIS staff to make appropriate updates.

2. ESTABLISH AND MAINTAIN COMMUNITY PROTECTION ASSESSMENT MAPS

DISCUSSION: With limited community resources available to implement wildfire-reduction efforts, it is imperative to understand where the hazard of wildfires is the greatest and where these fires may have the greatest impact on individuals, homes, businesses, essential community infrastructure and other values that the community has defined as important. (See Section VII for more discussion.)

ACTIONS/POLICIES:

a. As new data becomes available, the SCWC should review the community values that are used in weighting the Community Protection Assessment maps with affected jurisdictions to determine if there is reason to believe community values have changed which may substantially alter the Community Protection Assessment.

b. If the SCWC determines that community values influencing the Community Protection Assessment have substantially changed, the SCWC should work with affected jurisdictions and interested citizens to update these community values. SCWC should also review community assessment maps against the master plans and any other planning policies adopted within the county.

c. If the SCWC determines that the protection assessment maps need to be updated, the SCWC should request that County GIS update these maps as necessary.

3. ESTABLISH AND MAINTAIN MAPS THAT IDENTIFY WHERE HAZARD REDUCTION EFFORTS HAVE BEEN COMPLETED AND WHERE THEY SHOULD BE PURSUED

DISCUSSION: Excluding land within wilderness areas, there are more than 8,000 acres or approximately 12.5 square miles of land within the County classified as having a high or
extreme need for fire protection. Given the magnitude of the problem, especially in light of limited resources to reduce this hazard, the community must focus wildfire protection efforts to those areas where the hazard is the greatest and essential community values are threatened. See the accomplishment map book at the following link:
http://summitcountyco.gov/DocumentCenter/Home/View/404

ACTIONS/POLICIES:

a. Each January, or as otherwise established by the SCWC, it is recommended that the SCWC should review the current “Focus Areas” map. If the SCWC determines that the Focus Areas map needs to be updated, the SCWC should direct the appropriate changes and formally adopt the amendments to the plan.

B. OBJECTIVE - IMPLEMENT THE NATIONAL COHESIVE STRATEGY

DISCUSSION: The vision set forth by The Wildland Fire Leadership Council states, “To safely and effectively extinguish fire, when needed; use fire where allowable; manage our natural resources; and as a nation, live with wildland fire”. The National Cohesive Strategy stresses the importance of three main objectives.

ACTIONS/POLICIES:

1. Restore and Maintain Resilient Landscapes.
2. Fire Adapted Communities:
   a. Focus on home defensive actions.
   b. Focus on combination of home and community actions.
   c. Adjust building codes.
   d. Reduce accidental human-caused ignitions.
3. Safe and Effective Emergency Response
   a. Prepare for large, long-duration wildfires.
   b. Protect structures and target landscape fuels.
   c. Protect structures and target prevention of ignitions.

C. OBJECTIVE - ESTABLISH PRESCRIPTIONS FOR MINIMIZING THE IMPACTS OF WILDFIRE

DISCUSSION: Reducing the impact of wildfire on essential community infrastructure and community values requires sound and practical measures be established. These measures need to reflect technical factors as well as practical considerations and community values.

ACTIONS/POLICIES:

1. Each January, or as otherwise established by the SCWC, the SCWC staff should review prescriptions for minimizing the impacts of wildfire to determine if, based on the experience of the prior year, the prescriptions are still valid. If staff feels changes are needed, the changes shall be brought to the SCWC for discussion and formal action.
2. Land ownership will often dictate the authority for prescriptions. Prescriptions that are funded through the Summit County Grant program will be reviewed by the Summit County Wildfire Mitigation Specialist, the SCWC and approved by the County Commissioners.
D. OBJECTIVE - FUND AND IMPLEMENT THE CWPP

DISCUSSION: Promoting forest health and reducing the hazards of wildfire are monumental efforts. Aggressive funding at all public and private levels are necessary if we are to significantly reduce the hazards of wildfire and impacts of wildfire to our communities and essential infrastructure.

In 2008 residents of Summit County voted to approve a mill levy to help fund the implementation of the CWPP. This mill levy, as well as numerous cost share grants and funding from state and federal sources, have helped the partners of the Summit County Wildfire Council implement fuels reduction and wildfire mitigation projects in nearly every part of the county. While great work towards the reduction of wildfire hazards have occurred, many hazards still remain throughout the county.

ACTIONS/POLICIES:

1. Summit County Government’s Wildfire Prevention Grants are a competitive cost share reimbursement program available to Summit County landowners and homeowner groups for the purpose of offsetting the cost of fuels reduction efforts and other projects identified in the CWPP (see section XIII for an overview of funded projects).

2. Any recommendation from the SCWC to the BOCC for funding should meet all of the following criteria:
   a. The project is within Summit County, Colorado;
   b. Private and/or other governmental funded match is required;
   c. The project meets wildfire prevention priorities identified in the CWPP; and
   d. The project is or will be ready to implement during the funding cycle.

E. OBJECTIVE – SUPPORT NEIGHBORHOOD, SUBDIVISION AND COMMUNITY EFFORTS TO REDUCE THE HAZARD OF WILDFIRES

DISCUSSION: Wildfire-hazard mapping shows numerous areas within the County as having significant hazard of wildfire. The ownership pattern in these areas is often fragmented with multiple diverse ownerships and interests. Planning beyond the scope of this CWPP is ever present and ongoing. The SCWC should provide information and support to all efforts which are practical.

ACTIONS/POLICIES:

1. Work with homeowner associations and neighborhood groups to develop effective programs for reducing wildfire hazard using neighborhood resources.
2. To the extent practical, encourage homeowner associations and neighborhood groups to coordinate efforts to maximize the efficiency and effectiveness of fire reduction efforts.

F. OBJECTIVE - INFORM THE PUBLIC ABOUT THE HAZARDS OF WILDFIRE AND RESPONSIBILITY TOWARD EMERGENCY PREPAREDNESS
DISCUSSION: All members of the SCWC and signers of this CWPP have agreed that informing the public about the hazard of wildfire coupled with an emphasis on personal responsibility toward emergency preparedness is an important part of implementation of this plan. These parties have also agreed that the messages provided to the public should be as uniform as possible.

ACTIONS/POLICIES:

1. Coordinate a consistent message to educate the public about defensible space, fuels reduction, reducing structural ignitability, preparedness and family planning for evacuation, and general forest health and continued vegetation maintenance.

2. Annually the SCWC should direct staff to prepare and review a public information plan. The public information plan, at a minimum, should include:
   a. Public education efforts from the previous year;
   b. Identification of the education materials and programs to be used and the strategy for distribution and community outreach;
   c. How public education efforts are targeted to those areas with high wildfire hazard;
   d. How public education efforts can be devised to augment private and neighborhood endeavors;
   e. How public education efforts will be directed to the second homeowner and guest populations.

3. Support cooperative efforts to:
   a. Reduce the number of human-caused fires by raising overall public awareness of the potential losses from wildfire and promoting good wildfire prevention safety measures as a civic responsibility.
   b. Maintain coordination and collaboration among agencies with fire and fuels management responsibilities in enacting fire restrictions and developing and disseminating prevention and restriction materials and information.
   c. Increase public understanding of landscape dynamics as part of the overall effort to create a community vision of our forested landscape as a fire-adapted ecosystem that needs disturbance such as insects and wildland fire to remain resilient and productive.
   d. Develop consistent fire prevention and mitigation messages. These messages should explain the need to prevent wildland fires and mitigate the hazards from wildfires in areas where they are difficult to manage and have the potential for great destruction, as well as the need to manage wildfires in areas where they are desirable and can be managed safely to help restore and sustain the ecosystem.

G. OBJECTIVE - PREVENT THE PROLIFERATION OF NOXIOUS WEEDS IN FUELS REDUCTION AREAS

DISCUSSION: Noxious weeds can become an issue after any ground disturbing activity, including logging. The Summit County Board of County Commissioners has stated that they “do not want to trade the wildfire problem for a noxious weed problem”. Every effort should be made to prevent noxious weeds from taking over areas where fuels reduction efforts have occurred.

ACTIONS/POLICIES:
1. Work with the Summit County Weed Control Department to monitor and control noxious weeds in logged areas.
2. Educate landowners and loggers on the identification and control of noxious weeds.
3. Work with municipal, state and federal agencies to control noxious weeds on the lands under their management.
4. Provide inexpensive solutions and incentives to landowners who control noxious weeds on their own properties.

H. OBJECTIVE – SUPPORT THE UTILIZATION OF FOREST PRODUCTS

DISCUSSION: Management of forested lands to promote forest health and reduce the hazard of wildfire is expensive. Markets for logs and biomass would significantly reduce costs.

ACTIONS/POLICIES:

1. Work with the U.S. Forest Service and Colorado State Forest Service to support the use of wood products within the county and state.
2. Provide technical support and guidance for any business utilizing forest products in and around Summit County.

XIII. IMPLEMENTATION

The Summit County CWPP outlines and defines community goals toward wildfire prevention. Since its inception in 2006, the CWPP provides an ongoing cohesive strategy which Wildfire Council members and staff use to direct project work on the ground throughout the county. The CWPP is annually reviewed and refined to meet the community’s changing needs concerning wildfire protection. For over a decade the wildfire preparedness conversation has matured from a prospective concept which set forth various objectives, actions and policies to a robust outcome driven effort. In that time, an ongoing funding mechanism enabled the establishment of the fuel reduction grant program, the CWPP grant program and created an opportunity for the BOCC to address additional progressive wildfire prevention activities as they arise. Through strategic partnerships between multiple federal, state, local and private landowners, ongoing engagement has led to the completion of a variety of projects every year. As people continue to choose to live in the forested environment of Summit County, wildfire prevention and outreach education will continue to be a priority well into the future.

In December of 2008, the Summit County BOCC adopted the first Summit County Multi-Hazard Mitigation Plan (MHMP), which is updated every 5 years. This plan is in accordance with the requirements of the Disaster Mitigation Act of 2000, which is necessary to achieve grant eligibility from the Federal Emergency Management Agency (FEMA). The MHMP is a comprehensive natural disaster planning document that incorporates the wildfire-specific planning contained within the CWPP. The MHMP contains community specific hazard and risk information regarding erosion and deposition, landslide, mud and debris flow, mountain pine beetle infestation and wildfire. The MHMP was updated in 2014.
A. ACCOMPLISHMENTS

Wildfire prevention activities are an ongoing effort. Agencies and government entities have all participated in various fuel reduction treatments since the implementation of the CWPP began in 2006. To understand the community condition, staff tracks all county funded projects with a focus on fuel reduction and community protection outcomes. Quantifiable metric tracking establishes where wildfire prevention activities have taken place which, in turn, informs SCWC members about where to focus wildfire prevention efforts in the future. Qualitative measures help SCWC members gauge public understanding of wildfire prevention actions. Every year the public continues to submit grant requests. Public inquiry on forest health issues and seedling tree sales continue to demonstrate public interest in forest health issues. Since 2014, participation in the chipping program has increased.

"I just wanted to say thank you to Summit County and all involved in helping make the chipping program so successful. My husband and I took advantage of both chipping cycles that visited our neighborhood this summer. The previous owners of our property had allowed it to get very overgrown and there were massive piles of debris we were able to clear for both fire mitigation and property beautification purposes. I was very encouraged to see that the program was a success. Kudos for getting another grant to help extend the program for next summer! Thanks again, and keep up the good work, makes us all proud to be Summit County residents."

"Nice job again this year on the wood chipping service through Bill’s Ranch Neighborhood in Frisco. Your crews were courteous, safe and efficient. We all appreciate the pros doing the more difficult and dangerous part of our fire mitigation program, as many of us are not physically able to load large chipper equipment or haul it away."

"I wanted to thank-you for leaving a note for me on a woodpile ... and thanks for the efforts trying to lower the fire danger in Summit County."

"The Summit County Chipping program for 2015 was a great help to Miner’s View Estates. We also participated in the same program for 2014 ... The folks who did the chipping were wonderful."

The above map shows an example of chipping program participation metrics. Each aqua-highlighted parcel put slash piles out, thereby reducing the amount of fuel load throughout neighborhoods.
Wildfire Prevention Chipping Program Metrics

<table>
<thead>
<tr>
<th></th>
<th>Chipping Season</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014</td>
</tr>
<tr>
<td>Piles</td>
<td>5,025</td>
</tr>
<tr>
<td>Homes (round 1 &amp; round 2)</td>
<td>1,664</td>
</tr>
<tr>
<td>Homes (no duplicates)</td>
<td>1,486</td>
</tr>
<tr>
<td>Houses participate in both rounds</td>
<td>163</td>
</tr>
<tr>
<td>Acres</td>
<td>1,681</td>
</tr>
<tr>
<td>Chip Back Piles</td>
<td>n/a</td>
</tr>
<tr>
<td>Contaminated Piles</td>
<td>n/a</td>
</tr>
<tr>
<td>Late Piles</td>
<td>n/a</td>
</tr>
<tr>
<td>Cubic Yards of woody biomass tracked</td>
<td>4,400</td>
</tr>
</tbody>
</table>

Woody Biomass Utilization
- Eagle Valley Clean Energy – Gypsum power plant
- Climax Mine – mine waste reclamation
- Swan River Restoration – stream bank stabilization
- Summit County Government – Buildings and Grounds landscaping
- Summit School District – landscaping
- Frisco Historic Park - landscaping
- Individual resident-at-large mulch pick up
- Individual resident-at-large firewood pick up

Participation Breakdown by Town

<table>
<thead>
<tr>
<th>2016 per-Town Tally (Piles/Homes)</th>
<th>Total</th>
<th>2015 per-Town Tally (Piles/Homes)</th>
<th>Total</th>
<th>2014 per-Town Tally (Piles/Homes)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue River</td>
<td>385/119</td>
<td>Blue River</td>
<td>442/158</td>
<td>Blue River</td>
<td>507/192</td>
</tr>
<tr>
<td>Breckenridge</td>
<td>488/203</td>
<td>Breckenridge</td>
<td>530/245</td>
<td>Breckenridge</td>
<td>899/254</td>
</tr>
<tr>
<td>Frisco</td>
<td>257/143</td>
<td>Frisco</td>
<td>206/113</td>
<td>Frisco</td>
<td>258/116</td>
</tr>
<tr>
<td>Montezuma</td>
<td>13/2</td>
<td>Montezuma</td>
<td>13/8</td>
<td>Montezuma</td>
<td>29/7</td>
</tr>
<tr>
<td>Dillon</td>
<td>74/34</td>
<td>Dillon</td>
<td>108/43</td>
<td>Dillon</td>
<td>74/24</td>
</tr>
<tr>
<td>Silverthorne</td>
<td>590/281</td>
<td>Silverthorne</td>
<td>460/251</td>
<td>Silverthorne</td>
<td>121/57</td>
</tr>
</tbody>
</table>
# SUMMIT COUNTY COMMUNITY WILDFIRE PREVENTION
PROJECTS FUNDED 2006 - 2016

## 2006 Hazardous Fuel Reduction (HFR) Projects Funded

<table>
<thead>
<tr>
<th></th>
<th>Total Project Cost</th>
<th>Grant Award</th>
<th>Acres</th>
<th>Cost Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Projects Funded</td>
<td>$230,734.50</td>
<td>$129,782.00</td>
<td>110.30</td>
<td>$2,091.88</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$230,734.50</td>
<td>$129,782.00</td>
<td>110.30</td>
<td>$2,091.88</td>
</tr>
</tbody>
</table>

## 2007 HFR Projects Funded

<table>
<thead>
<tr>
<th></th>
<th>Total Project Cost</th>
<th>Grant Award</th>
<th>Acres</th>
<th>Cost Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>29 Projects Funded</td>
<td>$958,484.23</td>
<td>$643,301.00</td>
<td>285.60</td>
<td>$3,356.04</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$958,484.23</td>
<td>$643,301.00</td>
<td>285.60</td>
<td>$3,356.04</td>
</tr>
</tbody>
</table>

## 2008 HFR Projects Funded

<table>
<thead>
<tr>
<th></th>
<th>Total Project Cost</th>
<th>Grant Award</th>
<th>Acres</th>
<th>Cost Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Projects Funded</td>
<td>$143,430.64</td>
<td>$137,938.00</td>
<td>47.00</td>
<td>$3,051.72</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$143,430.64</td>
<td>$137,938.00</td>
<td>47.00</td>
<td>$3,051.72</td>
</tr>
</tbody>
</table>

## 2009 HFR Projects Funded

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Total Project Cost</th>
<th>Grant Award</th>
<th>Acres</th>
<th>Cost Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eagle's Nest Defensible Space</td>
<td>$36,000.00</td>
<td>$18,000.00</td>
<td>61.00</td>
<td>$590.16</td>
</tr>
<tr>
<td>Hamilton Creek Water Tank Clearing</td>
<td>$50,000.00</td>
<td>$12,000.00</td>
<td>8.00</td>
<td>$6,250.00</td>
</tr>
<tr>
<td>Summit County Open Space/Town of Silverthorne</td>
<td>$10,000.00</td>
<td>$5,000.00</td>
<td>6.50</td>
<td>$1,538.46</td>
</tr>
<tr>
<td>Bills Ranch</td>
<td>$75,000.00</td>
<td>$25,000.00</td>
<td>31.00</td>
<td>$2,419.35</td>
</tr>
<tr>
<td>Baldy Mountain Townhomes</td>
<td>$14,000.00</td>
<td>$7,000.00</td>
<td>20.00</td>
<td>$700.00</td>
</tr>
<tr>
<td>Bekkedal</td>
<td>$45,000.00</td>
<td>$15,000.00</td>
<td>48.50</td>
<td>$927.84</td>
</tr>
<tr>
<td>Town of Breckenridge</td>
<td>$142,320.00</td>
<td>$71,160.00</td>
<td>71.00</td>
<td>$2,004.51</td>
</tr>
<tr>
<td>Blue River Corkscrew</td>
<td>$22,000.00</td>
<td>$11,000.00</td>
<td>19.00</td>
<td>$1,157.89</td>
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<tr>
<td>Upper Highlands HOA</td>
<td>$99,960.00</td>
<td>$49,980.00</td>
<td>32.00</td>
<td>$3,123.75</td>
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<tr>
<td>Cucumber Creek Estates Fuels Break</td>
<td>$20,000.00</td>
<td>$10,000.00</td>
<td>13.00</td>
<td>$1,538.46</td>
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<tr>
<td>Shock Hill HOA</td>
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## 2010 HFR Projects Funded

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<tr>
<th>Project Name</th>
<th>Total Project Cost</th>
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<th>Acres</th>
<th>Cost Per Acre</th>
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<tbody>
<tr>
<td>Daley Ranch</td>
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<td>FEMA Grant for Keystone</td>
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<td>Great Divide Condo</td>
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<td>Project Name</td>
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<td>Acres</td>
<td>Cost Per Acre</td>
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<td>Miners View Fire Fuels Reduction Program</td>
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<td>Town of Blue River Hazardous Fuels Reduction</td>
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<td>Highlands Park Lots 119, 120, 126, 132</td>
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<td>Summit Estates Fire Mitigation Ashner/Perez Property</td>
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<td>Spruce Valley Ranch Fuel Reduction 2011</td>
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<td>561 GK Healthy Forest and Fuel Reduction</td>
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### 2011 HFR Projects Funded

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<th>Grant Award</th>
<th>Acres</th>
<th>Cost Per Acre</th>
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<tbody>
<tr>
<td>Lewis Ranch</td>
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<td>Ptarmigan</td>
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<td>Riverwood</td>
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<td>Summit Estates</td>
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<td>Town of Breckenridge and Summit County Open Space HB1199 Grant - BlueDanube/CountyCommons/BlueRiver Corkscrew/ BarneyFord/HighlandsPark</td>
<td>$165,000</td>
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<td>Warrior's Mark</td>
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<td>Warrior's Preserve</td>
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<td>Willow Brook Metro District</td>
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### 2012 HFR Projects Funded

<table>
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<th>Acres</th>
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<tbody>
<tr>
<td>Pebble Creek Ranch Fuels Reduction 2012</td>
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<tr>
<td>Pebble Creek Ranch - 1800</td>
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<tr>
<td>Town of Blue River HFR Project</td>
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<td>Highlands Golf Course Filing 10, Lot 40</td>
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<td>Project Name</td>
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<td>Acres</td>
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<td>--------------------------------------------------------</td>
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</tr>
<tr>
<td>Summit Estates Fire Mitigation - 2012</td>
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<td>Gold Hill Fuels Reduction</td>
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<td>Claimjumper Defensible Space</td>
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<td>Miner's View Lots 6 &amp; 8 Fuels Reduction Program</td>
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<tr>
<td>Ranch at Breckenridge - Filing 1, Lots 1,2,4,6,7,11</td>
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<td>Highlands LH 1 Rounds Road</td>
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2013 CWPP Implementation Projects Funded

<table>
<thead>
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<th>Project Name</th>
<th>Total Project Cost</th>
<th>Grant Award</th>
<th>Acres</th>
<th>Cost per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claimjumper Condos and Pinewood Village D-Space</td>
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<td>$12,275.00</td>
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<td>Summit Guest Ranch</td>
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<td>Summit Estates <em>Cistern</em> Project</td>
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2013 HFR Projects Funded

<table>
<thead>
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<th>Project Name</th>
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<th>Grant Award</th>
<th>Acres</th>
<th>Cost Per Acre</th>
</tr>
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<tbody>
<tr>
<td>Golden Horseshoe II - (1/2 CODNR: 1/6ToB, OST, SCWC)</td>
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<td>Town of Blue River HFR 2013</td>
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<td>86 Gold Hill Rd / Shelton Residence HFR 2013</td>
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<td>Ptarmigan HFR 2013</td>
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<td>Elk Crossing Defensible Space Project</td>
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2013 CWPP Implementation Projects Funded

<table>
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<th>Project Name</th>
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<th>Grant Award</th>
<th>Acres</th>
<th>Cost per Acre</th>
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<tbody>
<tr>
<td>Town of Blue River Clean Up</td>
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<td>Acorn Creek <em>Cistern</em> Project</td>
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<td>Ptarmigan <em>Access/Egress</em> Improvement</td>
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<td>$20,644.00</td>
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<td>Straight Creek Road Hazard Tree Removal</td>
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<td>Project Name</td>
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<td>Acres</td>
<td>Cost Per Acre</td>
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<tr>
<td>------------------------------------</td>
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<td>Highlands at Breck Golf Course</td>
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**2014 CWPP Implementation Projects Funded**

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<th>Grant Award</th>
<th>Acres</th>
<th>Cost per Acre</th>
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</thead>
<tbody>
<tr>
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<td>Lake Dillon Fire - Address signs</td>
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**2014 CHIPPING Program**

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**2015 HFR Projects Funded**

<table>
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<th>Grant Award</th>
<th>Acres</th>
<th>Cost Per Acre</th>
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<tbody>
<tr>
<td>Pebble Creek Ranch Foundation 2015</td>
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<td>Theobald 2015</td>
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<td>Warrior's Preserve</td>
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<td>Whispering Pines Ranch</td>
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**2015 CWPP Implementation Projects Funded**

<table>
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<th>Project Name</th>
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<th>Grant Award</th>
<th>Acres</th>
<th>Cost per Acre</th>
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</thead>
<tbody>
<tr>
<td>Bekkedal Wildfire Mitigation Cisterns</td>
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<tr>
<td>Town of Breckenridge Slash Site</td>
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</tr>
</tbody>
</table>

**2015 CHIPPING Program**

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Total Project Cost</th>
<th>Grant Award</th>
<th># of Homes</th>
<th>Cu Yds Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>1,973</td>
<td>6,300</td>
</tr>
</tbody>
</table>
### 2016 HFR Projects Funded

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Total Project Cost</th>
<th>Grant Award</th>
<th>Acres</th>
<th>Cost Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highlands - Parcel A</td>
<td>$12,000.00</td>
<td>$6,000.00</td>
<td>3</td>
<td>$3,750.00</td>
</tr>
<tr>
<td>Pebble Creek Ranch Foundation - 2016</td>
<td>$21,082.50</td>
<td>$10,516.00</td>
<td>12</td>
<td>$1,756.88</td>
</tr>
<tr>
<td>Ruby Ranch 2016</td>
<td>$41,130.00</td>
<td>$14,400.00</td>
<td>12</td>
<td>$3,427.50</td>
</tr>
<tr>
<td>Summit Estates 2016</td>
<td>$0.00</td>
<td>$0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theobald 2016</td>
<td>$6,000.00</td>
<td>$3,000.00</td>
<td>2</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Town of Blue River 2016</td>
<td>$46,950.00</td>
<td>$23,475.00</td>
<td>11</td>
<td>$4,416.75</td>
</tr>
<tr>
<td>Town of Dillon</td>
<td>$0.00</td>
<td>$0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$127,162.50</strong></td>
<td><strong>$57,391.00</strong></td>
<td><strong>40</strong></td>
<td><strong>$3,192.63</strong></td>
</tr>
</tbody>
</table>

### 2016 CWPP Implementation Projects Funded

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Total Project Cost</th>
<th>Grant Award</th>
<th>Acres</th>
<th>Cost Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Breckenridge 2016</td>
<td>$0.00</td>
<td>$0.00</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Ptarmigan Cisterns</td>
<td>$24,445.26</td>
<td>$22,000.73</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$24,445.26</strong></td>
<td><strong>$22,000.73</strong></td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### 2016 CHIPPING Program

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Total Project Cost</th>
<th>Grant Award</th>
<th># of Homes</th>
<th>Cu Yds Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td><strong>$185,820.90</strong></td>
<td><strong>$50,000.00</strong></td>
<td><strong>1,971</strong></td>
<td><strong>5,480</strong></td>
</tr>
</tbody>
</table>

### Total Wildfire Prevention Projects 2006 - 2016

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Total Project Costs</th>
<th>Grant Contribution</th>
<th>Acres</th>
<th>Cost Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,168,041.11</strong></td>
<td><strong>$2,442,574.92</strong></td>
<td><strong>1,907.47</strong></td>
<td><strong>$2,709.37</strong></td>
</tr>
</tbody>
</table>
I. **GLOSSARY OF TERMS**

**Access Route** - Principal vehicular ingress and egress to a structure or through a development, crossing more than one parcel, including public and private roads, streets, and lanes that extend to and intersect with a publicly maintained road, street, or lane.

**Aspect** - Direction toward which the slope faces.

**Brush** - Shrubs and scrub vegetation or other vegetative growth heavier than grass but not a full tree size.

**Combustible** - Any material that, in the form in which it occurs or is used, and under the conditions anticipated, will ignite and burn.

**Defensible Space** - A natural or man-made area, where vegetation capable of carrying a fire has been sufficiently treated, modified, or removed to slow the rate of spread and reduce the intensity of a fire; provide a safe area for fire suppression operations; and slow or prevent a fire from traveling – in either direction – between a structure and the vegetation.

**Emergency Access Route** - A maintained vehicular roadway for ingress.

**Fire Adapted Communities (FAC)** – Incorporates people, buildings, businesses, infrastructure, cultural resources, and natural areas to prepare for the effects of wildfire.

**Fire Break** – An area, usually a long strip of undetermined width, wherein all flammable fuels have been removed to the mineral soil layer for the purpose of stopping a fire’s spread.

**Forest Management Plan** – A plan prepared by a professional forester that describes the current condition of the subject site and the proposed management activities to be conducted by the applicant. The plan shall describe how these activities improve forest health and reduce wildfire hazards. The plan shall address all components of site vegetation. Elements of the plan may include, but are not limited to, insect and disease, wildlife values, aesthetics, and other multiple resource objectives.

**Fuel Break** - An area, usually a long strip strategically located, wherein vegetative fuels are reduced in volume and maintained to cause a reduction of fire intensity if ignited by a wildland fire.

**Fuel Loading** - The volume of fuel in a given area, generally expressed in tons per acre.

**Fuel Modification** - The removal of fuels, increase in spacing of individual plants, or reduction of fuel loading.

**Hand Thinning** - The use of chainsaws and manpower to remove fuels from the prescribed area. Hand thinning has a low impact on soils, erosion and accidental removal of vegetation not involved in the prescription. This type of treatment is often used in steep terrain, valuable or fragile ecosystems.

**IBC** - The International Building Code.
**Mechanical Thinning** - The use of machinery such as excavators, are used to remove vegetation.

**National Cohesive Strategy** – A collaborative process with active involvement of all levels of government and non-governmental organizations, as well as the public, to seek national, all-lands solutions to wildland fire management issues.

**Prescription** – A detailed plan that reduces the threat of wildfire in a specified area. Prescriptions may include mechanical thinning, prescribed burn, lop and scatter, fuel breaks, pile burning, chipping, etc.

**Prescribed Burning** - A type of prescription to reintroduce fire as a natural means of fuel reduction and creating a fire resilient landscape.

**Slope** - Upward or downward incline or slant, usually calculated as a percent of slope (rise or fall per 100 feet of horizontal distance).

**Wildland** - An undeveloped area in its natural state containing vegetation characteristic of the region and undisturbed topographical conditions.

**Wildland Urban Interface** - An area where development and wildland fuels meet at a clearly defined boundary.

**Wildland Urban Intermix** - An area where development and wildland fuels meet with no clearly defined boundary.

**Wildfire** - An unplanned and unwanted fire requiring suppressive action; an uncontrolled fire, usually spreading through vegetative fuels but often threatening structures.

**Wildfire Hazard** - The condition of the natural and built environment creating a wildfire opportunity that is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health, safety or property. The term incorporates the combined effects of slope, aspect, topography, climatic conditions, weather, wildfire behavior, existing vegetation, and state of the vegetation, and may also incorporate additional factors such as evacuation conditions, density of structures, history of fire occurrence, and local emergency service availability.

**Wildfire Mitigation Plan** - A plan prepared by a professional forester that describes the current condition of the subject site and the proposed management activities to be conducted by the applicant. The plan shall describe how these activities reduce wildfire hazard levels.
APPENDIX A – MANAGEMENT RECOMMENDATIONS FOR REDUCING FIRE HAZARDS WITHIN EACH FOCUS AREA

LOWER BLUE RIVER BASIN

The management recommendations listed below are an idealistic set of treatments that when complete will greatly reduce the impact of wildfire on life and property in Summit County. The management recommendations are not specific prescriptions. Specific prescriptions must be developed by the entity charged with the management of the property. Project implementation on national forest system land must go through the NEPA process, during which specific prescriptions will be developed. For more information on the specific prescriptions for lands managed by the U.S. Forest Service and their associated NEPA documents, contact the Dillon Ranger District of the White River National Forest.

The general management recommendation for all homes and businesses within Summit County is to create good defensible space and maintain it. In addition, all homes and businesses should comply with Chapter 45 of the International Code of Residential Construction with regard to building materials and standards, as well as defensible space requirements.

Many of Summit County’s focus areas cross multiple ownerships and jurisdictions. To accomplish the management recommendations for these focus areas, all parties must work together towards the common goal of protecting life and property.

Appendix A provides specific recommendations to reduce the hazards associated with wildfire for each individual focus area. Each recommendation is broken into four sections. The first gives a general description of the focus area including location, access, infrastructure and community information. The second describes recommendations of fuels reduction projects located in the specific focus area. The third provides a map of the specific focus area with the location of recommended treatments and completed treatments shown. Individual home defensible space recommendations are not shown on the map since it is recommended that every home or business within Summit County have defensible space. The fourth section gives general recommendations for reducing wildfire hazards. These recommendations are further split into four parts in order of importance: home construction, landscaping/fuels, preparedness planning/evacuation and infrastructure.

For assistance with implementation of any of the recommended treatments in Appendix A, or to further discuss any of the projects, please contact your local fire protection district, the Colorado State Forest Service or Summit County CSU Extension.
Acorn Creek - The Acorn Creek focus area is located along the east side of Highway 9 approximately 8 miles north of the Town of Silverthorne. Homes within the community are generally older and not built with Firewise building materials. All homes built after 1992 meet the Chapter 45 building codes for building materials. Access to the community is limited to one road (Ute Park Rd). Several points along this road are not adequate to support two-way traffic. Street signs throughout the focus area are present; however, they are non-reflective and made of combustible materials. Most homes within the focus area have visible non-reflective address signs that may not be adequate in emergency situations. Utilities throughout the focus area consist of mostly above ground power lines and most homes are serviced by natural gas; however, some homes have above ground propane tanks. Additionally a major power transmission line bisects the focus area as well as high pressure gas lines. Currently no emergency water supply exists within the community. The majority of this focus area has light flashy fuels with pockets of extremely heavy fuels.

Creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

### Acorn Creek Fuels Reduction Project Recommendations

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing; sage treatments</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Shaded Fuel Break</td>
<td>2</td>
<td>Creation of shaded fuel break. General spacing of 12 ft between crowns desired.</td>
<td>Hand felling, mechanical</td>
<td>7 Acres</td>
</tr>
<tr>
<td>Road Side Hazard</td>
<td>3</td>
<td>Reduction of fuels along forest sections of road.</td>
<td>Hand felling, mechanical</td>
<td>9 Acres</td>
</tr>
</tbody>
</table>
## Acorn Creek General Wildfire Mitigation Recommendations

<table>
<thead>
<tr>
<th>Category</th>
<th>Priority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
</tr>
<tr>
<td>Preparedness Planning/Evacuation</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Widen narrow spot on Ute Park Rd. near Blue River to support two-way traffic.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop an emergency water supply within the community for use during either a wildland or structure fire.</td>
</tr>
</tbody>
</table>
Sierra Bosque - The Sierra Bosque focus area is located approximately 6 miles north of the Town of Silverthorne on the west side of Highway 9. Access to the community is via one road (Blue Ridge Rd.) which loops through the community. The majority of homes within this focus area have adequate defensible space. Street signs are present and reflective. Addresses are present but non-reflective. Power is above ground and gas is underground. No emergency water supply exists within the community.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing; sage treatments</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>USFS Fuels</td>
<td>2</td>
<td>Completion of fuels reduction closest to home on southwest corner of subdivision.</td>
<td>Limited mechanical, hand felling</td>
<td>11</td>
</tr>
<tr>
<td>Blue Ridge Road Hazard Tree</td>
<td>3</td>
<td>Removal of all dead trees within 2 tree lengths of the road and power lines.</td>
<td>Hand felling</td>
<td>2</td>
</tr>
<tr>
<td>Category</td>
<td>Priority</td>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping/ Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preparedness Planning/ Evacuation</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Boulder Creek Ranch** - The Boulder Creek Ranch focus area is located approximately 6 miles north of the Town of Silverthorne on the west side of Highway 9 along Boulder Creek Rd. Many homes within Boulder Creek Ranch are older and are not constructed with noncombustible roofing or siding. Access is limited to one narrow, steep road (Boulder Creek Rd.). A bridge near the bottom of the road is not load rated and may limit the size of emergency equipment. The majority of homes on the east end of the focus area are accessed by bridges that are not load rated. Fuels consist of sage, over mature aspen and lodgepole pine stands heavily affected by mountain pine beetle. Many of the homes do not have visible addresses and the ones that do exist are non-reflective. Street signage is sporadic, but where present is reflective. Power is located above ground and many homes have above ground propane tanks. Several low hanging power lines may present problems during emergencies. Water is very limited in the focus area. Boulder Creek runs along the access road; however it provides very few good draft points.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

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<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing; sage treatments</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Road Side Hazard Tree</td>
<td>2</td>
<td>Removal of all dead and dying trees within 2 tree lengths of the road.</td>
<td>Hand felling, limited mechanical</td>
<td>50-100 feet from all roads</td>
</tr>
<tr>
<td>Cross Boundary Fuels Reduction</td>
<td>3</td>
<td>Completion of treatment units as identified in North Summit WUI NEPA as well as adjacent private property.</td>
<td>Mechanical, limited mechanical, hand felling</td>
<td>136</td>
</tr>
</tbody>
</table>
Boulder Creek Ranch

Legend:
- **Focus Area Boundary**
- **Recommended Treatment**
- **Completed Treatment**
<table>
<thead>
<tr>
<th>Category</th>
<th>Priority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
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<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
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<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/ Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
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<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
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<tr>
<td>Preparedness Planning/</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
</tr>
<tr>
<td>Evacuation</td>
<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Establish and post bridge limits on Boulder Creek Rd. and private drives.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Install reflective road signs with names that match county records.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop an emergency water supply within the community for use during either a wildland or structure fire. Potential site may be near bridge at bottom of Boulder Creek Rd.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
</tr>
</tbody>
</table>
Pebble Creek Ranch - The Pebble Creek Ranch focus area is located approximately 4 miles north of the Town of Silverthorne on the west side of Highway 9. Major fuels reduction and defensible space work has occurred in this focus area. Most homes have defensible space and a 30 acre clear cut has removed hazardous fuels inside the subdivision. The USFS also completed a fuels reduction project adjacent to the community further reducing fire hazard. Road access to the community is a long one-way-in/one-way-out road (Pebble Creek Rd.). Within the community roads are well maintained and looping; however some homes have longer driveways with small turnarounds at the house. Street signs are present and reflective. Addresses are present and non-reflective. Both power and propane are located above ground. Emergency water is available from a draft site located in a pond at the western end of the community. A large irrigated hay meadow is present in the community which may be suitable as a helispot in the event of a fire nearby. A large accumulation of building materials and combustible items are located at a ranch on the west end of the focus area. This site may present challenges and hazards to firefighters responding to a fire in the area.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

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<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Summit Guest Ranch Defensible Space</td>
<td>2</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Pebble Creek Fuel Reduction</td>
<td>3</td>
<td>Continuation of fuel break located near Pebble Creek.</td>
<td>Mechanical, limited mechanical</td>
<td>3</td>
</tr>
<tr>
<td>Road Hazard</td>
<td>4</td>
<td>Removal of dead trees within falling distance of roads.</td>
<td>Hand felling</td>
<td>2</td>
</tr>
</tbody>
</table>
### Pebble Creek Ranch General Wildfire Mitigation Recommendations

<table>
<thead>
<tr>
<th>Category</th>
<th>Priority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation. Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads. Clean leaf and needle litter from roofs and gutters and away from foundations. Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
</tr>
<tr>
<td>Preparedness Planning/Evacuation</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center. Encourage all residents and guests to sign up for SC Alerts.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Provide adequate turnarounds for fire apparatus throughout the community. Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
</tr>
</tbody>
</table>
**Eagles Nest** - The Eagles Nest focus area is located at the northern end of the Town of Silverthorne on the west side of Highway 9. The focus area covers the Three Peaks, Eagles Nest and Willowbrook Highlands subdivisions. Nearly every home within this focus area has good defensible space; however it was noted that many homes have landscape trees planted within the zone 1 of the defensible space. Road access is good and water is available in hydrants throughout the community. Utilities consist of buried power and gas. Street signs are present throughout the community and made of reflective materials. Addresses are present; however they are non-reflective.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

**Eagles Nest Fuels Reduction Project Recommendations**

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Maintain Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Arnica Lane Fuel Break</td>
<td>2</td>
<td>Shaded fuel break of private and USFS property in draw leading from Arnica Lane.</td>
<td>Limited mechanical, hand felling and piling</td>
<td>14</td>
</tr>
<tr>
<td>Two Cabin Fuel Break</td>
<td>3</td>
<td>Extension of USFS fuel break west of Two Cabins Dr.</td>
<td>Hand felling and piling</td>
<td>14</td>
</tr>
</tbody>
</table>
Eagles Nest

Legend
- Focus Area Boundary
- Recommended Treatment
- Completed Treatment
<table>
<thead>
<tr>
<th>Category</th>
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<tbody>
<tr>
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<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
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<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/Fuels</td>
<td>2</td>
<td>Discourage the planting of landscape trees within zone 1 of defensible space.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
</tr>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
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<td>Encourage all residents and guests to sign up for SC Alerts.</td>
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<td>Infrastructure</td>
<td>4</td>
<td>Provide adequate turnaround for fire apparatus throughout the community.</td>
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<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
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</table>
**Hamilton Creek** - Hamilton Creek is a single family home community located on the north eastern edge of the Town of Silverthorne on the east side of Highway 9. The focus area includes the Hamilton Creek and South 40 subdivisions. Significant fuels reduction activity has occurred in this focus area. Most homes within Hamilton Creek have good defensible space. Homes within the South 40 subdivision have a mix of defensible space. Many of the homes located near the river have very little defensible space. Road access in Hamilton Creek is good along wide paved roads with adequate turnarounds. South 40 has narrow dirt roads with limited turnarounds and confusing signage. Egress exists between Hamilton Creek and Angler Mountain Ranch via Hamilton Creek Road and Bald Eagle Road. An old emergency egress exists between South 40 and the adjacent property to the north. Water is available in hydrants throughout the community. Street signs are present and reflective. Addresses are present but non-reflective. Utilities - both power and gas - are buried in Hamilton Creek and above ground in South 40. Low hanging power lines in South 40 may limit access of emergency equipment.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

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<tr>
<th>Name</th>
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<th>Acres</th>
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<tbody>
<tr>
<td>Maintain Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Hamilton Creek Fuel Break</td>
<td>2</td>
<td>A small fuel break on the South side of Hamilton Creek to create a break between the heavy fuels and homes.</td>
<td>Limited mechanical, hand felling</td>
<td>10</td>
</tr>
<tr>
<td>South 40 Linked Defensible Space</td>
<td>3</td>
<td>Linked defensible space of all homes in South 40 along the Blue River.</td>
<td>Hand felling and limbing; mowing</td>
<td>28</td>
</tr>
</tbody>
</table>
Hamilton Creek

Legend
- Focus Area Boundary
- Recommended Treatment
- Completed Treatment

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0
<table>
<thead>
<tr>
<th>Category</th>
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<tbody>
<tr>
<td>Home Construction</td>
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<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
</tr>
<tr>
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<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
</tr>
<tr>
<td></td>
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<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<td></td>
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<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
</tr>
<tr>
<td>Preparedness Planning/Evacuation</td>
<td>3</td>
<td>Change Sign at Corner of Lakeview Circle and Hamilton Creek Rd. to reflect the presence of emergency egress route.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Brush willows back 20-30 from road edges throughout North 40 to facilitate access and line of sight.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Re-grade/ mow emergency egress at north end of Hillside Dr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
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</tbody>
</table>
Ruby Ranch - The Ruby Ranch focus area is located on the west side of the Town of Silverthorne between the Eagles Nest and Mesa Cortina Subdivisions. Terrain within the focus area is steep and gullied. Major fuels reduction work has occurred within this focus area. To the extent possible landowners should clear as much of the remaining dead trees and ground fuel as practical. Roads are good with adequate turnarounds; however there is only one road to access the community. Fire hydrants exist throughout the community however they are not suitable for emergency water. Street signs are present and reflective but on a post made from combustible materials. Addresses are present and reflective. Utilities are all buried.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

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<tbody>
<tr>
<td>Maintain Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Fuel Break</td>
<td>2</td>
<td>Removal of all standing and down dead and all live pine over 20 ft tall.</td>
<td>Mechanical, limited mechanical</td>
<td>4</td>
</tr>
</tbody>
</table>
# Ruby Ranch General Wildfire Mitigation Recommendations

<table>
<thead>
<tr>
<th>Category</th>
<th>Priority</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/ Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td></td>
<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<tr>
<td></td>
<td></td>
<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
</tr>
<tr>
<td>Preparedness Planning/</td>
<td>3</td>
<td>Reconstruct bridge between Ruby Ranch and Willowbrook to facilitate emergency egress.</td>
</tr>
<tr>
<td>Evacuation</td>
<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Increase hydrant service lines to meet LDFR requirements for emergency water.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
</tr>
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<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
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</table>
Ptarmigan - The Ptarmigan focus area is located directly east of the Town of Silverthorne and is bordered on the south by I-70. The area includes a mix of fire hazards. Poor roads and the lack of emergency water are major limiting factors within the community. Many homes are built with combustible roofs and siding. Homeowners should consider replacing combustible roofs and siding with non-combustible materials. Two egresses exist within the community, but secondary roads are narrow, steep and in poor condition. Street signs are present throughout the community, but are confusing and misleading in places. Many dead end roads exist without No Outlet signs present. Addressing throughout the community is infrequent or inconsistent and where present is non-reflective. Power throughout the community is above ground; gas is buried for the lower half of the community and above ground propane for the upper half. No emergency water exists for the focus area.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

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<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing; sage treatments</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>General Thinning</td>
<td>2</td>
<td>Thin exist advanced regeneration to a crown spacing of 10 ft.</td>
<td>Hand felling</td>
<td>22</td>
</tr>
</tbody>
</table>
# Ptarmigan General Wildfire Mitigation Recommendations

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<thead>
<tr>
<th>Category</th>
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<tbody>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation. Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/ Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads. Clean leaf and needle litter from roofs and gutters and away from foundations. Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill. Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
</tr>
<tr>
<td>Preparedness Planning/</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground. Develop an evacuation plan for the community including identification of escape routes and an evacuation center. Encourage all residents and guests to sign up for SC Alerts.</td>
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<tr>
<td>Evacuation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Re-grade/ repair roads. Where possible bring road system up to county standards to assist in access of emergency vehicles. Improve road signage to reflect on the ground road names and install No Outlet signs on every dead end road. Provide adequate turnarounds for fire apparatus throughout the community. Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue. Develop an emergency water supply within the community for use during either a wildland or structure fire.</td>
</tr>
</tbody>
</table>

73
Mesa Cortina - The Mesa Cortina focus area is located directly west of the Town of Silverthorne. Significant fuels reduction efforts have occurred within this focus area. Nearly every home in the western half of the community has good defensible space. Homes on the eastern half of the community have mostly light flashy fuels and aspen stands located on the property. Roads are good with most roads looping or ending in an adequate sized turnaround. In the event of wildfire traffic volume may overwhelm the road infrastructure. Water is available throughout the community in hydrants. Street signs are present and reflective. Addresses are present but non-reflective. Power is above ground and gas is buried. Many above ground power lines are low hanging which may hamper emergency equipment access to parts of the focus area.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

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<td></td>
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<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
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<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
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<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
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<td>Encourage all residents and guests to sign up for SC Alerts.</td>
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<td>Infrastructure</td>
<td>4</td>
<td>Where possible work on burying overhead power lines.</td>
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<td></td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
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<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
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76
Salt Lick Gulch - USFS - The Salt Lick Gulch focus area is located directly south of the Town of Silverthorne between Wildernest and 1-70. This focus area is entirely on USFS property. No Fuels Reduction Project Recommendations or General Wildfire Mitigation Recommendations tables are included since the majority of this focus area has completed treatments. Future management should focus on keeping the fuels treatment area effective over time.
**SNAKE RIVER and TEN MILE RIVER BASINS**

**Keystone** - The Keystone focus area is located approximately 5 miles east of the Town of Dillon at the base of Keystone Resort. The Keystone focus area contains a mix of fire hazards. Roads and water are good throughout the focus area. Some areas have completed major fuels reduction projects, while others still have major hazardous fuels issues. Fuels reduction and defensible space are badly needed on the single family homes located along Soda Springs Road. Street signs are present and reflective and addresses are present but generally non-reflective. Utilities are generally buried, with the exception of the transmission line located along Montezuma Road.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

### Keystone Fuels Reduction Project Recommendations

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Single Family Homes</td>
<td>2</td>
<td>Linked defensible space around all the single family homes on Soda Springs Rd.</td>
<td>Hand felling and limbing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Defensible Space</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East End Fuel Reduction</td>
<td>3</td>
<td>Fuel break located east of Trapper’s Crossing and Alders.</td>
<td>Mechanical, limited mechanical and hand felling</td>
<td>14</td>
</tr>
<tr>
<td>USFS Roadside Fuels</td>
<td>4</td>
<td>Roadside fuels reduction in corner of Keystone Ranch Road.</td>
<td>Mechanical, limited mechanical</td>
<td>5</td>
</tr>
<tr>
<td>Category</td>
<td>Priority</td>
<td>Description</td>
<td></td>
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<tr>
<td>--------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
<td></td>
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<td></td>
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<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
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</tr>
<tr>
<td>Landscaping/Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
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<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<td></td>
<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
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<tr>
<td>Preparedness Planning/Evacuation</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
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<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
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<td>Encourage all residents and guests to sign up for SC Alerts.</td>
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<td>Infrastructure</td>
<td>4</td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
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<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
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</tbody>
</table>
**Keystone Ranch** - This focus area covers the Keystone Ranch areas and the adjacent National Forest System land. The USFS has completed several large clearcut units adjacent to private property within the focus area. On the private property in general the forest has been thinned out and the ground fuels have been removed. Very little fuels reduction has occurred in zone 1 and zone 2. In some cases homeowners have even planted additional flammable vegetation within zone 1. Creation of defensible space is recommended around every home, and will greatly enhance the effectiveness of the general fuels reduction activity. Street signs are present and reflective. Addresses are present but non-reflective. Utilities are all buried and emergency water exists in hydrants throughout the focus area. Roads are paved and adequate turnouts are present throughout the focus area. An emergency access to Summit Cove exists between the East and West Ranch communities.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

**Keystone Ranch Fuels Reduction Project Recommendations**

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<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
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<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details. Focus on Zone 1.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>West Ranch Linked Defensible Space</td>
<td>2</td>
<td>Linked defensible space of all homes in the West Ranch.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Yarrow Ln Linked Defensible Space</td>
<td>3</td>
<td>Linked defensible space of all homes in the Yarrow Lane and Penstemmon Rd. area.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
</tbody>
</table>
Keystone Ranch

Legend
- Focus Area Boundary
- Recommended Treatment
- Completed Treatment
# Keystone Ranch General Wildfire Mitigation Recommendations

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<tr>
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<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
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<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
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<td>Landscaping/ Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
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<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
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<td>Preparedness Planning/ Evacuation</td>
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<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
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<td>Encourage all residents and guests to sign up for SC Alerts.</td>
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<td>Infrastructure</td>
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<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
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<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
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</table>
**Summit Cove** - The Summit Cove focus area is located approximately 4 miles south east of the Town of Dillon between the Summit Cove and Keystone Ranch subdivisions. No Fuels Reduction Project Recommendations or General Wildfire Mitigation Recommendations tables are included since the this focus area is entirely on UFSF property. Fuels reduction is recommended and is addressed in the NEPA documents which cover this focus area. Specific prescriptions can be obtained by contacting the Dillon Ranger District.
**Lewis Ranch** - The Lewis Ranch focus area is located at the far western end of the Copper Mountain Resort Base. It is a single family home community bordered on the south by the Copper Ski Area and east by I-70. Approximately half of the homes within the community have defensible space. Road access is good via Lewis Ranch Rd. Two load rated bridges provide access to several of the homes. Turnarounds are generally good, but equipment may have to go all the way to the end of the road for a sufficient turn-around space. Water is available throughout the community in hydrants. Street signs are present and reflective. Addresses are present and non-reflective. Utilities are all buried.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

**Lewis Ranch Fuels Reduction Project Recommendations**

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Fuel Break</td>
<td>2</td>
<td>Continue to expand fuel breaks on the north and east sides of the focus area.</td>
<td>Mechanical, limited mechanical, hand felling</td>
<td>11</td>
</tr>
<tr>
<td>Category</td>
<td>Priority</td>
<td>Description</td>
<td></td>
<td></td>
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<tr>
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<tr>
<td>Home Construction</td>
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<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
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<td></td>
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<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
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</tr>
<tr>
<td>Landscaping/Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
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<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
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<td>Preparedness Planning/</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
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<td>Evacuation</td>
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<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
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<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
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<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Copper Fire.</td>
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</tbody>
</table>
**Iron Springs/ Hospital** - The Iron Springs/ Hospital focus area is located immediately southeast of the Town of Frisco. The focus area covers Bill’s Ranch, Water Dance, County Commons, Frisco Peninsula and adjacent National Forest System lands. Major work has been accomplished within this focus area. A very good fuel break exists around the southeast and eastern portions of this focus area. Many homes within the Bill’s Ranch subdivision have created defensible space. Homes that have combustible roofs and siding should replace them with non-combustible materials. Where fuels reduction projects have been implemented, future management should focus on keeping the fuel breaks effective. Throughout the focus area street signs are generally present and reflective, and addresses are present but non-reflective. Bill’s Ranch Road signage is inconsistent and in places does not match with county road name records. Power is above ground and gas is buried. Emergency water is in hydrants, with the exception of Bill’s Ranch subdivision, which has no water. Roads are generally good, with the exception of sections of Bill’s Ranch, where roads are narrow and substandard. Several emergency egresses exist within Bill’s Ranch; however, they are narrow and not marked.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

| **Iron Springs/ Hospital Fuels Reduction Project Recommendations** |
|---|---|---|---|---|
| Name                          | Project Number | Description                                      | Methods                                    | Acres            |
| Maintain Defensible Space     | 1              | Defensible space around individual homes. See section VII. I for details. | Hand Felling and limbing, mowing           | ~ 200’ around home |
| Ophir Mountain Fuels Project  | 2              | Fuels reduction in the WUI area.                 | Hand felling, limited mechanical, mechanical | 1461             |
## Iron Springs/ Hospital General Wildfire Mitigation Recommendations

<table>
<thead>
<tr>
<th>Category</th>
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<td>Home Construction</td>
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<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
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<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
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<tr>
<td>Landscaping/Fuels</td>
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<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<td>Preparedness Planning/Evacuation</td>
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<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
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<td></td>
<td></td>
<td>Identify and mark emergency egress route out of Bill’s Ranch. Several exist but are narrow and not signed.</td>
</tr>
<tr>
<td></td>
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<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
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<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
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<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Load rate and post crossing at Tracy Lane and Boggs Rd.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Brush back willows along roads throughout Bill’s Ranch.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Improve road signage throughout the Bill’s Ranch community to better facilitate location of homes and evacuation routes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
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<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Lake Dillon Fire Rescue.</td>
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</table>
UPPER BLUE RIVER BASIN

Iron Springs/ Gold Hill - The Iron Springs/ Gold Hill focus area is located approximately 2.5 miles south of the Town of Frisco on the West side of Highway 9. The focus area covers the Gold Hill and Highland Meadows Subdivisions as well as Summit County High School and the adjacent National Forest System property. Significant fuels reduction has occurred within this focus area, including completion of a fuel break by the USFS on the western section. Defensible space throughout the focus area is good with areas still needing some work. Some older homes within Gold Hill are built with combustible roofing and siding. Street signs are present and reflective. Addresses are present but non-reflective. Power is above ground and gas is below ground. Emergency water is split: Gold Hill has no emergency water, while Highland Meadow has hydrants. Roads throughout the focus area are generally good; however they are one-way-in/one-way-out in the Gold Hill and Highland Meadows subdivisions.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

### Iron Springs/ Gold Hill Fuels Reduction Project Recommendations

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<tr>
<th>Name</th>
<th>Project Number</th>
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<tbody>
<tr>
<td>Maintain Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Gold Hill Fuel Break</td>
<td>2</td>
<td>Removal of all standing and down dead trees.</td>
<td>Mechanical</td>
<td>53</td>
</tr>
<tr>
<td>Defensible Space</td>
<td>3</td>
<td>Defensible space around individual homes.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Defensible Space</td>
<td>4</td>
<td>Defensible space around individual homes.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>USFS Ophir Mountain Fuels Reduction</td>
<td>5</td>
<td>Completion of treatment units as identified in Ophir Mountain NEPA.</td>
<td>Mechanical, limited mechanical</td>
<td>1461</td>
</tr>
</tbody>
</table>
Iron Springs/ Gold Hill

Legend
- Focus Area Boundary
- Recommended Treatment
- Completed Treatment
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<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
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<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Red, White and Blue Fire.</td>
</tr>
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</table>
**Summit Estates** - The Summit Estates focus area is located east of the Town of Breckenridge on the south side of Tiger Road. Access to the focus area is via a one-way-in/one-way-out road, Estates Drive. Roads are generally good with adequate turnarounds at all dead end roads. Terrain throughout the focus area is steep and gullied. Defensible space throughout the community is generally good. Significant fuels reduction work has been completed on private open space, and is planned on adjacent national forest system land. Street signs are present but non-reflective and are made of combustible materials. Addresses are present but non-reflective. Utilities are underground. Emergency water exists in a series of cisterns throughout the community.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

### Summit Estates Fuels Reduction Project Recommendations

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<td>~ 200’ around home</td>
</tr>
<tr>
<td>Breckenridge Fuels and Forest Health Project</td>
<td>2</td>
<td>Completion of treatment units as identified in Breckenridge Fuels and Forest Health NEPA.</td>
<td>Limited mechanical, hand felling</td>
<td>6</td>
</tr>
<tr>
<td>Entrance road fuels reduction</td>
<td>3</td>
<td>Reduction of fuels in dense forested stands near the entrance road. General spacing of 10-12 ft.</td>
<td>Hand felling, limited mechanical</td>
<td>22</td>
</tr>
</tbody>
</table>
## Summit Estates General Wildfire Mitigation Recommendations

<table>
<thead>
<tr>
<th>Category</th>
<th>Priority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
</tr>
<tr>
<td></td>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
</tr>
<tr>
<td>Preparedness Planning/Evacuation</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop secondary egress route between Summit Estates and the Highlands.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Red, White and Blue Fire.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Explore emergency access from Estates Drive to golf course.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop emergency water supply within community.</td>
</tr>
</tbody>
</table>
**Golden Horseshoe North and South** - The Golden Horseshoe focus area is located in the northeast portion of the Town of Breckenridge between the Breckenridge Golf Course and French Gulch. Ownership within the Golden Horseshoe consists of private, Town of Breckenridge, Summit County and USFS. Land use can be classified into two categories: developed and open/forest. In the developed areas good defensible space is present on approximately half of the homes. Street signs are present and reflective, and addressing is generally present and typically non-reflective. Utilities consist of buried power with the exception of the far southern portion of the focus area; gas is buried. Emergency water is generally present with a few communities having little to no water. Access is good with multiple loop or connecting roads.

The undeveloped area of this focus area is a heavily used motorized and non-motorized recreation area. Numerous official and unofficial roads/trails cross the area providing ready access to most parts of the focus area with small fire equipment. Water sources are very limited in the undeveloped area with some draft points located in the valley bottoms. Several above ground power lines cross this area. Buried gas and communications lines are also present. Unseen hazards and historically valuable sites are readily present in this area due to past mining. The heavy recreation traffic represents a higher chance of fire occurrence. Fuels reduction in the open/forest portion should be focused on providing maximum protection to the adjacent development.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.
<table>
<thead>
<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. 1 for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Bearing Tree Linked Defensible Space</td>
<td>2</td>
<td>Linked defensible space of all homes in the Bearing Tree Rd. area.</td>
<td>Hand felling and limbing; mowing</td>
<td>43</td>
</tr>
<tr>
<td>Dyer Trail Linked Defensible Space</td>
<td>3</td>
<td>Linked defensible space of all homes in the Dyer Trail area.</td>
<td>Hand felling and limbing; mowing</td>
<td>36</td>
</tr>
<tr>
<td>Highlands Drive Shaded Fuel Break</td>
<td>4</td>
<td>Shaded fuel break on 100 ft either side Highlands Dr.</td>
<td>Hand felling; limited mechanical</td>
<td>12</td>
</tr>
<tr>
<td>Breckenridge Fuels and Forest Health</td>
<td>5</td>
<td>Completion of treatment units as identified in Breckenridge Fuels and Forest Health NEPA.</td>
<td>Mechanical, limited mechanical, hand felling</td>
<td>142</td>
</tr>
<tr>
<td>Fairways Drive Shaded Fuel Break</td>
<td>6</td>
<td>Shaded fuel break focused on area adjacent to road.</td>
<td>Mechanical</td>
<td>6</td>
</tr>
<tr>
<td>Category</td>
<td>Priority</td>
<td>Description</td>
<td></td>
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<tr>
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<td></td>
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<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping/Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
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<td></td>
<td></td>
<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<td></td>
<td></td>
<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preparedness Planning/Evacuation</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
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<tr>
<td></td>
<td></td>
<td>Sign critical turns with emergency exit signs.</td>
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<td></td>
<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
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<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
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</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
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<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Red, White and Blue Fire.</td>
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<tr>
<td></td>
<td></td>
<td>An emergency equipment road map should be developed for the undeveloped area which includes accessible roads with names and numbers, turnouts, water sources, know hazards, etc.</td>
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</tbody>
</table>
Peak 7 - The Peak 7 focus area is located 1/2 mile northwest of the Town of Breckenridge. The Peak 7 focus area is made up of over 400 individual lots, a few larger tracts of land (greater than 5 acres) and National Forest System lands. Access and water (hydrants) throughout the focus area are generally good. The road system has 2 access points (Barton Rd. and Ski Hill Rd.); however, in the event of evacuation traffic volume may overwhelm road capacity. Defensible space has been created on a portion of the homes within the community. Some older homes within the Peak 7 focus area are built with combustible roofing and siding. Street signs are present and reflective. Addressing is inconsistent throughout the community; where present they are non-reflective. Power is above ground and gas is buried.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

### Peak 7 Fuels Reduction Project Recommendations

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>County Road 3 to Ski Hill Road Hazard Tree</td>
<td>2</td>
<td>Removal of all dead and dying trees within 2 tree lengths of the road.</td>
<td>Hand felling, limited mechanical</td>
<td>50-100 feet from all roads</td>
</tr>
<tr>
<td>Protector Cir Linked Defensible Space</td>
<td>3</td>
<td>Linked defensible space of all homes on the inside of the Protector Cir. Loop.</td>
<td>Hand felling and limbing; mowing</td>
<td>15</td>
</tr>
<tr>
<td>Discovery Road Linked Defensible Space</td>
<td>4</td>
<td>Linked defensible space of all homes on Discovery Rd., Twin Pines Ct., Sitzmark Rd. and Burro Ln.</td>
<td>Hand felling and limbing; mowing</td>
<td>24</td>
</tr>
<tr>
<td>Blue Ridge</td>
<td>5</td>
<td>Cross boundary</td>
<td>Mechanical,</td>
<td>37</td>
</tr>
<tr>
<td>Road Fuel Break</td>
<td>fuel break around Blue Ridge Rd. to Ski Pole Ct.</td>
<td>limited mechanical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Winterwood Linked Defensible Space</td>
<td>6</td>
<td>Linked defensible space of all homes in the Winterwood Subdivision</td>
<td>Hand felling and limbing; mowing</td>
<td>25</td>
</tr>
<tr>
<td>Protector Placer Fuel Break</td>
<td>7</td>
<td>Shaded fuel break/ patch cuts on the Protector Placer inside Barton Rd.</td>
<td>Mechanical, limited mechanical</td>
<td>26</td>
</tr>
<tr>
<td>Slalom Drive Linked Defensible Space</td>
<td>8</td>
<td>Linked defensible space of all homes on Slalom Rd. and CR 926</td>
<td>Hand felling and limbing; mowing</td>
<td>20</td>
</tr>
<tr>
<td>Breckenridge Fuels and Forest Health Project</td>
<td>9</td>
<td>Completion of treatment units as identified in Breckenridge Fuels and Forest Health NEPA</td>
<td>Mechanical, limited mechanical, hand felling</td>
<td>17</td>
</tr>
<tr>
<td>Category</td>
<td>Priority</td>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
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<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation. Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping/Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads. Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<td></td>
<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
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<tr>
<td>Preparedness Planning/</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evacuation</td>
<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Improve road signage throughout the focus area to include more “no outlet” and “emergency exit” signs on critical intersections.</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
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<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Red, White and Blue Fire.</td>
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</tr>
</tbody>
</table>

104
Peak 8 - Peak 8 is located on the west side of the Town of Breckenridge at the base of Breckenridge Ski Resort. The focus area is a grouping of many individual subdivisions and multifamily housing complexes. Road access is generally good via Ski Hill Road; however, in the event of evacuation traffic volume may overwhelm road capacity. Hydrants are present throughout the focus area. Defensible space varies greatly within this focus area. Some subdivisions have good defensible space while others have none. Several subdivision-specific fuels reduction plans exist within this focus area; communities should follow their specific plan. Street signs are present and reflective. Addresses are present but not reflective. Utility location varies throughout the focus area with power being both buried and above ground. Gas is buried in most places, with few homes using propone.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

**Peak 8 Fuels Reduction Project Recommendations**

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>County Road 3 to Ski Hill Road Hazard Tree</td>
<td>2</td>
<td>Removal of all dead and dying trees within 2 tree lengths of the road.</td>
<td>Hand felling, limited mechanical</td>
<td>24</td>
</tr>
<tr>
<td>Gondola Station Fuel Break</td>
<td>3</td>
<td>Shaded fuel break/ patch cut.</td>
<td>Hand felling, limited mechanical</td>
<td>6</td>
</tr>
<tr>
<td>Pence Miller Fuel Break</td>
<td>4</td>
<td>Fuel break above and below Pence Miller Trail.</td>
<td>Hand felling, limited mechanical</td>
<td>10</td>
</tr>
<tr>
<td>Shock Hill Inside Fuel Break</td>
<td>5</td>
<td>Increase spacing in existing fuel break.</td>
<td>Hand felling, limited mechanical</td>
<td>5</td>
</tr>
</tbody>
</table>
## Peak 8 General Wildfire Mitigation Recommendations

<table>
<thead>
<tr>
<th>Category</th>
<th>Priority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
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<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
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<tr>
<td>Preparedness Planning/Evacuation</td>
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<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
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<td></td>
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<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
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<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Red, White and Blue Fire.</td>
</tr>
</tbody>
</table>
French Gulch - The French Gulch focus area is located directly east of the Town of Breckenridge on the north flank of Baldy Mountain. Ownership within French Gulch consists of private, Town of Breckenridge and Summit County. Land use can be classified into two categories: developed and open/forest. In the developed areas few homes have good defensible space. Street signs are present and reflective, and addresses are present on some homes, but are non-reflective. Utilities consist of above ground power and buried gas in some areas with the rest being above ground propane. Water is available to some parts of the focus area, but large portions have no emergency water. Roads vary greatly throughout the focus area, with numerous steep narrow roads and many locked gates. In the open/forested parts the area is heavily forested with mixed conifer forests and mountain pine beetle affected pine stands. Slopes are very steep and the area is heavily used by recreationalists.

Creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

**French Gulch Fuels Reduction Project Recommendations**

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing; sage treatments</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Moonstone Linked Defensible Space</td>
<td>2</td>
<td>Linked defensible space of all homes in the Moonstone Area.</td>
<td>Hand felling and limbing; mowing</td>
<td>135</td>
</tr>
<tr>
<td>CR 503 Fuel Break</td>
<td>3</td>
<td>Patch cuts to link Barney Ford and Carter Park fuel breaks.</td>
<td>Mechanical, limited mechanical</td>
<td>31</td>
</tr>
<tr>
<td>Category</td>
<td>Priority</td>
<td>Description</td>
<td></td>
<td></td>
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<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
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<td></td>
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<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
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</tr>
<tr>
<td>Landscaping/Fuels</td>
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<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
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<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<tr>
<td>Preparedness Planning/Evacuation</td>
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<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
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<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
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<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Red, White and Blue Fire.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Boreas Pass/ Baldy Rd.** - The Boreas Pass/ Baldy Rd. focus area includes a portion of the eastern part of the Town of Breckenridge and some areas of unincorporated Summit County on Baldy Mountain. The focus area is a grouping of many individual subdivisions and multifamily housing complexes. Road access and water are good; however in the event of evacuation traffic volume may overwhelm road capacity. Defensible space varies greatly within this focus area. Some subdivisions have good defensible space while others have none. Street signs throughout the focus area are present and reflective. Addresses are generally present, but made of non-reflective materials. Utilities throughout the focus area are buried as well.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing; sage treatments</td>
<td>~200' around home</td>
</tr>
<tr>
<td>Roadside Clearing</td>
<td>2</td>
<td>Reduction of fuels within 2 tree lengths of road surface along Boreas Pass Rd. and Illinois Gulch Rd.</td>
<td>Mechanical, limited mechanical, hand felling</td>
<td>13 Acres</td>
</tr>
</tbody>
</table>
## Boreas Pass/ Baldy Rd. General Wildfire Mitigation Recommendations

<table>
<thead>
<tr>
<th>Category</th>
<th>Priority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/ Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
</tr>
<tr>
<td>Preparedness Planning/ Evacuation</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Red, White and Blue Fire.</td>
</tr>
</tbody>
</table>
**Warriors Mark** - The Warriors Mark focus area is located on the south end of the Town of Breckenridge directly east of the Breckenridge Ski Area. Warriors Mark is a grouping of many individual subdivisions and multifamily housing complexes. Road access is good with paved Town streets. Emergency water is available in hydrants throughout the focus area. A few subdivisions have good defensible space, while most have not created any. Terrain varies throughout the focus area and can exceed 60% slope in places. Some older homes within the focus area are built with combustible roofing and siding. Street signs are present and reflective. Addresses are present and non-reflective. Utilities are generally underground.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

**Warriors Mark Fuels Reduction Project Recommendations**

<table>
<thead>
<tr>
<th>Name</th>
<th>Priority</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing; sage treatments</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Breckenridge Fuels and Forest Health Project</td>
<td>2</td>
<td>Completion of treatment units as identified in Breckenridge Fuels and Forest Health NEPA.</td>
<td>Mechanical, limited mechanical, hand felling</td>
<td>15</td>
</tr>
<tr>
<td>White Cloud Roadside Fuels</td>
<td>3</td>
<td>Reduction of fuels within 100 feet either side of White Cloud Drive.</td>
<td>Limited mechanical, hand felling</td>
<td>4</td>
</tr>
</tbody>
</table>
115 - Focus Area Boundary
- Recommended Treatment
- Completed Treatment

Warriors Mark
### Warriors Mark General Wildfire Mitigation Recommendations

<table>
<thead>
<tr>
<th>Category</th>
<th>Priority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/ Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
</tr>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
</tr>
<tr>
<td>Preparedness Planning/ Evacuation</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
</tr>
<tr>
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<td></td>
<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Red, White and Blue Fire.</td>
</tr>
</tbody>
</table>
**Crown/ Bekkedal** - The Crown/ Bekkedal focus area is located between the Towns of Breckenridge and Blue River and straddles Highway 9. The focus area covers the Bekkedal and Crown Subdivisions. Forest types throughout the area are a mix of spruce-fir and mature lodgepole pine. Lot sizes vary from a ¼ acre to 5 acres or more. Fuels reduction work has occurred in areas, but overall few homes have good defensible space. Most homes within the Bekkedal Subdivision have good zone 1 defensible space, but need further fuels reduction in zones 2 and 3. Road access is generally fair with parts of the Crown having very steep narrow dead ending roads. Many hazardous dead trees exist within falling distance of roads within the community. These may present an access/egress issue in the event of an evacuation and pose a safety risk to community members daily. Driveways are generally longer than average and small turnarounds at the house are common. Emergency water is not available in the focus area, but is accessible along Highway 9. Utilities are located above ground with some homes having buried gas. Low hanging power lines are common throughout the focus area. Street signs are generally present and reflective. Addresses are present on newer homes, but overall are not generally visible from the road and where present are non-reflective.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

**Crown/ Bekkedal Fuels Reduction Project Recommendations**

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Number</th>
<th>Description</th>
<th>Methods</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Roadside Fuel Break</td>
<td>2</td>
<td>Shaded fuel break/ clearcut 100 ft either side of Gold King Way.</td>
<td>Hand felling, limited mechanical</td>
<td>50-100 feet from all roads</td>
</tr>
<tr>
<td>Sunset Dr. Linked Defensible Space</td>
<td>3</td>
<td>Linked defensible space of all homes in the Sunset Dr. area. See section VII. I for details.</td>
<td>Mechanical, limited mechanical, hand felling</td>
<td>38</td>
</tr>
</tbody>
</table>
## Crown/ Bekkedal General Wildfire Mitigation Recommendations

<table>
<thead>
<tr>
<th>Category</th>
<th>Priority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation. Replace any shake-shingle or slab-wood siding and roofs with non-combustible types. Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
</tr>
<tr>
<td>Landscaping/ Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads. Clean leaf and needle litter from roofs and gutters and away from foundations. Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill. Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
</tr>
<tr>
<td>Preparedness Planning/ Evacuation</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground. Develop an evacuation plan for the community including identification of escape routes and an evacuation center. Encourage all residents and guests to sign up for SC Alerts.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Provide adequate turnarounds for fire apparatus throughout the community. Ensure all gates in the community are removable and/or have access codes that are known to all residents and the Red, White and Blue Fire.</td>
</tr>
</tbody>
</table>
**Blue River** - The Blue River focus area covers all of the Town of Blue River as well as some communities in unincorporated Summit County and National Forest System property. Very few homes have good defensible space. Road conditions vary greatly from nearly impassible 4 x 4 roads to state highways. Most roads within the focus area do not support two-way traffic. Street signs throughout the focus area are generally present and reflective except in Spruce Valley Ranch where they are non-reflective and on combustible material. Addresses are generally not present through most of the focus area, but where present are non-reflective and on combustible materials. Generally, utilities are above ground except in Spruce Valley Ranch where the power is below ground. Water varies greatly throughout the focus area. It is generally understood that the only water source is drafting from the Blue River. Fuels throughout the focus area consist of dense lodgepole pine and spruce and fir forests. Some areas of lodgepole pine have experienced heavy mortality due to mountain pine beetle.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

**Blue River Fuels Reduction Project Recommendations**

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<th>Name</th>
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<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing; sage treatments</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Road Side Hazard Tree</td>
<td>2</td>
<td>Removal of all dead and dying trees within 2 tree lengths of the road.</td>
<td>Hand felling, limited mechanical</td>
<td>50-100 feet from all roads</td>
</tr>
<tr>
<td>Indiana Creek Road Improvement</td>
<td>3</td>
<td>Rerouting and reconstruction of Indiana Creek Road near Spruce Creek Ranch.</td>
<td>Mechanical</td>
<td>N/A</td>
</tr>
<tr>
<td>Breckenridge Fuels and Forest Health</td>
<td>4</td>
<td>Completion of treatment units as identified in Breckenridge Fuels and Forest Health EA</td>
<td>Mechanical, limited mechanical, hand felling</td>
<td>771</td>
</tr>
<tr>
<td>Category</td>
<td>Priority</td>
<td>Description</td>
<td></td>
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<tr>
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</tr>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation.</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Replace any shake-shingle or slab-wood siding and roofs with non-combustible types.</td>
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</tr>
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<td></td>
<td></td>
<td>Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
<td></td>
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</tr>
<tr>
<td>Landscaping/ Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads.</td>
<td></td>
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<td></td>
<td>Clean leaf and needle litter from roofs and gutters and away from foundations.</td>
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<td>Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill.</td>
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<td>Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
<td></td>
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<tr>
<td>Preparedness Planning/ Evacuation</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground.</td>
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<td>Develop an evacuation plan for the community including identification of escape routes and an evacuation center.</td>
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<tr>
<td></td>
<td></td>
<td>Encourage all residents and guests to sign up for SC Alerts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Explore connection between Rio Azul Rd. and 97 Circle for emergency egress.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Explore connection between Calle De Plata and Hwy 9 for emergency egress.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Improve first corner on FSR 611 to facilitate better emergency access.</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Provide adequate turnarounds for fire apparatus throughout the community.</td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ensure all gates in the community are removable and/or have access codes that are known to all residents and Red, White and Blue Fire.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Develop emergency water supplies within the community for use during either a wildland or structure fire.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Upgrade existing roads to better accommodate emergency vehicle traffic.</td>
<td></td>
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</tr>
</tbody>
</table>
**Quandary Village** - The Quandary Village focus area is located directly south of the Town of Blue River and straddles Highway 9. The focus area consists of many small developments. Fuels in the area consist of heavy spruce-fir types. Defensible space varies greatly throughout the focus area. Roads are variable, from Highway 9 to nearly impassable 4x4 roads. Street signs are present and reflective in most areas. Addresses are present in areas, but where present are non-reflective. Water is present in some of the developments, but overall is not readily accessible. Utilities consist of overhead power and a mix of buried gas and above ground propane tanks. Several low hanging power lines exist in the Tordal subdivision which may restrict emergency equipment access.

The creation of defensible space and Firewise home construction are the most important actions a homeowner can take to reduce the threat of wildfire. Defensible space will be different for each home due to fuels, topography and home construction. Once defensible space is created, homeowners must annually mow grass, thin new trees and clean roofs and gutters. Homeowners should contact their local fire department or the Colorado State Forest Service for assistance with defensible space.

**Quandary Village Fuels Reduction Project Recommendations**

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<tbody>
<tr>
<td>Defensible Space</td>
<td>1</td>
<td>Defensible space around individual homes. See section VII. I for details.</td>
<td>Hand felling and limbing; mowing</td>
<td>~ 200’ around home</td>
</tr>
<tr>
<td>Road Side Fuel Break</td>
<td>2</td>
<td>Creation of fuel break 100 feet either side of road throughout Quandary Village.</td>
<td>Hand felling, limited mechanical</td>
<td>46</td>
</tr>
<tr>
<td>Tordal Linked Defensible Space</td>
<td>3</td>
<td>Linked defensible space of all homes in the Tordal area.</td>
<td>Hand felling and limbing; mowing</td>
<td>398</td>
</tr>
<tr>
<td>Category</td>
<td>Priority</td>
<td>Description</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Construction</td>
<td>1</td>
<td>Discourage the use of combustible materials for decks, siding and roofs, especially where homes are upslope from heavy vegetation. Replace any shake-shingle or slab-wood siding and roofs with non-combustible types. Open areas below decks and projections should be enclosed or screened and kept clean of flammable materials, especially where such openings are located on slopes adjacent to heavy fuels.</td>
<td></td>
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<tr>
<td>Landscaping/ Fuels</td>
<td>2</td>
<td>Remove all standing dead trees near homes, power lines, driveways and roads. Clean leaf and needle litter from roofs and gutters and away from foundations. Remove wood piles and any flammable yard clutter to at least 30 feet from structures and propane tanks. Wood piles and propane tanks should be located at least 30 feet from the structure and uphill or even with it - never downhill. Encourage individual landowners to mow fuels near homes and along roadways and fence lines during times of high fire danger.</td>
<td></td>
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</tr>
<tr>
<td>Preparedness Planning/</td>
<td>3</td>
<td>Add reflective addressing to all driveways or homes. A good guideline is to use all metal white markers that are 4” in width on a green background and located 3 to 5 ft above ground. Develop secondary egress routes from Tordal and Quandary Village. Develop an evacuation plan for the community including identification of escape routes and an evacuation center. Encourage all residents and guests to sign up for SC Alerts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evacuation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure</td>
<td>4</td>
<td>Where possible bring road system up to county standards to assist in access of emergency vehicles. Improve/ relocate street signage. Raise or bury low hanging power lines. Provide adequate turnarounds for fire apparatus throughout the community. Ensure all gates in the community are removable and/or have access codes that are known to all residents and Red, White and Blue Fire. Develop an emergency water supply within the community for use during either a wildland or structure fire.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
STAFF REPORT

TO:       Board of County Commissioners of Summit County, Colorado
FROM:    Joyce Dierauer, Library Director
FOR:      Meeting of January 9, 2018
SUBJECT: Staff Report Regarding Approval of Library Board Appointment and Reappointment

Staff recommends appointment of Andrew Woods for a five-year term and Mary Gessner to a four-year term to the Library Board.
Dear Kathrine,

I am responding to the call for applicants for the Summit County Library Board.

Earlier this year, I attended my first Summit County Library Board meeting - inspired by a belief in the critical role libraries play in our community and the quality of living they enable. Since then, I've had the good fortune to apply my interest in the library by participating on the Board's Strategic Planning Committee.

As a software engineer, the last twelve years of my professional career have been dedicated to ensuring the accessibility of cultural heritage through the preservation and organization of digital material. Most of that time has been working with university libraries to manage their digital holdings, through a not-for-profit organization (DuraSpace). Although academic libraries have significant differences from our public libraries, the experience has expanded my understanding of, and appreciation for, the responsibilities and opportunities libraries hold.

Libraries across the country are faced with questions of identity and defining their role in the context of evolving societies and technologies. This is an important time of transition, and one that I would be excited to collaboratively shape as a member of the Library Board.

Through my initial experience with Summit County Libraries, combined with my personal and professional experiences, and if selected, I would hope to be a positive addition to our county's library as a member of the Board.

I look forward to hearing from you.

Sincerely,
Andrew Woods
571-212-8485
Andrew Woods

PO Box 2363, Frisco CO 80443 | (571) 261-8481 | awoods@duraspace.org

Experience

SOFTWARE ENGINEER | DURASPACE | 2009 – PRESENT

Technical Director Fedora Repository (2013 – present)
Fedora Repository is an open, community-sourced Java web application designed to help library and cultural heritage institutions manage and preserve digital assets while providing secure, REST-ful access on the web. Responsibilities:

- Nominated by Fedora Repository steering committee to lead the technical revitalization of the Fedora application
- Lead revolving team of developers from diverse stakeholder institutions in agile development of Fedora 4
- Facilitate communication of requirements, progress and planning across development, steering, advisory teams, and community stakeholders.

Technical Liaison and Advisor (2012 – 2013)
This role involved working closely with technical teams of community-based projects to help inform and advise technical directions with the experience and visibility offered by the DuraSpace organization. Projects included:

- Digital Preservation Network (DPN)
- Academic Preservation Trust (APTrust)
- Chronopolis

DuraCloud Software Engineer (2009 – 2012)
DuraCloud is an open source, cloud-hosted, Java web application for preserving culturally significant digital assets in one or more commercial and academic cloud storage infrastructures. Responsibilities:

- Design and develop DuraCloud service platform
- Coordinate collaboration and integration with related community initiatives
  - Chronopolis
  - Internet2/NetPlus
- Mentor new members of the development team

Fedora Repository Software Engineer (2009)

- Focus and coordinate community software development contributions
- Design and develop Fedora software enhancements
- Co-founded Washington D.C. Area Fedora Users Group

SOFTWARE ENGINEER | HARRIS CORPORATION | 2003-2008

FDsys is created to provide a stream-lined, print-job submission interface to Congressional and Agency users; an OAI-S compliant digital archive; and a public-facing, web-based search interface for public government documents. Responsibilities:

- Deputy Chief Software Engineer
- Coordinate with customer ensuring implementation matches needs
- Defined and Analyzed >1600 initial requirements for GPO digital archive
Responsible for design, unit test, and implementation of 1/3 baseline: content access/archival processing
- Design custom XML Schema and transform to/from METS, MODS, PREMIS
- Lead team of six developers
- Manage builds for 80K loc Java baseline
- Technologies
  - Java5, Maven, Spring2 Framework, XML, XML Schema, XSLT, XMLBeans, WSDL, SOAP, AXIS 1.3 / 2, Junit, Clearcase, Documentum 5.3 - 6.0 CMS / AppBuilder / BPM, Python, FAST Search, Oracle Application Server, Eclipse
  - Windows XP

**Geoscout (2005-2006)**
Geoscout is a custom, ontologically-enriched, federated, search application rendering geospatial image hits on GoogleEarth. Responsibilities:
- Design and implementation of prototype query-processing, results-consolidation engine
- Establish ontological model to assist in query refinement
- Multiple demos at customer facility
- Technologies
  - Java 1.4, ANT, KML, XML, XML Schema, WSDL, SOAP, AXIS 1.3, RDF, OWL, Protégé, Junit, Clearcase, Python, PERL, Weblogic Application Server, Eclipse
  - Windows XP, Solaris

MTAIP is a stand-alone C++ desktop application allowing the rendering / manipulation of multiple geospatial-vector source layers for the purpose of constructing highest fidelity, attribution-rich map of the U.S.A. Responsibilities:
- Software Engineer team member enhancing baseline used by ~200 analysts
- Port application to 64-bit platform
- Design Qt application for quality checking integrity of geospatial products
- Script flow of vector data through phases of production
- Technologies
  - C++, Qt, Python, PERL, Clearcase, emacs
  - Solaris

**Education**

**MASTERS IN ENGINEERING | 2003 | UNIVERSITY OF FLORIDA, GAINESVILLE**
- Languages: Java, C++, C, XML, Lisp, SQL, MIPS assembly, HTML
  - Swing, Network, JDBC
- Operating Systems: Unix, Minix, MS Windows, Linux
- Thesis research on efficient database encoding for OLAP decision support (C++)
- Created compiler for procedural language with Java byte code as target language
- Designed and created databases using Oracle 8i and JDBC for:
  - University of Florida CISE office (8 Forms, 3 Reports (1 Ad Hoc), 20 Tables)
  - University of Florida Teaching Center (7 Forms, 2 Ad Hoc Reports, 18 Tables)

**CERTIFICATE | 2000 | FLORIDA INTERNATIONAL UNIVERSITY**
- Completed coursework for Florida Teacher Certification
B.S. | 1994 | ECKERD COLLEGE
- Major in Physics, Mathematics minor
- National Science Foundation Research
- Conducted on the Easter Seamount Chain
- Participated in data-collecting cruise in the South Pacific
- Presented research at the American Geographical Union Conference
- Participant in the 2-year Ford’s Scholars program for future teachers

Other Experience
- Manage 30 tutors (graduate and under-graduate) and budget of $35,000
- Liaison between Athletics Department tutors and Coaches/Advisors
- Monitor academic performance of 150 athletes

Teacher: Miami-Dade County Public Schools, Miami, Florida (1998-2000)
- Taught Physics and Physical Science at Miami Central Senior High School.
- Doubled Physics enrollment and introduced AP program.

- Taught high school level mathematics and physics in Kiswahili.
- Elected member of the Administration/Volunteer Liaison Committee.

Certificates / Awards
- Center for African Studies (University of Florida) FLAS summer fellowship
- State of Florida Teacher’s Certificate
- Advanced Certification in language proficiency (Kiswahili)
Hello Kathrine,

I’m a longtime local of Frisco and frequent user of Summit County libraries. It’s time for me to give back! I’ve attached my resume. It’s short on local, community involvement so I’ll provide that here.

My professional career is in a STEM field so I’ve been a volunteer with Girls in STEM at Keystone Science School for a couple of years. The most recent event was in October in which I helped the girls discover food science topics -- making solar ovens, mapping the tongue’s taste buds, exploring spherification. I’ve been impressed by the program Lizzie Meyer runs there.

Similarly, I’ve been impressed by programs run by Colorado Mountain College. I’ve been involved in many of them. I’ve completed their Sustainability Leadership Certificate. It was wonderful to participate in a “new” program. In 2012 I graduated from the school’s 8-month Leadership Summit. And when I first moved to Summit County in 1999, I taught math classes at the college and also volunteered with the college’s ESL and GED programs.

As you can tell by the above examples, I am drawn towards opportunities that are forward thinking and provide a structure to shape the future. Summit County’s co-working spaces are a place where I see that happening. I’ve attended several events hosted by them (Jared Polis’s Tech Roundtable, Colorado’s Technology Association summit). I’ve also hosted some. At Elevate, I ran a meet-up to introduce interested locals to Data Science.

I see membership on the Summit County Library Board as another place to exercise my forward thinking view. I look forward to hearing from you as my application is considered.

Regards,
Mary
(970) 668-1167
Mary Gessner

(970) 668-1167 research.gessner@gmail.com

Professional Summary
Early stage analytics hire at multiple companies to initially build products and subsequently to lead an analytics team. Thrive in an environment that has lots of data and doesn’t yet know how to leverage it. Adept at revealing the story that data tells. Shine in fostering analytics-thinking among junior analysts. Relish the opportunity to impart data-driven decisions across teams.

Seeking
Team environment that welcomes innovations spurred by data.

Education
M.S. in Applied Statistics, Iowa State University
B.A. in Mathematics, University of Wisconsin –River Falls
Certificate in Sustainability Leadership, Colorado Mountain College

Technical Skills
R programming; previously SAS programming
SQL; Hive; Hadoop
Linux; bash scripting; git

Path2Response
VP of Data Science (present position; 2 years)
• First analytics hire for the company.
• Designed and wrote R code that underlies every order the company ships.
• Mentored 2 interns from Leeds School of Business; recognized both years as the school’s Partner of the Year for running the best intern program.
• Hired and manage 3 data scientists (~10% of employees).

Return Path
Director of Analytics (6 years)
• Joined a team of 2 analysts. Increased the team to 18 analysts.
• Designed algorithm for company’s Sender Score product.
• Diligent and intentional efforts on career development for team.

NextAction (now part of Oracle) (8 years)
Director of Statistical Services
• 1 of 10 employees that started the company.
• Designed and wrote SAS code for several predictive modeling products.
• Repeatedly introduced novel uses of data that led to additional products.
• Hired and managed a team of analysts.

Abacus Direct/Abacus UK (now part of Epsilon) (7 years)
Director of Statistical Services
• 17th employee at Abacus Direct, the pioneering start-up that introduced coop databases to the direct marketing industry
• Initial analyst for Abacus UK that launched the cooperative database concept into the British catalog market
LIQUOR LICENSE REVIEW

Establishment Name:  Powdr-Copper Mountain LLC (dba Copper Mountain Resort)
Physical Address:  209 Ten Mile Circle, Copper Mountain, CO  80443
Physical Address of Facility:  Woodward at Copper Barn
                         505 Copper Road, Copper Mountain, CO  80443
Applicant Name:  Laura Brubaker
Mailing Address:  P.O. Box
Date of Application:  October 2, 2017

[ ] INDIVIDUAL      [ ] PARTNERSHIP       [ ] CORP       [ X ] LLC
[ ] RENEWAL             [ ] NEW               [ ] TRANSFER   [ X ] MODIFICATION

[ X ] RESORT COMPLEX  [ ] TAVERN
[ ] BREW PUB
[ ] BEER AND WINE
[ ] OPTIONAL PREMISE
[ ] RETAIL LIQUOR STORE
[ ] 3.2% BEER
[ ] BED AND BREAKFAST PERMIT
[ ] SPECIAL EVENT PERMIT
[ ] MANAGER REGISTRATION
[ ] CORPORATE CHANGE
[ ] TRADE NAME CHANGE

Sheriff's Office Comments:  Official recommendation requested on December 21, 2017, request fulfilled on January 5, 2018 and enclosed.
Clerk and Recorder Comments:  Complete application and proper County fees submitted. The Clerk & Recorder requests that a Public Hearing be held on January 23, 2018 to explore this modification further.

BOARD OF COUNTY COMMISSIONERS DECISION

[ ] APPROVAL      [ ] DENIAL

COMMENTS:  

________________________________________  _________________________________

____________________________________________________________________________________
TO: BOARD OF COUNTY COMMISSIONERS

FROM: STACEY CAMPBELL, CHIEF DEPUTY CLERK, CLERK & RECORDER

SUBJECT: CONSIDERATION OF ADDITIONAL PREMISE/MODIFICATION OF EXISTING RESORT COMPLEX LICENSE

DATE: JANUARY 9, 2018

APPLICANT: LAURA BRUBAKER, DIRECTOR OF HOSPITALITY
POWDR-COPPER MOUNTAIN LLC
DBA COPPER MOUNTAIN RESORT

REQUEST: REQUEST FOR PUBLIC HEARING TO CONSIDER APPLICATION FOR AN ADDITIONAL PREMISE TO MODIFY EXISTING RESORT COMPLEX LICENSE

BACKGROUND:

On December 19, 2017, Powdr-Copper Mountain LLC DBA Copper Mountain Resort (“Applicant”) submitted an application to modify their existing Resort Complex Liquor License to include the Woodward at Copper Barn located at 505 Copper Road in Copper Mountain, Colorado (“Premises Location”). The application was made to the Office of the Summit County Clerk & Recorder (Kathleen Neel). Notice of a request for Public Hearing on the application is submitted and scheduled to be properly published in the Summit County Journal on January 12, 2018, should the requested Public Hearing be set by the Board today. The information provided by the Applicant in the subject liquor license renewal application (DR8442 form enclosed in materials) is complete and is bring thoroughly investigated by the Clerk & Recorder. A written request for Official Recommendation was submitted to the Summit County Sheriff’s Office on December 21, 2017. Notice of the today’s request for Public Hearing for the Addition of Premises, and the Tentative date for the Public Hearing on January 23, 2018 have been transmitted to the applicant via e-mail. The Clerk & Recorder’s findings will be sent in writing to the Applicant at least ten days prior to the tentative Public Hearing. The proposed premises
is scheduled to be posted by Chief Deputy Clerk Stacey Campbell along with Woodward at Copper General Manager Morrison Hsieh on January 12, 2018 should the Public Hearing on January 23 bet set by the Board today.

**STAFF REPORT & FINDINGS:**

It’s important to note that this requested Public Hearing is not required by law, but is a right of a Local Licensing Authority, in order to view a License Application in further detail and allow for Public Comment and the Applicant to present. The BOCC is requested to make a determination as to whether or not Licensing this Premises would meet the needs and desires of the Copper Mountain neighborhood. After corresponding with Woodward at Copper General Manager Morrison Hsieh, the following has been reported from the Applicant:  
*(Bold are questions from the Office of the Clerk & Recorder, Italicized are Applicant answers)*:

- **Does Woodward at Copper already have the facilities in place for food and beverage service, and Woodward is just simply adding alcoholic beverage options to the menu? Or, is this a new venture all together? Does Woodward have plans to serve any sort of food/snacks/etc.?** Woodward Copper Barn currently already offers bottled/canned soft drinks, juices, PowerAde, and energy drinks along with an assortment of prepackaged, snacks, chips, bars, and candy products. We are looking to add alcoholic beverage to the retail offering.

- **Is there secure storage installed for beer/wine/liquor storage?** Our storage area is locked and only accessible by foreman level staff and up. We would be working with vendors to provide lockable display cases for the alcohol at point of sale.

- **Does Woodward plan on serving beer/wine/liquor or what combination of those three?** Single serving wine and beer products. We will be focused on offering premium level/priced. Quality over quantity.

- **Will employees be TIPS trained that will be serving alcoholic beverages?** 90% staff were TIPS trained this past December in preparation, and the remaining front desk sales staff will be trained prior to implementation of alcohol sales.

- **Are there any other proactive actions that Woodward can/will be taking in order to keep service to those who are of legal age?** This question comes up particularly due to the heavy usage of the facility by minors. Staff who will be serving the alcohol products will be tips certified so they can appropriately ID and serve patrons. We will have locking mechanisms for storage and display areas of the alcohol. Due to our Summer Camp and Day Camp License we already have a zero tolerance policy in place for minors when it comes to alcohol and drugs. We will be posting “no alcohol beyond this point” signage to denote zones where alcohol can’t be present, or where it can’t leave the premise. Copper Mountain Security is also on call to assist in case of elevated instances with guests.
staff are currently trained to observe abnormal behavior and suspend guests from Woodward activity as needed. There is a free water fountain in the building too. Additionally we provide free Powerade sampling on weekends, events, and holidays. Woodward Tahoe our sister location at Boreal, Soda Springs, California has successfully and safely offered alcohol sales since 2013 and we will be working with them on additional best practices.

- **Who is Woodward targeting for consumption with this Liquor License?** The parents of youth participants and/or patrons who are of legal age. Event based programming i.e. action sports movie premieres, legal age parties (activity programming would be adjusted in these scenarios). Similar focus as other youth oriented business that service alcohol to parents and patrons that are of legal consumption age i.e. Chuck E Cheeses, Dave & Busters, Elitch Gardens, etc.

Also enclosed in the Meeting Materials is a two-page report of recommendation from the Summit County Sheriff’s Office regarding this matter. The Sheriff’s Office supports Woodward at Copper receiving the privilege of becoming a Liquor Licensed Premise, with the stipulation of wanting more information regarding the applicant’s “plan for prevention at Woodward”. Commander Mumford of the Sheriff’s Office also requests more information regarding “how they plan to respond to suspected or sustained violations of the liquor code”.

Pursuant to C.R.S. § 12-47-901(g) it is unlawful for any person to sell, or possess for sale, any alcoholic beverage unless licensed to do so and unless all licenses required are in full force and effect. Pursuant to C.R.S. § 12-47-103(17) the Board of County Commissioners of Summit County, Colorado (“BOCC”) is the local licensing authority for the sale and service of alcoholic beverages in unincorporated Summit County, Colorado. For purposes of approving an application for a Retail Liquor Store License in accordance with the Colorado Liquor Code, §12-47-101, et seq., the BOCC must make the following findings:

**Whether or not the Applicant is entitled to add the Woodward Barn premise to their existing Summit County Government issued Liquor License**

**STAFF RECOMMENDATION:**

Staff recommends that due to the potentially controversial nature of adding a Liquor License to the Woodward at Copper Barn, the BOCC should consider holding a Public Hearing on January 23, 2018. A Public Hearing could provide the opportunity for essential further commentary to be presented by the Applicant and/or the Public, before making a determination of whether or not to grant the application.
Permit Application and Report of Changes

Current License Number: 42775400042
All Answers Must Be Printed in Black Ink or Typewritten
Local License Fee: $15 for modification—additional premise.

1. Applicant is a:
   - Corporation
   - Individual
   - Partnership
   - Limited Liability Company

2. Name of Licensee:
   - Powder-Copper Mountain LLC

3. Trade Name:
   - Copper Mountain Resort

4. Location Address:
   - 209 Ten Mile Circle
   - City: Copper Mountain
   - County: Summit
   - ZIP: 80443

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

<table>
<thead>
<tr>
<th>Section A – Manager reg/change</th>
<th>Section C</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Account No.</td>
<td></td>
</tr>
<tr>
<td>Manager’s Registration (Hotel &amp; Rest).......................... $75.00</td>
<td></td>
</tr>
<tr>
<td>Manager’s Registration (Tavern)................................. $75.00</td>
<td></td>
</tr>
<tr>
<td>Manager’s Registration (Lodging &amp; Entertainment)................. $75.00</td>
<td></td>
</tr>
<tr>
<td>Change of Manager (Other Licenses pursuant to section 12-47-301(8), C.R.S.) NO FEE</td>
<td></td>
</tr>
<tr>
<td>Retail Warehouse Storage Permit (ea)........................... $200.00</td>
<td></td>
</tr>
<tr>
<td>Wholesale Branch House Permit (ea)............................... 200.00</td>
<td></td>
</tr>
<tr>
<td>Change Corp. or Trade Name Permit (ea)........................... 100.00</td>
<td></td>
</tr>
<tr>
<td>Change Location Permit (ea)....................................... 300.00</td>
<td></td>
</tr>
<tr>
<td>Change, Alter or Modify Premises $300.00 x Total Fee</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Section B – Duplicate License</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor License No.</td>
</tr>
<tr>
<td>Duplicate License................ $50.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addition of Optional Premises to Existing H/R $200.00 x Total Fee</td>
</tr>
<tr>
<td>Addition of Related Facility to an Existing Resort or Campus Liquor Complex $160.00 x 1 Total Fee $160.00</td>
</tr>
<tr>
<td>Woodward Barn at Copper</td>
</tr>
<tr>
<td>Campus Liquor Complex Designation No Fee</td>
</tr>
</tbody>
</table>

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued | License Account Number | Period |

TOTAL AMOUNT DUE $0.00

The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day mailed by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.
Instruction Sheet

For All Sections, Complete Questions 1-4 Located on Page 1

☐ Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 4. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

☐ Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 4 for Oath of Applicant signature.

☒ Section C

Check the appropriate box in section C and proceed below.

1) For a Retail Warehouse Storage Permit, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Submit to State Licensing Authority for approval.

2) For a Wholesale Branch House Permit, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Submit to State Licensing Authority for approval.

3) To Change Trade Name or Corporation Name, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.

4) To modify Premise, go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.

5) For Optional Premises go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County).

6) To Change Location, go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature. Retail Liquor License submit to Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to State Liquor Licensing Authority.

7) Campus Liquor Complex Designation, go to page 4 and complete question 10. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

8) To add another Related Facility to an existing Resort or Campus Liquor Complex, go to page 4 and complete question 11.
5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit

- Retail Warehouse Permit for:
  - On-Premises Licensee (Taverns, Restaurants etc.)
  - Off-Premises Licensee (Liquor stores)

- Wholesalers Branch House Permit
  - Address of storage premise:
    - City __________________, County __________________, Zip ________________
  - Attach a deed/ lease or rental agreement for the storage premises.
  - Attach a detailed diagram of the storage premises.

6. Change of Trade Name or Corporation Name

- Change of Trade name / DBA only
- Corporate Name Change (Attach the following supporting documents)
  1. Certificate of Amendment filed with the Secretary of State, or
  2. Statement of Change filed with the Secretary of State, and
  3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

<table>
<thead>
<tr>
<th>Old Trade Name</th>
<th>New Trade Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old Corporate Name</td>
<td>New Corporate Name</td>
</tr>
</tbody>
</table>

7. Change of Location

NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of $750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 12-47-311 (1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.

<table>
<thead>
<tr>
<th>Date filed with Local Authority</th>
<th>Date of Hearing</th>
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</thead>
</table>

(a) Address of current premises

- City __________________, County __________________, Zip ________________

(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)

- Address __________________
  - City __________________, County __________________, Zip ________________

(c) New mailing address if applicable.

- Address __________________
  - City __________________, County __________________, State __________, Zip ________________

(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.
8. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 12-47-301(8).

   (a) Change of Manager (attach Individual History DR 8404-I H/R, Tavern and Lodging & Entertainment only)
      Former manager’s name ________________________________
      New manager’s name ________________________________

   (b) Date of Employment ________________________________
      Has manager ever managed a liquor licensed establishment? □ Yes □ No
      Does manager have a financial interest in any other liquor licensed establishment? □ Yes □ No
      If yes, give name and location of establishment ________________________________

9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility

   NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

   (a) Describe change proposed ________________________________

   (b) If the modification is temporary, when will the proposed change:
       Start ____________ (mo/day/year) End ____________ (mo/day/year)

   NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS $600.00

   (c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or
       private school that meets compulsory education requirements of Colorado law, or the principal campus of any
       college, university or seminary?
       (If yes, explain in detail and describe any exemptions that apply) □ Yes □ No

   (d) Is the proposed change in compliance with local building and zoning laws? □ Yes □ No

   (e) If this modification is for an additional Hotel and Restaurant Optional Premises
       has the local authority authorized by resolution or ordinance the issuance of
       optional premises? □ Yes □ No

   (f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the
       licensed premises.

   (g) Attach any existing lease that is revised due to the modification.

10. Campus Liquor Complex Designation

   An institution of higher education or a person who contracts with the institution to provide food services

   (a) I wish to designate my existing __________________ Liquor License # __________________ to a Campus
       Liquor Complex

   Woodward Barn at Cooper

11. Additional Related Facility

   To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related
   Facility and include the address and an outlined drawing of the Related Facility Premises.

   (a) Address of Related Facility 505 Copper Road, Copper Mountain, CO

   (b) Outlined diagram provided □ Yes □ No
## Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Signature]</td>
<td>[Title]</td>
<td>[12/5/17]</td>
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</tbody>
</table>

## Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. Therefore, This Application is Approved.

<table>
<thead>
<tr>
<th>Local Licensing Authority (City or County)</th>
<th>Date filed with Local Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Signature]</td>
<td>[Title]</td>
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## Report of STATE Licensing Authority

The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Title</th>
<th>Date</th>
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<tbody>
<tr>
<td>[Signature]</td>
<td>[Title]</td>
<td>[Date]</td>
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</tbody>
</table>
Dan,

Woodward at Copper is applying to become a Liquor-Licensed Premises as a part of Copper’s already existing Resort Complex License that covers their corporate businesses. For the most part it’s being treated as a new License. I’m going to the BOCC next Tuesday (1/9) and requesting a Public Hearing for 1/23. I’m not sure if they are already licensed/inspected by your folks, but wanted to make you aware. I’m working on getting more details from them (sort of how we dug deeper with Dara at the Sleigh Rides place on Tiger Road). As soon as I have more information, I can keep you in the loop. Please find attached what I have so far.

My contact:
Morrison Hsieh
General Manager
Woodward Copper

t. 970-968-2318 x60843
m. 925-681-9962
e. mhsieh@woodwardcopper.com
w. woodwardcopper.com

Laura Brubaker, Director of Hospitality at Copper is also a contact: lhunter@coppercolorado.com
Her Administrative Assistant is Erin Buena: ebuena@coppercolorado.com

Just wanted to make you aware. Happy New Year to you and the folks at Public Health.

Stacey Campbell
Chief Deputy Clerk | Office of the Clerk & Recorder
Summit County Government
(970) 453-3472
stacey.campbell@summitcountyco.gov
Don,

Woodward at Copper is applying to become a Liquor-Licensed Premises as a part of Copper’s already existing Resort Complex License that covers their corporate businesses. It’s not a full-blown new application since they are simply applying to add it as a Premise to their umbrella license, but I’m doing due diligence by reaching out to Public Health and your Department as well just to be safe. For the most part, it’s being treated as a new License. I’m going to the BOCC next Tuesday (1/9) and requesting a Public Hearing for 1/23. The BOCC might just approve it on the spot on 1/9 if they don’t have any concerns. Does the Planning/Comm Dev Department have any concerns with regard to Zoning for this facility having a Liquor License? I figure it’s a part of Copper Mountain, and most of the area has Liquor Licenses already, but just to be safe, seeking confirmation from you.

Address: 505 Copper Road in Copper Mountain, 80443

My contact:
Morrison Hsieh
General Manager
Woodward Copper

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WOODWARD/PA | WEST/CA | COPPER/CO | TAHOE/CA

Happy New Year to you and the folks at Comm Dev.
OFFICE OF THE SUMMIT COUNTY SHERIFF

SHERIFF
Jaime FitzSimons

UNDERSHERIFF
Joel Cochran

DIVISION COMMANDERS
Commander Lesley Mumford-Operations
Commander Erik Bourgerie - Detentions/Civil
Commander Jonathan Diurba - Emergency Manager
Director Lesley Hall - Animal Control & Shelter

ADMINISTRATION
Teri Furl
Erin Opsahl

CIVIL
Cory Palmerton
Jessie Tang

RECORDS
Chelsea Sidener
Tori Powell

PATROL SUPERVISORS
Sr. Sgt. Dave Martinez
Sgt. Sylvia Simms
Sgt. Tom Whelan
Sgt. Daric Gutz willer

JAIL SUPERVISORS
Lt. Cynthia Gilbert
Sgt. Ron Hochmuth
Sgt. Nathan Fidler

INVESTIGATIONS
Sgt. Robert Pearce

SPECIAL OPERATIONS
Sgt. Mark Watson

ANIMAL CONTROL and SHELTER
Meg Leroux
JESSLYN SWIRKA

DATE: December 27, 2017
TO: Office of the Clerk & Recorder
RE: Establishment Application for Liquor License

The Summit County Sheriff’s Office has completed a background check on:

Powdr- Copper Mountain LLC
DBA: Woodward at Copper
License Type: Resort Complex
505 Copper Road
Copper Mountain, CO 80443

We have no record of negative information on the above establishment.

The Summit County Sheriff’s Office recommendation is:

X No reason found to disapprove this establishment at this time.

Disapproval.

Chelsea Sidener

Joel Cochran

"Professionally Serving Our Community Since 1861"
OFFICE OF THE SUMMIT COUNTY SHERIFF OPERATIONS DIVISION

To: Deputy Clerk Stacey Campbell
Cc: Chain of Command
From: Commander Lesley Mumford
Reference: Woodward Liquor License
Date: January 31, 2017

In response to your request for comment on the appropriateness of Woodward at Copper being a liquor-licensed establishment I want to make several points that support the issuance of a liquor license.

1. There are many events and/or establishments where youth are present when liquor is consumed and/or sold. Codes and best practices are already in place and are well known and when followed; prevent the distribution to and consumption of alcohol by minors.

2. Copper Mountain already has many licensed establishments where youth are present.

3. Extremely few calls to the Summit County Sheriff's Office are generated from the licensed establishment in Copper Mountain for distribution/consumption violations related to minors.

4. Presumably, Copper Mountain has taken reasonable measures to prevent these types of violations. If these violations are happening, Copper Mountain has found an alternative resolution.

Distribution to or consumption of alcohol on Copper Mountain’s licensed premises is not currently a problem. It is reasonable to believe the same best practices would be implemented at this new premises to prevent violations of law. I would like to know Copper Mountain’s plan for prevention at Woodward. I would also like to know how they plan to respond to suspected or sustained violations of the liquor code.

Support Recommendation 1-3-18
BOARD OF COUNTY COMMISSIONERS
JANUARY 9, 2018
PLANNING CASE #PLN14-058: WILDFIRE HAZARD REDUCTION/LAND USE
PLANNING CODE AMENDMENTS-CLASS 5
PUBLIC HEARING

PROJECT INFORMATION:
Location: Countywide
Project/Request: Amendments to Chapters 2, 3, 8 and 15 of the Summit County and Use & Development Code to improve integration of wildfire hazard reduction and land use planning.

ISSUES:
The proposed code amendments include new requirements for assessing wildfire hazards in all basin master plans, assessing wildfire hazards and potential mitigation as part of any rezoning/PUD modification request, preparation of forest management/fuels reduction/defensible space plans with specific requirements for plan elements for both rezoning/PUD modifications and subdivision applications, changes to the County’s landscaping regulations to better integrate defensible space into required landscaping plans, requirements for ensuring that full Zones 1 and 2 defensible space are incorporated into any new subdivision approval, requirements for preparation of a forest management/fuels reduction plan for mining/milling permits, changes to fencing requirements to ensure that within the first ten (10) feet of a structure fence materials as a minimum of five (5) feet shall be constructed of non-combustible materials, and prohibitions against the storage of firewood within Zone 1 (30-feet from a structure) during the fire season (May 1st to November 1st), and other amendments to accomplish the foregoing.

PLANNING COMMISSION RECOMMENDATION:
On October 5, 2015 the Countywide Planning Commission considered the proposed amendments and recommended unanimously that the Board adopt said amendments.

RESOLUTION STATUS:
Draft resolution attached

STAFF RECOMMENDATION:
Adopt the draft code amendments as presented by staff.

ATTACHMENTS:
A. Annotated version of the proposed amendments
B. Draft amended Chapters 2, 3, 8 and 15 of the Summit County Land Use & Development Code
C. Draft Resolution
D. Public Information and Single Family Permit Handout for Fire Mitigation
STAFF REPORT

TO: Board of County Commissioners
FROM: Lindsay Hirsh, Senior Planner
FOR: Meeting of January 9, 2018
SUBJECT: Planning Case PLN14-058: Wildfire hazard reduction/land use planning amendments to Chapters 2, 3, 8 and 15 of the Summit County Land Use & Development Code.

APPLICANT: Summit County
REQUEST: Amendments to Chapters 2, 3, 8 and 15 of the Summit Code to improve integration of wildfire hazard reduction planning and land use planning in the unincorporated areas of Summit County to facilitate development of a more wildfire resilient community.

PROJECT DESCRIPTION

Location: Proposed code amendments would apply to all unincorporated areas of Summit County

BACKGROUND

For a number of years now County government, the Summit County Wildfire Council, local fire protection districts, and other governmental agencies such as the Colorado State Forest Service (CSFS) have recognized the need for improving the integration of our land use planning processes with wildfire hazard reduction planning. Previously, County Planning staff worked with staff from the CSFS to improve such integration, primarily through development of various potential amendments to the Summit County Land Use & Development Code (“Code”). This has been a continuing effort on the part of the Planning Department.

In late Summer of 2014 the County was approached by a consulting team consisting of Headwaters Economics, Wildfire Planning International, and Clarion Associates, who through the LOR Foundation, offered free consulting services to the County to support these efforts. On September 18, 2014, Planning staff presented an outline of the proposed work effort to the Summit County Wildfire Council with updates on this process presented to the Wildfire Council on November 20, 2014 and January 15, 2015. Working under the direction of a Memorandum of Understanding (MOU) between the consulting team and the County, the team prepared a comprehensive set of recommendations for various amendments and improvements to the County’s Community Wildfire Protection Plan (CWPP), Countywide Comprehensive Plan (“CCP”), basin master plans, and the Code. These recommendations were compiled into a Final Report issued in March of 2015 and included 67 recommended amendments to the Code. Upon completion of the final report, Planning staff and the County’s Fire Mitigation Specialist reviewed and evaluated these recommendations for possible inclusion into a package of code amendments intended to improve integration between land use and wildfire hazard reduction planning. During this time staff made additional presentations on the work effort to the Wildfire Council on March 19th, June 18th, and July 16th of 2015.

Based on this review and analysis, 21 (31%) of the consulting team’s recommendations were incorporated into the proposed amendments package with little or no modifications. 15 (23%) of the consulting team’s recommendations were modified in a more significant manner to better reflect the specific needs of the County’s existing regulatory processes. 31 (46%) of the consulting team’s recommendations were not supported by staff because in some instances our existing regulations were more comprehensive, some
of the recommendations conflicted with other provisions of the Code, some would have involved a major restructuring of the Code as currently formatted, or some were not consistent with other important planning policies such as reducing overall density in the County.

This package of code amendments was initially presented to the Board during a work session on August 4, 2015 and also presented to the Summit County Wildfire Council members. On October 5, 2015 the Countywide Planning Commission held a hearing on the proposed amendments. Noticing for that hearing included:

Legal notice in the Summit Journal;
• Display ad in the Summit Daily; and,
• Notice (email) to interested parties including the Wildfire Council, fire protection districts, the Summit Homebuilders Association, and wildfire mitigation professionals.

Although no public or interested parties attended the hearing, the Countywide Planning Commission after consideration of the proposed amendments recommended that the Board adopt the amendment package as written by staff on a 7-0 vote. However, as part of that discussion the following issues were raised:

✓ Enforcement of the proposed amendments to §3815.02.A prohibiting firewood storage within defensible space Zone 1 (generally 30-feet from the structure) would be problematic and probably serve as a better educational tool within the Code than an enforceable code provision. The Commission took an informal vote on this amendment and voted 6-1 (Commissioner Hogan dissenting) to keep this prohibition in the package of recommended Code amendments.

✓ While the Commission did not disagree with the proposed amendments to §3505.17.C.1 requiring non-combustible fencing materials of a minimum width of five (5) feet within the first 10-feet from a structure, some concern over the use of chain-link fencing was raised, especially in regards to associated amendments to the B-3 zone district standards where chain-link fencing is currently prohibited (§3515.06.D.1). Again, the Commission took an informal vote on the proposed amendments to §3505.17.C.1 and in this instance unanimously agreed that requirements for non-combustible fencing adjacent to structures in general was a good idea.

Another point of discussion concerned proposed amendments intended to encourage private property owners to remove dead and diseased trees (draft §3603.C.4). Some commissioners indicated that mandatory removal, such as required by the Town of Breckenridge, should be considered while others were concerned that allowing for the removal of dead and diseased trees without a permit could result in removal of healthy trees for improvement of views or other non-fire mitigation related reasons. As there were no specific recommendations relating to these concerns, staff did not include any changes to the draft amendments that were forwarded to the Board for their review at the November 24, 2015 meeting. Prior to that scheduled hearing, the Board advised staff of a number of concerns regarding the proposed amendment package, cancelled the public hearing, and held a work session on the morning of November 24th to discuss those concerns with staff. Of particular note were comments the Board had received on the impact of proposed amendments to the County’s Subdivision Regulations related to achievable densities. The draft amendments as originally proposed would have required all new land subdivisions to include Zone I and 2 defensible spaces within the confines of individual lots or the parent parcel being subdivided, potentially leading to a reduction in the number of lots a property owner could create out of the parent parcel. In response to the Board’s concerns, Staff has drafted language to address this issue by including language, “to the maximum extent feasible” and criteria to consider other applicable factors. In December of 2015 Planning staff transmitted the code amendments package to the Summit County Homebuilders Association and requested that the Association review and comment.

On January 26, 2016, staff returned to the Board at a work session with the following changes to the package of code amendments based on the November 24, 2015 work session as well as the input garnered from the Homebuilders Association:
-added allowances for the use of junipers under certain circumstances within Zone 1 (the home ignition zone within 30-feet of the structure);
- Clarified when non-combustible fencing would be required for home additions;
- Provided more options for firewood storage within Zone 1 during fire season (May 1st to November 1st); and,
- Adjusted proposed lot/block design standards under the County’s Subdivision Regulations so that they were more flexible regarding the accommodation of Zones 1 and 2 defensible space (D-space) within land proposed for subdivision.

Subsequent to the January 26, 2016 work session, the Board requested further outreach to affected stakeholders regarding the proposed package of code amendments before bringing the amendments back to the Board for further consideration. On February 10, 2016 Planning staff attended a Homebuilders Association meeting to discuss the proposed amendments further. As a result of that meeting all members in attendance were emailed electronic copies of the amendment package as it was drafted for the January 26, 2016 Board work session. The Planning Department did not receive any comments from the outreach efforts with the Homebuilders Association.

In addition, to further address stakeholder concerns, over the course of the last year Staff met with the Summit Association of Realtors, Tim Casey, (Mountain Marketing Associates), and Mary Hart, (Mary Hart LLC) to address their individual concerns. All of their concerns have now been addressed. The attached chapters are reflective of this work and all participating parties are now comfortable with the proposed language.

Most recently, Commissioner Stiegelmeier requested that staff further review Table 3-2 (Required Plant Material List) with regards to the listed materials being drought tolerant as well as firewise and to consider the water conservation and efficiency options as presented in a preliminary memo prepared by Charles White, Esq. dated July 14, 2017.

In response to these issues, staff contacted representatives from the Middle Park Conservation District (“MPCD”), Colorado State Forest Service (“CSFS”) and the CSU Extension Office to garner feedback regarding the proposed changes to the Landscape Material list. The groups indicated that the list is consistent with what they would recommend. Lastly, regarding the issue of the plant list being consistent with water conservation and efficiency options, the proposed plant materials list has a range of drought tolerant species from “thrives in slightly dry conditions” to “thrives in very dry conditions”. The most significant issue with the list is that the County for the most part does not currently regulate the selection of landscaping materials on single family development. If the BOCC is interested in further exploring further options regarding more regulatory authority for water conservation measures per the memo from Charles White, staff suggests this topic should be addressed separately from this Fire Mitigation oriented case.

Most recently, on November 21, 2017 staff presented the proposed amendments to the BOCC at a work session and with a couple of minor modifications was instructed to proceed with the proposed amendments for adoption. All applicable noticing for the subject hearing has been completed per the Code.

To assist the Board in their consideration of this package of amendments, staff has prepared an annotated version (Attachment A) of the proposed amendments which discusses how/why such recommendations have either been incorporated, modified or not included. In addition, staff has included the actual amended language to Chapters 2, 3, and 8 noted in red underlines and strikethroughs in (Attachment B) to this staff report.
CRITERIA FOR DECISION

Pursuant to §1454 of the Code, required findings for approval of amendments to the Code include the following:

A. The proposed revision meets the purpose and intent of this Code.
B. The proposed revision gives consideration to the goals and policies in the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plan.
C. The proposed revision is consistent with any applicable State Statutes.

DISCUSSION

Purpose & Intent of the Code

§1100 of the Summit County Land Use & Development Code (Purpose & Intent) states the following:

The purpose of this Code is to protect, promote and enhance the public health and safety; to provide for planned and orderly development in Summit County in a manner consistent with constitutional rights of property owners; and to balance the needs of a changing population with legitimate environmental concerns. It is the intent of this Code to establish a balance between the legitimate rights of property owners and the achievement of community goals important to the protection of public welfare.

The County’s forests have evolved over the millennia to use wildfire as both a mechanism to ensure forest health/regeneration, as well as promote adaptability to environmental change. As such, wildfires are of critical importance to the sustainability of our forests. However, as wildfire plays a critical role in forest health maintenance, such fires also pose serious threats to the human-built environment, especially in a place like Summit County where virtually all human development lies within the Wildland Urban Interface (WUI). Therefore, as a naturally occurring ecological process, we humans cannot eliminate the ever-present potential for wildfire; nor should we from the perspective of the health and adaptability of our natural environment. Rather, to protect the human-built environment, we should focus our efforts on ensuring that the human-built environment is as resilient as possible to the threat of wildfire. In other words, it is not a matter of if, only a matter of when our communities will be threatened by future wildfires; it is our ability to do the upfront planning work necessary to create more wildfire resilient communities that will in large part contribute to the successful continuance of our presence within the natural environment.

Given the inevitability of wildfires occurring in the future in Summit County, the proposed amendments to the Code are intended to establish an improved framework to integrate our efforts at wildfire hazard reduction with land use planning. As such, staff believes that the proposed Code amendments are fully consistent with the criteria established under §1454.A noted above, with a more detailed discussion of the proposed amendments proposed below.

Basin Master Plan Content (§2202):

To strengthen the link between wildfire preparedness planning done through the CWPP and the County’s basin master planning process, the proposed addition of §2202.01.H would require that all basin master plans consider “environmental risks and hazards including but not limited to wildfire, flooding, and geologic conditions in the basin.” Per §2700 basin master plans should be updated every five (5) years.

Rezoning Policies (§3200):

Proposed changes to the County’s rezoning policies emphasize the following:

- Rezonings must take into account the property’s inherent wildfire hazard based on slope, aspect, vegetation, and accessibility (§3201.02);
- Availability of firefighting infrastructure including firefighting water supply;
✓ Requirements for preparation of either a forest management, fuels reduction, or defensible space plan to be implemented to reduce the property's wildfire hazard to the maximum extent feasible (§3202.05).

Basic Development Regulations & Standards (§3500):
Proposed amendments to this section of the County’s Zoning Ordinance (Chapter 3) would involve the following:
• Revise wall and fence design standards to ensure that fences and walls do not conflict with defensible space requirements and if constructed with flammable materials, maintain a minimum five (5) foot separation from structures (§3505.17); and,

Landscaping Regulations (§3600):
Proposed amendments to the County’s Landscaping Regulations focus on integrating landscaping requirements with defensible space requirements. Specific examples include:
• Requiring landscaping plans to be consistent with defensible space requirements and prescriptions (§3601);
• Requiring implementation of defensible space prior to either CO or CC on any property where a building permit for exterior improvements is required (§3602);
• Adjusting the minimum planting requirements to allow landscaping alternatives such as bioswales, xeriscaping, and preservation of existing significant trees onsite to improve landscaping/defensible space consistency (§3603.B);
• Allow for the removal of dead or diseased trees (e.g. trees infected by Mountain Pine Beetle) without County approval (§3603.C);
• Identify specific defensible space landscaping requirements, update Table 3-2 to better identify Firewise landscaping materials, adding a graphic showing defensible space zones 1, 2, & 3, and encouraging non-flammable landscaping materials such as gravel, pavers, etc within 5-feet of structures (§3604);
• Graphically identify defensible space zones as a required element of all landscaping plans (§3604); and,
• Requiring property owner maintenance of defensible space subsequent to CO or CC issuance and noting that landscape additions in conflict with defensible space requirements subsequent to CO/CC constitute a zoning violation enforceable via Code Enforcement (§3609).

Regulations & Standards for Specific Land Uses (§3800):
Proposed amendments to regulations and standards for specific uses include:
• Given the potential intensity of use deep within the WUI, applications for mining/milling permits would be required to prepare a forest management/fuels reduction plan to mitigate potential wildfire hazards posed by such operations (§3812.04);
• Stored firewood would need to maintain a minimum 30-foot separation from any structure or be stored within a one-hour fire resistant enclosure during the wildfire season (May 1st to November 1st) (§3815.02).

Figures 3-2 and 3-3:
These two figures were amended to add clarity as to when and where fire mitigation is needed.

Subdivision Regulations:
Proposed amendments to the County’s subdivision regulations include the following:
• §8101.D would be expanded to include specific requirements for forest management, fuels reduction, or defensible space plans with the type of plan being required based on the physical attributes of the property being subdivided;
§8101.E would require all road name signs to meet MUTCD standards and be constructed of non-flammable materials;

§8154 would require that all proposed lots be designed to accommodate the fire mitigation prescriptions for Zones One and Two as set forth in the Summit County Building Code within the proposed lot boundaries and/or the parent parcel to the maximum extent feasible.

§8421 (Rural Land Use Subdivisions) would include language acknowledging that reduction of wildfire hazards through clustering and rural land use subdivision design standards is within the purpose and intent of such subdivisions.

Definitions:
A definition of Wildfire mitigation has been added to Chapter 15 to provide additional clarity.

Consideration of Comprehensive & Basin Master Plan Goals/Policies/Actions
Although different in their scope, the Countywide Comprehensive and basin master plans each promote resilient, sustainable communities and avoidance or mitigation of natural hazards such as wildfires. This package of proposed Code amendments is intended to improve the “upfront” integration of wildfire hazard reduction and land use planning in the unincorporated portion of Summit County to ensure that our community is as resilient and defensible as possible to the threat of future wildfires that are an inevitable element of our forest ecology. To that end, staff believes that such amendments are consistent with the goals, policies, and actions established in the Countywide Comprehensive Plan, Joint Upper Blue Master Plan, Upper Blue Master Plan, Snake River Master Plan, Ten Mile Master Plan, Lower Blue Master Plan, and their respective subbasin plans.

Consistency w/Applicable State Statutes
Pursuant to Title 30, Article 28 of the Colorado Revised Statutes (C.R.S.), the Board of County Commissioners has the authority to adopt and enforce reasonable and necessary land use regulations. In addition, under C.R.S. §29-20-102, the Colorado General Assembly provides the Board with broad authority and discretion to plan for and regulate the use of land within its jurisdiction. As the proposed package of Code amendments is intended to improve integration of wildfire hazard reduction and land use planning to ensure that our communities are as resilient and defensible against future wildfires as possible, such amendments are fully consistent with these provisions of State law. In addition, C.R.S. §30-28-116 allows the Board to amend the Summit County Land Use & Development Code from time to time. As such, this Code amendment process is fully consistent with this section of State law as well.

STAFF RECOMMENDATION
Staff recommends that the Board of County Commissioners adopt the attached amendments to Chapters 2, 3, 8 and 15 of the Summit County Land Use & Development Code with the following findings:

1. Given the inevitability of wildfires occurring in the future in Summit County, the proposed amendments to the Code are intended to establish an improved framework to integrate our efforts at wildfire hazard reduction with land use planning. Such efforts will significantly contribute to the protection, promotion and enhancement of the public health and safety in balance with legitimate environmental concerns.

2. Although different in their scope, the Countywide Comprehensive and basin master plans each promote resilient, sustainable communities and avoidance or mitigation of natural hazards such as wildfires. The package of proposed Code amendments is intended to improve the upfront integration of wildfire hazard reduction and land use planning in the unincorporated portion of
Summit County to ensure that our communities are as resilient and defensible as possible to the threat of future wildfires that are an inevitable element of our forest ecology.

3. Title 30, Article 28 of the Colorado Revised Statutes (C.R.S.) grants the Board of County Commissioners the authority to adopt and enforce reasonable and necessary land use regulations. In addition, under C.R.S. §29-20-102, the Colorado General Assembly provides the Board with broad authority and discretion to plan for and regulate the use of land within its jurisdiction. As the proposed package of Code amendments is intended to improve integration of wildfire hazard reduction and land use planning to ensure that our communities are as resilient and defensible against future wildfires as possible, such amendments are fully consistent with these provisions of State law.

**Attachments:**
A. Annotated version of the proposed amendments based on the consultant recommendations.
B. Draft amended Chapters 2, 3, 8 and 15 of the Summit County Land Use & Development Code
C. Draft Resolution
D. Public Information Single Family Handout for Fire Mitigation
<table>
<thead>
<tr>
<th>Code Section</th>
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</tr>
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<tbody>
<tr>
<td><strong>§2200; Contents of Master Plans</strong></td>
<td>2202.01– Include a bullet for consideration of local wildfire hazard and community risks, especially those called out in the CWPP. <strong>Proposed §2201.01.H identifies wildfire, flooding, and geological hazards as required elements for consideration in all basin master plans (Ch 2, pg 7).</strong></td>
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| **§3200; Rezoning Policies** | 3201.01 – Purpose and intent modified by staff through recent proposed updates. **Proposed language would include assessments of wildfire, geological, and flooding hazards under the County’s rezoning policies (Ch 3, pg 11).**  
3202.01 – Insert wildfire policy as one of the examples of number 5). **Proposed language would include wildfire hazards as a site characteristic to be evaluated with any rezoning application (Ch 3, pg 11).**  
3202.05, Wildfire Hazard Areas – recently modified by staff. Use the word “shall” instead of “will.” In 3202.05.A, it states that a Fuels Reduction Plan “may” be prepared… and that a Defensible Space Plan “may” be prepared… Make these a requirement by using “shall.” **Subsequent to this recommendation staff has rewritten §3202.05. Current proposed language requires that rezoning requests must include an evaluation of the appropriateness of the proposed use(s)/density based on such factors as slope, aspect, vegetation types, access, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP) (Ch 3, pg 13).**  
3202.05.A – If an applicant is required to submit both a FRP (Fuels Reduction Plan) and a DSP (Defensible Space Plan), consider clarifying the language to allow for a consolidated set of information so that it is clear that the applicant will not have to submit two separate sets of the same information if the same is required for both a FRP and a DSP. **Staff has rewritten §3202.05.A to include; specific requirements for when a forest management plan (>20 acres w/significant wildlife values), fuels reduction plan, or defensible space plan for properties <20 acres is required, establishment of minimum requirements for the contents of such plans, and requirements to maintain consistency with similar requirements under the County’s Subdivision Regulations where appropriate given the difference in the rezoning and subdivision processes (Ch 3, pg 13).**  
3202.05.B – We understand the County already requires a will-serve letter from a fire district for properties outside the three districts. Consider including a clarifying statement requiring an affirmation or will-serve letter provided by the district. **Proposed language would specify that a “Can and Will Serve Letter” or its equivalent from the appropriate fire protection district is a requirement for a rezoning application if the property is currently unserved Ch 3, pg 13).** |
| **§3500; Basic Development Regulations and Standards** | 3504.03.C.2 – Provision for emergency access. Following “20 or more acres in size,” insert “unless identified as a medium to extreme hazard rating in the County’s CWPP.” **Proposed revisions to this section of the Code would override the current exemption for 20+ acre A-1 and BC zoned properties and require emergency access if necessary to reduce the wildfire hazard due to the property’s slope, aspect, vegetation, availability of firefighting infrastructure or other relevant factors as identified in the CWPP (Ch 3, pg 25).**  
3505.05.A.2 – Provide a cross-reference to the building material and color design standard that applies to single family homes (3505.05.D) to make this easier to find for the reader. **Planning staff inserted a reference in this section to §3505.05.D for the sake of clarity (Ch 3, pg 32).** |
### Code Section

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<tr>
<td>- 3505.14, Site Area – Same as above. These are out of place. See discussion immediately above.</td>
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<td>- 3505.17, Walls and Fences. 3505.17.C.1 – The use of natural materials should not be required when properties are included in a defensible space plan, which may prescribe more flexible alternatives. Proposed language for §3505.17.C(1) provides relief from these wall/fence material standards if they conflict with an approved defensible space plan prescription. Fences constructed of flammable materials would be required to maintain a minimum non-flammable section of five (5) feet within 10-feet of any structure (Ch 3, pg 43).</td>
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### §3600; Landscaping Requirements

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<td>- Section 3602.A.4 requires compliance with mandatory landscaping design standards listed in Section 3604. Consider adding threshold requirements for existing single-family developments. For example, disturbance of more than 200 square feet requires compliance with 3604. Proposed changes to this section of the Code pertain to the implementation of defensible space requirements for all development. Secondly, Chapter 45 of the County’s building code requires implementation of defensible space requirements for any exterior change and/or addition to existing development requiring a building permit. (Ch 3, pg 86).</td>
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<td>- Section 3603 offers flexible landscaping design standards. Section 3603.A mentions alternative methods of compliance, where the applicant may propose an alternative design that meets or exceeds the level of design expressed in Section 3601. This procedure is not clearly defined. Consider developing a performance-based landscaping system where certain landscaping provisions must be met (such as parking islands and buffers), but that all other landscaping provisions could be met using various alternatives such as bioswales, xeriscaping, heritage or significant tree preservation, or wildfire mitigation. Proposed amendments to §3603.A reinforce requirements for compliance with defensible space prescriptions for existing single family development; proposed §3603.B identifies alternative methods of meeting landscaping standards such as the use of bioswales, xeriscaping, retention of significant trees, etc. while reinforcing the requirement that all landscaping comply with defensible space requirements (Ch 3, pg 88).</td>
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<td>- 3603.C.5 – The proposed text states that “…fire mitigation measures are implemented on site in a timely manner.” This type of subjectivity can be difficult on decision makers and applicants. Clarify that fire mitigation requirements need to be implemented prior to issuance of a certificate of occupancy. Proposed §3603.C(5) clarifies that implementation of forest management/fuels reduction plans may be phased but must be ensured through an Improvements Agreement and financial guarantee; §3603.C(5) also requires implementation and maintenance of defensible space prescriptions be incorporated into CC&amp;Rs to ensure long-term compliance (Ch 3, pg 90). Compliance with defensible space requirements prior to CO is already required under the County’s building codes and enforced by the fire protection districts.</td>
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<td>- 3604.C, Defensible Space Requirements – Subsection 1.i should say “10 feet of the habitable structure.” Subsection ii. Should include the word “space” after defensible. Subsection iii should include the word “habitable” before structure. The landscape regulations pursuant to §3604 have been restructured and the defensible space requirements noted in this recommendation are now in proposed §3604.P. As written, these amendments would: 1) require all landscaping to comply with defensible space requirements; 2) graphically identify the defensible space zones on the landscape plan; 3) prohibit any new trees within five (5) feet of a structure; 4) prohibit new conifers within 10 feet of any structure and 6) establish requirements and recommendations for mulching within five (5) of any structure as well as</td>
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<td>Code Section</td>
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<td>recommendations to avoid highly combustible types of mulch anywhere within Zone 1 (Ch 3, pg 98).</td>
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<td>3604.C – A general statement should be included that says “non-compliance will be enforced as a zoning violation.” A statement as recommended is proposed for §3609, Landscape Maintenance After Completion of Construction (Ch 3, pg 101).</td>
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<td>3604.C – Include a diagram illustrating the defensible space zones. Staff has included a graphic depiction of Zones 1-3 under proposed §3604.P. (Ch 3, pg 98).</td>
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<td>§3800; Regulations and Standards for Specific Land Uses</td>
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<td>§8100; Subdivision Requirements</td>
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<td>§8400; Subdivision Exemptions</td>
</tr>
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</table>
### DEVELOPMENT CODE REVISIONS
#### CHAPTER 2

<table>
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<tr>
<th>CASE #</th>
<th>RESO #</th>
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<th>DATE</th>
</tr>
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<td>88-76</td>
<td>88-74</td>
<td>2101.02,2202,2306</td>
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<td>94-37</td>
<td>95-53</td>
<td>2304</td>
<td>6/12/95</td>
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<td>97-99</td>
<td>97-103</td>
<td>2102</td>
<td>8/25/97</td>
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<td>98-46</td>
<td>98-145</td>
<td>2000, 2101.02, 2201</td>
<td>12/16/98</td>
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<td>07-044</td>
<td>Comprehensive Amendments to the Code</td>
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<td>2000, 2101, 2102, 2103, 2200, 2201, 2202.01, 2202.02, 2202.03, 2203, 2204, 2302, 2305.01, 2306.02, 2800, 2900 (Applicability and interrelationship of master plans 0 in response to District Court ruling on Polanski).</td>
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1 The Sections referenced above were the Sections in effect at the time the Development Code was amended. Subsequent amendments to the Development Code may have resulted in section numbers being modified and may no longer be applicable.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE

CHAPTER 2: Master Plan Procedures

TABLE OF CONTENTS CHAPTER 2

2000: PURPOSE AND INTENT .......................................................................................................................... 3
2100: SCOPE OF MASTER PLANS ..................................................................................................................... 3
  2101: Countywide Comprehensive Plan ....................................................................................................... 3
  2102: Basin Master Plans ............................................................................................................................... 3
  2102.01: Establishment of Basins ................................................................................................................ 4
  2103: Subbasin Master Plans ......................................................................................................................... 5
2200: CONTENTS OF MASTER PLANS ........................................................................................................... 5
  2201: Countywide Comprehensive Plan Contents ........................................................................................ 5
  2202: Basin Master Plan Contents ................................................................................................................. 6
  2202.01: Required Contents of Basin Master Plans .................................................................................... 6
  2202.02: Optional Contents of Basin Master Plans ...................................................................................... 6
  2202.03: Contents not to be Included in Basin Master Plans ...................................................................... 7
  2203: Subbasin Master Plans ......................................................................................................................... 7
  2204: Use of Master Plans ............................................................................................................................ 7
  2205: Implementation of Master Plans ......................................................................................................... 8
2300: PREPARATION AND ADOPTION OF MASTER PLANS ........................................................................ 8
  2301: Authority to Initiate ............................................................................................................................. 8
  2302: Responsibility of Planning Department ............................................................................................. 8
  2303: Citizen Participation ............................................................................................................................ 8
  2304: Submittal Requirements ...................................................................................................................... 9
  2305: Referral of Master Plans ..................................................................................................................... 9
  2305.01: Referral to Agencies ................................................................................................................... 9
  2305.02: Referral to Board of County Commissioners ............................................................................. 10
  2306: Adoption and Certification of Master Plans ................................................................................... 11
  2306.01: Public Hearing on Master Plans ................................................................................................. 11
  2306.02: Findings for Adoption of Master Plans ........................................................................................ 11
  2306.03: Action on Master Plans ............................................................................................................... 11
  2306.04: Certification of Master Plans ....................................................................................................... 11
2400: PUBLICATION AND FILING OF MASTER PLANS ............................................................................ 12
2500: VALIDITY OF MASTER PLANS ........................................................................................................... 12
2600: AMENDMENTS TO MASTER PLANS ................................................................................................. 12
2700: UPDATE OF MASTER PLANS ............................................................................................................. 12
2800: STANDARDS OF INTERPRETATION OF MASTER PLAN GOALS & POLICIES ......................... 12
2900: SEVERABILITY OF MASTER PLANS .................................................................................................. 13

FIGURES / MAPS

| Figure 2-1 | Summit County, Colorado ................................................. | 14 |
| Figure 2-2 | Lower Blue Basin, Summit County, Colorado ......................... | 15 |
| Figure 2-3 | Snake River Basin, Summit County, Colorado ......................... | 16 |
| Figure 2-4 | Ten Mile Basin, Summit County, Colorado ......................... | 17 |
| Figure 2-5 | Upper Blue Basin, Summit County, Colorado ......................... | 18 |
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE  
CHAPTER 2:  Master Plan Procedures

2000: PURPOSE AND INTENT

A. Master plans are intended to provide general policy guidance for decisions related to land use, growth and a number of related issues in the unincorporated area of Summit County (“County”). Master plans are advisory documents against which certain development proposals must be evaluated to ensure such proposals are in general conformance with respective goals and policies/actions. The goals and policies/actions contained in master plans shall be seriously considered when reviewing applicable development proposals, with the appropriate Review Authority exercising discretion in the application and balancing of the numerous goals and policies contained therein. Master plans also provide direction for possible future actions (e.g., Code changes or housing plan) that could be taken to more fully implement the community’s vision or interests. However, any direction for potential future action shall not delay the application of the policies, regardless of whether such potential future action ever occurs.

B. The preparation of master plans is intended to promote and protect the interest of the general public and present and future populations of the County. Moreover, master plans establish a framework to guide recommendations and decisions regarding future development, and help make better use of the land and its resources, provide needed facilities and services, protect the environmental quality of the County, and establish a realistic strategy for realizing established vision, goals and policies. Master Plans may also include maps depicting such items as the general location and extent of the community’s envisioned land uses, environmentally sensitive areas, visually important lands, Transferable Development Rights (“TDR”) sending and receiving areas and significant summer and winter routes. This is accomplished through taking a comprehensive view of development patterns, service needs and the County's ecology. Master plans are intended to coordinate development in areas where there is a significant diversity of land ownership, characteristics of the land, and other such considerations.

C. It is recognized that over time master plans may need to be amended as community goals and factors affecting land use change. To ensure that master plans keep current with the community’s vision and the overall public interest, master plans shall be reviewed, modified as appropriate, and adopted or readopted in accordance with the provisions of this Chapter.

D. The various master plans, including specifically the Countywide Comprehensive Plan, are all intended to be adopted, interpreted, and applied in a harmonious fashion. No conflicts, direct or indirect, within such plans or between such plans, or the goals and policies therein, shall be considered to exist if there exists any reasonable interpretation that would allow all the provisions of such plans at issue to remain in effect.

2100: SCOPE OF MASTER PLANS

2101: Countywide Comprehensive Plan

Summit County's Countywide Comprehensive Plan is intended to accomplish the following:

A. Provide direction as to the location, type and intensity of future growth.
B. Enable the County to anticipate needs for public services and facilities that accompany growth.
C. Make better use of the County's natural resources.
D. Encourage a well-balanced, prosperous economy.
E. Preserve and enhance the County's unique mountain character and protect its natural environment.
F. Act as a guide to decision makers in reviewing development proposals.

This plan applies to all unincorporated areas of the County. This scope is intended to set forth only the general conceptual framework within which all master plans shall function, and is not intended to restrict the ability of any basin or subbasin master plan to set more specific guidelines, which may include a higher degree of restriction on the intensity of the development of property.

2102: Basin Master Plans

Basin master plans are intended to provide more detailed guidelines or specific direction for individual basins than is contained in the Countywide Comprehensive Plan. Basin master plans recognize that each basin has a distinct character. Such basin master plans shall apply to the entire area within the basin and may address those issues as set forth in Section 2202.
Basin master plans are intended to set more specific development guidelines and direction or otherwise may create a higher degree of restriction on the development of property, including the density related thereto. Basin master plans shall not be deemed to be in direct or indirect conflict with the Countywide Comprehensive Plan merely because they may recommend more restrictive conditions or limitations on development including density.

2102.01: Establishment of Basins

The County has been divided into four (4) basins for planning purposes. These basins are illustrated in Figures 2-1 through 2-5 and are described below:

A. **Lower Blue Basin:** The Lower Blue Basin occupies the northern portion of the County, extending from Dillon Dam on the south to the Grand County-Summit County line on the north. The basin incorporates the Town of Silverthorne and Heeney/Green Mountain Reservoir area in the southern and northern sections respectively. Geographically, the Ptarmigan and Williams Fork mountains on the east, and the Gore Range on the west flank the basin. The basin is approximately 171,927 acres in size, making it the largest in the County, and elevations range from a low of 7,448 feet, where the Blue River enters Grand County, to a high point of 13,572 feet at the summit of Mount Powell in the Gore Range.

**Boundary Description:** Encompassing the northern portion of the County bound by the County Line on the north, west and east, and bound on the southeast by a line beginning at Ptarmigan Peak and continuing in a southwesterly direction following the ridge line that separates the Hamilton Creek drainage from the Straight Creek drainage to the point of intersection with the northern boundary of Township 5 South, Range 77 West, then west to the northeast corner of the Northwest Quarter of Section 6, Township 5 South, Range 77 West, then continuing south along the quarter section line through Section 6 and into Section 7 until it intersects with Interstate 70 (I-70). At that point, it follows the center of I-70 until it intersects the Silverthorne Town boundary, then south following the Silverthorne/Dillon Town boundary, then the Dillon Town boundary to the Dillon Reservoir, then to a point in the center of Section 18, Township 5 South, Range 77 West, then southwest to the southwest corner of Section 18, then west to a cove on the shore of Dillon Reservoir which is approximately ¼ mile due south of the Old Dillon Reservoir, then north-northeast to the top of the ridge and following the ridge to the west that divides the Ryan Gulch drainage and the Meadow Creek drainage to the southern most peak of Buffalo Mountain, then along the ridge line to the west to Eccles Pass and continuing along the ridge line to the west to the County line.

B. **Snake River Basin:** The Snake River Basin occupies the eastern portion of the County and is dominated by mountains. Ten miles of I-70 runs through the northwestern portion of the basin extending from the western edge of the Eisenhower Tunnel down to the Town of Silverthorne. Colorado Highway 6 bisects the heart of the basin extending east to west from Loveland Pass, through the Keystone corridor, around a portion of Dillon Reservoir and into the Town of Dillon. The basin’s most distinguishing feature—the Continental Divide, demarcates the majority of its northern and eastern boundaries, and is characterized by a series of prominent peaks. These peaks include Grizzly, Torrey’s, Grays, Argentine, Santa Fe and Geneva Peaks. The basin (home to both Keystone Resort Ski Area and Arapahoe Basin Ski Area) is approximately 74,015 acres in size and ranges in elevation from a low of 8,786 feet at the bottom of the Dillon Dam to a high of 14,270 feet atop Gray’s Peak.

**Boundary Description:** Encompassing the southeast portion of the County bound by the County Line on the southeast, and on the north by a line beginning at Ptarmigan Peak and continuing in a southwesterly direction following the ridge line that separates the Hamilton Creek drainage from the Straight Creek drainage to the point of intersection with the northern boundary of Township 5 South, Range 77 West, then west to the northeast corner of the Northwest Quarter of Section 6, Township 5 South, Range 77 West, then continuing south along the quarter section line through Section 6 and into Section 7 until it intersects with Interstate 70 (I-70). At that point, it follows the center of I-70 until it intersects the Silverthorne Town boundary, then south following the Silverthorne/Dillon Town boundary, then the Dillon Town boundary to the Dillon Reservoir, then to a point in the center of Section 18, Township 5 South, Range 77 West, then southwest to the southwest corner of Section 18, then west to a cove on the shore of Dillon Reservoir which is approximately ¼ mile due south of the Old Dillon Reservoir, then north-northeast to the top of the ridge and following the ridge to the west that divides the Ryan Gulch drainage and the Meadow Creek drainage to the southern most peak of Buffalo Mountain, then along the ridge line to the west to Eccles Pass and continuing along the ridge line to the west to the County line.

C. **Ten Mile Basin:** The Ten Mile Basin encompasses that portion of the County that extends from the Gore Range on the north to the Lake County line (just north of Fremont Pass) on the south. The east and west boundaries are a portion of the Tenmile Range and the Eagle County line respectively. Located in the southwestern portion of the County, the basin includes the Town of Frisco and Copper Mountain Ski Resort. The basin is approximately
69,901 acres in size and ranges in elevation from a low of 9,017 feet at Lake Dillon (elevation of the Glory Hole) to a high point of 13,951 feet at the summit of Fletcher Mountain in the Tenmile Range.

Boundary Description: Encompassing the southwestern portion of the County bound by the County line on the west and south, and the ridge line of the Tenmile Range from the southern boundary north to Peak 5, then northeast along a ridge line to a point marked as 11,934 feet on the Frisco Quadrangle, then following a ridge line to the east and then northeast separating the North Barton Gulch drainage and the Miner’s Creek drainage to an unnamed peak marked as 10,315 feet on the Frisco Quadrangle, then north along the ridge line to Ophir Mountain, then north and east following the ridge line just to the north of Iron Springs, then northeast to a point marked 9,205 feet on the Frisco Quadrangle, then to the center of the south edge of Section 30, Township 5 South, Range 77 West, then north to the center of Section 18, then southwest to the southwest corner of Section 18, then west to a cove on the shore of Dillon Reservoir which is approximately ¼ mile due south of the Old Dillon Reservoir, then north-northeast to the top of the ridge and following the ridge to the west that divides the Ryan Gulch drainage and the Meadow Creek drainage to the southern most peak of Buffalo Mountain, then along the ridge line to the west to Eccles Pass and continuing along the ridge line to the west to the County line.

D. **Upper Blue Basin**: The Upper Blue Basin begins near the southern shores of Lake Dillon, in the Farmers Korner [sic] area, and extends southward through the towns of Breckenridge and Blue River to the summit of Hoosier Pass. The easternmost portions of the basin extend to the crest of the Continental Divide and the westernmost portions reach the crest of the Tenmile Range. The basin (home to the Breckenridge Ski Area) is approximately 80,400 acres in size and elevations range from a low of 9,017 feet (elevation of the Glory Hole) at Lake Dillon to a high of 14,265 feet at the summit of Quandary Peak.

Boundary Description: Encompassing the south central portion of the County bound by the County line on the southeast and south, and the ridge line of the Tenmile Range from the southern boundary north to Peak 5, then northeast along a ridge line to a point marked as 11,934 feet on the Frisco Quadrangle, then following a ridge line to the east and then northeast separating the North Barton Gulch drainage and the Miner’s Creek drainage to an unnamed peak marked as 10,315 feet on the Frisco Quadrangle, then north along the ridge line to Ophir Mountain, then north and east following the ridge line just to the north of Iron Springs, then northeast to a point marked 9,205 feet on the Frisco Quadrangle, then to the center of the south edge of Section 30, Township 5 South, Range 77 West, then north to the center of Section 19, then southeast to the shore line of the Dillon Reservoir, then following the ridge line that divides the Snake River drainage from the Swan River drainage to the County line.

### 2103: Subbasin Master Plans

Within each basin, specific areas may require the preparation of a subbasin master plan to address development pressures and unique circumstances, ensure a coordinated approach to land use and the provision of services and facilities, and to better define the ultimate character of an area prior to review of specific development proposals. Historically, the County has also adopted neighborhood and community plans that serve the same general purpose as a subbasin plan. For the purposes of this chapter, neighborhood and community plans shall be considered subbasin plans. Areas suitable for preparation of subbasin plans shall be defined by the respective basin planning commission, and the boundary of the area shall be clearly illustrated in the plan. Subbasin plans shall be incorporated into basin master plans, thereby eliminating the need to have separate stand-alone subbasin plan documents. Notwithstanding the foregoing, subbasin master plans that remain in effect shall be subject to the application of the same principals of harmonious adoption, interpretation, and application with basin master plans as set forth in Sections 2000 and 2100, et. seq., above, regarding the relationship between the Countywide Comprehensive Plan and basin master plans.

### 2200: CONTENTS OF MASTER PLANS

Each master plan shall have text and may have maps delineating such items as land uses, environmentally sensitive areas, location of potential affordable workforce housing sites, visually important lands, TDR sending and receiving areas, and significant summer and winter routes.

### 2201: Countywide Comprehensive Plan Contents

A. The Countywide Comprehensive Plan provides the vision of overall community character for the County and provides direction for planning efforts within the County, dictating the shape of future regulatory revisions, programmatic efforts and the basic framework for basin and subbasin plans. It is the general intent that countywide issues of broad community interest are to be addressed in the Countywide Comprehensive Plan.
Basin and subbasin plans are intended to better define the unique character of specific geographic locations. Moreover, such plans are intended to set more specific development guidelines and direction, which may include a higher degree of restriction on the development of property, including the density related thereto. Issues specific to basins should be addressed in basin master plans and subbasin specific issues should be addressed in subbasin plans. Another intent of the Countywide Comprehensive Plan is to eliminate redundancy and duplication of policies in different master plans, recognizing that a more elaborate or stringent policy on the same topic in a basin plan is not redundant but rather intended to be more specific. Master plans should be presented in a clear, concise and easily understood manner.

B. The Countywide Comprehensive Plan shall, at a minimum, include the following sections or elements:
   2. Land Use Element (including discussion of extractive natural resources).
   3. Environment Element.
   4. Transportation Element.
   5. Housing Element.
   6. Community and Public Facilities Element (including Infrastructure).
   7. Design and Visual Resources Element.
   8. Historic and Cultural Resources Element.
   10. Recreation and Trails Element.
   11. Economic Element.

C. The Countywide Comprehensive Plan shall provide policy guidance on issues related to the above elements or other elements deemed important to address by the planning commission (e.g., energy or sustainability plans). Each plan element shall contain germane background data, goals, policies/actions, and realistic implementation strategies to carry forth the goals and policies/actions and pertinent sustainability measures. No such information or policy guidance shall operate in any manner to limit the ability of any basin or subbasin master plan to more specifically or stringently regulate development.

2202: Basin Master Plan Contents

2202.01: Required Contents of Basin Master Plans

Basin master plans shall focus on issues that are unique to basins and, at a minimum, include the following:

A. Land use maps and accompanying text that describes appropriate land uses for the different geographic locations in the basin.
B. Identification and mapping of significant summer and winter routes for various recreational purposes and, where applicable, accompanying text that outlines strategies to protect those significant recreational routes.
C. Incorporation of unique or specific trail and trailhead issues.
D. Identification, prioritization and mapping of visually important lands and accompanying text that describes strategies to maintain the visual character of those lands.
E. Identification of TDR sending and receiving areas.
F. Identification of locations where development should be encouraged in order to minimize fiscal impacts on service providers.
G. Analysis of implications on issues of broader community interest (e.g., housing, transportation, renewable and nonrenewable natural resource extraction) as a result of basin master plan policies.

H. Consideration of environmental risks and hazards including but not limited to wildfire, flooding, and geologic conditions in the basin.

Such mandatory inclusions shall not imply that other issues or policies are not appropriate considerations for basin master plans.

2202.02: Optional Contents of Basin Master Plans

Basin master plans may include the following issues unique to the basin, at the discretion of the applicable basin planning commission:
A. Goals and policies/actions related to basin specific issues that are not already addressed in the Countywide Comprehensive Plan.
B. Implementation strategies to enact the above goals and policies/actions.
C. Unique or specific community facility, institutional use or infrastructure issues (e.g., parking).
D. Identification and mapping of “high-quality” wetlands and development of basin specific wetland strategies.
E. Identification of appropriate locations for a diversity of employee or affordable workforce housing and permanent resident housing types.
F. Identification of needs and appropriate locations for different types of dispersed and developed recreational uses or new recreational facilities (e.g., neighborhood parks).
G. Identification of appropriate winter uses (e.g., motorized, non-motorized) for winter trails and trailheads.
H. Site specific conservation strategies.
I. Infill, redevelopment, rehabilitation or adaptive reuse of properties.
J. Any other considerations related to issues of development or growth in the relevant basin.

2202.03: Contents not to be Included in Basin Master Plans

Basin master plans typically should not include the following:

A. Goals or policies/actions that address issues that are countywide (and not basin specific) in nature and are similar in intent to goals or policies/actions already addressed in the Countywide Comprehensive Plan. This limitation shall be interpreted narrowly to only address policies, which are directly redundant with the Countywide Comprehensive Plan.
B. Goals or policies/actions that can only be interpreted to unavoidably and directly conflict with the Countywide Comprehensive Plan. The term direct in this clause narrows the realm of such conflict to those circumstances where the conflict is unavoidable and irreconcilable. Moreover, this limitation shall be strictly construed in a narrow manner and must be considered in light of the overall policy to determine a harmonious construction within and between the various master plan policies set forth in all plans. In this regard, a direct conflict shall only exist where a basin master plan expressly prohibits that which the Countywide Comprehensive Plan expressly permits, or expressly permits that which the Countywide Comprehensive Plan expressly prohibits. Basin master plan policies that serve to set more specific development guidelines, which may include a higher degree of restriction on the development of property, including the density related thereto, shall not be considered to directly conflict as contemplated herein.

2203: Subbasin Master Plans

Subbasin plans may include issues specific to subbasins that are not addressed in basin master plans or the Countywide Comprehensive Plan, in accordance with the standards set forth in §2103 above. Whenever possible, subbasin plans should be incorporated into basin master plans, eliminating the need to have separate stand-alone documents.

2204: Use of Master Plans

A. It is the intent of the Board of County Commissioners (“BOCC”) that certain development proposals must be found to be in general conformance with the advisory goals and policies/actions contained in the Countywide Comprehensive Plan, and applicable basin and subbasin master plans.
B. A determination of general conformance with master plans must be made by the applicable Review Authority for any particular land use proposal in light of the facts and circumstances, evidence and considerations present in relation to that particular application. In this regard, a finding of general conformance with the master plans shall be based on a quasi-judicial weighting and balancing of various master plan goals and policies. The Review Authority shall exercise its discretion based upon the factual considerations pertaining to the particular application.
C. In reviewing a proposal a wide array of community issues, goals and policies, as reflected in master plans, may be considered or implicated. Thus, determining the proper balance to various master plan goals and policies, and the attribution of weight to such goals and policies for any particular proposal, is essential in determining if general conformity is achieved for that proposal. It is within the sound discretion of the Review Authority...
in this process to consider all such concerns, goals and policies in relation to the application, in its entirety. Therefore, the Review Authority has the ability to determine the proper balance of impacts, goals and policies in ascertaining if proper conformity with such master plan, in general, has been attained.

D. In rendering a decision on a proposal the Review Authority should reference relevant portions of master plans considered. Such master plan provisions should support the basis for the Review Authority’s reasoning and decision regarding the proposal, particularly in relation to a determination on general conformity with the master plans.

2205: Implementation of Master Plans

A. It is the intent of the BOCC to pursue the implementation of master plans in order to make the community’s vision or interest a reality. In order to accomplish master plan implementation, the BOCC will consider priority implementation strategies identified in master plans on an annual basis and direct the Planning Department on which strategies should be worked on in the upcoming year. Prior to this review by the BOCC, the Planning Department will receive recommendations from each of the Basin Planning Commissions and the Countywide Planning Commission regarding the highest priorities for implementation in the upcoming year. These recommendations shall be forwarded to the BOCC as part of the annual master plan implementation prioritization process.

B. Each master plan shall include a list of implementation strategies that outlines the manner in which goals and policies/actions in the master plan will be accomplished. Each implementation strategy should be prioritized based on its relative importance to other implementation strategies in the master plan. Parties responsible for implementation should also be identified.

C. Implementation strategies and priorities contained within a master plan shall be advisory only. The BOCC shall determine which, if any, implementation strategies and priorities are pursued as Planning Department work plans are approved, subject to budgetary constraints and other Planning Department project demands (e.g., need to update master plans).

2300: PREPARATION AND ADOPTION OF MASTER PLANS

2301: Authority to Initiate

Any member of the BOCC or a basin planning commission, the Planning Director or a property owner owning land within the area to be included in the master plan has the ability to request preparation or amendment of a master plan. If the request involves the preparation or amendment of a Countywide Comprehensive Plan, the Countywide Planning Commission shall decide whether or not a master planning effort is undertaken. If the request involves the preparation or amendment of a basin or subbasin master plan, the appropriate basin planning commission shall make a recommendation to the BOCC on whether a master planning effort should be undertaken. The BOCC will subsequently determine if a master planning effort is pursued. The appropriate timing for initiating preparation or amendment of a master plan will be determined by the BOCC, in the exercise of its sole discretion, based on available staffing resources and other work project priorities.

2302: Responsibility of Planning Department

The Planning Department shall prepare comprehensive studies and surveys on existing conditions and probable future growth in the area under consideration. In particular, research and analysis shall address topics of concern to the Countywide Planning Commission, respective basin planning commission and BOCC in developing the master plan.

2303: Citizen Participation

It is essential that residents and property owners from the area affected by a master planning project be involved in the project’s development. Master planning processes should be structured so as to afford adequate opportunity for community residents and property owners to effectively shape the future of their community. Every effort shall be made to encourage participation by citizens during development of a master plan. The method by which this is to be accomplished shall be decided at the time a master planning project is initiated, and may include formation of a citizens advisory committee (including a thorough mix of land ownership interests such as various parcel sizes), public
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 2: Master Plan Procedures

meetings or bona fide citizen surveys.

2304: Submittal Requirements

If a property owner is requesting preparation of a master plan or master plan amendment, the property owner shall submit the information listed below to the Planning Department, except for items waived by the department based on the type of amendment proposed. If the BOCC, basin planning commission, Countywide Planning Commission or Planning Director is initiating a master planning project, the information required shall be prepared by the Planning Department.

A. Written Material.
   1. Application Form.
   2. Information addressing the following issues:
      a. Proposed land uses, including types and densities.
      b. Environmentally sensitive areas.
      c. Wildlife habitat and species.
      d. Significant natural features and views.
      e. Availability of services and utilities.
      f. Significant summer and winter recreation trails/routes.
      g. Historic and cultural resources.
      h. Other issues deemed important or necessary by the Planning Director.
   3. Proposed development policies.
   4. Statement describing the consistency of the proposal with existing master plans and policies.
   5. Statement justifying the proposal.
   6. Statement describing how the proposal meets the Findings for Adoption of Master Plans (Section 2306.02).

B. Graphic Material.
   1. Vicinity Map.
   2. Map depicting the boundary of the area proposed for master planning.
   3. Locations of proposed land uses.
   4. Proposed circulation system.
   5. Proposed and existing trail system.
   6. Environmentally sensitive areas.
   7. Wildlife habitat.
   8. Significant natural features and views.
   10. Other maps and plans necessary to illustrate the proposal.

C. Information required for a public hearing (see Section 13100 et seq.).

D. Fee as required by resolution of the BOCC.

E. Other information deemed necessary by the Planning Director.

2305: Referral of Master Plans

2305.01: Referral to Agencies

The Planning Department shall be responsible for referring master plan proposals to the agencies listed below, unless determined by the Planning Director to be unnecessary. Concerns raised by referral agencies shall be addressed by the Planning Department in preparing its report to the Basin Planning Commission or Countywide Planning Commission. Referrals shall be sent to agencies prior to the first hearing on a master plan or master plan amendment. Referrals to the Colorado Department of Local Affairs (Division of Local Government) Office of Smart Growth, or its successor, should be sent at least 35 days prior to final consideration of a master plan or master plan amendment.

A. Fire district.
B. Sanitation district.
C. Utilities.
D. Water district.
E. Summit County School District.
F. Summit Water Quality Committee.
G. Engineering Department.
H. Open Space and Trails Department
I. Colorado State Forest Service.
J. Colorado Division of Wildlife.
K. U.S. Army Corps of Engineers.
L. Summit Combined Housing Authority
M. Municipalities in the County and any municipality within three miles of any boundary of the County.
N. Homeowners associations in the vicinity.
O. Colorado Department of Local Affairs Office of Smart Growth, or its successor.
P. Adjacent counties.
Q. Other agencies deemed necessary by the Planning Director.

2305.02: Referral to Board of County Commissioners

A. The Basin Planning Commission or Countywide Planning Commission shall refer draft master plans or master plan amendments to the BOCC, at least once, occurring after a draft of the entire plan or plan amendments has been completed.

B. Additional feedback between the BOCC and the basin planning commission or Countywide Planning Commission is encouraged as goals and policies/actions are developed. For purposes of this section, referral shall be interpreted to mean memorandums from the Planning Department to the BOCC outlining progress on a master plan, along with copies of any proposed draft master plan amendments completed to date. Work sessions involving the Planning Department and the BOCC may be scheduled in conjunction with periodic referrals. As necessary, joint meetings between the BOCC and the basin planning commission or Countywide Planning Commission may also be scheduled.
2306: Adoption and Certification of Master Plans

2306.01: Public Hearing on Master Plans

Prior to taking any action on a master plan or master plan amendment, the basin planning commission or Countywide Planning Commission shall hold a public hearing for the purpose of considering recommendations from the Planning Department, County departments, and other agencies and considering testimony from the applicant and from the public. A minimum of two (2) public hearings shall be required for the creation of new master plans and a minimum of one (1) public hearing shall be required for master plan amendments. The Planning Department shall give notice of hearings as set forth in Section 13100 et seq.

2306.02: Findings for Adoption of Master Plans

The following findings shall be made by a basin planning commission or the Countywide Planning Commission to approve a master plan or master plan amendment:

A. The plan fulfills the general purpose of creating coordinated and harmonious development of the area under study and of the County as a whole.
B. The plan promotes the health, safety, prosperity and general welfare of the County's residents, as well as efficiency and economy in the use of land and its natural resources.
C. The plan encourages a well-balanced, prosperous economy for the County.
D. The plan preserves and enhances the County's unique mountain character, and protects its natural environment.
E. If the plan concerns a basin or subbasin, the plan's provisions are consistent with the Countywide Comprehensive Plan.
F. If the plan is an amendment to an existing master plan, the amendment is consistent with the other provisions of the plan to which it will become a part.

The adoption of a master plan in accordance with this section of the Code shall serve as presumptive evidence that the considerations presented herein have been determined in the affirmative.

2306.03: Action on Master Plans

A. The responsibility for adoption of master plans is as follows:
   1. If an action concerns the Countywide Comprehensive Plan, then the Countywide Planning Commission shall take action to adopt, adopt with modifications or decline to adopt master plan provisions and amendments.
   2. If an action concerns a basin or subbasin master plan, the basin planning commission having jurisdiction over the area under study shall take action to adopt, adopt with modifications or decline to adopt master plan provisions and amendments.
B. The Countywide Planning Commission or basin planning commission may adopt a master plan as a whole by a single resolution or, as the work or preparation of the master plan progresses, may adopt parts of the plan that correspond to functional subsets of the subject matter included in the plan. The Countywide Planning Commission or basin planning commission may amend, extend or add to the plan or carry any part of it into greater detail from time to time, consistent with Section 2200 et seq. The Countywide Planning Commission or Basin Planning Commission shall endeavor to adopt a master plan within the timeframe agreed upon at the initiation of the master plan project, unless extenuating circumstances require additional time to complete the master plan project.
C. The adoption of a master plan or any part or any amendment shall be by resolution carried by the affirmative votes of not less than a majority of the membership of the Countywide Planning Commission or basin planning commission responsible for action. The resolution shall refer expressly to the text and maps intended by the Countywide Planning Commission or basin planning commission to form the whole of the plan, and shall include the required findings. If a master plan or master plan amendment is approved, the number of the Countywide Planning Commission or basin planning commission resolution and the signature of the commission’s chairman shall be affixed to the face sheet of the text and to any map included in the plan.

2306.04: Certification of Master Plans
After adopting a master plan or master plan amendment, the Countywide Planning Commission or basin planning commission shall certify a copy to the BOCC and to all municipalities within the County. For purposes of this section, certification shall be interpreted as delivering a copy of the master plan or master plan amendment along with a letter signed by the commission chairman indicating the adoption action taken on the master plan or master plan amendment.

2400: PUBLICATION AND FILING OF MASTER PLANS

Upon approval of a master plan or master plan amendment, a copy, including all maps referred to in the master plan, shall be kept on file in the Office of the Clerk and Recorder and in the Planning Department. Within 30 calendar days from the date a master plan or master plan amendment is certified pursuant to Section 2306.04, the Planning Department shall make copies available to the public and shall send a copy to each branch of the Summit County Library.

2500: VALIDITY OF MASTER PLANS

A. A master plan shall be in effect upon adoption by the basin planning commission and certification as required by Section 2306.04.
B. Technical noncompliance with the procedures and criteria stated in this chapter (Chapter 2) shall not invalidate an adopted master plan.

2600: AMENDMENTS TO MASTER PLANS

Amendments to master plans shall be reviewed and action taken using the same procedures for original adoption of master plans, except that an additional finding is required (see Section 2306.02).

2700: UPDATE OF MASTER PLANS

Master plans adopted by the County shall be updated by the Countywide Planning Commission or a basin planning commission on a periodic basis. The Countywide Planning Commission or basin planning commission shall determine if revisions are needed because of changing conditions and circumstances or modifications in the County's overall development policy. It shall be the goal for the Countywide Planning Commission and the basin planning commissions to update master plans every two (2) years. At a minimum, master plans shall be updated every five (5) years.

The Countywide Planning Commission or a basin planning commission may initiate amendments to the master plan as a result of the update process or, as an alternative, may readopt the master plan in its existing form. Such amendments shall be reviewed and action taken using the same procedures for original adoption of master plans, except that an additional finding is required (see Section 2306.02). The failure to adopt or readopt a master plan shall not affect the validity of such plans.

2800: STANDARDS OF INTERPRETATION OF MASTER PLAN GOALS & POLICIES

In making interpretations of various master plan goals and policies, and in making a determination as to the issue of general conformity with master plan policies in any quasi-judicial review of a particular land use application, the following standards of interpretation shall be applied:

A. All terms and language utilized in such plans shall be accorded meaning, and the party making such interpretation shall not presume that the drafter used language idly and with no intent that meaning should be given to its language.
B. If a general provision conflicts with a special or local provision, it shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevails.
C. The various master plans, including specifically the Countywide Comprehensive Plan, are all intended to be
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 2: Master Plan Procedures

adopted, interpreted, applied in a harmonious fashion, and no conflicts, direct or indirect, within such plans or between such plans, or the goals and policies therein, shall be considered to exist if there exists any reasonable interpretation that would allow all the provisions of such plans at issue to remain in effect.

D. No specific master plan policy may be considered mandatory, and thus attributed greater weight in consideration of the general conformity of any application on that basis alone, unless expressly provided for.

2900: SEVERABILITY OF MASTER PLANS

All master plans adopted by the County are considered to be severable in nature. Accordingly, invalidation of any of the provisions of any basin or subbasin master plan or Countywide Comprehensive Plan, including any goal, policy, or recommended action set forth therein, or invalidation of the application thereof in any given circumstance, shall not be interpreted to affect the validity of any other provision of that master plan or any other master plan if avoidable to any degree.
Figure 2-3

Snake River Basin, Summit County, Colorado
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 2: Master Plan Procedures

Figure 2-4
<table>
<thead>
<tr>
<th>CASE #</th>
<th>RESO #</th>
<th>SECTION / DESCRIPTION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>88-76</td>
<td>88-74</td>
<td>3301.05, 3305.07a, 3505.08.E.1, 3505.02, 3505.08.B.3, 3505.12.A, 3509, 3510, 3512.05, 3513.01, 3606.03.B, 3606.03, 3802.02, 3815.02.A, 3815.02.A.</td>
<td>12/12/88</td>
</tr>
<tr>
<td>89-20</td>
<td>89-19</td>
<td>3505.14, 3505.15.A.2, 3505.18.C.3</td>
<td>04/10/89</td>
</tr>
<tr>
<td>89-79</td>
<td>89-84</td>
<td>3301.17, 3301.18, 3302.03</td>
<td>12/11/89</td>
</tr>
<tr>
<td>90-36</td>
<td>90-64</td>
<td>3301.08</td>
<td>08/27/90</td>
</tr>
<tr>
<td>91-18</td>
<td>91-59</td>
<td>3801 and figures 3-3 and 3-4</td>
<td>08/26/91</td>
</tr>
<tr>
<td>92-123</td>
<td>93-8</td>
<td>3301.08</td>
<td>01/11/93</td>
</tr>
<tr>
<td>94-108</td>
<td>95-5</td>
<td>3301.08</td>
<td>01/23/95</td>
</tr>
<tr>
<td>94-37</td>
<td>95-53</td>
<td>3203, 3302.02, Figure 3-2</td>
<td>06/12/95</td>
</tr>
<tr>
<td>96-05</td>
<td>96-32</td>
<td>3801, 3904</td>
<td>04/15/96</td>
</tr>
<tr>
<td>96-123</td>
<td>96-88</td>
<td>3301.05, Figures 3-3 &amp; 3-4</td>
<td>09/09/96</td>
</tr>
<tr>
<td>96-105</td>
<td>96-92</td>
<td>3202</td>
<td>09/23/96</td>
</tr>
<tr>
<td>94-110</td>
<td>96-101</td>
<td>3505.01</td>
<td>10/15/96</td>
</tr>
<tr>
<td>96-105</td>
<td>98-2</td>
<td>3202.03</td>
<td>1/12/98</td>
</tr>
<tr>
<td>98-43</td>
<td>98-47</td>
<td>3505.19</td>
<td>05/09/98</td>
</tr>
<tr>
<td>98-165</td>
<td>98-133</td>
<td>3604, 3604.02, 3606.03,</td>
<td>11/23/98</td>
</tr>
<tr>
<td>97-065</td>
<td>98-138</td>
<td>3202.03</td>
<td>12/14/98</td>
</tr>
<tr>
<td>98-100</td>
<td>99-51</td>
<td>3305</td>
<td>5/24/99</td>
</tr>
<tr>
<td>99-67</td>
<td>99-65</td>
<td>3505.02</td>
<td>5/24/99</td>
</tr>
<tr>
<td>99-66</td>
<td>99-64</td>
<td>3505.06, Figure 3-7</td>
<td>5/24/99</td>
</tr>
<tr>
<td>99-74</td>
<td>99-166</td>
<td>3301.01, Figures 3-3 &amp; 3-4</td>
<td>12/20/99</td>
</tr>
<tr>
<td>99-176</td>
<td>00-02</td>
<td>Added Sec 3821</td>
<td>1/10/00</td>
</tr>
<tr>
<td>00-23</td>
<td>00-47</td>
<td>3807, Figures 3-3 and 3-4</td>
<td>04/24/00</td>
</tr>
<tr>
<td>99-174</td>
<td>00-86</td>
<td>3202.03 (TDR), 3301.19, 3514, Fig 3</td>
<td>08/14/00</td>
</tr>
<tr>
<td>00-09</td>
<td>00-22</td>
<td>3202.03</td>
<td>03/13/00</td>
</tr>
<tr>
<td>00-128</td>
<td>00-131</td>
<td>3305, 3505</td>
<td>10/23/00</td>
</tr>
<tr>
<td>00-113</td>
<td>00-137</td>
<td>3810</td>
<td>11/13/00</td>
</tr>
<tr>
<td>00-88</td>
<td>00-146</td>
<td>3301, Figures 3-3 and 3-4</td>
<td>12/11/00</td>
</tr>
<tr>
<td>01-09</td>
<td>01-15</td>
<td>3801, 3705.02, 3705.03</td>
<td>03/12/01</td>
</tr>
<tr>
<td>01-70</td>
<td>01-78</td>
<td>3514, Figures 3-3</td>
<td>07/09/01</td>
</tr>
<tr>
<td>03-045</td>
<td>03-40</td>
<td>3805.02, 3805.03, 3805.09, 3807.02, Table 3-3 and 3-4</td>
<td>05/27/03</td>
</tr>
<tr>
<td>CASE #</td>
<td>RESO #</td>
<td>SECTION / DESCRIPTION</td>
<td>DATE</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>03-053</td>
<td>03-57</td>
<td>3505.13</td>
<td>08/11/03</td>
</tr>
<tr>
<td>03-061</td>
<td>03-71</td>
<td>3600</td>
<td>09/08/03</td>
</tr>
<tr>
<td>03-099</td>
<td>04-10</td>
<td>3301.05, 3512, 3812,</td>
<td>1/26/04</td>
</tr>
<tr>
<td>03-136</td>
<td>04-26</td>
<td>Historic Structures: Chapter 3 (3801.01 B., 3801.02 – 3801.05, 3801.08 – 3801.13)</td>
<td>3/22/04</td>
</tr>
<tr>
<td>05-033</td>
<td>Not recorded</td>
<td>Chapter 3: (3202.03 A. &amp; B.). There was action to approve the code amendment, however, no reso number was assigned or a reso recorded (as it was a temporary placeholder / amendment). A draft reso was crafted and is in the file. TDR Regulations—Included adoption of General Provisions for inter-basin TDRs (to address potential interbasin transfer of density regarding amendments to the Copper PUD.)</td>
<td>06/13/06</td>
</tr>
<tr>
<td>05-033</td>
<td>06-61</td>
<td>Chapters 3 &amp; 15 (3202.03 – Figure 3-15). TDR Regulations – Adoption of Ten Mile regulations</td>
<td>7/11/06</td>
</tr>
<tr>
<td>05-033</td>
<td>06-90</td>
<td>Chapter 3 (3202.03). TDR Regulations – Modification and adoption of Snake River and Upper Blue regulations.</td>
<td>11/14/06</td>
</tr>
<tr>
<td>04-077</td>
<td>Not recorded</td>
<td>Chapter 3 (3801.04). There was action to approve the code amendment, however, no reso number was assigned or a reso recorded (a draft reso was crafted and is in the file). Partial approval of Planning Case #04-077: Increased maximum size of accessory apartments to 1,000 sq. ft.</td>
<td>12/12/06</td>
</tr>
<tr>
<td>07-002</td>
<td>07-25</td>
<td>Chapter 3 (3202.03 &amp; respective Official TDR Sending and Receiving Areas Maps). Consolidation of TDR Program Regulations (Snake River, Ten Mile and Upper Blue Basins).</td>
<td>03/27/07</td>
</tr>
<tr>
<td>04-077</td>
<td>07-44</td>
<td>Comprehensive Amendments to Code – All Chapters</td>
<td>5/22/07</td>
</tr>
<tr>
<td>07-017</td>
<td>07-69</td>
<td>Chapter 3 (3301.18, 3514, Figures 3-2 &amp; 3-3). Amendments to BC Zoning District Regulations (Snake River, Ten Mile and Upper Blue Basins).</td>
<td>8/14/07</td>
</tr>
<tr>
<td>07-009</td>
<td>07-83</td>
<td>Chapter 3 3202.03 and Official Lower Blue TDR Sending and Receiving Areas Map.</td>
<td>9/25/07</td>
</tr>
<tr>
<td>08-051</td>
<td>08-49</td>
<td>Chapter 3 (Section 3801.04 A.). Accessory apartment sizes not to exceed 1,000 sq. ft. (removed option for not more than 45% exceedance).</td>
<td>07/08/08</td>
</tr>
<tr>
<td>07-076</td>
<td>08-61</td>
<td>Chapters 3 &amp; 15 (3202.03, 3505.02, 3505.14, 3515.05, Figures. 3-5 &amp; 3-7). Countywide TDR Regulations—Density controls, equivalencies, allowable structure sizes and TDR conversion ratios.</td>
<td>08/26/08</td>
</tr>
<tr>
<td>08-032</td>
<td>08-65</td>
<td>Chapters 1, 3, 8, 12 and 15 (3202.03, 3301.05, 3500, 3801, 3804, 3809, Figures, 3-2, 3-3 &amp; 3-8). Local Resident Housing Amendments.</td>
<td>09/09/08</td>
</tr>
<tr>
<td>09-057</td>
<td>09-061</td>
<td>3202.03 (TDRs) moved to 3506; 3505.02; 3514.08; 3809.02 and figure 3-9</td>
<td>11/10/09</td>
</tr>
<tr>
<td>09-097</td>
<td>10-07</td>
<td>Renewable energy systems, wedding events, public use area requirements, 3504.06, 3505.01, 3505.13, 3505.20, 3507, 3509, 3514.05 Figures 3-2, 3-3, 3-4, 3-5</td>
<td>1/26/10</td>
</tr>
<tr>
<td>11-052</td>
<td>11-39</td>
<td>Medical Marijuana, Section 3804, Section 3515.02, Figure 3-2, Figure 3-</td>
<td>6/14/11</td>
</tr>
<tr>
<td>CASE #</td>
<td>RESO #</td>
<td>SECTION / DESCRIPTION</td>
<td>DATE</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>-----------------------</td>
<td>----------</td>
</tr>
<tr>
<td>09-097</td>
<td>12-33</td>
<td>Medical Marijuana, Section 3804, 3515.02, 3520.02, Figure 3-2, Figure 3-3</td>
<td>5/22/2012</td>
</tr>
<tr>
<td>10-143a</td>
<td>12-48</td>
<td>Section 3506: Transferable Development Rights Regulations and removal of Figure 3-9; Section 3809: Local Resident Housing Regulations</td>
<td>7/24/12</td>
</tr>
<tr>
<td>09-036A</td>
<td>13-36</td>
<td>Amendments related to conditional mining in the BC zoning designation and reclassifying all newly constructed trails in the BC zoning designation form Class 4 review to Class 2 review. Applicable amendments to Figures 3-2 and 3-3.</td>
<td>5/14/13</td>
</tr>
<tr>
<td>09-036</td>
<td>13-51</td>
<td>Amendments pertaining to mining/milling/prospecting regulations (3812) specifically incorporating changes to the mining/milling regulations to clarify or address: the use of toxic and acidic chemicals, applicability of performance standards, residential use on mining properties, prospecting. Also Figures 3-2, 3-3, 3-5 and 3-8.</td>
<td>7/23/13</td>
</tr>
<tr>
<td>13-065</td>
<td>13-66</td>
<td>Section 3804</td>
<td>9/24/13</td>
</tr>
<tr>
<td>10-143</td>
<td>13-74</td>
<td>Comprehensive Amendments to the Code</td>
<td>10/9/13</td>
</tr>
</tbody>
</table>

1 The Sections referenced above were the Sections in effect at the time the Development Code was amended. Subsequent amendments to the Development Code may have resulted in section numbers being modified and may no longer be applicable.
# TABLE OF CONTENTS

## CHAPTER 3

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3000:</td>
<td>PURPOSE AND INTENT</td>
<td>11</td>
</tr>
<tr>
<td>3100:</td>
<td>APPLICABILITY</td>
<td>11</td>
</tr>
<tr>
<td>3200:</td>
<td>REZONING POLICIES</td>
<td>11</td>
</tr>
<tr>
<td>3201:</td>
<td>General</td>
<td>11</td>
</tr>
<tr>
<td>3201.01:</td>
<td>Purpose and Intent</td>
<td>11</td>
</tr>
<tr>
<td>3201.02:</td>
<td>Application of Rezoning Policies</td>
<td>11</td>
</tr>
<tr>
<td>3202:</td>
<td>Specific Rezoning Policies</td>
<td>12</td>
</tr>
<tr>
<td>3202.01:</td>
<td>Site Characteristics</td>
<td>12</td>
</tr>
<tr>
<td>3202.02:</td>
<td>Development Constraints</td>
<td>12</td>
</tr>
<tr>
<td>3202.03:</td>
<td>Natural Features</td>
<td>13</td>
</tr>
<tr>
<td>3202.04:</td>
<td>On Site Accommodation of Necessary Requirements</td>
<td>13</td>
</tr>
<tr>
<td>3202.05:</td>
<td>Wildfire Hazard Areas</td>
<td>13</td>
</tr>
<tr>
<td>3300:</td>
<td>ESTABLISHMENT OF ZONING DISTRICTS</td>
<td>14</td>
</tr>
<tr>
<td>3301:</td>
<td>Basic Zoning Districts</td>
<td>14</td>
</tr>
<tr>
<td>3301.01:</td>
<td>A-1 (Agricultural)</td>
<td>14</td>
</tr>
<tr>
<td>3301.02:</td>
<td>CG (General Commercial)</td>
<td>14</td>
</tr>
<tr>
<td>3301.03:</td>
<td>CN (Neighborhood Commercial)</td>
<td>14</td>
</tr>
<tr>
<td>3301.04:</td>
<td>I-1 (Industrial)</td>
<td>14</td>
</tr>
<tr>
<td>3301.05:</td>
<td>M-1 (Mining)</td>
<td>14</td>
</tr>
<tr>
<td>3301.06:</td>
<td>MHP (Manufactured Home Park)</td>
<td>15</td>
</tr>
<tr>
<td>3301.07:</td>
<td>NR-2 (Natural Resources)</td>
<td>15</td>
</tr>
<tr>
<td>3301.08:</td>
<td>PUD (Planned Unit Development)</td>
<td>15</td>
</tr>
<tr>
<td>3301.09:</td>
<td>RU (Rural Residential)</td>
<td>15</td>
</tr>
<tr>
<td>3301.10:</td>
<td>RE (Rural Estate)</td>
<td>15</td>
</tr>
<tr>
<td>3301.11:</td>
<td>R-1 (Single-family Residential)</td>
<td>16</td>
</tr>
<tr>
<td>3301.12:</td>
<td>R-2 (Single-family Residential)</td>
<td>16</td>
</tr>
<tr>
<td>3301.13:</td>
<td>R-3 (Single-family Residential)</td>
<td>16</td>
</tr>
<tr>
<td>3301.14:</td>
<td>R-4 (Single-family Residential)</td>
<td>16</td>
</tr>
<tr>
<td>3301.15:</td>
<td>R-6 (Single-family/Duplex Residential)</td>
<td>16</td>
</tr>
<tr>
<td>3301.16:</td>
<td>RC-40000 (Rural Community)</td>
<td>16</td>
</tr>
<tr>
<td>3301.17:</td>
<td>BC (Backcountry)</td>
<td>16</td>
</tr>
<tr>
<td>3301.18:</td>
<td>OS (Open Space)</td>
<td>17</td>
</tr>
<tr>
<td>3302:</td>
<td>Overlay Zoning Districts</td>
<td>17</td>
</tr>
<tr>
<td>3302.01:</td>
<td>Floodplain Overlay District</td>
<td>17</td>
</tr>
<tr>
<td>3302.02:</td>
<td>Wildlife Habitat Overlay District</td>
<td>17</td>
</tr>
<tr>
<td>3303:</td>
<td>Zoning District Maps</td>
<td>17</td>
</tr>
<tr>
<td>3304:</td>
<td>Interpretation of District Boundaries</td>
<td>17</td>
</tr>
<tr>
<td>3305:</td>
<td>Zoning Districts Established Under Prior Code Enactments</td>
<td>18</td>
</tr>
<tr>
<td>3305.01:</td>
<td>Antiquated Zoning Districts Remaining in Effect</td>
<td>18</td>
</tr>
<tr>
<td>3305.02:</td>
<td>Modified Zoning Districts</td>
<td>18</td>
</tr>
<tr>
<td>3305.03:</td>
<td>Relationship of Regulations for Antiquated Zoning Districts Remaining</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>in Effect and Modified Zoning Districts to the Regulations of this Code</td>
<td>18</td>
</tr>
<tr>
<td>3400:</td>
<td>LAND USE REGULATIONS</td>
<td>18</td>
</tr>
<tr>
<td>3401:</td>
<td>General</td>
<td>18</td>
</tr>
<tr>
<td>3402:</td>
<td>Types of Uses</td>
<td>19</td>
</tr>
<tr>
<td>3402.01:</td>
<td>Accessory Uses</td>
<td>19</td>
</tr>
<tr>
<td>3402.02:</td>
<td>Conditional Uses</td>
<td>19</td>
</tr>
<tr>
<td>3402.03:</td>
<td>Permitted Uses</td>
<td>19</td>
</tr>
<tr>
<td>3402.04:</td>
<td>Temporary Uses</td>
<td>19</td>
</tr>
<tr>
<td>3402.05:</td>
<td>Uses Not Allowed; Uses Not Listed</td>
<td>19</td>
</tr>
<tr>
<td>3402.06:</td>
<td>Non-conforming Lots, Uses and Structures</td>
<td>20</td>
</tr>
<tr>
<td>3403:</td>
<td>Use Determinations</td>
<td>20</td>
</tr>
<tr>
<td>3403.01:</td>
<td>Criteria for Use Determinations</td>
<td>20</td>
</tr>
</tbody>
</table>
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

3403.02: Review of Use Determinations ................................................................. 20
3404: Land Use Matrix ........................................................................................................ 20
3500: BASIC DEVELOPMENT REGULATIONS AND STANDARDS .............................................. 21
3501: General .............................................................................................................................. 21
3502: Purpose and Intent .......................................................................................................... 21
3503: Additional Development Regulations and Standards .............................................. 21
3504: Availability of Access and Services ........................................................................ 21
3504.01: Services Matrix ........................................................................................................ 22
3504.02: Major Development Projects .............................................................................. 22
3504.03: Access .......................................................................................................................... 25
3504.04: Fire Protection and Emergency Services ............................................................. 26
3504.05: Police Protection .................................................................................................... 27
3504.06: Reserved ................................................................................................................... 27
3504.07: Water, Wastewater Treatment and Utilities .......................................................... 27
3505: Building and Site Design Standards ........................................................................ 28
3505.01: General Provisions ............................................................................................... 28
3505.02: Density ....................................................................................................................... 28
3505.03: Dumpsters ................................................................................................................. 30
3505.04: Drainage Improvements ........................................................................................ 31
3505.05: Building Architectural Design Standards ............................................................ 31
3505.06: Height Limit ............................................................................................................. 33
3505.07: Lighting Regulations ............................................................................................. 34
3505.08: Manufactured and Modular Structures ............................................................... 36
3505.09: Off-Street Loading Areas ...................................................................................... 37
3505.10: Open Space Area .................................................................................................... 37
3505.11: Outdoor Storage Areas and Yards ...................................................................... 38
3505.12: Recreational Vehicle Storage Yards ................................................................. 38
3505.13: Setbacks .................................................................................................................. 38
3505.14: Site Area ................................................................................................................... 40
3505.15: Site Coverage ........................................................................................................ 41
3505.16: Street, Driveway and Parking Areas ................................................................. 42
3505.17: Walls and Fences .................................................................................................... 42
3505.18: Garages ................................................................................................................... 44
3505.19: Snow Storage and Snowshedding Standards .................................................... 45
3505.20: Solar Access and Orientation .............................................................................. 46
3505.21: Outbuildings ......................................................................................................... 47
3506: Transferable Development Rights (TDRs) Program Regulations ....................... 47
3506.01: Purpose and Intent ............................................................................................... 47
3506.02: TDR Regulations ................................................................................................... 47
3506.03: Interbasin Transfers .............................................................................................. 56
3506.04: Voluntary and Alternative Measures of Compliance with TDR Program Regulations ................................................................. 56
3507: Renewable Energy System Standards .................................................................. 58
3507.01: Solar Energy Systems .......................................................................................... 58
3507.02: Wind Energy Systems ......................................................................................... 59
3507.03: Hydroelectric Energy Systems .......................................................................... 60
3507.04: Wood Burning Energy Systems ....................................................................... 60
3508: Maintenance of Common Areas .............................................................................. 61
3509: Public Use Areas ......................................................................................................... 61
3509.01: General ................................................................................................................... 61
3509.02: Requirements for Public Use Areas .................................................................... 62
3509.03: Methods of Compliance ...................................................................................... 62
3509.04: Evaluation Standards for Proposed Methods of Compliance ......................... 63
3509.05: Land Dedications or Reservations ..................................................................... 64
3510: Environmental Impact ............................................................................................... 64
3510.01: Air Quality ............................................................................................................. 64
3510.02: Grading and Excavation........................................................................................................... 64
3510.03: Erosion Control ....................................................................................................................... 65
3510.04: Water Quality ......................................................................................................................... 65
3510.05: Waterways and Wetlands ..................................................................................................... 65
3511: [Reserved] ................................................................................................................................. 65
3512: Industrial/Commercial Performance Standards ........................................................................... 65
  3512.01: Fire and Explosive Hazards .................................................................................................. 65
  3512.02: Glare and Heat ..................................................................................................................... 65
  3512.03: Lighting ............................................................................................................................... 66
  3512.04: Noise ................................................................................................................................... 66
  3512.05: Odors ................................................................................................................................... 66
  3512.06: Particulate Emissions ........................................................................................................... 66
  3512.07: Radioactivity ....................................................................................................................... 67
  3512.08: Smoke .................................................................................................................................. 67
  3512.09: Vibration ............................................................................................................................. 67
  3512.10: Fencing ............................................................................................................................... 67
3513: Manufactured Home Park Development Standards .................................................................... 67
  3513.01: General ................................................................................................................................ 67
  3513.02: Certification .......................................................................................................................... 68
  3513.03: Density and Dimensional Requirements ........................................................................... 68
  3513.04: Design and Maintenance ..................................................................................................... 68
  3513.05: Fire Protection ..................................................................................................................... 68
  3513.06: Landscaping ........................................................................................................................ 68
  3513.07: Utilities .................................................................................................................................. 69
3514: Backcountry (BC) Zoning District Standards ............................................................................ 69
  3514.01: Purpose and Intent ............................................................................................................... 69
  3514.02: Use Standards ...................................................................................................................... 69
  3514.03: Road and Driveway Improvement and Maintenance Limitations ...................................... 70
  3514.04: Other Restrictions on Roads and Driveways .................................................................... 71
  3514.05: Development Standards .................................................................................................... 71
  3514.06: Public Trails/Recreation Access ......................................................................................... 77
  3514.07: Site Plan Review Procedures .............................................................................................. 77
  3514.08: Transferable Development Rights ...................................................................................... 77
3515: B-3 Zoning District ....................................................................................................................... 77
  3515.01: Purpose and Intent ............................................................................................................... 77
  3515.02: Permitted Uses ..................................................................................................................... 78
  3515.03: Conditional Uses ................................................................................................................ 78
  3515.04: Accessory Uses .................................................................................................................. 79
  3515.05: Density .................................................................................................................................. 79
  3515.06: Other Requirements ........................................................................................................... 80
3516: RME: Residential Mountain Estates ......................................................................................... 81
  3516.01: Purpose and Intent ............................................................................................................... 81
  3516.02: Permitted Uses ..................................................................................................................... 82
  3516.03: Accessory Uses .................................................................................................................. 82
  3516.04: Conditional Uses ................................................................................................................ 82
  3516.05: Dimensional Requirements ............................................................................................... 82
3517: R-P: Residential with Plan ........................................................................................................... 82
  3517.01: Purpose and Intent ............................................................................................................... 82
  3517.02: Permitted Uses ..................................................................................................................... 82
  3517.03: Accessory Uses .................................................................................................................. 83
  3517.04: Conditional Uses ................................................................................................................ 83
  3517.05: Density and Dimensional Requirements ........................................................................... 83
3518: R-25 Zoning District .................................................................................................................... 83
  3518.01: Purpose and Intent ............................................................................................................... 83
  3518.02: Permitted Uses ..................................................................................................................... 83
  3518.03: Accessory Uses .................................................................................................................. 83
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

3518.04: Conditional Uses ......................................................................................................................... 83
3519: SU-1: Special Use ................................................................................................................................. 83
  3519.01: Purpose and Intent ....................................................................................................................... 83
  3519.02: Permitted Uses ........................................................................................................................... 84
  3519.03: Conditional Uses ........................................................................................................................ 84
  3519.04: Accessory Uses .......................................................................................................................... 84
  3519.05: Density and Dimensional Requirements .................................................................................... 84
3520: B-1: Highway Business ......................................................................................................................... 84
  3520.01: Purpose and Intent ....................................................................................................................... 84
  3520.02: Permitted Uses ........................................................................................................................... 84
  3520.03: Accessory Uses .......................................................................................................................... 85
3521: RC-5000 Rural Community .................................................................................................................. 85
  3521.01: Purpose and Intent ....................................................................................................................... 85

3600: LANDSCAPING REQUIREMENTS ................................................................................................. 85
  3601: Purpose and Intent ........................................................................................................................... 85
  3602: Applicability of Landscaping Requirements ................................................................................... 86
  3603: Flexible Landscaping Design Standards ........................................................................................... 87
  3604: Mandatory Landscaping Design Standards .................................................................................... 90
  3605: Plan Requirements for Landscaping ............................................................................................... 99
  3606: Plant Installation ............................................................................................................................... 99
  3607: Inspection of Landscaping .............................................................................................................. 100
  3608: Landscape Guarantee ..................................................................................................................... 100
    3608.01: Guarantee Prior to Issuance of Occupancy Permit ............................................................... 100
    3608.02: Landscape Guarantee After Installation .............................................................................. 100
  3609: Landscape Maintenance After Completion of Construction ..................................................... 101

3700: PARKING REQUIREMENTS .............................................................................................................. 101
  3701: Purpose and Intent ........................................................................................................................... 101
  3702: Applicability of Parking Requirements ........................................................................................... 102
    3702.01: New Structures, Land Uses, Remodeling and Occupancies ................................................ 102
    3702.02: Enlargements and Additions ................................................................................................... 102
    3702.03: Planned Unit Developments .................................................................................................... 102
    3702.04: Temporary, Conditional and Other Land Uses ........................................................................ 102
  3703: Parking Requirements for Previously Approved Development ................................................... 102
  3704: Parking Requirements .................................................................................................................... 102
    3704.01: Table of Parking Requirements .............................................................................................. 102
    3704.02: Uses Not Listed ........................................................................................................................ 103
    3704.03: Combination of Uses ................................................................................................................ 103
    3704.04: Joint Use of Required Parking ............................................................................................... 103
    3704.05: Off-Premise Parking ................................................................................................................ 103
    3704.06: Flexibility Statement ................................................................................................................ 103
    3704.07: Handicapped Parking Requirements ....................................................................................... 104
  3705: Design Requirements and Guidelines .............................................................................................. 104
    3705.01: Location of Spaces .................................................................................................................. 104
    3705.02: Layout of Parking .................................................................................................................... 104
    3705.03: Engineering Requirements ...................................................................................................... 106
    3705.04: Lighting ................................................................................................................................... 106
    3705.05: Landscaping Requirements ...................................................................................................... 106
  3706: Use of Parking Areas ........................................................................................................................ 106
  3707: Provision and Maintenance of Parking Areas ................................................................................ 106

3800: REGULATIONS AND STANDARDS FOR SPECIFIC LAND USES ........................................ 106
  3801: Community Gardens ....................................................................................................................... 106
    3801.01: Zoning Districts Where Permitted .......................................................................................... 106
    3801.02: Types of Community Gardens ............................................................................................... 107
    3801.03: Setbacks and Easements ......................................................................................................... 107
    3801.04: Sale of Produce from Community Gardens with Retail Sales ........................................... 107
    3801.05: Property Maintenance ............................................................................................................ 107
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3801.06</td>
<td>Management Plan</td>
<td>108</td>
</tr>
<tr>
<td>3801.07</td>
<td>Hours of Operation and Noise Limitations</td>
<td>108</td>
</tr>
<tr>
<td>3801.08</td>
<td>Signs</td>
<td>108</td>
</tr>
<tr>
<td>3801.09</td>
<td>Abandonment of Community Garden Use</td>
<td>108</td>
</tr>
<tr>
<td>3802.01</td>
<td>Types of Animals Permitted</td>
<td>108</td>
</tr>
<tr>
<td>3802.02</td>
<td>Zoning Districts Where Animals Allowed; Numbers Allowed</td>
<td>109</td>
</tr>
<tr>
<td>3802.03</td>
<td>Common Animal Keeping Facilities</td>
<td>113</td>
</tr>
<tr>
<td>3802.04</td>
<td>Conditions Under Which Animals Shall Be Kept</td>
<td>114</td>
</tr>
<tr>
<td>3802.05</td>
<td>Conditional Use Permits for Animal Keeping</td>
<td>115</td>
</tr>
<tr>
<td>3802.06</td>
<td>Responsibility for Enforcement of Animal Regulations</td>
<td>115</td>
</tr>
<tr>
<td>3803.01</td>
<td>Type of Establishment</td>
<td>115</td>
</tr>
<tr>
<td>3803.02</td>
<td>Size of Establishment</td>
<td>115</td>
</tr>
<tr>
<td>3803.03</td>
<td>Parking</td>
<td>116</td>
</tr>
<tr>
<td>3803.04</td>
<td>Compliance with Building and Fire Codes</td>
<td>116</td>
</tr>
<tr>
<td>3803.05</td>
<td>Signs</td>
<td>116</td>
</tr>
<tr>
<td>3803.06</td>
<td>Impact on Neighborhood</td>
<td>116</td>
</tr>
<tr>
<td>3804.01</td>
<td>Licensing and Permitting Requirements</td>
<td>117</td>
</tr>
<tr>
<td>3804.02</td>
<td>General Provisions</td>
<td>118</td>
</tr>
<tr>
<td>3804.03</td>
<td>Commercial Cultivation of Marijuana</td>
<td>120</td>
</tr>
<tr>
<td>3804.04</td>
<td>Residential Cultivation of Marijuana</td>
<td>120</td>
</tr>
<tr>
<td>3804.05</td>
<td>Inspections and Compliance</td>
<td>121</td>
</tr>
<tr>
<td>3804.06</td>
<td>Definitions</td>
<td>121</td>
</tr>
<tr>
<td>3805.01</td>
<td>Classification of Communication Towers and Antennas</td>
<td>122</td>
</tr>
<tr>
<td>3805.02</td>
<td>Permit Requirements for Communication Towers and Antennas</td>
<td>123</td>
</tr>
<tr>
<td>3805.03</td>
<td>Dimensional Requirements for Communication Towers</td>
<td>123</td>
</tr>
<tr>
<td>3805.04</td>
<td>Visual and Other Aesthetic Design Standards and Mitigation for Communication Towers and Antennas</td>
<td>124</td>
</tr>
<tr>
<td>3805.05</td>
<td>Signal Interference for Communication Towers</td>
<td>125</td>
</tr>
<tr>
<td>3805.06</td>
<td>Statement of Need for Communication Towers</td>
<td>125</td>
</tr>
<tr>
<td>3805.07</td>
<td>Shared Use for Communication Towers</td>
<td>125</td>
</tr>
<tr>
<td>3805.08</td>
<td>Compliance with Regulations</td>
<td>125</td>
</tr>
<tr>
<td>3805.09</td>
<td>Denial of Communication Tower Development Review Applications</td>
<td>125</td>
</tr>
<tr>
<td>3805.10</td>
<td>Reclamation and Abandonment</td>
<td>125</td>
</tr>
<tr>
<td>3806.01</td>
<td>Time When Allowed</td>
<td>126</td>
</tr>
<tr>
<td>3806.02</td>
<td>Use of Mobile Structure</td>
<td>126</td>
</tr>
<tr>
<td>3806.03</td>
<td>Parking</td>
<td>126</td>
</tr>
<tr>
<td>3807.01</td>
<td>Applicability</td>
<td>126</td>
</tr>
<tr>
<td>3807.02</td>
<td>Temporary Use Permits for Special Events</td>
<td>126</td>
</tr>
<tr>
<td>3807.03</td>
<td>Noise</td>
<td>126</td>
</tr>
<tr>
<td>3807.04</td>
<td>Parking Plan</td>
<td>127</td>
</tr>
<tr>
<td>3807.05</td>
<td>Trash Control and Removal</td>
<td>127</td>
</tr>
<tr>
<td>3807.06</td>
<td>Security</td>
<td>127</td>
</tr>
<tr>
<td>3808.01</td>
<td>Classification of Resorts</td>
<td>127</td>
</tr>
<tr>
<td>3808.02</td>
<td>Required Parking</td>
<td>128</td>
</tr>
<tr>
<td>3808.03</td>
<td>Access to Public Land</td>
<td>128</td>
</tr>
<tr>
<td>3808.04</td>
<td>Cooking and Dining Facilities</td>
<td>128</td>
</tr>
<tr>
<td>3808.05</td>
<td>Limitations on Occupancy</td>
<td>128</td>
</tr>
<tr>
<td>3808.06</td>
<td>Compliance with Building and Fire Codes</td>
<td>128</td>
</tr>
<tr>
<td>3808.07</td>
<td>Compatibility with Adjacent Uses</td>
<td>128</td>
</tr>
</tbody>
</table>
CHAPTER 3: Zoning Regulations

3809: Local Resident Housing ................................................................. 128
3809.01: Purpose and Intent .............................................................. 128
3809.02: Affordable Workforce Housing .................................................. 129
3809.03: Accessory Apartments .............................................................. 132
3809.04: Housing for On-Site Employees .................................................. 136

3810: Home Occupations ................................................................. 139
3810.01: Categories of Home Occupations ................................................. 140
3810.02: Application for Home Occupation Approval .................................. 140
3810.03: Administrative Planning Approval .............................................. 141
3810.04: Conditional Use Permit ............................................................ 141
3810.05: Performance Standards ............................................................ 141
3810.06: Length of Validity/Permit Renewal .............................................. 143
3810.07: Permit Transferability ............................................................... 143
3810.08: Permit Revocation of Home Occupation Permits ......................... 143
3810.09: Appeal procedure for Denial of Permit ....................................... 143

3811: [Reserved] .................................................................................. 143

3812: Mining/Milling ................................................................. 143
3812.01: Nonconforming Mining/Milling Activities (Grandfathered) .............. 143
3812.02: Zoning Designations for Mining Operations .................................. 144
3812.03: Zoning Designations for Milling Operations ................................ 144
3812.04: Applications for Mining/Milling Permits ..................................... 144
3812.05: Prospecting .............................................................................. 146
3812.06: Compliance and Enforcement ..................................................... 146
3812.07: Amendments, Revisions and Conversions .................................. 146
3812.08: Exemptions ............................................................................. 146

3813: Outdoor Display of Artwork .................................................... 147
3813.01: Zoning Districts Permitting Outdoor Display of Artwork ............ 147
3813.02: Conditional Use Permits for Artwork ........................................ 147

3814: Outdoor Display of Merchandise .............................................. 148
3814.01: Zoning Districts Permitting Outdoor Display of Merchandise ........ 148
3814.02: Scope of Display ...................................................................... 148
3814.03: Location of Display ................................................................. 148
3814.04: Method of Display ................................................................... 148
3814.05: Time Limits ............................................................................ 148
3814.06: Zoning Districts Other than Commercial .................................... 148

3815: Storage Regulations ............................................................. 149
3815.01: Definitions ............................................................................. 149
3815.02: Residential Outdoor Storage .................................................... 150
3815.03: Nonresidential Outdoor Storage in Residential Zoning Districts ... 150
3815.04: Commercial, Industrial and Other Non-residential Outdoor Storage in Non-Residential Zoning Districts ........................................... 151
3815.05: Outdoor Storage in the M-1 Zoning District ............................... 151
3815.06: Outdoor Storage for Community Facilities and Institutional Uses in Any Zoning District .......................................................... 152
3815.07: Outdoor Storage of Motor Vehicles .......................................... 152
3815.08: Outdoor Storage of Recreational Vehicles, Boats and Utility Trailers 153

3816: Outdoor Vendors ......................................................................... 154
3816.01: Location of Vendor ................................................................... 154
3816.02: Advertising ............................................................................ 154
3816.03: Parking ................................................................................. 154
3816.04: Design of Structure .................................................................. 154
3816.05: Use of Vehicles ....................................................................... 154
3816.06: Trash Control ....................................................................... 155
3816.07: Temporary Use Permit for Outdoor Vendors ............................... 155

3817: Temporary Real Estate Sales Offices .............................................. 155
3817.01: Time When Allowed ............................................................... 155
CHAPTER 3: Zoning Regulations

3817.02: Use of Mobile Structure ................................................................. 155
3817.03: Parking ......................................................................................... 156
3817.04: Signs .......................................................................................... 156
3817.05: Separation from Construction Area ............................................. 156
3818: Sludge Disposal ............................................................................. 156
  3818.01: Compatibility ............................................................................ 156
  3818.02: Compliance with Regulations ................................................... 156
  3818.03: Size and Distribution of Sites ................................................. 156
  3818.04: Qualifications of Operator ...................................................... 157
  3818.05: Annual Review ....................................................................... 157
3819: Recreational Vehicle Use in RC Zoning Districts ......................... 157
3820: Adult-oriented Businesses ............................................................. 157
  3820.01: Applicability ............................................................................ 157
  3820.02: Applicant Requirements ......................................................... 157
  3820.03: Verification of Applicant Information ...................................... 158
  3820.04: Length of Validity .................................................................. 158
  3820.05: Revocation .............................................................................. 158
  3820.06: Transferability ....................................................................... 158
  3820.07: Zoning Districts where Allowed ............................................. 159
  3820.08: Compatibility with Adjacent Land Uses ................................. 159
  3820.09: Hours of Operation ................................................................ 159
  3820.10: Age Restrictions ................................................................... 159
  3820.11: Establishment Manager ......................................................... 160
  3820.12: Standards of Conduct ............................................................ 160
  3820.13: Right of Entry ....................................................................... 161
  3820.14: Lighting Requirements ........................................................... 161
  3820.15: Required Parking ................................................................. 161
  3820.16: Exemptions ........................................................................... 161

FIGURES

Figure 3-1: Development Constraints-County Concerns and Mitigation Measures
Figure 3-2: Land Use Matrix
Figure 3-3: Land Use by District
Figure 3-4: Services Matrix
Figure 3-5: Development Standards Matrix (Maximum Zoned Density, Height Limits, Site Area, Site Coverage, Open Space Area, Walls/Fences
Figure 3-6: Minimum Setback Requirements
Figure 3-7: Table of Parking Requirements
Figure 3-8: Numbers of Animals Allowed
3000: PURPOSE AND INTENT

Summit County's Zoning Regulations divide the unincorporated area of the County into a series of zoning districts and specify land uses which are permitted, conditional, temporary, accessory or not allowed in each zoning district. Additionally, the regulations include standards for non-conforming lots, uses and structures, and home occupations. They also regulate such items as the location, height, bulk and size of buildings, signs, lot sizes, setbacks, amount of area allowed to be developed, open space, parking and landscaping. The purpose and intent of these regulations is to insure compatibility of land uses, efficient and economical use of land and adequate light and air in development projects. They are also intended to prevent development in areas subject to environmental hazards and encourage development projects that are functional, exhibit good design and aesthetics and protect the County's natural resources and scenic beauty.

3100: APPLICABILITY

Summit County's Zoning Regulations apply to the use of all public and private lands situated within the unincorporated portions of the County. With respect to Federal lands, it is the intent of the County government to regulate the use of Federal lands to the extent allowed by Federal law and to work in cooperation with the Federal agencies administering such lands. With respect to State-owned lands, the Colorado Land Board has agreed to require State land leases to abide by local land use regulations if the State Land Board and local jurisdiction have executed a memorandum of understanding to this effect. The Summit County Board of County Commissioners ("BOCC") adopted Resolution 84-72 establishing a memorandum of understanding with the State Land Board that the State Land Board will abide by local land use regulations in the leasing of State-owned land. In those areas where the County's Zoning Regulations apply, no buildings or structures shall be erected, constructed, used or maintained and no existing building or structure shall be moved, altered, enlarged, reconstructed or used, nor shall any land, building, structure or premises be used for any purpose other than in accordance with these regulations.

3200: REZONING POLICIES

3201: General

3201.01: Purpose and Intent

Summit County has established policies (referred to herein as “Rezoning Policies”) that apply whenever a rezoning amendment (rezoning) is proposed in the unincorporated area of the County. These Rezoning Policies are intended to ensure that land with development constraints is avoided in accordance with the policies contained herein, and that development contemplates and is designed in a manner consistent with the terrain and natural features of the site and is compatible with existing development in the vicinity. The Rezoning Policies are also intended to ensure that:

1. there is adequate infrastructure to accommodate a proposed rezoning amendment;
2. a project site can accommodate the necessary improvements; and,
3. the available infrastructure and services, in combination with the natural features and location of the site, are sufficient to mitigate wildfire, flooding, and geological hazards to the maximum extent feasible.

3201.02: Application of Rezoning Policies

The Rezoning Policies in Section 3202 et seq. shall be applied by the Review Authority to all rezoning applications. Notwithstanding the foregoing, if an applicant is seeking a Planned Unit Development (“PUD”) modification, and the Review Authority finds that 1) the PUD was previously evaluated per the Rezoning Policies, and that there have not been any substantial changes to such policies, and 2) the proposed PUD modification is not changing the intensity of use for a development parcel or the PUD as a whole or changing the development plan of the adopted PUD, then the Rezoning Policies shall not apply, except that the policies identified under Section 3202.05, Wildfire Hazard Areas, shall apply to all rezoning applications unless waived by the Planning Director based on such factors as slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP), or if such application is to rezone a property to the Open Space zone district as described in Section 3301.18.
3202: Specific Rezoning Policies

The following specific policies apply to zoning amendments, subject to the application standard outlined in Section 3201.02.

3202.01: Site Characteristics

In determining appropriate densities for a particular property, the Review Authority will take into account: 1) the property's physical characteristics; 2) the location of the property relative to available infrastructure, including but not limited to roads, water, wastewater and other utility services, police protection and fire protection; 3) the degree and intensity of development in the vicinity; 4) the character of the surrounding neighborhood; and 5) applicable master plan and TDR policies (e.g. preserving backcountry areas, preserving land with development constraints, such as wildfire, flooding, and geological hazards, or protecting water quality). A proposed zoning amendment will ensure that the proposed land uses, density and overall development plan will be consistent with such standards to the satisfaction of the Review Authority.

3202.02: Development Constraints

A. General Provisions:
   1. It is the BOCC's intent to obtain the best possible harmony between the physical characteristics of a site and the type and intensity of development proposed for the site. Accordingly, land having development constraints shall be reasonably avoided, and if development of such land cannot be reasonably avoided, it may be allowed by the County only if the impacts to land with development constraints are justified based on the implementation of a master plan policy, and the impacts to land with development constraints are mitigated to the satisfaction of the BOCC (Potential development constraints are described below).
   2. If it can be demonstrated that areas with development constraints were previously graded and/or disturbed and do not exist in a natural state, then the BOCC may allow disturbance of such areas for development, provided the applicable provisions of this Code are met (e.g. Wetland and Floodplain Regulations) and such impacts are mitigated to the satisfaction of the BOCC. Figure 3-1 contains elaboration on the basis for the County's concerns regarding development constraints.
   3. Notwithstanding the foregoing, isolated areas or pockets of naturally occurring land with development constraints, determined to provide limited functional preservation value, may also be used for development provided the applicable provisions of this Code are met (e.g. Wetland and Floodplain Regulations) and such impacts are mitigated to the satisfaction of the BOCC.

B. Identification of Development Constraints:
   An applicant requesting a zoning amendment that may impact land with development constraints shall provide a surveyed existing conditions plan depicting all of the following constraints, unless the Planning Department waives mapping such environmental constraints:
   1. Slopes of greater than 30 percent (%).
   2. Areas subject to geologic hazards including avalanches, landslides, rock falls, mud flows, unstable slopes or soils, seismic effects, ground subsidence or radioactivity.
   3. Any regulatory floodway or flood fringe area as depicted on the County's Floodplain Overlay District Maps.
   4. Tundra as defined by Chapter 15.
   5. Wetlands as defined by Chapter 15.
   6. Areas where development has the potential to cause a significant adverse impact on wildlife habitat or wildlife species as defined in Section 4204.05.
   7. Areas subject to significant wildfire hazards due to slope, aspect, vegetation, and/or availability of fire protection infrastructure (e.g. access, firefighting water supply).

The applicant shall provide an estimate of acreage contained in each of these areas, considered subject to development constraints and outside of the areas listed above.

C. Treatment of Development Constraints: If avoiding lands with development constraints is not reasonably possible, applicants proposing a zoning amendment that would impact land with development constraints shall provide an analysis of how 1) it is impractical to avoid land with development constraints; and 2) the proposed development plan meets the general provisions contained in Section 3202.02.A. An applicant proposing development on land with development constraints shall
propose mitigation measures to reduce hazards or make development on such lands more compatible with the physical conditions on the property. Figure 3-1 contains a list of potential mitigation measures for the different types of development constraints. This list is not all-inclusive. An applicant may propose other methods of mitigation. Proposed mitigation measures shall be included in the applicant's zoning amendment submittal.

3202.03: Natural Features

To the extent reasonable, the arrangement of land uses shall preserve or complement the natural features of the site, such as but not limited to wetlands, streams, slopes 30% or greater and significant trees.

3202.04: On Site Accommodation of Necessary Requirements

A zoning amendment proposal shall provide for the required parking, landscaping, open space, snow storage, drainage and all other land use requirements as provided for in this Code. Such uses shall not be placed off-site in order to make more land available for development.

3202.05: Wildfire Hazard Areas

In determining appropriate densities and/or uses for a particular property, the Review Authority BOCC shall take into account: 1) the wildfire hazard potential based on such factors as slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP); 2) the potential impact to the public health, safety and welfare; 3) wildfire mitigation measures as required and/or allowed by the County; and 4) the proximity of the proposed development site to existing fire stations and the corresponding response zone and its inclusion in a designated fire protection district. Development projects seeking a rezoning amendment shall ensure that wildfire hazard areas do not pose an undue risk to the public health, safety and welfare. As a part of a rezoning amendment application, the following is required however the County may waive these requirements if deemed unnecessary by the Review Authority:

A. The submittal of a forest management plan, fuels reduction plan, or defensible space plan that includes proposed mitigation for any wildfire hazard area shall be approved reviewed by the Colorado State Forest Service (“CSFS”) as well as the US Forest Service, and local fire protection districts as deemed appropriate pursuant to the Review and Referral process per Section 12000.06 that includes proposed mitigation for any wildfire hazard area unless such a rezoning application involves rezoning a property to the Open Space zone district per Section 3301.18. A forest management plan is typically required for properties of 20 acres or more with significant wildlife values. A fuels reduction plan or defensible space plan is typically required for properties less than 20 acres. When a required Fuels Reduction Plan also meets the requirements of a defensible space plan, only the more comprehensive shall be required. At a minimum, all such plans shall include the following unless deemed unnecessary by the Review Authority:
   1. A purpose statement.
   2. Maps showing property boundaries, existing and proposed roads, existing and proposed building envelopes, defensible space zones, and prescription areas.
   3. An inventory of current fuels. Except when active silviculture activities are a part of a forest management plan, this may be a qualitative statement rather than a quantitative assessment.
   4. The location of subdivision wide shaded fuel or fire breaks.
   5. Identification of overhead power lines and prescriptions for removing hazardous trees in close proximity.
   6. Provision of approved secondary fire apparatus access and emergency water supply (e.g. fire hydrants; cisterns).
   7. Methods and timetables for controlling, changing, or modifying areas on the property. Elements of the plan shall include removal of slash, snags, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.
   8. A plan for maintaining proposed fuel reduction measures.

A. Provisions for multiple points of access.
B. Installation of fire suppression systems.
C. Inclusion in a fire protection district or other arrangements for fire protection as evidenced by a Can
and Will Serve letter or its equivalent from the appropriate to be made with a fire protection district except for rezonings that would not result in an increase in density or intensity or use or to Open Space District as described in Section 3301.18.

C. Other measures as deemed necessary to reduce the wildfire hazard including consideration of the goals and policies set forth in the CWPP.

3300: ESTABLISHMENT OF ZONING DISTRICTS

The zoning districts established by this Code are named and described in Sections 3301 and 3302 below. The zoning districts have been divided into two categories, basic zoning districts and overlay zoning districts, both of which are considered zoning districts for the purposes of this Code. The relationship between the zoning districts established by this Code and zoning districts established under previous enactments of County Zoning Regulations is stated in Section 3305.

3301: Basic Zoning Districts

The descriptions of each of the basic zoning districts below are intended to provide a brief summary of the intent of the district in terms of general characteristics, typical uses permitted and overall densities. These descriptions are provided for illustrative purposes only and do not represent the full range of standards and regulations applicable to each zoning district.

3301.01: A-1 (Agricultural)

It is the intent of the Agricultural Zoning District to preserve agricultural and ranching uses. The uses, densities and standards established for this zoning district are intended to protect existing agricultural character, while providing for low intensity use of natural resources, limited residential and recreational development and other compatible uses. Residential densities are limited to no more than one (1) primary dwelling unit/20 acres, unless greater densities are allowed through a rural land use subdivision (see Section 8420 et seq.). With the exception of approved rural land use subdivisions, each primary dwelling unit shall be located on a separate lot of at least 20 acres.

3301.02: CG (General Commercial)

It is the intent of the General Commercial Zoning District to provide for general retail, service and recreation-oriented commercial business intended to serve the county as a whole. Coordination and clustering of business development in centers is encouraged. Development standards and review criteria are specifically intended to discourage strip development and encourage low-scale, low-impact commercial areas. Large-scale commercial business development is not considered appropriate in the unincorporated areas of Summit County, except in areas contiguous to major ski resorts.

3301.03: CN (Neighborhood Commercial)

It is the intent of the Neighborhood Commercial Zoning District to provide for a limited range of commercial uses needed to meet the shopping needs of residents in the adjacent neighborhoods. Businesses are to be oriented to the neighborhood and compatible with surrounding residential uses.

3301.04: I-1 (Industrial)

It is the intent of the Industrial Zoning District to provide appropriate locations for light industrial uses, which are compatible with existing land uses in the County. Performance standards for industrial uses have been established to eliminate impacts beyond the boundaries of an industrial zoning district. Heavy industrial uses are not considered appropriate in the unincorporated areas of Summit County.

3301.05: M-1 (Mining)

It is the intent of the Mining Zoning District to allow for the extraction and processing of minerals, along with customary accessory uses such as offices, caretaker unit, employee housing, stockpiling of materials, operation and storage of equipment. Residential uses shall solely be an accessory use to active
mining/milling operations. It is also the intent of the M-1 Zoning District to allow conditional uses where those uses meet the criteria listed in Section 12300 et seq.

3301.06: MHP (Manufactured Home Park)

It is the intent of the Manufactured Home Park Zoning District to allow for developments where spaces are either sold or rented for the placement of manufactured homes in a park-like setting, where these homes are used as seasonal or permanent residences.

3301.07: NR-2 (Natural Resources)

It is the intent of the Natural Resources Zoning District to regulate Federal and State lands to the extent allowed by Federal and State law; to prevent unzoned land from coming under County jurisdiction as the result of conveyance from Federal or State ownership; and to allow for the continuing use of NR-2 lands for public outdoor recreation and the appropriate use of natural resources including minerals, water, wildlife, vegetation and open space in an environmentally sound manner. The provisions of this zoning district are applied to Federal and State land to the extent allowed by State and Federal law. This zoning district is applied to public lands owned by the State of Colorado and the Federal Government. When such public lands are exchanged, sold or transferred from state or Federal ownership, the NR-2 zoning designation shall remain on the property unless and until a rezoning is approved by the County.

For those Federal or State lands within this zoning district, any uses permitted or otherwise approved by the State of Colorado or the Federal Government are allowed in this zoning district. It is anticipated that some lands within this zoning district may be traded, sold or otherwise conveyed in accordance with Federal or State law to become privately owned or owned by agencies other than the State of Colorado or the Federal Government. The legal uses in existence on such lands at the time of transfer from the State of Colorado or Federal Government ownership may continue subject to the conditions in existence prior to transfer and the provisions of Section 14100 et seq. regarding nonconforming parcels, uses and structures and other applicable requirements of this Code.

Nothing in this section shall guarantee or require that a zoning amendment to any specific zoning classification will be approved. A zoning amendment will be considered and evaluated based on the provisions and criteria for a zoning amendment contained in Chapter 12 of this Code.

3301.08: PUD (Planned Unit Development)

It is the intent of the PUD Zoning District to encourage innovation and flexibility in planning the development of land so that development is compatible with the site's physical and environmental characteristics and makes more beneficial use of open space and the site's natural assets. The PUD Zoning District provides an opportunity for the development of a mixture of uses and housing types in a coordinated manner. New residential zoning at any density exceeding six (6) dwelling units/acre shall necessitate approval of a PUD Zoning District.

3301.09: RU (Rural Residential)

It is the intent of the Rural Residential Zoning District to maintain the rural character of outlying areas while providing the opportunity for low-density residential development. Permitted residential densities range from one (1) primary dwelling unit/five (5) acres to one (1) primary dwelling unit/less than 20 acres. Each primary dwelling unit shall be located on a separate lot of at least five (5) acres.

3301.10: RE (Rural Estate)

It is the intent of the Rural Estate Zoning District to provide for low-density residential areas as a transition between established urban growth centers and the rural areas of the County. Permitted residential densities range from one (1) primary dwelling unit/two (2) acres to one (1) primary dwelling unit/less than five (5) acres. Each primary dwelling unit shall be located on a separate lot of at least two (2) acres.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

3301.11: R-1 (Single-family Residential)

It is the intent of the R-1 Zoning District to provide for single-family residential neighborhoods at a density of no more than one (1) primary dwelling unit/acre, with no more than one (1) primary dwelling unit per lot. Land in this zoning district is usually located adjacent to established urban growth centers. One (1) acre lots are the minimum size on which onsite wastewater treatment is allowed.

3301.12: R-2 (Single-family Residential)

It is the intent of the R-2 Zoning District to provide for single-family residential neighborhoods at a density of no more than two (2) dwelling units/acre, with no more than one (1) dwelling unit per lot. Land in this zoning district is usually located adjacent to established urban growth centers and shall have access to central wastewater treatment systems.

3301.13: R-3 (Single-family Residential)

It is the intent of the R-3 Zoning District to provide for single-family residential neighborhoods at a density of no more than three (3) dwelling units/acre with no more than one (1) dwelling unit per lot. Land in this district shall be located within or adjacent to established urban growth centers where utilities, central water and wastewater treatment services and other necessary services are readily available.

3301.14: R-4 (Single-family Residential)

It is the intent of the R-4 Zoning District to provide for single-family residential neighborhoods at a density of no more than four (4) dwelling units/acre, with no more than one (1) dwelling unit per lot. Land in this zoning district shall be located within or adjacent to established urban growth centers where utilities, central water and wastewater treatment services and other necessary services are readily available.

3301.15: R-6 (Single-family/Duplex Residential)

It is the intent of the R-6 Zoning District to provide for residential neighborhoods having a mixture of both single-family and duplex dwelling units at a density of no more than six (6) units/acre, with no more than two (2) dwelling units per lot. Land in this zoning district shall be located within or adjacent to established urban growth centers where utilities, central water and wastewater treatment services and other necessary services are readily available.

3301.16: RC-40000 (Rural Community)

It is the intent of the RC-40000 Zoning District to provide for single-family residential neighborhoods at a density of one (1) unit per acre, with no more than one (1) dwelling unit per lot. Recreational vehicles may be placed on the lots and used as seasonal residences under certain conditions in accordance with the provisions set forth in Section 3819 and if approved under a Class 2 Conditional Use Permit in accordance with the provisions set forth in Section 12300. This zoning district shall only be used for residential neighborhoods in rural unincorporated communities that have a recreational orientation.

3301.17: BC (Backcountry)

The purpose and intent of the BC Zoning District is to retain the relatively undeveloped character of backcountry areas in the County while allowing for very low-impact development, consistent with the type of development that historically occurred in the area. Backcountry areas can loosely be defined as more remote areas typified by lack of maintained and improved roads, little or no utilities or infrastructure and very limited or sparse development. Characteristics that may be present include sensitive environmental areas (i.e. wetlands, steep slopes, sub-alpine forest or tundra), historic mining remnants, high ridges and alpine peaks and areas that provide scenic views. Development in many of these areas can be difficult due to limited access, steep terrain and other site constraints. The BC Zoning District is intended to provide for development patterns, intensity, scale and impact that are harmonious with the characteristics and constraints in backcountry areas. Specific standards for uses in the BC Zoning District are listed in Section 3514 et seq.
3301.18: OS (Open Space)

The intent of the Open Space Zoning District is to protect and preserve lands in a predominantly undeveloped state while providing one (1) or more of the following community benefits: extensions to existing undeveloped open space lands; buffers to developed areas; view corridors; access to trails, trailheads, water bodies or National Forest areas; passive recreation uses including trails; unique ecological habitats and historic sites.

3302: Overlay Zoning Districts

Overlay zoning districts are zoning districts that are superimposed over the basic zoning districts described above. The County has established overlay zoning districts to address development constraints which require special attention and treatment regardless of the underlying land use allowed by the County's Zoning Regulations. Overlay zoning districts are intended to alert developers to issues they need to address in preparing an application for development. Regulations have been established for each overlay zoning district that specify what additional information is needed at the time of submittal and what special development standards must be met by development within the overlay zoning district. The regulations for overlay zoning districts shall be regarded as supplementary to the regulations of any underlying basic zoning district. When the regulations of the overlay zoning district and the basic zoning district conflict, the more restrictive provision shall apply. Regulations for the overlay zoning districts are found in Chapter 4. Zoning districts which have been established include the floodplain overlay district and the wildlife habitat overlay district.

3302.01: Floodplain Overlay District

The Floodplain Overlay Zoning District includes lands subject to inundation as a result of a 100-year flood, i.e. a flood having a one percent (1%) chance of being equaled or exceeded in any given year. Regulations which apply to the Floodplain Overlay Zoning District are stated in Section 4100 et seq.

3302.02: Wildlife Habitat Overlay District

The Wildlife Habitat Overlay Zoning District includes all wildlife habitats within the county as defined on the Official Wildlife Overlay Zoning District Map adopted pursuant to Section 4203.01, and establishes a review procedure to identify impacts and to encourage mitigation of impacts. Regulations which apply to the Wildlife Habitat Overlay Zoning District are stated in Section 4200 et seq.

3303: Zoning District Maps

A. The boundaries of the basic zoning districts and overlay zoning districts are depicted on maps marked as Official Zoning Maps of Summit County and are included as part of this Code by this reference. Such maps shall carry the signature of the Chairman of the BOCC in office at the time of adoption.

B. No change shall be made in the Official Zoning Maps without adoption of a resolution by the BOCC authorizing the change. The resolution shall be accompanied by a map illustrating how any Official Zoning Map is to be changed, and this map shall be signed by the Chairman of the BOCC if the change is approved. Changes to the Official Zoning Maps shall be made promptly after the date of approval by the BOCC. The date of revision, the nature of the change and the BOCC resolution number approving the change shall be noted on the map. Copies of the official zoning maps shall be filed in the Office of the Clerk and Recorder, the Planning Department and such other places as designated by the BOCC.

C. The zoning map is intended to illustrate the effective zoning designation upon all properties in unincorporated Summit County, based upon all information available to the Planning Department at the time of adoption of such map. Unless otherwise stated in the BOCC resolution approving the zoning map change, changes to the map do not constitute a rezoning of any specific property.

D. In the event of a mapping error occurring in an adopted zoning map, such errors to the zoning district maps may be corrected by means of a zoning map amendment, as set forth in Chapter 12 of this Code, and such errors shall have no bearing on the proper zoning designation for any affected property.

3304: Interpretation of District Boundaries
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

Unless otherwise defined on the Official Zoning Maps, district lines are property lines; the center lines of roads, streets, alleys or such lines extended; section lines; city limit lines; center lines of streambeds, ridge lines or other natural topographic features; or other lines drawn to scale on the Official Zoning Maps. In situations where a zoning district boundary is in dispute, the Board of Adjustment (“BOA”) is authorized by State statute to interpret the boundary location from the Official Zoning Maps.

3305: Zoning Districts Established Under Prior Code Enactments

Certain zoning districts that were established by County zoning regulations in effect prior to the 1988 reenactment of this Code have been retained in subsequent versions of this Code under various limitations as established in this Section. Such preexisting zoning districts have been retained as either Antiquated Zoning Districts or Modified Zoning Districts, as provided below.

3305.01: Antiquated Zoning Districts Remaining in Effect

The regulations for zoning districts listed in this section shall remain in effect as stated in Section 3500 of this Code. Any property contained within an Antiquated Zoning District shall be governed by such regulations, subject to the provisions of Section 3305.03, unless such zoning designation is later repealed or amended by the BOCC. Property in the County cannot be rezoned by a zoning amendment to an Antiquated Zoning District, but must instead be rezoned to one of the zoning districts listed in Section 3301. Antiquated Zoning Districts include: 1) RME (Residential Mountain Estates); 2) R-2, R-4 and R-6 with plans [Where an R-2, R-4, or R-6 Zoning District has been adopted with a plan for the distribution of densities, or for modifications to minimum lot sizes, lot widths or setbacks, the adopted plan shall remain in effect.]; 3) SU-1 (Special Use); 4) R-P (Residential with Plan); 5) B-1 (Highway Business); 6) B-3 (Business); 7) R-25 (High Density); and 8) RC-5000.

3305.02: Modified Zoning Districts

The regulations for the zoning districts listed in this section have been modified by the 1988 and subsequent reenactments of this Code and shall remain in effect as modified (“Modified Zoning Districts”). Property in the County may be rezoned by a zoning amendment to a Modified Zoning District. Modified Zoning Districts include but are not limited to: 1) A-1 (Agricultural); 2) I-1 (Industrial); 3) M-1; (Mining); 4) R-M [Land zoned R-M shall comply with the same Zoning Regulations as land zoned MHP (Manufactured Housing Park)]; 5) R-1 (Residential); 6) R-2 (Residential); 7) R-4 (Residential); 8) R-6 (Residential); and, 9) PUD (Planned Unit Development). Land included in a Modified Zoning District shall be governed by the regulations for such zoning district as set forth in this Code. Where a PUD zoning district was approved prior to the 1988 reenactment of this Code, the PUD approval or designation in effect as of such date shall remain in effect unless amended, provided, however, such PUD shall be subject to the provisions of this Code as provided in Sections 3505.01 and 12200.02.C.

3305.03: Relationship of Regulations for Antiquated Zoning Districts Remaining in Effect and Modified Zoning Districts to the Regulations of this Code

Where the regulations for an Antiquated Zoning District or Modified Zoning District do not address a provision listed in this Code, the provisions contained within this Code shall be applied as determined by the applicable Review Authority acting on the development application. In applying this Code’s standards, the Review Authority shall consider the type of use, intensity of use, the type of structure and other characteristics of the proposed development to identify the standards covered by this Code that are closest in comparison to the situation, and shall use such regulations that apply to that situation.

3400: LAND USE REGULATIONS

3401: General

This section regulates the establishment of land uses in each of the basic zoning districts and overlay zoning districts. Uses have been divided into seven (7) types, which are listed below and described in Section 3402:
A. Accessory
B. Conditional
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

C. Permitted
D. Temporary
E. Not Allowed
F. Non-conforming
G. Home Occupations

3402: Types of Uses

Figure 3-2 lists the types of land uses allowed in certain zoning districts in Summit County as provided for in this section. When there is a conflict between Figure 3-2 and the text of this Code, the more restrictive provision, as determined by the Planning Director, shall apply.

3402.01: Accessory Uses

Accessory uses are land uses, which are clearly incidental and subordinate to the primary use of a property, and cannot be established unless the primary use is also established. Accessory uses may be contained in the same structure as the primary use or in a separate structure, unless otherwise prohibited by this code. Accessory uses must be located on the same lot or on a common lot serving the primary use. Buildings and structures that contain such uses must meet the development regulations and plan review requirements established in this Code. Accessory uses are indicated in the land use matrix in Figure 3-2 by the letter "A".

3402.02: Conditional Uses

Conditional uses are land uses, which have the potential to cause adverse impacts on other uses because of such factors as location, method of operation, scale or intensity of activity or traffic generated. As a consequence, they require special review in which conditions may be imposed to insure compatibility and a conditional use permit must be obtained before a conditional use is established (see Section 12300 et seq.). Conditional uses may also be denied if it is not possible to mitigate adverse impacts. Conditional uses are indicated in the land use matrix in Figure 3-2 by the letter "C".

3402.03: Permitted Uses

Permitted uses are land uses allowed in a given zoning district without special review because they are considered to be compatible with the intent of the zoning district. However, the buildings or structures that contain such uses and the site development necessary for their establishment must meet the development regulations and plan review requirements established in this Code. Permitted uses are indicated in the land use matrix in Figure 3-2 by the letter "P".

3402.04: Temporary Uses

Temporary uses are land uses which do not require any new permanent structures or improvements for their operation, may use existing buildings or improvements, are active only on a seasonal or short term basis and do not result in any long term impact on surrounding properties. Examples include summer stables or a Nordic ski center. Temporary uses require special review in which conditions may be imposed to ensure limited tenure and compatibility and a temporary use permit must be obtained before a temporary use is established (see Section 12400 et seq.). Temporary uses may also be denied if it is not possible to mitigate adverse impacts. Temporary uses are indicated in the land use matrix in Figure 3-2 by the letter "T".

3402.05: Uses Not Allowed; Uses Not Listed

A. Uses Not Allowed: The land use matrix in Figure 3-2 indicates those uses not allowed in specific zoning districts by means of designation with the letters "NA". Those uses so designated as not allowed are land uses that, in consideration of the essential function and invariable impacts associated with said use, are deemed to be fundamentally incompatible with the intent of the zoning district.

B. Uses Not Listed: Uses that are not listed in the land use matrix are not allowed in a given zoning district unless indicated otherwise using the procedure for making use determinations (see Section 3403).
3402.06: Non-conforming Lots, Uses and Structures

Non-conforming parcels, uses and structures shall comply with the applicable requirements of this Code, as set forth in Chapter 14 and elsewhere.

3402.07: Home Occupations

Home occupation uses are allowed as an accessory use in any residential zoning district, including PUDs, only if established in accordance with the standards set forth in Section 3810, or as expressly approved and provided for in a PUD Designation.

3403: Use Determinations

The purpose of a use determination is to verify if a proposed use, which is not listed in the land use matrix for a given zoning district, may be established in that zoning district. The use determination procedure shall not be used as a substitute for a zoning amendment or code amendment. Uses not listed may be allowed as follows:

3403.01: Criteria for Use Determinations

A. **Permitted or Conditional:** The Planning Director shall, upon written request, determine whether a use not listed in the land use matrix is to be considered a permitted or conditional use in a particular zoning district based on its similarity to the uses listed.

B. **Temporary:** Uses not listed for a given zoning district may be established as temporary uses if they meet the criteria stated and obtain a permit as provided in Section 12400 et seq.

C. **Accessory:** Uses not listed for a given zoning district may be established as accessory uses whenever the Planning Director determines that they are clearly incidental and subordinate to a primary use allowed in that zoning district, are associated with its operation and will not have an adverse impact on adjacent properties. In PUDs, uses that are not listed in the PUD designation may be permitted if determined by the Planning Director to be accessory to and compatible with allowed uses.

3403.02: Review of Use Determinations

A request for a use determination shall be accompanied by the following information:

A. **Written Material:**
   1. Detailed description of the proposed use.
   2. Proposed location.
   3. Current zoning district at this location.

B. **Other information deemed necessary by the Planning Director (see Section 12003).**

A use determination shall be made by the Planning Director, except that the Planning Director may request that the BOA make the use determination. Promptly following the decision, notice of the Planning Director’s decision shall be: 1) published at least once in a newspaper of general circulation; and 2) sent to the BOCC via written correspondence. The decision of the Planning Director may be appealed to the BOA within seven (7) calendar days after the decision is published in the newspaper as required above. The appeal shall be filed at the Planning Department, and be heard by the BOA using the procedures stated in Section 13200 et seq. The Planning Department may post notice of its decision on properties affected by the use determination.

3404: Land Use Matrix

Figure 3-2 is hereby designated as the County land use matrix. The land use matrix contains a list of land uses and indicates if a given land use is allowed as a permitted, conditional, accessory or temporary use or is not allowed in most County zoning districts. However, there are specific land use allowances for antiquated zoning districts remaining in effect; as such zoning districts are provided for in Section 3305.01, and Sections 3515-3520. Figure 3-3 lists land uses allowed by zoning district and is included for information purposes only. It is the intent of this Code that Figures 3-2 and 3-3 are consistent. Where an inconsistency
occurs, Figure 3-2 shall govern. It is also intended that Figures 3-2 and 3-3 be consistent with the text of this Code. Where an inconsistency occurs, the text of the regulations shall govern. Where regulations and standards for specific land uses have been established, the regulations and standards appear in Section 3800 et seq. Special restrictions on land uses in overlay zoning districts are stated in Chapter 4. If a land use is not listed in the matrix, Section 3403 establishes a procedure for determining whether a use is allowed as permitted, conditional, temporary or accessory in a given zoning district.

3500: BASIC DEVELOPMENT REGULATIONS AND STANDARDS

3501: General

This section includes regulations and standards for development in all zoning districts, except as otherwise provided. Regulations in this section address the following items:

A. Availability of access and services: Section 3504.
B. Building and site design standards: Section 3505.
C. Maintenance of common areas: Section 3508.
D. Environmental impact: Section 3510.
E. Industrial/commercial performance standards: Section 3512.
F. Manufactured home park development standards: Section 3513.

3502: Purpose and Intent

The purpose of this section is to establish requirements that developers must meet to insure, as development occurs:

A. Impacts on services and infrastructure are mitigated.
B. Development is at an appropriate scale for the project site and its surroundings.
C. Adjacent land uses are compatible with each other.
D. Summit County’s natural beauty is protected and enhanced.
E. Development is attractive and in keeping with Summit County’s mountain character.
F. Hazard areas are avoided.
G. Public health, safety and welfare is protected.

3503: Additional Development Regulations and Standards

The County has adopted additional development standards and regulations as part of its Zoning Regulations that are not part of this section. These include:

A. Landscaping Requirements: Section 3600.
B. Parking Requirements: Section 3700.
C. Regulations and standards for Specific Land Uses: Section 3800.
D. Regulations and standards for Overlay Zoning Districts: Chapter 4.
E. Road & Bridge Standards: Chapter 5.
F. Grading and Excavation Regulations: Chapter 6.
G. Water Quality Control Regulations: Chapter 7.
H. Subdivision Regulations: Chapter 8.
I. Sign Regulations: Chapter 9.
J. Areas and Activities of State Interest: Chapter 10.
K. Community Appearance, Maintenance and Safety: Chapter 11.
M. Public Hearings, Appeals, Takings/Vested Rights and Administrative Relief: Chapter 13.
N. Administration; Nonconforming Parcels, Uses and Structures; Illegal Parcels, Uses and Structures and General Provisions: Chapter 14.

These regulations and standards apply to all zoning districts in the County unless noted otherwise in the specific provisions of a section or chapter.

3504: Availability of Access and Services
3504.01: Services Matrix

The services matrix in Figure 3-4 lists the types of information required at each stage in the development process on availability of access, fire protection and emergency medical services, the need for public use areas and availability of water, wastewater treatment and utilities. The sections that follow provide further explanation of these requirements. It is important to note that the information in the matrix is not all-inclusive. It must be used in conjunction with the text in this section to identify the requirements applicable to a development.

3504.02: Major Development Projects

A. Purpose and Intent: The introduction of urban intensities in undeveloped, outlying areas or a significant increase in density in areas already developed at urban intensities often causes a demand for the extension or expansion of services at a much higher cost to taxpayers. The BOCC is concerned with such development projects. It is the intent of the BOCC to consider development projects to be major developments when, by virtue of their location, intensity, scope or scale, they are considered to have major impact and/or demand on such services and facilities.

B. It is a requirement of this Code that a developer proposing a major development project provide for:
   1. Improvements to roads and other transportation facilities;
   2. Additional fire, police and emergency medical services and facilities;
   3. Water and wastewater treatment capacity needed by the development project; and
   4. Other infrastructure and maintenance such that, in light of the anticipated demand upon such infrastructure and maintenance generated by the development, it will not overload existing services and facilities in the county; and,
   5. Such that the cost of extending or providing services is proportionately addressed by the developer, including ongoing costs (i.e., operating, maintenance, etc.).

b. Definition of Major Development Project: A development project is classified as major if it has a combination of characteristics which would result in either introducing higher-intensity or larger scale uses in areas where the current land use pattern is rural in character and where urban services are lacking or causing a significant increase in density or larger scale uses in existing developed areas. The Planning Director shall make the determination if a proposed development project is major using the criteria stated in this section. An applicant may appeal this determination to the BOCC. The final decision as to whether or not a proposed development project is major shall be made by the BOCC during a work session. In determining whether or not a development project is to be considered major, the following indicia criteria are to be considered:
   1. Would cause urbanization of an otherwise rural area.
   2. Could have an urbanizing impact upon surrounding properties such as an increase in traffic, noise, or lighting.
   3. Would add at least 100 new dwelling units or lodging rooms.
   4. Would add at least 25,000 square feet of new commercial space.
   5. Would result in commercial uses in an otherwise rural area.
   6. Would require the formation of a special district.
   7. Would require the extension of water or wastewater treatment systems outside existing service area boundaries or require a significant expansion of existing water and wastewater treatment services or create significant increase in demand for other public infrastructure or services.
   8. Any other development proposal having a similar level of significant impact in terms of intensity or scope of use proposed, demand on infrastructure, or other comparable major development characteristics.

C. Preparation of Study: An impact study ("Study") shall be prepared for major development projects as part of either: 1) the preliminary review of a zoning amendment (preliminary zoning); or 2) a major PUD modification. The Study shall analyze the cumulative and proportional demand for services and facilities that would result from the development project and estimate any initial and ongoing cost of providing the services and facilities. The Study shall take into account existing infrastructure and how such may provide services and facilities for the proposed major development project. The Study shall also estimate the proportional cost of such facilities and services that are the responsibility of the applicant to provide that are proportional to and designed to offset the impacts of the zoning amendment. The Study shall also provide an estimated and rational timeline for providing any needed services and/or facilities. The Study may also provide a mechanism for payment of “in lieu” fees for
services and/or facilities. The Study shall be prepared by a consultant or other qualified person selected by mutual agreement of the County and the developer. The cost of the Study shall be paid by the developer prior to the first public hearing on an application or such other mutually agreeable time that occurs prior to final action on a development review application by the BOCC. The Study shall include, but not be limited to the following elements, unless the Planning Department or the BOCC waives such items as unnecessary:

1. **Emergency Communications:**
   a. Estimate of number of emergency calls which would be received by the Emergency Communications Center.
   b. Analysis of need for communications equipment needed to handle increased volume of calls and to maintain existing level of service.
   c. Estimate of cost for additional communications equipment.

2. **Emergency Services:**
   a. Estimate of number of emergency calls expected from the development.
   b. Analysis of need for emergency equipment and services that would result from increased volume of calls.
   c. Analysis of development's location on the logistics of maintaining existing response times for the Summit County Ambulance Service or its successor.
   d. Estimate of cost for additional emergency equipment and services and for facilities needed to maintain existing response times.

3. **Fire Protection:**
   a. Estimate of number of calls for fire protection expected from the development.
   b. Analysis of need for additional firefighting equipment and facilities that would result from increased volume of calls.
   c. Analysis of development's location on the logistics of maintaining existing response times for the fire district that would provide service to the development.
   d. Estimate of cost for additional firefighting equipment and facilities needed to provide protection to the development and to maintain existing response times.

4. **Police Protection:**
   a. Estimate of number of calls for police protection expected from the development.
   b. Analysis of need for additional equipment and facilities that would result from increased volume of calls.
   c. Analysis of development's location on the logistics of maintaining existing response times for the Summit County Sheriff's Department.
   d. Estimate of cost for additional equipment and facilities needed to provide protection to the development and to maintain existing response times.

5. **Roads:**
   a. Estimate of traffic volumes expected from the development.
   b. Analysis of need for additional road capacity, upgrading the condition or design of existing roads, traffic signals and signs, striping, guard rails and other road improvements which would result from increased traffic in accordance with standards established in the County Road Standards (see Chapter).
   c. Estimate of cost of road improvements.
   d. Estimated cost of operation and maintenance of existing and proposed roads, and road facilities such as traffic control devices, including an analysis on the proposed assumption or distribution of said costs.

6. **Transportation and Transit:**
   a. Estimate of traffic impacts/transit needs expected from the proposal.
   b. Estimate of cost of associated infrastructure improvements.
   c. Estimated cost of operating and maintenance existing and proposed transit facilities, infrastructure, and services, including an analysis on the proposed assumption or distribution of said costs.

7. **Water and Wastewater Treatment Service:**
   a. Estimate of need for additional water or wastewater treatment capacity, upgrading the condition or design of existing water or wastewater lines or associated systems or treatment plans or other system improvements which would result from the increased water or wastewater treatment capacity.
   b. Estimate of cost of water or wastewater treatment system improvements.
c. Estimated cost of maintenance.

8. Other Infrastructure:
   a. Estimate of the need for any other additional infrastructure and upgrading the condition or
   design of affected infrastructure. Other infrastructure includes, but is not limited to, electric
   lines or electric distribution systems and telecommunication lines or telecommunication
   systems.
   b. Estimate of cost of other infrastructure improvements.
   c. Estimated cost of maintenance.

9. Schools and Child Care:
   a. Estimate of number of school age children expected from the development.
   b. Analysis of need for additional school and child care facilities which would result from
   increased school attendance.
   c. Estimate of cost for additional school and child care facilities.

10. Affordable Workforce Housing:
    a. Estimate of the number of employees and residents generated by the new proposed
    development.
    b. Analysis of the need for affordable workforce housing generated by the new proposed
    development.
    c. Analysis of the affordable workforce housing component, if any, proffered in conjunction with
    the new proposed development.

11. Fiscal Impact Analysis: The Study shall also include an analysis of the positive and negative
    fiscal impacts to the County and any special districts associated with the major development
    project.

12. Proposed Schedule: The Study shall include a schedule, acceptable to the BOCC, for the
    construction of improvements or facilities, the provision of services, the payment of in lieu fees, or
    a combination thereof, such that the impacts of a major development would be accommodated
    without a disproportionate burden on existing improvements, facilities or services.

13. Analysis of Past Improvements: The Study may address the provisions of past services or
    facilities provided by a developer and the developer may be given credit for such improvements, to
    the extent that such improvements or facilities offset the impact and/or demand being generated by
    the new zoning amendment. It is acknowledged that the existing status and sufficiency of current
    facilities and services already needs to be addressed as specified in this section and that it is not
    necessary to have a separate section addressing past improvements if already addressed in each
    section of the Study.

14. Additional Considerations: The Planning Director may, in the reasonable exercise of his
    discretion, request any additional information or factors be considered and analyzed in the study if
    deemed relevant to the nature and impacts of the development proposed.

D. Revisions to Study: If substantive changes are made to a major development project during the review
    of the project, the Study shall be revised to take into account changes in the project such that an accurate
    Study is available prior to final action on the zone change for the development project. The revisions
    shall be prepared by a consultant or other qualified person selected by mutual agreement of the County
    and the developer. The cost of revisions shall be paid by the developer prior to the final public hearing
    on the zoning amendment application.

E. Review and Acceptance of Study: Results of the study and proposed requirements for the
    construction of improvements or facilities, the provision of services or the payment of in lieu fees based
    on the study shall be reviewed by the Planning Commission and the BOCC with the developer as part of
    the zoning amendment process for a major development project. The developer shall have an
    opportunity to propose changes in the Study’s suggested requirements and alternative methods of
    addressing any impacts. The BOCC shall act to accept the Study prior to taking final action on a zoning
    amendment application for a major development project. The BOCC may request revisions to the Study
    prior to finding it acceptable. The applicant shall pay the cost for any Study revisions prior to the final
    public hearing on a zoning amendment application.

F. Conditions of Approval: Approval of a zoning amendment for a major development project shall
    include 1) requirements determined by the BOCC for the construction of improvements or facilities, the
    provision of services or the payment of in lieu fees identified as needed in the Study accepted by the
    BOCC, and 2) a proposed schedule for implementing the requirements. The allowance for payment of
    fees in lieu of construction of improvements or facilities or in lieu of the provision of services shall be at
    the discretion of the BOCC. The conditions of approval may include provision for a payback agreement
where future developments become beneficiaries of the improvements or facilities provided by the developer. The purpose of such conditions shall be to allow the BOCC to require an applicant to provide facilities, services or fees that are designed to offset the impacts of the zoning amendment.

3504.03: Access

Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all traffic needing or desiring access to the property and its intended use. Unless otherwise provided for in a PUD, such access shall be provided either by a public or private street meeting the requirements of the County Road Standards (see Chapter 5) and as follows:

A. Residential Uses: Access for up to four (4) single-family detached dwelling units or two (2) duplexes may be provided by a common driveway that then connects to either a public or private street. Easements for proposed common driveways shall be either platted or provided by another legal mechanism of record approved by the County. Access for multi-family developments shall be provided by individual driveways that provide access to common parking areas, which then connect to either a public or private street. If the units in a multi-family development are offered for individual sale (i.e. condominiums or townhouses), any common parking areas and driveways shall be owned and maintained by an owners association or by a special or metropolitan district. Provisions for maintenance shall be stated in covenants on the property or by an alternative method accepted by the County Attorney as providing sufficient enforceability. Driveways and parking areas shall meet the requirements of the County Road Standards (see Chapter 5) and the Parking Regulations contained in Section 3700 et seq.

B. Nonresidential Uses: Access to lots zoned or developed for commercial, industrial, community or institutional uses shall be provided either by driveways or by parking areas which then connect by driveways to either a public or private street. Driveways and parking areas shall meet the requirements of the County's Road Standards (see Chapter 5). Where these uses are located in a commercial center or a business or industrial park, access may be provided by common parking areas and driveways that may also be shared by more than one development project, subject to approval by the Planning Commission. Easements for common parking areas and driveways shall be platted or provided by another legal mechanism of record approved by the County.

C. Emergency Access:
1. Definition: Emergency access is provided if at least two (2) different routes for emergency vehicles are available from the County highway system to a specific structure. For the purposes of this section, the County highway system consists of the arterial and collector street system.
2. Provision for Emergency Access: Emergency access may be required by the Review Authority based on the nature and scope of a proposed development and feasibility. The requirement for emergency access shall not apply to subdivisions in the A-1 and BC Zoning Districts consisting of lots of 20 or more acres in size unless necessary to reduce the wildfire hazard due to the property’s slope, aspect, vegetation, availability of firefighting infrastructure or other relevant factors as identified in the CWPP. In assessing feasibility, consideration shall be given to the cost of road construction, ability to obtain easements from adjacent property owners and the amount of environmental damage that would occur. In order for a road to qualify as providing emergency access, the County must receive an adequate guarantee that the road will be maintained on a year round basis.
3. Design Considerations: The County Road Standards limit the length of cul-de-sacs (see Chapter 5). A variance from County Road Standards must be obtained to use cul-de-sacs in excess of these standards.
4. Alternatives: Where provision of emergency access is not required by the Review Authority, the County may require other mitigation measures to ensure public health and safety.

D. Requirements for Zoning Amendment Approval:
1. Preliminary Review: Prior to preliminary approval of a zoning amendment, the applicant shall identify the intended means of providing access from the existing County road system to the proposed development. If the means of access involves the acquisition of easements or rights-of-way across intervening property and the Planning Department anticipates problems with such acquisition, the applicant shall provide evidence acceptable to the County that such easements or rights of way have been acquired or an option agreement for their acquisition has been executed. If a development project is determined to be a major development project in accordance with Section
3504.02.B, an analysis of the impact of the development on roads shall be prepared in accordance with Section 3504.02 as part of the preliminary zoning request for the development.

2. Final Review: Prior to final approval of a zoning amendment, the applicant shall have established a means of access from the existing County road system to the development. The extent of the easements or rights-of-way acquired shall be sufficient to construct an access road meeting the requirements of the County’s Road Standards for the type of development proposed (see Chapter 5). If a development project is determined to be major, final approval of a zoning amendment may include requirements for the construction of road improvements identified as needed in the impact study accepted by the BOCC or payment of in lieu fees and a schedule therefore as provided in Section 3504.02.

E. Requirements for Subdivision Approval: Requirements for access shall be as stated in the County Subdivision Regulations (see Chapter 8). These requirements are summarized in Figure 3-4. Where a conflict exists between the County Subdivision Regulations and Figure 3-4, the Subdivision Regulations shall govern.

F. Requirements for Site Plan, Conditional Use Permit and Temporary Use Permit and Other Development Review Approvals Requiring Access: Requirements for access shall be as stated in applicable regulations contained in this Code.

3504.04: Fire Protection and Emergency Services

A. Requirements for Zoning Amendment Approval:
   1. Preliminary Review: Each request for preliminary approval of a zoning amendment change shall be referred to the fire district, which would provide service to the development. The fire district may make recommendations regarding emergency access and mitigation measures for potential fire hazards as part of its review. The Planning Commission Review Authority may impose conditions based on such factors as slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP). If a development project is determined to be major, an analysis of the impact of the development on the need for fire protection and emergency medical equipment and facilities, and on maintaining existing response times shall be prepared in accordance with Section 3504.02 as part of the preliminary review of the zone change for the development.
   2. Final Review: Each request for final approval of a zoning amendment shall be referred to the fire district, which would provide service to the development. The fire district may make recommendations regarding emergency access and mitigation measures for potential fire hazards as part of its review. The BOCC may include requirements regarding emergency access and mitigation of potential fire hazards deemed reasonable by the BOCC as part of its approval of a PUD designation. If a development project is determined to be a major development project in accordance with Section 3504.02.B, approval of a final zoning amendment change may include requirements for the provision of fire protection and emergency medical equipment and facilities identified as needed in the impact study accepted by the BOCC, or payment of in lieu fees, and a schedule therefore as provided in Section 3504.02.

B. Requirements for Subdivision Approval: Prior to approval of any final plat map, the applicant shall be required to provide sign-offs from the agencies responsible for providing fire protection and emergency services for the proposed subdivision if so required by the Review Authority.

C. Requirements for Site Plan and Other Development Reviews Approvals Necessitating Fire Protection or Emergency Medical Services: Prior to approval of any site plan, the applicant shall provide sign-offs from the agencies responsible for providing fire protection and emergency medical services for the proposed development if so required by the Review Authority.
3504.05: Police Protection

A. Preliminary Zoning Amendment: If a development project is determined to be a major development project in accordance with Section 3504.02.B, an analysis of the impact of the development on the need for equipment and facilities for police protection and on maintaining existing response times shall be prepared in accordance with Section 3504.02 as part of the preliminary review of the zoning amendment for the development.

B. Final Zoning Amendment: If a development project is determined to be major, approval of a final zoning amendment may include requirements for the provision of equipment and facilities for police protection identified as needed in the impact study accepted by the BOCC, or payment of in lieu fees, and a schedule therefore as provided by Section 3504.02.

3504.06: Reserved

3504.07: Water, Wastewater Treatment and Utilities

A. Requirements for Zoning Amendment Approval:
   1. Preliminary Review: Prior to preliminary approval of any zoning amendment, the applicant shall identify the source they propose to use for the provision of water, wastewater treatment and utilities and the feasibility of its use. If the applicant proposes to provide water and wastewater treatment through other than a central system, and the area proposed for development has a history of soil or water quality problems, the Public Health Department anticipates problems with the proposed technique or the Planning Department anticipates problems with water rights, the applicant shall provide the information listed below, depending on the situation:
      a. Source of water rights.
      b. Test well data.
      c. Proposed location of leach fields and soil absorption beds.
      d. Soil types and suitability for use in leach fields and soil absorption beds.
      e. Engineering feasibility study.
   2. Final Review: Prior to final approval of any zone change, the applicant shall provide evidence that water, wastewater treatment and utilities are available to serve the development. With respect to utilities, the utility company expected to provide service to the development shall signify that capacity is available and the extension of lines is feasible. If the applicant proposes to provide water or wastewater treatment through a central system, the purveyor expected to provide the service shall signify that capacity is available to serve the proposed development. If the applicant proposes to provide water or wastewater treatment through other than a central system, the applicant shall provide the following to the County:
      a. Sign-off from the State Engineer's Office that adequate water rights are available.
      b. Evidence that water quality is acceptable.
      c. Evidence that the onsite wastewater treatment system is feasible.

B. Requirements for Subdivision Approval: Requirements for water, wastewater treatment and utilities, which shall be met prior to approval of any preliminary plat and of any final plat shall be as stated in the County Subdivision Regulations (see Chapter 8). These requirements are summarized in Figure 3-4. Where a conflict exists between the County Subdivision Regulations and Figure 3-4, the Subdivision Regulations shall govern.

C. Requirements for Site Plan Approval: Prior to approval of any site plan, the applicant shall provide sign-offs from the purveyors responsible for providing water and wastewater treatment for the development, if such services will be provided by a central system, and sign-offs from the utility companies indicating that utility services are available. If water and wastewater treatment services will be provided from other than a central system, the applicant shall provide evidence acceptable to the County that:
   1. Adequate water rights have been acquired to supply the proposed development.
   2. Data on the quality, dependability and quantity of water available meet the requirements of the Public Health Department.
   3. Soil study data meet the requirements of the Public Health Department. Notwithstanding the foregoing, an applicant for a site plan for a single family residence may propose to use a cistern to store water and the water may be hauled to the site from an off-site location if: 1) the Public Health Department determines that there is a hardship, such as but not limited to inability to drill a...
producing well or non-potable water quality; and 2) the applicant provides a cistern system design that is reviewed and approved by the Public Health Department.

3505: Building and Site Design Standards

3505.01: General Provisions

A. Development Standards Matrices: The development standards matrices in Figures 3-5 and 3-6 are summaries of certain building and site design standards and are provided for ease of reference. The requirements included in the matrices are the most basic and the easiest to state in numerical terms. They include:

1. Density ................................................................................................................................. Figure 3-5
2. Height limits ........................................................................................................................ Figure 3-5
3. Site area ................................................................................................................................ Figure 3-5
4. Site coverage ........................................................................................................................ Figure 3-5
5. Wall and fence height limits ................................................................................................. Figure 3-5
6. Minimum Setback Requirements ........................................................................................ Figure 3-6

Sections in the Code that provide further explanation of these requirements, including important definitions and calculating methods, are cross-referenced in the matrices. Additional sections in the Code state other building and site design standards that do not appear in the matrices. It is important to note that the information in the matrices is not all-inclusive. It must be used in conjunction with the Code to identify the requirements applicable to a development project.

B. Applicability to PUDs: Where a PUD Zoning District is proposed, the provisions in this section shall be used as guidelines in formulating the PUD designation. Building and site design standards that differ from those stated in this section may be adopted as part of a PUD designation because of special circumstances or in order to achieve certain development or design objectives. It is the County's intent in providing for PUD Zoning Districts to allow such flexibility in building and site design standards where an overall benefit to the County is achieved. After a PUD designation is adopted, the development regulations and standards stated in the PUD designation shall supersede the provisions of this section. Where an adopted PUD designation does not address a building or site design standard covered by this section, the provisions contained in this section shall apply as determined by the Planning Director. The Planning Director shall consider the type of use, intensity of use, type of structure and similar factors to identify the standard covered by this section closest in comparison to the situation in the PUD and shall use the regulations that apply to that situation.

C. Applicability to the NR-2 Zoning District: The building and site design standards for properties in the NR-2 Zoning District shall be as established in the State or Federal approved authorization. Where a State or Federal authorization does not address a building or site design standard covered by this section, the provisions contained in this section shall apply as determined by the Planning Director. The Planning Director shall consider the type of use, intensity of use, type of structure and similar factors to identify the standard covered by this section closest in comparison to the situation and shall use the regulations that apply to that situation.

D. Applicability to R-P, B-3, R-25, B-1 and All Other Zoning Districts Remaining in Effect Listed in Section 3305.01: Where a plan approved for an R-P Zoning District or the regulations for a zoning district remaining in effect do not address a building or site design standard covered by this section, the provisions contained in this section shall apply as determined by the Planning Director. The Planning Director shall consider the type of use, intensity of use, type of structure and similar factors to identify the standards covered by this section that are closest in comparison to the situation and shall use such regulations that apply to that situation.

E. Relationship to Covenants: Section 1202 of the Code establishes the relationship of the Code to private covenants.

3505.02: Density

Compliance with Density Limits: Density limits for the different zoning districts are stated in Figure 3-5. Such density limits do not set an absolute level of density that will be permitted for any particular property or development proposal. Rather the density limits set forth the theoretical, maximum or absolute ceiling of density allowed. The ultimate density that can be achieved on any give lot may be further restricted by: application of master plan goals or policies, subdivision regulations, development standards, other
provisions in the Code, or any other applicable laws, rules or regulations. The provisions of this section apply to all development in the unincorporated portions of the County, unless an alternative method is outlined for a specific zoning district. The density limits for specific zoning districts are calculated and applied as follows:

A. Residential Zoning Districts:
1. **A-1 and BC Zoning Districts:** Figure 3-5 states the density limits for specific uses allowed in these zoning districts. For residential uses in these zoning districts, the limit stated is the minimum amount of land required for the establishment of a primary dwelling unit. In determining compliance with the limit on residential density, gross site area shall be used. In the A-1 zoning district, where a subsidiary residence (i.e. accessory apartment or caretakers unit) is permitted, the minimum land area requirement need only be met for the primary dwelling unit and need not be increased for the establishment of a subsidiary residence.
2. **RU, RE, R-1, R-2, R-3, R-4, R-6, R-25, RME, RC-5000, RC-40000 and SU-1 Zoning Districts:** The density limit stated in Figure 3-5 is the minimum amount of land required for each parcel containing a primary single-family or duplex dwelling unit. Net site area shall be used as the foundation for determining compliance with the limits established in Figure 3-5. In zoning districts where a subsidiary residence (i.e. accessory apartment or caretakers unit) is permitted or conditional, the minimum land area requirement need only be met for the primary dwelling units and need not be increased for the establishment of a subsidiary residence.
3. **Planned Unit Developments and R-P Zoning Districts:** Density limits and maximum floor area for PUD and R-P Zoning Districts shall be stated in the PUD designation or R-P plan. To the extent a PUD or R-P Zoning District does not address, state or represent density limits, the methodology to calculate such density or floor area limits similar to those contained in this section, the provisions as provided for in this section (Section 3505 et seq.) shall be applied.
4. **MHP Zoning District:** Limitations on density for the MHP zoning district is provided for in Figure 3-5. In the MHP zoning district, where a subsidiary residence (i.e. employee housing) is permitted, the minimum land area requirement need only be met for the primary dwelling units and need not be increased for the establishment of a subsidiary residence.

B. Commercial and Industrial Zoning Districts and Non-residential Development in Other Zoning Districts
1. **Density limits in Figure 3-5 for the CG, CN, B-1, B-3, I-1 or M-1 Zoning districts are calculated through the use of a floor area ratio (FAR). FAR is calculated by dividing the floor area by the net site area. Calculating density based on multiple site acreage, rather than parcel-by-parcel, is allowed if all owners of lots within the site are parties to the development application and an overall development plan for the entire site is approved.**
2. **Additional limitations on density for the B-3 zoning district is as provided for in Section 3515 et seq.**

C. Calculating Density for Zoning Districts That Permit Multi-family Development
1. **Density:** Density for multi-family residential development shall be calculated in two different ways, neither of which can be exceeded:
   a. **Dwelling Units Per Acre**
      The total number of multi-family residential dwelling units built can be equal to the density permitted by the underlying zoning and as stated in Figure 3-5.
   b. **Total Floor Area**
      The maximum total floor area allowed shall be calculated using the following formula:

      \[
      \text{Number of Multi-family Residential Dwelling Units Permitted per the Underlying Zoning District} \times (\text{multiplied by}) \ 1,400 \ \text{square feet} = \text{Total Floor Area Allowed}
      \]

2. **Dwelling Unit Size:** If fewer residential dwelling units are proposed or constructed than allowed per the underlying zoning, the size of the dwelling units can exceed an average of 1,400 square feet of floor area, provided the total floor area allowed is not exceeded.

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1 R-25, RME and SU-1 are antiquated zoning districts remaining in effect per the provisions of Section 3305.01.
2 R-P is an antiquated zoning district remaining in effect per the provisions of Section 3305.01.
3. **Additions:** A property owner may apply for an addition to a dwelling unit in a multi-family development if the floor area of the proposed addition does not exceed the total floor area allowed for the property as a whole. The County does not regulate how any remaining floor area on a given property is allocated.

4. **Other Code Requirements:** When calculating the dwelling units per acre or total floor area allowed on any given property, all other development standards in the Code shall be evaluated and met, including but not limited to: height, site area, site coverage, setback, snow storage, parking requirements.

5. Where Guest Houses are allowed by a PUD, such units are not units of density capable of being transferred per the TDR provisions set forth in Section 3506 nor are they considered units of density for subdivision purposes.

D. **Lock-off and Lodge Rooms:**
1. **Permitted Zoning Districts and Density:** Density associated with lock-off or lodge rooms shall comply with the density limits permitted by the underlying zoning district.
   a. Lock-off rooms are permitted in the R-6, R-6 w/Plan, R-25 and R-P zoning districts. Lock-off rooms may be permitted in a PUD as an allowed use if such use is requested as a part of the creation or modification of a PUD per the zoning amendment process.
   b. Lodge rooms are permitted in the B-1 and CG zoning districts. Lodge rooms may be permitted in a PUD as an allowed use if such use is requested as a part of the creation or modification of a PUD per the zoning amendment process.

2. **Calculating Density:** For the purpose of calculating allowable density: one (1) lock-off or lodge room is equal to one-third (1/3) of a multifamily dwelling unit.
   a. **Lock-off room:** If approved, a multifamily dwelling unit can have a separate lock-off room(s). If a lock-off room is proposed or constructed as part of one multifamily dwelling unit, the density shall be considered to increase by 1/3 of a dwelling unit. Therefore, the density of a multifamily dwelling unit that has a lock-off room would be 1.3 dwelling units (instead of one (1) dwelling unit).
   b. **Lodge room:** Each lodge room within a lodge shall count as one-third (1/3) of a dwelling unit.

3. **Allowable Room Size/Total Floor Area:** The total floor area allowed for a lock-off or lodge room shall not exceed an average per building of 467 square feet of floor area each.

E. **Density Requirements and Subdivision Exemptions:** If a proposed project/development meets the density requirements of the underlying zoning, such residential dwelling units or non-residential structures on the lot may be platted in accordance with this Code’s subdivision exemption requirements listed in Section 8400 et seq. Duplex, townhouse or multi-family dwellings or non-residential structures may be subdivided into parcels that do not meet required density provisions provided: 1) the site continues to be developed as one (1) entity according to an approved or modified development plan in accordance with the requirements of this Code; 2) the overall site development adheres to the site area requirements of the underlying zoning district; 3) the property continues to meet and adhere to all requirements of any townhouse plat or condominium map, or other applicable documents of record; and, 4) any subdivision plat for the development site includes a plat note stating the development of the parcels is subject to an overall development plan.

F. **Open Space Reservations:** If part of a project site is reserved as open space and retaining this area in open space is necessary to comply with density limits, this area shall be restricted from development by the PUD designation (if the property is part of a PUD), by a plat note if the property is subdivided or by an alternative method acceptable to the County. The purpose of the restriction shall be to make certain that development is prohibited regardless of the property’s ownership, unless this restriction is removed by a subsequent zoning amendment action approved by the BOCC. Open space areas reserved to assure compliance with density limits cannot be used to comply with the requirement in the County Subdivision Regulations for public use areas (see Chapter 8).

**3505.03: Dumpsters**

A. **Allowance for Dumpsters:** Dumpsters may be used for trash or recycling collection in:
   1. Any multi-family residential, commercial or industrial development.
   2. Manufactured home parks.
   3. A single-family residential subdivision so long as the dumpster is approved as a part of the subdivision or a majority of the homeowners in the subdivision have given permission for a central trash handling and recycling facility.
4. Any community or institutional facility.

5. Dumpsters may be used for trash and recycling collection on a temporary basis on a single-family
   residential lot for a) trash and recycling collection associated with construction as evidenced by an
   active building permit, or, b) clearing the lot of accumulated rubbish.

When centralized trash collection is utilized, space for centralized recycling shall also be provided. A
dumpster enclosure may also be utilized for the limited storage of maintenance equipment associated
with a project.

B. Consultation with Trash Hauler: Developers proposing the use of permanent dumpsters shall consult
   with the entity responsible for trash collection prior to preparing any site plan or subdivision application
   for submittal to the County in order to obtain recommendations from the trash hauler on the number of
   dumpsters needed and on the placement and design of dumpster enclosures. The Review Authority
   shall consider the recommendations of the trash hauler and shall determine the number and capacity of
   dumpsters needed, the proposed locations for dumpsters and the design of enclosures as part of site plan
   or subdivision review.

C. Placement: Based on the consultation with the trash hauler, proposed locations for dumpsters shall be
   approved as part of site plan or subdivision review. Placement of dumpsters shall be coordinated with
   the number, size and distribution of buildings on the site and the distances between buildings and
   dumpsters shall be as close as practical.

D. Capacity: The number of dumpsters and frequency of collection shall be sufficient to prevent
   containers from overflowing. Based on the consultation with the trash hauler, the number of dumpsters
   to be provided shall be determined by the Review Authority as part of site plan or subdivision review.

E. Enclosures Required: Dumpsters shall be placed in dumpster enclosures. The Review Authority shall
determine the design of the enclosures at the time of site plan or subdivision review. At a minimum,
dumpster enclosures shall have three (3) sides of at least six (6) feet in height. The Review Authority
may require, as a condition of site plan or subdivision approval, the addition of doors or roofs to
dumpster enclosures where a dumpster enclosure can be seen from a public way or where a building
may overlook a dumpster.

F. Location in the Required Setback: Dumpster enclosures that have a roof cannot be located in a
   required setback. Otherwise, a dumpster that is enclosed by a six (6) foot high fence may be located in
   the setback provided the other applicable requirements of the Code are met, such as but not limited to
   required site distance and landscape buffering.

G. Animal Resistant Construction: Where food debris is a part of the waste stream for the dumpster,
such dumpster shall be covered and capable of excluding unwanted animals such as rodents, bears,
birds, etc.

3505.04: Drainage Improvements

Summit County has adopted drainage standards as part of the County Subdivision Regulations (Chapter 8).
Compliance with the drainage standards in Chapter 8 shall be required as part of site plan or subdivision
review. Where a drainage design has been approved at the time of subdivision and the drainage design is
adequate to address site drainage issues, the Engineering Department may waive the requirement for
submittal of a drainage design at the time of site plan review.

3505.05: Building Architectural Design Standards

A. General Provisions:

1. Purpose and Intent: This section provides design standards for certain development in Summit
   County to ensure that the community’s character is protected and the overall community vision
   regarding design expectations is achieved. These standards are intended to accomplish the
   following goals:

   a. To encourage the design of buildings that will be compatible in terms of scale, materials and
      forms with the mountain setting in which the buildings are being established. Buildings should
      promote a sense of place, by respecting the existing context in which they are being placed.
      Architectural detailing and materials should be used to complement and enhance the perception
      of the local mountain environment.

   b. To ensure that buildings are designed to convey a human scale and provide interest to
      pedestrians, particularly along the edges of large commercial, industrial and multi-family
      structures.
c. To provide variations in building mass and scale.

2. **Applicability:** The provisions of this section apply to duplex, multi-family, commercial, industrial and other non-residential development. Single-family development has to only comply with the Building Material and Color section outlined below (Section 3505.05.D). Please refer to Section 12600 et seq. for the site plan process and for information on how these design requirements will be evaluated.

3. **Alternative Methods of Compliance:** It is the County’s intent to encourage high quality design in development without dictating specific architectural styles. This is accomplished by the establishment of the design objectives that follow below. It is the County’s desire to provide flexibility to applicants in building design. Applicants may propose, and the County may approve, alternative methods for building design, provided the applicant can demonstrate that the alternative will meet or exceed the level of design that is expressed in the following objectives.

B. **Building Mass and Scale:** Variations in building mass and scale shall be provided in order to provide architectural interest and a sense of human scale. Achieving a human scale can be accomplished by using familiar building forms and architectural elements that can be interpreted in human dimensions. Buildings accordingly shall be designed to have a significant variation in wall planes, roof lines and roof forms and to have projecting elements, such as dormers, bay windows, decks, etc.

C. **Primary Building Entrance:** The primary entrance to a building shall be clearly defined and should orient to a public way in order to convey a human scale, encourage pedestrian activity and provide visual interest.

D. **Building Material and Color Design Standard:** Unless otherwise approved by the Review Authority, or restricted by the Building or Fire codes, natural or naturally appearing building materials and colors shall be used in a manner which causes the structure to blend into the surrounding environment to the maximum extent reasonably practicable. Fluorescent and neon colors are prohibited.

E. **Design Standards for Commercial and Mixed-Use Development:**

1. **Parking Lot Design:** Parking lots shall be designed in accordance with the applicable Landscaping Regulations contained in Section 3600 et seq. Wherever possible, provision shall be made for vehicular circulation between parking lots on adjacent properties. When deemed feasible and appropriate by the Review Authority, provisions shall also be made for pedestrian access through a parking lot by a sidewalk separated from the parking areas and driveways. Where a mass transit stop is provided adjacent to a project or where a sidewalk or other pedestrian way is provided adjacent to such project, a pedestrian connection shall be provided from such areas to an entrance of the commercial or mix-use facility. Where necessary, easements shall be granted to the public for this purpose. Additional requirements for parking lot design are contained in Section 3700 et seq. and in Chapter 5.

2. **Coordination of Development Between Parcels:** The Review Authority may require the submittal of a master site plan for each commercial area prior to approving site plans for individual parcels in the area. The reason for requiring a master site plan is to encourage property owners in the area to coordinate parking areas and drives, pedestrian access, building locations, landscaping, snow storage and other Code-required components between parcels and to obtain an overall development plan for an area. Whenever practicable, property owners are encouraged to assemble parcels so coordinated planning is facilitated. A master site plan may be amended from time-to-time, with such changes reviewed and acted on by the Review Authority pursuant to the site plan modification provisions contained in Section 12600 et seq.

3. **Coordination of Access Points:** The Review Authority may require the submittal of an access plan for each commercial area prior to approving site plans for individual parcels in the area. The reason for requiring a master access plan is to minimize the number of access points into the commercial area by creating an internal circulation system between parcels in the commercial area using parking areas and drives.

4. **Commercial Façade Design:** Commercial or mixed-use buildings with a ground floor commercial facade that faces a public way shall provide a minimum of 60% of the linear frontage along the base of the building with a combination of two (2) or more of the following elements that will create interest for pedestrians and help to establish a human scale:
   a. Display windows;
   b. Architectural details that are integrated into the design of the building;
   c. Awnings or canopies.
   Site features, such as a patio, courtyard, planter or site walls may be used in addition to (not instead of) one of the above-listed elements to create pedestrian interest.
F. Cross-Referencing Code and PUD Design Standards in Subdivision Covenants:
   1. **Purpose and Intent:** The County regards the establishment and maintenance of attractive residential neighborhoods as important to creating a quality living environment for its residents and visitors, maintaining property values, preserving aesthetic values and complementing the County's considerable natural assets. It is the County's intent to encourage high quality design in residential neighborhoods that complements the natural environment and gives a sense of cohesiveness to the neighborhood, without dictating specific architectural styles.
   2. **Establishment of Design Criteria:** As part of the submittal for any residential subdivision or any zoning amendments, the developer shall submit design criteria that refer to the applicable design standards of this Code and, in cases where a subdivision is located in a PUD, the applicable design standards of the PUD. The criteria shall be in the form of covenants and the covenants shall include a mechanism for the enforcement of the design criteria. The covenants shall be recorded in conjunction with the recordation of the subdivision plat.

G. **Application of Design Standards to PUD Zoning Districts:** The building design standards for development in any PUD Zoning District shall be established as part of the PUD designation or as a part of the PUD modification process and shall be reflected in covenants recorded against the property. The standards contained in this section shall be used as guidelines in the formulation of design standards for a PUD. Where design standards for buildings are established in a PUD, these design standards shall be applied as provided for in Section 3505.01.A. Where a specific building design standard is not stated in the PUD designation, the Planning Director shall determine the building design standards which apply in accordance with Section 3505.01.

### 3505.06: Height Limit

A. **Compliance with Height Limits:** Height limits for the different zoning districts, except PUD Zoning Districts, are stated in Figure 3-5. Height limits for approved PUD Zoning Districts shall be stated in the PUD designation. If height limits are not stated in a PUD, the Planning Director shall determine the building height requirements which apply in accordance with Section 3505.01. The height limits in Figure 3-5 apply to both buildings and structures. In regards to Figure 3-5, where a height limit pertaining to a particular use in a zoning district differs from the general height limit for the zoning district, the specific height shall apply to any structures or buildings intended for that use. An information sheet further explaining how building height is measured, the plan submittal requirements and Site Improvement Location Certificate requirements is available in the Planning Department. Heights of buildings and structures are calculated as follows:

B. **Measuring Height:**
   1. **Building Height:** The distance measured vertically from any point on a proposed or existing roof or eave (including but not limited to the roofing material) to the natural or finished grade (whichever is more restrictive) located directly below said point of the roof or eaves. Within any building footprint, height shall be measured vertically from any point on a proposed or existing roof (including but not limited to the roofing material) to the natural grade directly below said point on a proposed or existing roof.
      a. This methodology for measuring height limitations can best be visualized as an irregular surface located above the building site at the height limit permitted by the underlying zoning district, having the same shape as the natural or finished grade of the building site (whichever is more restrictive).
      b. Where there are minor irregularities in the natural grade (as determined by the Planning Department), these areas shall not be used in determining compliance with the height limitation set forth herein and the surrounding typical natural grade shall be used.
      c. Window wells and similar building appurtenances installed below grade, as approved by the Planning Department, shall not be counted as the finished grade for the purposes of calculating building height.
   2. **Plan Submittal Requirements:** All development reviews subject to the height limits established by this Code shall submit the following information to ensure the requirements set forth herein are met:
      a. A certified topographic survey of the building site with one (1) or two (2) foot contour intervals in a United States Geological Survey (“USGS”) datum prepared by a Colorado Professional Land Surveyor (other provisions of this Code require a topographic survey of all areas to be disturbed). Such survey shall be prepared to ensure that the County can certify
elevations, floorplans and overall height based on reliable site plan datum. The USGS datum shall be indicated as a note on the topographic survey stating what datum was used and how it was derived. Notwithstanding the foregoing, the Planning Department may waive the submission of existing topographic data if a proposed building is: 1) located on slopes that are ten percent (10%) or less, and 2) the proposed building or structure and any associated roof appendages are not within five (5) feet of the maximum height allowed by the underlying zoning district.

b. A plan view (i.e., bird’s eye view) of the building site that shows the 1) natural grade; 2) finished grade; 3) outline of the building; 4) outline of the roof drip line and the corresponding mean sea elevation for all horizontal eaves; 5) a roof plan showing roof ridgelines and the corresponding mean sea level elevations in a USGS datum; and 6) the roof appendages and the corresponding mean sea level elevations in a USGS datum. The above-mentioned information shall be depicted using differing line weights so as to be clearly differentiated.

c. Elevation drawings of all facades of a proposed building or structure that show: 1) the maximum roof or structure height in mean sea level elevation in a USGS datum based on the certified topographic survey datum as specified above; 2) the natural grade of the site; 3) the finished grade of the site; and, 4) the ridgeline elevations in mean sea elevation (other submittal requirements contained in this Code also require the submission of additional details on building elevations to ensure compliance with other Code design provisions).

3. Site Improvement Location Certificates: To ensure compliance with the height limits, whenever a structure or building is proposed to be within one (1) foot of the maximum height limit established by the underlying zoning district, the County shall require an SILC prior to the Building Department’s framing inspection. This SILC shall show the mean sea level elevation in the USGS datum (used for the topographic survey as required in 3505.06.B.2) of all ridgelines and eaves within one (1) foot of the maximum height limit established by the underlying zoning district, based on the site datum described above. Roof appendages, as described in Subsection C below do not have to be reflected on the SILC. The Planning Department may also require a SILC be submitted prior to the Building Department’s footing inspection, and such SILC shall show the mean sea level elevation in the USGS datum (used for the topographic survey as required in 3505.06.B.2) of the top of all footings.

C. Exceptions to Height Limits: The following exceptions to height limits are allowed:
1. Appendages: Chimneys, vents, television or radio antennas or other roof appendages may exceed the maximum height allowance by ten percent (10%).
2. Utility facilities: Minor utility facilities shall be exempt from height limits. Height limits for major utility facilities may be established by the County as part of its approval of a conditional use permit for the facility (see Section 12300 et seq.), its approval of an installation's location and extent (see Section 121000 et seq.) or as part of a permit or agreement for an Area or Activity of State Interest (see Chapter 10).

3505.07: Lighting Regulations

A. Design Objective: The purpose of this section is to establish regulations for all exterior lighting in the County, including but not limited to parking area lighting, walkway lighting, building lighting, signage lighting, pathway lighting and street lighting as necessary for safety, function and user awareness. The intent of these regulations is to allow for such lighting while minimizing or eliminating the lighting impacts caused by development, including but not limited to the amount of glare, and overall light pollution that brightens the night time skies, which are an integral feature of the mountain environment. The purpose of this section is to provide appropriate controls for exterior lighting that will preserve the dark nighttime skies of Summit County, while allowing adequate site lighting for public safety.

B. Alternative Methods of Compliance: It is the County’s intent to encourage high quality design in developments without dictating specific architectural styles. This is accomplished by the establishment of the design objectives and standards below. These standards are intended to be minimum requirements for the exterior lighting design for all development in the County. These standards provide specific measures for development that, if complied with, will be deemed sufficient proof that the requirements of this section have been met. However, these standards may not be the only method by which the County’s goals can be achieved and it is the County’s desire to provide flexibility to applicants in building design. Applicants may propose, and the County may approve, alternative
methods for lighting design, provided the applicant can demonstrate that the alternative will meet or exceed the level of design that is expressed in the following objectives and standards.

C. **Applicability:** The requirements of this section shall apply to all developments that are required to provide outdoor lighting by the provisions of this Code, and any development that desires to use exterior lighting or replace existing exterior lighting. When modifications are proposed to residential structures, and such modifications require a building permit, any existing non-compliant exterior lighting which is adjacent to or reasonably associated with the proposed modification shall be replaced with fixtures that comply with these provisions.

D. **Standards:** Exterior lighting shall comply with the following standards:

1. **Required Lighting Fixture:** All exterior fixtures shall be full cut off fixtures.

2. **Where Lighting Must Be Provided:** For multi-family residential, commercial, lodging developments, mobile home parks, other non-residential development and other development with common parking areas or walkways, exterior lighting shall be provided in parking areas and along walkways, as deemed necessary by the Review Authority.

3. **Confining Direct Rays to a Site:** All direct rays shall be confined to the site on which the lighting is located.

4. **Flood lamps:** Flood lamps shall have full cut off fixtures so that the light sources are not visible off-site. Spotlights that do not have shielding devices are prohibited.

5. **Other Lighting:** Lighting that illuminates any element of a building or structure, landscaping, signs, flags or outdoor artwork, shall be aimed at the object to be illuminated, be in full cut off fixtures and shall minimize light spill.

6. **Maximum Height Limitations for Exterior Lighting:** The following lists maximum heights of lighting standards and fixtures and may be limited by the more restrictive requirements listed in this section:

   a. The maximum height of parking lot luminaries shall be 18 feet, measured from finished grade. A luminary may be installed to a height of up to 24 feet if the applicant can demonstrate that the visual impacts of the lighting that is emitted from the proposed luminary will be less than that from a luminary that complies with the 18-foot height limitation.

   b. Exterior light fixtures mounted on buildings or other structures shall be mounted to no more than 15 feet in height above finished grade unless such lighting is located at a building or dwelling unit entrance or exit or located on a building next to a deck entry.

   c. Lamps lighting pedestrian ways shall not exceed 18 feet in height.

   d. Wall mounted light fixtures shall not extend above the height of the wall to which they are mounted.

7. **Lighting Limitations for Canopies and Awnings:**

   a. Awnings shall not be internally illuminated.

   b. Lights shall not be mounted on the top, sides or fascia of a canopy or awning, unless such lighting is needed for an approved sign that is attached to the canopy or awning.

   c. If a luminary is to be installed in any canopy that is designated for pedestrian use, loading or service, then the luminary shall be recessed into the canopy structure.

   d. Decorative lamps housing incandescent light sources that are hung under portals are not subject to these limitations on lighting of canopies and awnings.

8. **Additional Design Standards for Exterior Lighting:**

   a. If an exposed unfinished concrete base is used as a support for a light standard, the height of the base may not exceed two (2) feet above finished grade. The base may exceed two (2) feet in height if it is covered with textured concrete, colored concrete, rock or similar material.

   b. All parking lot light fixtures in a single parking lot shall be similar in design.

E. **Lighting Plan Submission Requirements:** An applicant subject to a development review as required by this Code shall submit a lighting plan that includes the following information:

1. The location of all exterior lights within the development shall be shown on the site plan and building elevation drawings, including but not limited to entrance lighting, security lighting and
architectural lighting. The plans shall illustrate the location of the lights, the height of the lights, describe the type of lighting devices, fixtures, lamps and wattage, and supports that will be employed. For projects that have a common parking area or walkways that must be lit, the proposed height of all lighting standards and fixtures shall be identified.

2. Photographs, cut sheets or other illustrations shall be provided that show the proposed full cut-off fixtures, including but not limited to cut sheets showing the design and finishes of all fixtures.

F. **Prohibited Lighting:**

1. The installation or erection of any lighting that simulates, imitates or conflicts with warning signals, emergency signals or traffic signals is prohibited.

2. Blinking or flashing lights and exposed strip lights used to illuminate building facades or to outline buildings are prohibited, except that temporary decorative lights are allowed for a period of up to eight (8) weeks during a calendar year.

3. Lighting that causes off-site glare.

4. Lighting that is not in a full cut-off-fixture (excludes seasonal holiday lighting).

**3505.08: Manufactured and Modular Structures**

A. A-1, BC, RU, RE, RME, R-25, R-1, R-2, R-3, R-4, R-6 and R-P:

1. **Criteria for Manufactured Homes:** Manufactured homes are permitted in these zoning districts for use as residences provided the following criteria are met:
   b. Size and Design:
      i. The dimensions shall be at least 24 feet by 36 feet.
      ii. Exterior shall be of brick, wood or cosmetically equivalent siding and roof shall be pitched.
      iii. Prior to delivery to the site the home shall meet, on an equivalent performance engineering basis, unique public safety requirements of the Building Code such as snow load, wind shear and energy conservation factors.
   c. Site Preparation, Delivery and Installation:
      i. A permanent, engineered foundation approved by the Building Department shall be constructed prior to delivery of any portion of the home to the site.
      ii. The home shall be complete including sanitary, heating and electrical systems and be ready for occupancy when delivered to the site except for minor assembly.
      iii. Home shall be installed on a foundation meeting the requirements of this section.
      iv. Installation shall be complete, including any minor assembly, and the home ready for occupancy within 14 calendar days of delivery.

2. **Criteria for Modular Homes:** Modular homes are permitted in these zoning districts for use as residences provided the following criteria are met:
   a. Certification and Design: The home shall meet the "Factory-Built Housing Construction Code of the State of Colorado" and shall be so certified by the Colorado Division of Housing prior to delivery to the site.
   b. Site Preparation, Delivery and Installation: Home shall be installed on a permanent, engineered foundation approved by the Building Department. The foundation shall be constructed prior to delivery of any portion of the home to the site.

3. **Modular Structures as Temporary Offices:** Modular structures are permitted in these zoning districts for use as temporary real estate or construction offices with approval of a temporary use permit or for any nonresidential use permitted by the zoning district if the criteria stated in Section 3505.08 are met.

B. **MHP:**

1. Criteria for Manufactured Homes: Manufactured homes are permitted in this zoning district for use as residences provided the following criteria are met:
   a. Certification: Manufactured homes first occupied in Summit County after September 21, 1983 shall have affixed a data plate and heating certificate stating in substance that:
      i. The home is designed to comply with Federal mobile or manufactured home construction and safety standards in force at the time of manufacture.
      ii. The home is designed for Colorado structural and wind zone requirements.
The home is designed for Colorado outdoor winter design temperature zones.
iv. Heating equipment installed in the home has capacity to maintain an average 70 degrees Fahrenheit temperature inside the home with an outdoor temperature of -20 degree Fahrenheit.

b. Site Preparation, Delivery and Installation:
i. Permanent or non-permanent foundations approved by the Building Department shall be constructed prior to delivery of any portion of the home to the site.
ii. The home shall be complete including sanitary, heating and electrical systems and be ready for occupancy when delivered to site except for minor assembly.
iii. The home shall be installed on a foundation meeting the requirements of Section 3505.08.A.1.c.
iv. Installation shall be complete, including any minor assembly, and the home ready for occupancy within 14 calendar days of delivery.

2. Modular homes are permitted in this zoning district for use as residences provided the criteria in Section 3505.08.A.2 are met.

C. CG, CN, B-3, B-1, R-25, PUD and I-1: Modular structures are permitted for any use allowed by the zoning district regulations as long as the following criteria are met:
1. Compliance with Building Code: The structure shall meet the requirements of the Building Code including unique public safety requirements such as snow load, wind shear and energy conservation factors.
2. Design: Exterior treatment shall meet the requirements of any design criteria in effect for the zoning district where the building is to be located and the applicable requirements pertaining to exterior materials contained in Section 3505.05 et seq.
3. Site Preparation, Delivery and Installation: The structure shall be installed on a permanent, engineered foundation approved by the Building Department. The foundation shall be constructed prior to delivery of any portion of the structure to the site.

D. M-1:
1. Manufactured or modular homes are permitted for use as a caretaker unit or employee housing subject to meeting the applicable criteria in Section 3505.08 et seq.
2. Modular structures are permitted for use as a mining company's business office subject to meeting the applicable criteria in Section 3505.08 et seq.

E. Temporary Offices: Manufactured structures may be used for temporary construction or real estate offices with approval of a temporary use permit. The criteria for approval of permits for these types of temporary offices are stated in Sections 3806 et seq. and 3817 et seq.

F. Storage of Unassembled Structures: The storage of unassembled manufactured or modular structures for longer than 14 calendar days is prohibited in all zoning districts except for the I-1 Zoning District. Assembly consists of the placement of the manufactured or modular structure on its foundation, the fastening together of preassembled sections and connection to utilities such that the structure is ready for occupancy.

3505.09: Off-Street Loading Areas

The number of spaces, location and design of loading and unloading areas shall comply with the requirements in Section 3705.02.E and shall be determined as part of site plan review.

3505.10: Open Space Area

Requirement for Open Space Area: Open Space Areas may be required as part of a rezoning, PUD rezoning, PUD amendment, or other types of applications where open space areas are an integral part of the proposed development or otherwise required by the Code. Open space areas facilitate numerous community benefits such as providing extensions to existing undeveloped open space lands, buffers to developed areas, view corridors, access to trails, trailheads, water bodies, National Forest areas, passive recreation uses including trails, unique ecological habitats and historic sites.

A. Where open space areas are proposed or required, such designated areas shall comport with the purpose and intent of providing such, including provisions related to Public Use Area Fees (Section 3509 et seq.), Density (Section 3505.02 et seq.), Subdivision Regulations (Section 8000 et seq.), Zoning Amendments (Section 12100 et seq.), Planned Unit Developments (Section 12200 et seq.), and Site Plans (Section 12600 et seq.).
B. In development applications that have requirements for dedicated open space areas, only land dedicated as public or common private open space may be counted towards meeting that requirement and private property on individual lots left in an undeveloped state may not be counted.

3505.11: Outdoor Storage Areas and Yards

Regulations on the location and screening of outdoor storage areas and yards, including outdoor storage of motor vehicles and recreational vehicles, are stated in Section 3815 et seq. and are intended to be used in evaluating the design of development projects. Regulations on the types of materials or items allowed to be stored in County zoning districts are also stated in Section 3815 et seq. The requirement for the provision of storage yards for recreational vehicles is stated in Section 3505.12.

3505.12: Recreational Vehicle Storage Yards

A. Requirement for Storage Yard: Multi-family residential developments and manufactured home parks receiving site plan approval shall provide a yard for the storage of recreational vehicles equivalent to 25 square feet per dwelling unit or manufactured home, except that this requirement may be waived or reduced for a multi-family development if the Review Authority determines, based on the intended use of the development, that the provision for storage of recreational vehicles needs to be modified.

B. Design of Storage Yard: A storage yard shall be graveled or paved and shall be enclosed by an opaque wall or fence at least six (6) feet in height. Where the wall or fence includes a gate, the gate shall be constructed of solid materials so as to be opaque.

3505.13: Setbacks

A setback is an undeveloped open area of fixed width within a parcel along the front, side or rear property line which shall remain free of any development and no building, structural improvement or paving is to be placed in any required setback except as provided in Section 3505.13.D. and E.

A. Setback Requirements: The setback requirements for each zoning district, except for R-P and PUD zoning districts, are stated in Figure 3-6. Setback Requirements for R-P and PUD zoning districts shall be as stated in the R-P plan or PUD Designation. If setbacks are not stated in the R-P plan or PUD designation, the Code Administrator shall determine the setback requirements which apply in accordance with Section 3505.01.

B. Measuring Setbacks: Setbacks are measured perpendicular from the lot or parcel boundary that borders the setback area to be measured. In addition, in those zone districts that require improvements to be setback from trails, such setbacks shall be measured perpendicular from the trail easement boundaries, not the edge of pavement, tread or shoulder.

C. Building to Building Setbacks: Building to building setbacks are subject to the provisions set forth in the applicable building code unless otherwise stated in a PUD. If the building to building setbacks required per the applicable building code are more restrictive than those required by a PUD, then those restrictions in the building code shall prevail.

D. Road Setbacks: Road setbacks are listed in Figure 3-6 and are based on the adjacent road classification. Where the road setback is greater than the property line setback, the road setback shall prevail. In PUDs and RP where no road setback is listed, the property line setbacks shall be used.

E. Trail Setbacks: Setback distances from hard and soft surface trail easements or right-of-way shall be ten (10) feet. Setbacks from hard and soft surface recreational pathways may be reduced if approved by the Open Space and Trails Department and if one (1) or more of the following exists: 1) topography or natural vegetation that provides a visual separation such that any buildings or improvements on the site (driveways excepted) cannot be seen from the recreational pathway; or 2) if lot dimensions, preexisting structures or other physical site attributes preclude the ability of individuals to meet established setbacks.

F. Open Parking Areas: Open parking area setback requirements are as follows:

1. For Single-Family Detached and Duplex Dwelling Units, Including But Not Limited to Single-Family and Duplex Dwelling Units in R-P and PUD Zoning Districts: Where it is not possible to build a driveway to County standards because of the steepness of the lot, a parking area or parking platform may be constructed adjacent to the road right-of-way and within the required setback, subject to approval by the County Engineer per the applicable requirements of this Code.
2. For CG, CN, B-1, B-3, I-1, M-1, Multi-family Residential Uses in R-P or PUD Zoning Districts, Commercial or Industrial Uses in PUD Zoning Districts and Other Non-residential Development:
   a. Front and Street Side: Within ten (10) feet of the property line, except that no parking areas are allowed within 20 feet of property lines abutting highway or arterial rights-of-way.
   b. Side and Rear: Within five (5) feet of the property line, except that no parking areas are allowed within 15 feet of a property line where that line is a boundary between:
      i. A single-family and a multi-family residential zoning district.
      ii. An area(s) of a PUD Zoning District and an area(s) of an R-P Zoning District where single-family and multi-family residential development abut.
      iii. A residential zoning district (including an area of a PUD allowing residential development) and either a commercial or industrial zoning district, community or institutional facility or an area of a PUD allowing commercial or industrial development or development of a community or institutional facility.
      iv. A mining zoning district and either a residential or commercial zoning district, community or institutional facility or an area of a PUD allowing residential or commercial development or development of a community or institutional facility.
   c. For Residential Development in All Zoning Districts in the County: Parking areas for single-family, duplex and accessory apartments can be located within the required setbacks if: (1) the parking is located in a driveway that is built to the standards outlined in the Road Standards and the driveway has not been expanded to accommodate parking beyond the width permitted by this Code; and (2) all applicable regulations contained in this Code relating to parking have been met. Parking areas for single-family, duplex or accessory apartments that is not accommodated in the driveways as required above must meet the parking area setbacks outlined above.

G. Exceptions to Setback Requirements:
   1. Duplex Units: Where a lot line is to be established along the common wall shared by two (2) dwelling units in a duplex, the side setback requirement on either side of this lot line may be reduced or eliminated.
   2. Interior Property Lines: Where a manufactured home park, multi-family residential, commercial, industrial or mixed-use development is proposed for a site consisting of two (2) or more contiguous parcels, setback requirements along the interior property lines may be reduced or eliminated if:
      a. An overall development plan has been approved for the site and the site continues to be developed as one entity according to the approved development plan.
      b. Structures do not cross parcel lines.
      c. The Placement of structures complies with building-to-building setback requirements and with the requirements of the Building Code.
   3. Minor Structures and Uses: The following minor structures and uses are allowed in any required setback, but shall not obstruct motorist's vision at access points.
      a. Bus shelters used as a part of a community transit system.
      b. Uncovered decks and patios within 18 inches of finished grade.
      c. Driveways, including driveways that must be elevated due to topographic conditions.
      d. Flagpoles that do not exceed the maximum height limit established in the underlying zoning district.
      e. Mailboxes and newspaper tubes.
      f. Landscape planters.
      g. Play equipment.
      h. Signs, with an approved sign permit.
      i. Walkways.
      j. Walls and fences, as provided in Section 3505.17.
      k. Minor utility facilities.
      l. Light bollards/fixtures.
      m. Sheds provided that 1) the sheds are located in the rear or side yard and are located a minimum of five (5) feet from all property lines (including the driplines of the shed); and 2) the maximum size of such shed shall not exceed 200 square feet of floor area nor shall the maximum height exceed eight (8) feet. Sheds larger than 200 square feet must be located
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

outside of the required setbacks.

\textbf{m.n.} Ranch signs and similar entry structures for parcels greater than five (5) acres.

\textbf{n.o.} Signs as permitted by this Code, subject to any sign setbacks established in the Sign Regulations.

\textbf{o.p.} Hot tubs, provided that 1) the hot tubs are located in the rear yard, 2) a minimum setback of five (5) feet to all property lines is maintained, and 3) buffering or screening is provided to the adjoining property or properties.

\textbf{p.q.} Railings for walkways, patios, decks, stairs or driveways as required to meet code requirements.

\textbf{q.r.} Stairs less than 18 inches above finished grade.

\textbf{r.s.} Any structure if it is buried below natural grade if 1) the finished grade provides a smooth transition into the unaltered natural grade, and 2) the setback area retains its open character.

\textbf{s.t.} Typical non-structural residential recreational amenities including play sets, sandboxes, tree houses, benches, picnic tables, grills, dog houses and other similar non-structural residential recreational amenities that do not adversely impact the open character of the setback area.

\textbf{t.u.} Art.

\textbf{u.v.} Solar energy systems as indicated in Section 3507.01.

\textbf{v.w.} Raised garden beds.

H. \textbf{Verifying Setbacks:} A Site Improvement Location Certificate (“SILC”) shall be required to verify setbacks when structures or improvements, which are not listed as an exception in Section G above, are within ten feet of a setback unless otherwise verified by the Planning Department.

\textbf{3505.14: Site Area}

Site area requirements for the different zoning districts are stated in Figure 3-5. In certain cases, Figure 3-5 lists specific site area requirements for particular uses. Where a specific site area required for a particular use differs from the general requirement for the zoning district, the specific requirement shall apply when a site is created for that use. Compliance with minimum site area requirements is determined as follows:

A. \textbf{A-1 and BC Zoning Districts:} Minimum site area is synonymous with the minimum parcel size allowed, except for approved rural land use subdivisions (see Section 8420 et seq.). In determining compliance with site area requirements where the requirement is for 20 or more acres, gross site area shall be used.

B. \textbf{RU, RE, R-1, R-2, R-3 and R-4 Zoning Districts:} Minimum site area is synonymous with the minimum parcel size allowed. In determining compliance with the minimum size required, net site area shall be used.

C. \textbf{R-6 and R-25 Zoning Districts:} Minimum site area is synonymous with the minimum parcel size allowed. In determining compliance with the minimum size required for one (1) dwelling unit, net site area shall be used. A duplex lot shall contain sufficient square footage of lot area to allow the development of a duplex (two (2) dwelling units) unless other applicable zoning regulations, plat notes or documents allow for the development of a duplex.

D. \textbf{R-P Zoning District:} A site consists of a parcel or group of contiguous parcels included in an overall plan for development approved by the County. Site area requirements may vary for different planning areas under the overall plan. The overall plan shall specify site area requirements of each planning area and may include a map illustrating site area requirements. If site area requirements are not stated for an R-P Zoning District, the Planning Director shall determine the site area requirements which apply in accordance with Section 3505.01.

E. \textbf{MHP, CG, CN, B-1, I-1, and M-1 Zoning Districts:} A site consists of a parcel or group of contiguous parcels that are planned and developed as a unit, and the following site area requirements apply:

1. MHP Zoning District: Each manufactured home park shall contain a minimum of ten (10) acres.
2. CG Zoning District: Each area having this zoning designation shall contain a minimum of five (5) acres.
3. CN Zoning District: Each area having this zoning designation shall contain a minimum of one (1) acre.
4. I-1 Zoning District: Each area having this zoning designation shall contain a minimum of five (5) acres.
5. PUD Zoning District: Where established, site area requirements for PUDs shall be stated in the PUD designation. If site area requirements are not stated in a PUD, the Planning Director shall
determine the site area requirements which apply in accordance with Section 3505.01.

F. **B-3 Zoning District:** 20,000 sq. ft., except that any lot platted prior to an area being zoned B-3 shall be considered to meet the required minimum lot area. The minimum lot area for a residential-only subdivision is stated in Section 3515.

G. **R-4 with Plan, R-6 with Plan and PUD Zoning Districts and Multi-family Development That may be Permitted in Other Zoning Districts:** A site may consist of a parcel or group of contiguous parcels included in an overall plan for development approved by the County. Site area requirements may vary for different planning areas under the overall plan approved by the County. If site area requirements are not stated for one of these zoning districts, the Planning Director shall determine the site area requirements which apply in accordance with Section 3505.01.

H. **Site Area Requirements and Subdivision Exemptions:** If a duplex lot or multi-family lot meets the minimum site area requirements of the underlying zoning, such lots may be platted in accordance with this Code’s subdivision exemption requirements listed in Section 8400 et seq. Duplex dwellings, townhouse dwellings or multi-family dwellings may be subdivided into parcels that do not meet required site area provisions provided 1) the site continues to be developed as one (1) entity according to an approved or modified development plan in accordance with the requirements of this Code; 2) the overall site development adheres to the site area requirements of the underlying zoning district; 3) the property continues to meet and adhere to all requirements of any townhouse plat or condominium map, or other applicable documents of record; and, 4) any subdivision plat for the development site includes a plat note stating the development of the parcels is subject to an overall development plan. Notwithstanding the foregoing, a duplex dwelling subdivision exemption shall be divided so that the lot for one (1) dwelling unit contains no less than 40% of the total land area in the original lot unless other site areas are approved by the Planning Department that allow for each lot to have approximately 30 to 50% of the land area in each resultant duplex lot.

I. **Waiver of Site Area Requirements for Replatting Legal Non-conforming Lots:** The Review Authority may approve the replatting and establishment of lots that do not meet the minimum site area requirements if the following criteria are met during the required subdivision development review process:

1. At least two (2) legal non-conforming lots are being platted through a preliminary/final plat or subdivision exemption development review process.
2. There is no increase or decrease in the pre-existing site area of the non-conforming parcels or lots involved in the subdivision process and all lots retain the same or greater area as exists prior to the subdivision review process.
3. The proposed reconfiguration is to either a) create better development sites per the policies contained in applicable master plans, or b) to achieve other broader community goals or objectives that further the public interest, or c) to resolve some lot or parcel boundary dispute, including but not limited to structural encroachments, setback encroachments of structures or encroachments of wells or septic system components.
4. A nonconforming parcel plan review has been or will be obtained prior to establishing any new uses on a parcel, if deemed necessary by the Review Authority, or such review is not required by the provisions of this Code.

**3505.15: Site Coverage**

Site coverage limitations are required to ensure that a certain portion of each development site remains undeveloped in order to provide relief from large expanses of building mass and pavement.

A. **Application of Coverage Requirement:** The maximum amount of building and impervious site coverage (as defined in Chapter 15) permitted for each zoning district, and for specific uses in each zoning district, are stated in Figure 3-5. Coverage requirements are applied as follows:

1. **A-1, BC, RU, RE, RME, R-1, R-2, R-3, R-4, R-6 and R-25 Zoning Districts:** Maximum coverage limits are calculated based on net site area, except for approved rural land use subdivisions (see Section 8420 et seq.).
2. **MHP, CG, CN, B-1, B-3, I-1 and M-1 Zoning Districts:** A site consists of a lot or group of contiguous parcels which are planned and developed as a unit. Each parcel shall meet the maximum coverage requirements as outlined in Figure 3-5.
3. **For PUD Zoning Districts:** Where established, coverage limits for PUDs shall be stated in the PUD designation. If site coverage limits are not stated in the PUD designation, the Planning
Director shall determine the site coverage limits which apply in accordance with Section 3505.01.B.

4. R-4 with Plan, R-6 with Plan and PUD Zoning Districts and Multi-family Development That May Be Permitted in Other Zoning Districts: A site may consist of a parcel or group of contiguous parcels included in an overall plan for development approved by the County. Site coverage requirements may vary for different planning areas under the overall plan approved by the County. If site area requirements are not stated for one of these zoning districts, the Planning Director shall determine the site area requirements which apply in accordance with Section 3505.01.D.

5. Site Coverage Requirements and Subdivision Exemptions: If a duplex dwelling or multi-family dwelling meets the site coverage requirements of the underlying zoning, such units may be platted in accordance with this Code’s subdivision exemption requirements listed in Section 8400 et seq. Duplex dwellings, townhouse dwellings or multi-family dwellings may be subdivided into parcels that do not meet required site coverage provisions provided 1) the site continues to be developed as one (1) development application according to an approved or modified development plan in accordance with the requirements of this Code; 2) the overall site development adheres to the site coverage requirements of the underlying zoning district; 3) the property continues to meet and adhere to all requirements of any townhouse plat or condominium map, or other applicable documents of record; and, 4) any subdivision plat for the development site includes a plat note stating the development of the parcels is subject to an overall development plan.

B. Compliance with Requirement:

1. Types of areas: Areas which are not counted towards site coverage shall either be:
   a. Undisturbed areas left in a natural state; or
   b. Landscaped and revegetated areas having a permeable surface.

3505.16: Street, Driveway and Parking Areas

Summit County has adopted Road Standards. Any streets, driveways or parking areas constructed in conjunction with a development project shall comply with the standards in Chapter 5 and the other required provisions of this Code, including but not limited to the design requirements stated in Section 3600 et seq. and Section 3700 et seq.

3505.17: Walls and Fences

The height, location and design of walls and fences are regulated by this Code as provided in this section. Berm design standards are addressed separately in the Landscaping Regulations of this Code (see section 3600).

A. Wall and Fence Heights: The maximum heights for walls or fences are stated below and summarized in the development standards matrix, except as provided in Section 3505.17.B. No wall or fence shall obstruct visibility at access points.

1. A-1 Zoning District: On parcels having 20 or more acres, wall and fence heights are not regulated except that they shall not cause a visual obstruction at access points. On parcels of less than 20 acres, fences shall comply with requirements for residential zoning districts (see Section 3505.17.A.2).

2. RU, RE, RME, R-1, R-2, R-3, R-4, R-6, R-25, R-P and MHP Zoning Districts:
   a. Front: Fences and walls in the front setback shall be no higher than four (4) feet above grade at the property line, and shall not cause a visual obstruction at access points. Fences or walls in the front yard but not in the front setback may exceed four (4) feet up to a maximum of six (6) feet above grade.
   b. Street side: Fences or walls in any setback abutting street right-of-way shall comply with the height limits on fences and walls in front setbacks except where there is no vehicular access to the site from that side. In that case, the height of the fence or wall may be six (6) feet above grade at the property line.
   c. Maximum height: Fences and walls in areas other than the front or street side setbacks shall be no higher than six feet (6) above grade.

3. CG, CN, B-1 and B-3 Zoning Districts and Other Commercial Development as May be Allowed in Other Zoning Districts:
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

4. I-1 and M-1 Zoning Districts:
   a. Front: Fences and walls in the front setback shall be no higher than six (6) feet above grade at the property line and shall not cause a visual obstruction at access points. Fences or walls in the front yard but not in the front setback may exceed six (6) feet up to a maximum of ten (10) feet above grade at the property line.
   b. Street Side: Fences and walls in any setback abutting street right-of-way shall comply with the height limits on fences and walls in front setbacks except where there is no vehicular access to the site from that side. In that case, the height of the fence or wall may be ten (10) feet above grade at the property line.
   c. Maximum Height: Fences and walls in areas other than the front or street side shall be no higher than ten (10) feet above grade.

5. For Planned Unit Developments: Where limits on heights of fences or walls are established in a PUD, these limits shall apply as provided for in Section 3505.01. Where height limits for fences or walls are not stated in the PUD designation, the Planning Director shall determine the height limits for fences or walls which apply in accordance with Section 3505.01.

6. BC Zoning District:
   a. Wildlife and Fencing: All fences or walls shall be constructed to effectively hold livestock while allowing for the passage of wildlife. Areas that may be fenced shall be limited to the immediate area of site disturbance around the principal structure and areas for livestock. Fencing areas for livestock shall be limited to a size equal to the area required for the number of livestock animals physically kept on a property, subject to the requirements of Section 3802 et seq. and Figure 3-8. For example, if two (2) horses are kept on the property, a maximum of four (4) acres may be fenced.
   b. Maximum Heights: The maximum height for fences and walls shall be the same as for residential zoning districts as outlined in Section 3505.17.A.2 provided that such fencing shall also comply with the requirement regarding wildlife friendly fencing outlined above.

B. Exceptions to Wall and Fence Heights: The following exceptions to limits on wall and fence heights apply in all zoning districts:
   1. Height limits specified in this section do not apply to retaining walls or construction fencing (up to 12 feet) for large-scale projects or projects with significant safety concerns as determined by the Planning Department.
   2. The maximum height of a fence or wall shall be three and one-half (3-1/2) feet above grade within the sight triangle of any street intersection.
   3. Sports and recreation facilities may have wall and fence heights that exceed the requirements of this section provided such heights are based on industry accepted standards.

C. Wall and Fence Design: The design of fences, including the types of material used for construction, shall comply with the following requirements except that (1) fences on parcels of 35 or more acres in the A-1 Zoning District shall be exempt from these requirements; and (2) retaining walls do not have to meet the following standards (refer to Section D below for the design standards for retaining walls):
   1. Use of Natural Materials: Walls and fences constructed as part of multi-family, mixed-use or commercial development shall be constructed of natural materials such as wood, river rock or stone or naturally appearing materials approved by the Planning Department. For all new construction and/or additions in excess of 25% of the value of the existing structure, permissible fencing materials shall include a section of five (5) lineal feet of non-combustible material within 10-feet of any structure. Compliance shall be verified as part of any required defensible space inspection. This requirement may be waived by the Review Authority when the specific conditions and individual circumstances (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the CWPP) of a given project do not
Concrete fences are not permitted unless faced with a material as required above.

2. **Barbed Wire, Wire Strand and Electric Fences:** Barbed wire, wire strand and electric-charged fences are regulated as follows:
   a. Permitted in A-1, BC (as may be limited in Section A.6 above), M-1, RU, RME and RE zoning districts and in other zoning districts where a conditional use permit has been approved for the keeping of livestock.
   b. Permitted as specified in the National Electric Code, as amended or as deemed necessary and appropriate by the Review Authority to promote demonstrated security concerns and the public health, safety and welfare.
   c. Prohibited in all other zoning districts except as provided for above unless a specific allowance has been made in a PUD designation.
   d. Electric fences may be used in accordance with Section 3802.02.E.4 et seq. specifically in association with beekeeping.

3. **Chain Link:** Chain link fences are permitted except that in the RU, RME, RE, R-1, R-2, R-3, R-4, R-6, R-P and MHP zoning districts, chain link fences shall not be used for purposes of enclosing storage areas where such storage must be screened from view in accordance with Section 3815 et seq. Chain link fences are permitted to be used in the I-1 and M-1 zoning districts for enclosing storage areas, provided that such fences shall be equipped with slats in order to create an opaque screen as required by Section 3815 et seq.

4. **Storage Yards:** Walls and fences enclosing storage yards and gates in such fences and walls shall be opaque if so required by this Code.

5. **PUDs:** Where design standards for fences are established in a PUD, these design standards shall be applied as provided for in Section 3505.01. Where height limits for fences are not specifically stated in the PUD designation, the Planning Director shall determine the height limits for fences that apply in accordance with Section 3505.01.

D. **Retaining Walls:**
   1. **Design:**
      a. Colorado Licensed Professional Engineer Design: All retaining walls in excess of four (4) feet in total height, whether in a single line or in steps, shall be designed and stamped certified by a Colorado Licensed Professional Engineer.
      b. Maximum Height: To the extent practicable, large retaining walls shall be broken up by steps. The maximum height of a retaining wall shall be eight (8) feet, and if more retaining is necessary above that height, a four (4) foot step in the wall shall be required. All stepping of retaining walls shall require a setback for each step with a minimum of one-half the height of the wall preceding it.
      c. Landscaping: Landscaping shall be provided on any steps in the retaining wall and at the base of the wall to soften the appearance of a retaining wall.
      d. Visual Impacts: Attention shall be given to the visual impact of retaining walls as viewed from off-site. Every reasonable effort shall be made to reduce visual impact through the color and type of materials used and height of retaining walls.
   2. **Materials:** Retaining walls shall be constructed from such materials as concrete, reinforced earth rock, gabions or other decay resistant materials. If gabions are used, large rocks shall be used to fill the gabions, and they shall be faced with treated timbers. The appearance of retaining walls shall be softened through the architectural finish on the surface and with landscaping.
   3. **Drainage:** All retaining walls shall have adequate subsurface drainage.
   4. **PUDs:** Where design standards for retaining walls are established in a PUD, these design standards shall be applied as provided for in Section 3505.01. Where design standards for retaining walls are not specifically stated in the PUD designation, the Planning Director shall determine the design standards that apply in accordance with Section 3505.01.

3505.18: Garages

A. **Size Limits:** The maximum size for a garage associated with a single-family dwelling shall be as follows:
   1. BC Zoning District: Total floor area of garages (and all other accessory structures) in the BC zoning District shall not exceed 600 square feet.
   2. All Other Zoning Districts: 1,500 sq. ft. of floor area in a single-family dwelling that contains up to
3,000 square feet of floor area. For single-family dwellings that contain more than 3,000 square feet, maximum garage size is a function of the floor area contained in the dwelling, with the maximum garage size allowed at 50% of the floor area contained in the dwelling up to a maximum of 2,000 square feet of in garage floor area.

3. There shall be no size limit for a garage on a parcel greater than 35 acres located within the A-1 Zoning District.

B. Location: Except as provided in the RC-5000 and RC-40000 zoning districts, a garage associated with a residential use must be located on the same parcel as the residential use. The garage may be either attached to or detached from the primary residential structure. Both attached and detached garages are allowed on the same parcel provided the size of both garages combined does not exceed the maximum size limit as stated above.

C. Exceptions to Size Limits: Areas which are located within the garage area of a dwelling or the garage structure, but are separated from the actual parking areas, such as but not limited to workshop areas or rooms, storage areas and utility areas, shall not be counted in the size of the garage if such areas are designed as one of the following areas:
   1. An area that has a floor elevation at least six (6) inches higher or lower than the garage floor elevation.
   2. An area that is physically separated by a wall from the garage parking area (i.e., utility or storage rooms, a workshop area, etc.) that clearly cannot accommodate the parking of a vehicle.
   3. An area that has a maximum door opening of less than six (6) feet in width.

D. Other Uses Permitted in Garages: Garages may contain workshops, storage areas, dog washes, chemical washouts (for residential uses only in residential zoning districts), utility sinks, offices, artist studios, and other similar uses. In detached garages, bedrooms not associated with an approved accessory apartment are prohibited. Bathrooms are permitted in detached garages but are limited to a sink and a toilet.

3505.19: Snow Storage and Snow Shedding Standards

A. Applicability: The provisions of this section apply to duplex, multi-family, commercial, industrial and other non-residential development. Single-family development is exempt from the following requirements so long as snow storage is provided adjacent to paved areas in accordance with the provisions of subsection B below.

B. Provision for Snow Storage: Snow storage areas shall be provided on each site adjacent to paved areas and other areas to be plowed subject to the standards of this section. The size of these areas shall be equivalent to at least 25% of paved or graveled surfaces on the site and shall be located to provide convenient access for snowplows. Uphill slopes of five to ten percent (5-10%) shall count at 75% of their area towards this requirement. Uphill slopes of eleven to twenty percent (11-20%) shall count at 50% of their area. Uphill slopes greater than 20% are not appropriate for snow storage, and shall not be counted in determining compliance with snow storage requirements. The area provided by downhill slopes used for snow storage shall be calculated at the time of development review. Heat traced or mechanically snow melted areas may be required by the Review Authority where high pedestrian traffic is anticipated and such areas do not receive adequate sun exposure in order to avoid ice buildup or other safety hazards. Where required by a review authority, adjacent snow storage areas do not have to be provided for heat traced or snow melt areas. Such areas, including pedestrian walkways, courtyards and driveways shall not be counted in the total area used to determine the minimum snow storage requirement so long as the heat tracing system is maintained and operated.

C. Off-premise Snow Storage: Removal of snow to storage areas off-site in lieu of providing on-site snow storage may be permitted with approval of the Review Authority, if one of the following criteria is met:
   1. Evidence is provided showing that the property would otherwise comply with the minimum snow storage requirements described in Subsection B above, and that the area that would have been used as on-site snow storage will remain in open space rather than used to increase the density of the project.
   2. Placement of the snow storage off-site will achieve important design objectives such as consolidating or better coordinating snow storage areas, increasing landscaped areas and buffering of buildings or reducing visual obstructions caused by snow stacking on the project site.
   3. The off-site snow storage area has provisions for buffering, screening, access and water quality.

D. Proximity to Paved Areas: Snow storage shall be (1) provided adjacent to paved areas if not being
E. Snowmelt and Drainage Requirements: Snow storage areas shall be located in a manner that maximizes snowmelt and drainage opportunities. In addition, the following related criteria shall be met to the extent practicable:

1. **Location:** To the extent practicable, snow storage areas shall be located in:
   a. Sunny areas to help speed the snow melting process.
   b. Revegetated areas to help with slowing the absorption of runoff, and prevent ponding.

2. **Drainage:** Drainage from snowmelt areas shall be designed to:
   a. Divert snowmelt away from walks, driveways, parking areas and other paved surfaces.
   b. Divert snowmelt away from shaded areas to avoid freezing and subsequent ice hazards.
   c. Protect waterways and neighboring properties by providing methods for filtering runoff before such drainage enters a waterway.
   d. Minimize erosion.

F. Other Design Standards:

1. **Sight Distance:** Snow storage shall not interrupt pedestrian path sight distance or auto circulation sight distance as required by this Code.

2. **Protection of Road and Driveway Edges:** Road and driveway edges shall be designed to be protected from snow removal activities by 1) reducing or eliminating traditional curb and gutter; 2) utilizing concrete pans adjacent to the driveway; or 3) utilizing other common engineering or BMPs to reduce damage to the edges of roads and driveways.

3. **Protection of Landscaping:** Landscaping adjacent to snow storage areas that may be damaged or destroyed by snow storage activities shall be protected by the use of planters, elevated landscaping elements, timber walls or other mechanisms approved by the County.

4. **Protection of Buildings or Structures:** Protective measures such as planters, retaining walls and bollards shall be used where it is deemed necessary by the County to prevent snow removal damage to buildings or structures.

G. Snow and Ice Shedding Standards:

1. **Protection of Public Spaces:** Public spaces, such as walkways, decks, balconies and entrances shall not be located below snow and ice shedding areas of roofs, wherever practicable. Where it is not practicable to avoid locating public spaces below snow shedding and icicle fall areas, such areas shall be protected by appropriate mechanisms, including but not limited to the use of architectural treatments such as dormers, shed roofs and canopies; the use of snow and ice stopping devices on the roof; and/or, the use of heat-traced roof and gutter systems.

2. **Protection of Landscaping:** Existing vegetation, landscaped areas, parking, drives and buildings shall be protected from snow shedding, removal and storage activities by:
   a. Setting parking and drive areas back ten (10) feet from buildings so that these areas may be protected from snow shedding if the roof design indicates snow shedding onto such areas.
   b. Trees, delicate shrubs and other landscaping that may be damaged or destroyed by snow or ice shedding shall not be located below the roof of a building where snow and ice shedding can occur.

3505.20: Solar Access and Orientation

Summit County has a severe winter climate but a high number of days with sunshine. It is the County’s policy to encourage the design of developments such that solar access is reasonably preserved for each building site and for adjacent properties. It is the County’s intent to encourage the use of passive and active solar energy systems in both homes and businesses, and also to ensure developments do not negatively impact the solar access of neighboring properties to a significant degree.

A. Shading:

Developments have the potential to shade and decrease the solar access of adjacent properties. Developments shall be designed to preserve the solar access of adjacent properties to the extent practicable. The Planning Department may require a shade analysis for developments that could significantly affect the solar access of neighboring properties.

B. Solar Design:
The high number of sunny days in Summit County provides the opportunity to significantly increase the energy efficiency of structures through the use of effective passive solar design. Developments are encouraged to maximize the use of passive solar design. In addition, properly oriented roof areas allow for the installation of efficient solar energy systems. The County encourages roof areas to be designed to allow for the installation of efficient solar energy systems.

C. Landscaping:
Incorrectly designed landscaping has the potential to decrease the solar access of on and off-site development. The County encourages landscaping be designed to minimize impacts to solar access of on and off-site development while maintaining compliance with Section 3600 et seq.

3505.21: Outbuildings

A. Outbuildings include, but are not limited to, sheds, workshops, detached structures, and barns. Outbuildings do not include garages. The size of outbuildings is limited as follows:
1. The size of barns is not regulated on any parcels where the use is permitted, except that all structures on such parcels shall not exceed the site coverage limitations as set forth in Figure 3-5.
2. On parcels less than 40,000 square feet, the cumulative size of all outbuildings, excluding barns where permitted, shall not exceed 1,000 square feet.
3. On parcels greater than 40,000 square feet, there is no limitation on the individual or cumulative size of the outbuildings. However, such structures shall not exceed the site coverage limitations of the underlying zoning district as set forth in Figure 3-5.

B. Outbuildings may not contain bedrooms nor shall they be used as a dwelling unit, except that detached historic structures may be used as an accessory apartment if approved in accordance with Section 3809.03.M of the Code. Where outbuildings 200 square feet or larger contain electricity and running water, a covenant prohibiting the structure from being used as a dwelling unit or separate living quarters shall be required to be recorded prior to the issuance of a certificate of occupancy for such structure.

C. Except for barns, doors on outbuildings shall not exceed six (6) feet in width.

3506: Transferable Development Rights (TDRs) Program Regulations

3506.01: Purpose and Intent:

The transferable development rights program provides a means to help achieve the community’s common vision for the future, and identified goals and objectives, such as but not limited to the protection of: backcountry and rural areas, lands with important resource protection or open space value, natural features, scenic vistas or visually important lands, environmentally sensitive areas, land with development constraints, and community character. Furthermore, these regulations are intended to:

- Implement key goals and policies/actions of the Countywide Comprehensive Plan, and respective basin master plans and subbasin plans.
- Provide a mechanism to compensate landowners who voluntarily participate in the TDR Program by giving up certain development/subdivision rights, thereby providing opportunities to preserve resources valued by the community.
- Encourage new development to occur in areas that have adequate infrastructure and services capable to accommodate growth or additional development.
- Moderate activity levels and the rate of growth in traffic volume to maintain acceptable levels of service. Particularly, reduce the amount of residential and vehicular activity associated with ultimate build-out allowed per zoning on backcountry or rural properties.

3506.02: TDR Regulations:

The Review Authority analyzing and approving a formal development project proposal determines whether a particular property is suitable to utilize the TDR program. Therefore, in cases where it is determined appropriate, utilization or acquisition of development rights is a condition supplemental to the successful approval of a County development project/application. The TDR program regulations are intended to be uniform and consistent between planning basins. However, portions of the regulations contained herein were developed in a manner to reflect unique characteristics or issues of each respective basin; therefore, the TDR regulations may vary depending on where a property is located. The transfer of development rights within the respective planning basins is allowed pursuant to the regulations contained in this subsection.
A. Applicability: To carry forward the purpose and intent of the TDR program, the following regulations shall be applicable to all development that undertakes any of the following actions, except for actions listed under the exemptions set forth in subsection 3 below and 3506.04. No development project that seeks to utilize the TDR program regulations shall be approved by the County unless the provisions of this section are met. TDR program regulations are applied to various development projects in two ways: (1) utilization of the TDR program is mandatory for rezoning/upzonings; and (2) the TDR program may voluntarily be utilized in other types of development projects to mitigate issues.

1. Rezonings/Upzonings: An application for a zoning amendment or PUD modification that would increase the development rights (or equivalent thereof) associated with permitted or previously-approved conditional use(s) in any one or more of the following ways shall transfer development rights accordingly:
   a. Residential Density: Increases the residential density of development beyond the maximum permitted by the existing zoning district; and/or
   b. Floor Area: Increases the permitted residential, commercial or industrial floor area beyond that permitted by the existing zoning district or this Code; and/or,
   c. Vehicle Trips: Increases the total number of vehicle trips generated by commercial or industrial development beyond that permitted by the existing zoning district; and/or,
   d. Mixed Uses/Combination of New Uses: Increases the overall activity levels beyond the maximum permitted by the existing zoning district. For example, where a combination of new uses are proposed on a property (e.g., mix of residential and commercial), it shall be shown that overall activity levels (i.e. residential density, floor area or vehicle trips) increase.

2. Other Types of Applications:
   a. Any applicant may voluntarily propose to utilize the TDR program regulations provided that the applicant makes such an express proposal in writing, or on the record, and presents the same directly to the Review Authority. The voluntary transfer of a development right or development rights may be accepted as a means of mitigation if the Review Authority deems it is a reasonable and appropriate method to ameliorate concerns related to a proposed development project. Examples of types of issues that may be mitigated, including without limitation, are as follows:
      i. Attaining general conformance with master plans and applicable master plan goals and policies/actions;
      ii. Mitigating issues related to subdivisions (whether new subdivision, resubdivision or platted lots or reestablishing lot lines);
      iii. Mitigating impacts related to increased floor area or vehicle trips;
      iv. Mitigating impacts to the immediate neighborhood or community (e.g., traffic, noise or visual impacts);
      v. Offsetting taxation and assessment issues or homeowner association concerns;
      vi. Addressing other important development or planning concerns, policies, and/or unusual impacts.
   b. Utilization of the TDR program for a particular development project shall consider the following:
      i. Regulations or policies that are of sufficient exactitude so that proponents of new development are afforded due process, and the basis for the County's decision is clear for purposes of reasoned judicial review.
      ii. Rough proportionality in both nature and extent to the level of impact considered in utilizing and implementing the TDR program.
      iii. Maintaining an essential nexus to the concerns which precipitated the utilization of the TDR program for that application.

3. Exemptions: The following types of development, TDR Banks and Planned Unit Developments (PUDs) are exempt from the provisions of these regulations:
   a. Local Resident Housing: Development of housing which meets the specifications for Affordable Workforce Housing set forth in Section 3809.02 et. seq., the specifications for Accessory Apartments set forth in Section 3809.03 et. seq., or the specifications for Housing for On-Site Employees set forth in Section 3809.04 et. seq. of this Code.
   b. Community Facilities and Institutional Uses: Development applications or portions of development applications where the proposed land use is restricted to community facilities and institutional uses as defined by this Code.
c. **Blight Placer TDR Bank:** The development rights located in the Blight Placer TDR Bank are not eligible to take advantage of the bonus density as specified in Section 3506.02.D.1.d.ii. However, the 2-units allowed to be located on the Blight Placer PUD property may take advantage of this provision.

d. **Keystone Resort PUD:** Where upzonings are proposed within the existing boundaries of the Keystone Resort PUD, development rights may be transferred from other parcels within the neighborhood, from parcels in other neighborhoods of the PUD, or from identified TDR sending areas, in accordance with the specific requirements of the PUD. When a zoning amendment request would exceed the overall density allocated to the Keystone Resort PUD, new density will only be allowed if it is transferred from a designated TDR Sending Area.
   i. For any future rezonings of the NR-2 zoning district land known as “the Soda Ridge Triangle” into the Keystone Resort PUD, up to 14 actual TDR units (35 equivalent units) for the requested rezoning may originate from the Keystone “PUD-wide Density Bank”.
   ii. For rezoning requests of land designated NR-2 that is contiguous to the Keystone Resort PUD, the proportion of development rights transferred or originating from either the Keystone Resort PUD, PUD-wide Density Bank or designated TDR Sending Area shall be determined at the time of the individual request. The BOCC shall make the final determination with input from the Snake River Planning Commission.

e. **Copper Mountain Resort PUD:** Where upzonings are proposed within the existing boundaries of the Copper Mountain Resort PUD, equivalent unit density may be transferred from other parcels within the neighborhood or from parcels in other neighborhoods of the PUD in accordance with the specific Density Transfer requirements contained in the PUD. When a zoning amendment request would exceed the overall density allocated to the Copper Mountain Resort PUD, new density will only be allowed if it is transferred from a designated TDR Sending Area.

B. **Mapping and Designation of TDR Sending, Receiving, Optional and Neutral Areas**

1. **Official TDR Maps:** The properties designated as Sending, Receiving, Optional and Neutral Areas are depicted on maps marked as Official Transferable Development Rights Maps for each of the respective planning basins. These maps are included as part of this Code by this reference and shall be kept on file in the Planning Department and available for public inspection. The BOCC may amend these maps from time-to-time (see Section 3506.02.C).

2. **Sending Areas:** Parcels suitable to transfer development rights from shall be identified as Sending Areas and shown on the respective basin’s Official Transferable Development Rights Map. In order to be eligible to be utilized as a sending area, all such parcels shall meet the following criteria to the satisfaction of the County:
   a. The Sending Area is a legal parcel in accordance with all the applicable provisions of this Code, and, if applicable, is in compliance with the merger of nonconforming parcels requirements specified in Section 14101.02.F.
   b. The applicant has an ownership interest in the property sufficient to proceed with transfer of development rights as proposed, including clear title and no encumbrances or restraints, private or otherwise, on the title that would preclude its eligibility to be used for transfer of development rights. Examples of encumbrances that could restrict the availability and sale of development rights from a particular property include, but are not limited to, existing conservation easements, access or utility easements, plat notes, or property purchased with GOCO (Great Outdoors Colorado) funds.
   c. No significant environmental or other liabilities exist on the property, such as but not limited to extensive environmental remediation needs that would preclude the County from accepting title to the property. In the Snake River, Ten Mile or Upper Blue basins, in rare instances where the County does not want to accept title to the property, the transfer of development rights from the property could still be recognized as specified in Section 3506.02.F. below.
   d. In the Upper Blue Basin, properties containing wetlands of “high importance” or wetlands of “concern”, as defined in and shown on maps prepared for the “Final Report on Enhancement of Wetlands Management in Summit County”, February, 2003 (copy on file at the County Planning Department), may also qualify to serve as TDR Sending Areas. In order to qualify, 50 percent or more of the property must be covered by wetlands of “high importance” or wetlands of “concern”. The Official Transferable Development Rights Map for the Upper Blue Basin does not identify the location of such lands; therefore, a site-specific delineation of wetlands will be required in order to confirm that a parcel is covered 50 percent or more by
wetlands of “high importance” or wetlands of “concern”. Such wetlands shall be delineated to
the satisfaction of the U.S. Army Corps of Engineers, or, if the property owner can
demonstrate to the satisfaction of the U.S. Army Corps of Engineers that the wetlands meet the
criteria to be classified as wetlands of “high importance” or wetlands of “concern,” site-
specific delineation may not be required.

In accordance with Sections 3506.02.A.2. and 3506.02.C., Sending Areas may be eligible to utilize
and retire development rights to offset the impacts of other types of applications without
necessitating an amendment to the Official Transferable Development Rights Map.

3. Receiving Areas: Parcels determined to be potentially suitable for the receipt of development
rights shall be identified as Receiving Areas and shown on the respective basin’s Official
Transferable Development Rights Map. A parcel may not be used as a Receiving Area unless it
receives approval for a zoning amendment, PUD, PUD amendment, or is otherwise authorized
through an official BOCC approval. Receiving Areas identified on Official TDR Sending and
Receiving Areas Maps represent areas that could “possibly” serve as sites for additional density or
more intense development. Receiving areas represent properties where it is felt adequate
infrastructure and services capable to accommodate growth or additional development might be
available. However, just because a property is identified as a “receiving area” on an Official TDR
Sending and Receiving Areas Map does not imply, grant or vest the right to actually utilize or
receive TDRs. The Review Authority analyzing and approving a formal development
project/application determines whether a particular property is suitable to utilize or receive TDRs.
Therefore, utilization or acquisition of TDRs is a condition supplemental to the successful approval
of a County development project/application. The following areas have specific requirements
related to receiving TDRs:

a. Lower Blue Basin: In the Lower Blue Basin a Receiving Area parcels located in the “Rural
Area” of the basin seeking to utilize development rights shall only receive such development
rights from identified Sending Areas also located in the “Rural Area” of the basin.

b. NR-2 Zoned Properties: Properties with a NR-2 Zoning District designation, but not identified
as TDR Receiving Areas on Official Transferable Development Rights Maps, may be allowed
to serve as TDR Receiving Areas provided that the zoning amendment Review Authority
determines (i) that the uses and densities proposed are in general conformity with the
applicable master plan policies and applicable master plan land use designations; (ii) that any
specific restrictions on the use of the property are given consideration, and (iii) that the
Receiving Area receives approval for a zoning amendment subject to the provisions of this
Code.

4. Optional Areas: Optional areas are only identified in the Lower Blue Basin. Those parcels that
have been determined to be suitable for sending or receiving development rights shall be identified
as an Optional Area, and therefore eligible to send or receive density. However, designation as an
Optional Area only enables a parcel to send or receive development rights, it does not enable the
parcel to do both. A parcel identified as an Optional Area may not be used as a Receiving Area
unless it receives the necessary approval as described above in Section 3506.02B.3.When a
property becomes designated as either a Sending or Receiving area, through affirmative action such
as requesting approval to send or receive a TDR from the property, the Official Transferable
Development Rights Map for the Lower Blue Basin shall be amended accordingly (reference
Section 3506.02.C. below).

5. Neutral Areas: Those parcels that have been determined to not be suitable for sending or receiving
density, and therefore not eligible to participate in the transfer of development rights, have been
identified as Neutral Areas and shown on the respective basin’s Official Transferable Development
Rights Map. In order to encourage sensitive site design and minimize environmental, visual or
other impacts, properties identified as Neutral Areas may be allowed to cluster density on
contiguous properties. The clustering of density may be allowed provided the properties: are held
in common ownership, there is no increase in density, and the proposal to cluster density is
approved through the applicable development review process (e.g. rezoning, subdivision).

C. Amendments to the Official Transferable Development Rights Maps:
Modifications to the TDR designations reflected on the respective basin Official Transferable
Development Rights Maps may be warranted based on changing conditions, such as: growth and
development patterns, land use approvals, availability of infrastructure, community sentiments,
conservation easements, land trades or purchases, etc.

1. TDR Receiving Situations Requiring an Amendment to the Official TDR Maps:
Only designated TDR Receiving Areas can accept and use development rights in conjunction with a rezoning. If a property proposed for rezoning is not identified as a TDR Receiving Area on the Official Basin TDR Map, an application to amend the applicable TDR Map to change the property’s TDR designation to a Receiving Area shall be submitted concurrently with the rezoning application.

2. TDR Receiving Situations Not Requiring an Amendment to the Official TDR Maps:
When a transfer of development rights is approved to offset impacts in conjunction with “Other Types of Applications”, per the provisions of Section 3506.02.A.2, the property does not need to be identified as a TDR Receiving Area, and an amendment to the Official Basin TDR Map is not required to enable utilization and retirement of development rights to occur.

3. Review Process, Submittal Requirements and Criteria for Approval:
An applicant seeking an amendment to an Official Transferable Development Rights Map shall follow the Class 5 development review process outlined in Section 12000 et seq. The following shall be submitted to the Planning Department as part of the application to enable evaluation by the Review Authority:

a. Description of the property location, statement of interest in the property, and the request to change the TDR designation.

b. A written narrative describing how the subject property meets the applicable criteria outlined below:

i. For requests to change a TDR Receiving or Neutral Area designation to a TDR Sending Area designation, the following criteria shall be met:

aa. The property has a master plan rural land use designation or other County development policy/action or regulation that specifically contemplates sending development rights.

ba. The property is in an area not readily served by urban facilities and services (e.g., public wastewater and water).

ca. Surrounding properties primarily have a TDR Sending Area designation.

da. Designation of the property as a TDR Sending Area would be consistent with the overall philosophy of protecting rural areas, backcountry areas or environmentally sensitive areas, or would be consistent with accomplishing other important master plan goals and policies/actions.

ii. For requests to change a TDR Sending or Neutral Area designation to a TDR Receiving Area designation, the following criteria shall be met:

aa. The property has the ability, based on master plan land use designation or other County development policy/action or regulation, to accommodate additional development densities.

ba. Designation of the property as a TDR Receiving Area would be consistent with the overall philosophy of directing development to urbanized locations or with accomplishing other important master plan goals and policies/actions.

b. TDR Sending or Neutral properties shall not be eligible for a TDR Map Amendment to change their TDR designation to Receiving unless adequate wildfire hazard mitigation improvements (e.g., central water supply, cisterns, firewise community standards, provision for secondary emergency access, etc.) are incorporated into the project design.

iii. In the Lower Blue Basin, for requests to change from either a TDR Sending, Receiving or Neutral Area designation to an Optional Area designation, the subject property must have inherent site characteristics (e.g., size, available infrastructure or visually important lands) that support and demonstrate the property is suitable for both sending and receiving additional development rights/densities as set forth in Sections C.2 and C.3 above.

iv. For requests to change a TDR Sending, Receiving or Optional Area to a Neutral Area designation, the following criteria shall be met:

aa. The property has a master plan land use designation or other County development policy that supports the Neutral Area designation; and/or

ba. It is demonstrated that the property is not suitable for transferring development rights from or to, and therefore should not be eligible to send or receive density.

4. Administrative Changes to the Official TDR Maps: Administrative changes to the Official Transferable Development Rights Maps shall be allowed to correct mapping errors or to reflect actions that have occurred, which have affected the density on a particular property (e.g., land
trades, rezonings to the open space zone district, recordation of a conservation easement or restrictive covenants placed on sending areas). Determination of whether a proposed change is administrative shall be made by the Code Administrator. Administrative changes to the Official TDR Maps shall follow the Class 6 development review process outlined in Section 12000 et seq.

**D. Development Rights Sending Area Value, TDR Banks and Sales Price:** Once a request for a TDR transfer has been approved, either the development right shall be purchased from a TDR Bank or transferred from identified Sending Areas (including Optional Areas that have become a Sending Area) using the following formula:

1. **Sending Area Value**
   a. **Vacant Property:** Twenty (20) acres of vacant property in an identified Sending Area equals one (1) development right. Fractions of a development right shall be recognized for Sending Area properties less than or exceeding twenty (20) acres in size. For example, 5 acres equals one-fourth (1/4) of a development right, 25 acres equals one and one-fourth (1-1/4) development rights, and 35 acres equals one and three-quarters (1-3/4) development rights.
   b. **Accessory Units and Guest Houses:** An accessory unit or guest house use on a property, if already allowed by the underlying zoning designation, shall not be considered as additional density that could be utilized as a transferable development right.
   c. **Developed Property and the Transfer of Residual Development Rights or Square Feet of Floor Area:** Unused or residual development rights or square feet of floor area shall not be sold or transferred as a development right or fraction of a development right.
      i. The transfer of unused or residual square feet of floor area to another property, to increase structure size, shall not be allowed. For example, if an owner of a 20-acre BC zoned property in the Ten Mile Basin chooses to build a 950 sq. ft. home instead of the maximum 1,650 sq. ft. home as allowed per the BC Zoning District regulations, the unused or residual development rights or square feet of floor area cannot be sold or transferred, but will remain on the property and be available to the existing or future property owner for potential additions or expansions of the structure on the property. Also reference Section 3514 et seq.
      ii. **Lower Blue Basin:** Properties zoned A-1 in the Lower Blue Basin and identified as Sending Areas have one (1) development right per 20 acres, provided the portion of the property being used as a Sending Area contains only the permitted uses allowed within designated open space tracts in rural land use subdivisions, as set forth in Section 8426.04 of this Code.
   d. **Exceptions:** Exceptions to the development right values of one (1) development right per twenty (20) acres of property, are as follows:
      i. **Platted lots in a Sending Area:** Platted lots in a Sending Area shall have a value of one (1) development right per platted lot. In the Upper Blue Basin, lots which are not located in identified Sending Areas shall qualify to have a value of one (1) development right per platted lot, provided that at least 50 percent of the total area of the lot is covered by wetlands of high importance or wetlands of concern, as set forth in Section 3506.02.B.2.
      ii. **For those properties identified as “Sending Areas – Significant Wildlife Value” on the Official Transferable Development Rights Sending and Receiving Areas Map for the Snake River Basin, the development right shall have a value of 2:1 (including the 2-units allowed to be located on the Blight Placer PUD).** For example, 20 acres of property equals two (2) TDRs, instead of one (1) TDR.
      iii. **An individual, un-platted parcel two acres or less in size is equal to one-tenth (1/10) of a development right.**
      iv. **In the Lower Blue Basin, if a rural cluster subdivision is reviewed and approved, then the Sending Area development rights available on that property will be equal to the density recognized per the approval.**

2. **TDR Banks and Sales Value of a Development Right:** TDR banks serve as a known location to purchase and facilitate the sale of development rights. The County currently administers two TDR Banks: a) Countywide TDR Bank and b) Joint Upper Blue TDR Bank.
   a. **Countywide TDR Bank:** The Countywide TDR Bank contains separate accounts for the Lower Blue, Snake River, Ten Mile and Upper Blue basins. The value of a development right sold by the Countywide TDR Bank is determined as follows:
      i. **Lower Blue Basin Account:** No set value has been established for development rights sold from the Lower Blue Basin account. The value of development rights sold by the Lower
Blue Basin account is determined by the County on a case-by-case basis and is the fair market value of a development right.

ii. Snake River, Ten Mile and Upper Blue Basins Accounts: The value of development rights sold from these respective accounts is calculated by the Summit County Planning Department on an annual basis in accordance with the Summit County TDR Price Calculation Methodology. The documented TDR Price Calculation Methodology used to annually determine the price of a development right is approved by the Board of County Commissioners and kept on file in the Planning Department. The methodology to calculate the sale price generally uses and applies the following: the sales price of a development right from the previous year as a base (minus the previous year’s administrative fee), the percent change in the appraised value of all vacant backcountry zoned properties as determined by the County Assessor’s most recent 2-year appraisal period/schedule, and a 10% administrative fee.

b. Joint Upper Blue TDR Bank: The Joint Upper Blue TDR Bank facilitates the sale of development rights as part of the Upper Blue TDR program and the Intergovernmental Agreement (“IGA”) Between Summit County and Town of Breckenridge (“Town”) Concerning Transferable Development Rights in the Upper Blue Basin. The price of a development right sold by the Joint Upper Blue TDR Bank shall be determined pursuant to the IGA and such documentation of the annually adjusted price shall be kept on file in the Planning Department.

E. Utilization of Development Rights: Based on approval by the County, development rights can be utilized a number of ways in conjunction with different kinds of development projects. The following identifies how development rights can be used when accepted or transferred to a property in conjunction with a rezoning approval. These conversions shall be used as a guide in evaluating the utilization and acceptance of development rights in other types of applications.

1. Actual Unit and Floor Area: When transferring development rights the following standards shall be equal to one (1) development right:
   a. One (1) single-family residential or duplex dwelling unit not to exceed 4,356 square feet of floor area;
   b. One (1) multi-family dwelling unit not to exceed 1,400 square feet of floor area (i.e. townhouses and condominiums); or not to exceed an average per dwelling unit of 1,400 square feet of floor area;
   c. Three (3) lock-off or lodge rooms (no kitchen), not to exceed an average per building of 467 square feet of floor area each; or,
   d. One thousand (1,000) square feet of non-residential gross floor area (e.g., commercial, industrial, etc.).

   These conversions shall be used as a guide in evaluating the utilization and acceptance of development rights in other types of applications (reference section 3506.02.A.2).

   Residual Floor Area: If the maximum permitted size of a dwelling unit is not built, unused or residual floor area cannot be sold or transferred, but will remain on the property and be available to the existing or future property owner for potential additions or expansions of the structure on the property. In no event shall unused or residual floor area be used for more dwelling units or density than allowed per zoning.

   Additional Floor Area: Additional floor area or fractions of development rights shall be transferred if additional floor area, above the maximum permitted through the above development right conversions, is requested. For example, 1.25 development rights would need to be transferred to build a 5,445 square foot single-family residence; or one (1) development right would need to be transferred to build 1,000 square feet of additional non-residential gross floor area. In no event shall additional floor area or fractions of development rights purchased allow for the actual number of dwelling units or density permitted per zoning to be exceeded.

   Floor Area - Backcountry (BC) Zoned Parcels and TDR banks: BC Zoning District properties shall not be eligible to acquire development rights, or fractions thereof, from TDR banks for the purpose of assembling parcel acreage to increase structure size (i.e. meet or maximize BC Zoning District acreage thresholds and formulas). Also reference Section 3514 et seq.

2. Increase in Vehicle Trips: For proposed changes in commercial or industrial use, not involving changes in floor area modification, but that would increase the average daily vehicle trips (“ADT”) over and above the number of trips that would be generated by the most intense use(s) that could occur under the existing zoning or PUD approval, the applicant shall transfer development rights
F. Recordation of Transfer of Development Rights: All transactions involving the use of the TDR program regulations and the transfer of development rights shall be filed with the Planning Department. In order to effectuate the transfer of development rights a Transferable Development Rights Certificate shall be issued by the Planning Department and recorded in the Office of the Clerk and Recorder. TDR Certificates shall be issued for 1) development rights purchased, transferred or retired from County properties or established TDR banks, 2) in exchange for TDR Sending Area properties deeded to the County or 3) private party transfers. For properties deeded to the County, TDR Certificates shall be issued in values established in Section 3506.02.D above. Issuance and recordation of a TDR Certificate are subject to the specific provisions and applicable guidelines below.

1. Schedule/Timeline for Recordation: For zoning amendments or other types of applications involving development rights, the applicant shall obtain a development rights certificate as specified in the approval within 18 months of the approval (also reference 12105.04, 12201.02 and 12202.06). If the applicant fails to complete the recordation of development rights within the 18 month time period, the respective approval shall become null and void, unless the approval is renewed per Section 12002 et seq. If a zoning amendment, PUD or PUD amendment is considered to be a “substantial development” (i.e. 15 or more development rights), an alternative time period or schedule to transfer development rights may be approved by the Review Authority and shall be stated in the resolution of approval (reference Section 3506.04).

2. Snake River and Ten Mile Basins: In the Snake River and Ten Mile basins, title to all TDR Sending Area properties shall be transferred to Summit County via an instrument recorded in the Office of the Summit County Clerk and Recorder. However, in unique or rare situations the County may determine that it is not appropriate to transfer title/ownership of a property to the County, but instead may be retained by the current owner or transferred to another party (e.g., U.S. Forest Service). Under these circumstances a Transferable Development Rights Certificate shall still be issued. However, a perpetual restrictive covenant or other document enforceable by the County and in a form acceptable to the County shall be recorded in the Office of the Clerk and Recorder. Such restrictive covenant or document shall clearly describe the disposition of the property and shall prevent development or uses inconsistent with the TDR program regulations.

3. Upper Blue Basin: In the Upper Blue Basin, title to all TDR Sending Area properties used to seed the Joint Upper Blue TDR Bank or used in conjunction with rezonings/upzonings in the Upper Blue Basin shall be transferred jointly to Summit County and the Town of Breckenridge via an instrument recorded in the Office of the Summit County Clerk and Recorder. However, if development rights are transferred into the Upper Blue Basin via an interbasin transfer, title to the TDR Sending Area property shall not be transferred jointly to the County and Town but to the County alone, unless as identified Section F.2 above. In the Upper Blue Basin, in certain situations, it may be determined that it is not appropriate to transfer title/ownerships of a property to the County and Town, but instead may be retained by the current owner or transferred to another party. In such a situation a perpetual restrict covenant or other document would need to be mutually developed by the County and Town, enforceable by both parties, and recorded in the Office of the Clerk and Recorder.

4. Lower Blue Basin and Restrictive Covenant: In the Lower Blue Basin the sale of development rights shall occur between private entities or the County. In certain instances, a property owner may want to transfer fee title of a TDR Sending Area property to the County. This may occur so long as the Sending Area property is legally subdivided and title recorded via an instrument in the Office of the Summit County Clerk and Recorder. In the Lower Blue Basin a property owner may retain ownership of the property subject to the issuance of a Transferable Development Right Certificate and recording document identifying residual and permitted uses. Under these circumstances the property owner shall work with the County to develop a perpetual restrictive covenant or other document enforceable by the County, and in a form acceptable to the County, which shall be placed on the Sending Area property and recorded in the Office of the Clerk and Recorder. In light of the TDR program’s purpose and intent, the restrictive covenant or document shall identify uses which align with both the property owner’s and County’s goals to protect the rural character and identity of the Lower Blue Basin (e.g., by preserving ranching and agricultural
uses and other natural resource values unique to the property).

Such restrictive covenant or document shall clearly:

a. Describe the disposition of the property.

b. Describe that portion of the land intended to serve as a Sending Area. If less than all development rights are transferred off a TDR Sending Area parcel, then an area shall be defined on the Sending Area parcel, equaling the acreage/development right value transferred.

c. Describe the residual and permitted uses allowed which may reflect, among other things: historic use of the property, preservation of open space, or uses typically consistent and associated with past agricultural operations and normal expansion thereof. If mutually consented to by the property owner and County, these uses could include:

   i. Agricultural operations, with the following provision applicable to lumber operations: Lumber operations shall only be permitted when timber harvest is for resource management purposes (i.e. maintaining forest health) in conjunction with a forest management plan approved by the CSFS.

   ii. Animal keeping (see Section 3802).

   iii. Existing agricultural buildings and barns.

   iv. Reconstruction/replacement of damaged structures or existing agricultural buildings and barns. Where an existing structure is damaged or destroyed, the structure may be restored or repaired to not more than its original size (bulk, mass and height); provided the restoration occurs within generally the same footprint as the original structure and architectural designed to demonstrate rural character/exhibit similar character of the previous building or structure.

   v. Fences—repair, replacement and new fences when used for agricultural or resource protection purposes (i.e. keeping cattle out of a stream), provided the fences shall be constructed to effectively hold livestock while allowing for the passage of wildlife.

   vi. Minor utilities—maintenance of existing minor utilities and placement of new minor utilities when underground and when the disturbed area is restored and re-vegetated.

   vii. Roads:

       - Existing public or private roads and the maintenance of the roads.
       - New construction of roads for purposes of providing access to agricultural structures and/or operations, fire mitigation or similar purpose, or other uses allowed by this section.

   viii. Stormwater detention facilities for on-site agricultural operations and drainage.

   ix. Recreation trails and pathways.

   x. Leach fields for septic systems provided any ground disturbance is restored.

   xi. Wellheads/well houses and developed springs.

   xii. Wetlands, stream and wildlife enhancement projects.

   xiii. Repair and replacement of existing irrigation ditches, headgates, water diversion structures, dikes and construction of new irrigation or water structures for the purposes of reasonable and customary management of irrigation water for agriculture.

   xiv. Other uses consistent with protection of open space values, preserving rural/agricultural character, and other goals of the Lower Blue Master Plan or County development policies, as approved in the final restrictive covenant. For example, construction of a building necessary for legitimate agricultural operations (i.e. loafing shed).

5. **Subsurface Mineral Rights:** Where the property owner holds an interest in subsurface mineral rights, the subsurface mineral rights shall also be deeded to the County, or in the Upper Blue Basin, jointly to Summit County and the Town of Breckenridge, unless the BOCC makes a finding that the open space values of the property are important enough to accept the property without subsurface mineral rights and further provided that the applicant demonstrates the ability to access such rights from other lands by ownership or a lease of adjacent property, or other methods approved by the County. In making such findings, the BOCC shall use the Selection Criteria in the Summit County Open Space Protection Plan. If the County decides to take ownership of a Sending Area property without obtaining ownership of the subsurface mineral rights, an agreement shall be recorded acknowledging that access to the subsurface mineral estate shall not be allowed from the surface of said property.

6. **Private Party Transfer of Development Rights:** The transfer of development rights between private persons shall be subject to all provisions of the TDR program regulations. Nothing shall preclude the sale of a development right between private entities so long as the sale is: registered
with the County, a Transferable Development Rights Certificate is issued, and is in full compliance with the provisions as provided in Section 3506 et seq.

3506.03: Interbasin Transfers:

The preferred method of complying with the TDR program regulations is to acquire development rights from within the basin where they are proposed to be utilized. However, the Review Authority for the basin which is proposed to receive the development rights may consider an allowance for interbasin TDRs to occur between individual planning basins as a part of a zoning amendment or other type of application. Allowing for the interbasin transfer of development rights supports the idea of helping to facilitate a cohesive and uniform Countywide TDR Program and can increase creative opportunities for the use of development rights.

A. Process: An applicant shall specify the reason and nature of such an interbasin transfer in its development project proposal. During the review of a development project proposal the planning commission retains the ability to accept or deny a proposed interbasin transfer, and can require an applicant to indicate the portion of development rights proposed to be transferred from other basins. The resolution approving an interbasin transfer of development rights shall specify the basin and parcels from which the development rights (or portion of development rights) will be obtained.

B. Review Criteria: In order for a basin planning commission to approve the proposed interbasin development rights transfer, the following criteria shall be evaluated in conjunction with a proposed development project:

1. The proposed transfer of development rights is in general conformance with the applicable master plan goals and policies/actions, provided such goals and policies do not contradict the provisions of this Code.
2. Evidence that the proposed development rights, or a portion of the development rights, are not readily available within the respective basin where the proposed development project is located.
3. The proposal will further the preservation or protection of environmental, conservation, visual or historic resource values.
4. The proposal will demonstrate legal, physical or financial viability.
5. A referral or recommendation from the basin planning commission(s) where the development rights are proposed to be transferred from.

C. Transfer Ratios: Interbasin transfers shall be consistent with the Development Right Values for Sending Areas established in Section 3506.02.D. For interbasin transfer purposes, specific provisions and exceptions include:

1. Lower Blue Basin: No development rights shall be transferred from other basins of the County into the “Rural Area” of the Lower Blue Basin, but may be transferred into the “Urban/Silverthorne Area”.
2. Snake River Basin: Per Section 3506.02.D.1.d.ii, the development right value for properties identified as “Sending Areas – Significant Wildlife Value” on the Official Transferable Development Rights Map for the Snake River Basin, shall be 2:1 (including the 2-units allowed to be located on the Blight Placer PUD property).
3. Upper Blue Basin: No development rights shall be transferred from other basins of the County into the Upper Blue Basin until development rights have first been transferred out of the Upper Blue Basin to other basins of the County, according to the following ratio: For every four (4) development rights transferred out of the Upper Blue Basin, three (3) development rights shall be allowed to be transferred from other basins into the Upper Blue Basin. This ratio is established to accomplish the goal of the Joint Upper Blue Master Plan to reduce overall density and activity levels in the basin. The Planning Department shall be responsible for tracking development rights transferred into and out of the basin to ensure that the above provisions are complied with. Nothing in this section shall prohibit additional development rights (beyond the established four-out/three-in ratio) from being transferred out of the Upper Blue Basin to other basins of the County.
4. Backcountry (BC) Zoned Properties and Floor Area Assemblage: Backcountry zoned properties may not transfer or receive development rights from other basins in order to meet the BC Zoning District acreage assemblage thresholds or formulas to increase structure size. Also reference Section 3514.

3506.04: Voluntary and Alternative Measures of Compliance with TDR Program Regulations:
The regulations contained in this subsection are only applicable to development project proposals in the Lower Blue, Snake River and Ten Mile basins. In consideration of the key goals, policies and strategies contained in the Joint Upper Blue Master Plan, the following provisions are not applicable to the Upper Blue Basin. Additionally, the following regulations shall be applicable only to a zoning amendment or PUD modification that qualifies as a “substantial development” proposal and would increase the development rights (or equivalent thereof) associated with permitted or previously approved conditional uses. A substantial development is any development project proposal of fifteen (15) or more development rights (or equivalent thereof). The utilization of the TDR program regulations remains the preferred alternative to account for new development rights involved in a zoning amendment application for substantial developments. The decision as to whether or not to accept an offered alternative to full utilization of the TDR program regulations and transfer of development rights is a discretionary decision within the sole province of the Review Authority for any given zoning amendment application. A full release of an applicant’s TDR program regulation requirements and obligations shall only be granted under exceptional circumstances, and in no circumstance shall any such alternative be required of any applicant.

A. Purpose and Intent:
The County has determined that in some cases applicants should be afforded flexibility to propose or provide sufficient benefits in lieu of development rights. The intent of providing voluntary and alternative measures to the TDR program regulations is to mitigate the impacts of increasing development rights through furthering other related legitimate community interests and objectives as specifically promoted by master plan goals and policies or other County development policies. By offering such alternatives, the voluntary compliance measures are intended to increase flexibility in the application of the TDR program by allowing applicants a second, voluntary means of attaining compliance and approval of development applications in a manner that continues to promote specific Countywide Comprehensive Plan or respective basin master plans’ goals and policies/actions. In accordance with the Countywide Comprehensive Plan TDR policies, as presently located in the Land Use Element, Goal C. policies/actions 1 and 2, and subject to change from time to time, an applicant may propose an alternative means to the transfer of development rights to meet the applicable TDR program regulation requirements. Additionally, it is recognized that in rare instances the amount of development rights required by a project might not be readily available for purchase or transfer. In light of such considerations an applicant may propose certain alternatives to the TDR program regulation requirements using one or a combination of the alternative measures as set forth below. The following types of proposals should be evaluated as an alternative measure of compliance, in part or in whole, to meet TDR program regulation requirements.

B. Alternative Programs and Projects:
An alternative program or project proposal shall be made by an applicant to satisfy, in whole or in part, a numerical TDR program regulation requirement. Such proposal shall proportionally offset the impacts of the requested development rights in a manner that promotes, establishes or supports a program or project that substantially furthers other legitimate community interests and objectives as depicted by master plan goals and policies/actions or other County development policies.

1. Examples of such projects or programs that may be proposed by the applicant, and may in turn be considered by the Review Authority, include, but are not limited to, the following:
   a. Dedication of land for purposes of open space, development of community facilities, provision of deed-restricted affordable workforce housing, or other legitimate community interests and objectives.
   b. Construction of facilities for purposes of public recreation and transportation, or public health, safety and welfare purposes.
   c. Provision of deed-restricted affordable workforce housing that meets the specifications set forth in Section 3809.02 of this code.
   d. Donation of funds for purposes of promotion, establishment or support of a program or project that substantially furthers other legitimate community interests and objectives.
   e. Commitment to the provision of services for purposes of promotion, establishment or support of a program or project that substantially furthers other legitimate community interests and objectives.

2. No such proposal may be approved by the Review Authority unless the following criteria are evaluated and satisfied:
   a. The application is for a substantial development.
   b. The applicant has certified that the program or project at issue is offered on a completely
voluntary basis, pursuant to the exercise of a viable choice by such applicant, and that the applicant understands that it is not required to make such a proposal under any circumstance.

c. The applicant has demonstrated, based upon substantial evidence presented at relevant public hearing(s), and by means of a professional, empirical study, that such density bonus proposal is roughly proportional to the impact of the proposed increase in density, pursuant to County regulations, goals and policies related to such increase in density.

d. The applicant has demonstrated, based upon substantial evidence presented at relevant public hearing(s), and by means of a professional, empirical study, that an essential nexus exists between the legitimate community interests and objectives advanced by such program or project and the impacts of the increase in development rights from the development project.

e. The applicant has proposed an alternative to the TDR program regulations requirements that advances legitimate community interests and objectives as specifically promoted by master plan goals and policies, other County development policies, or otherwise in this Code.

f. The program or project shall be roughly proportional to the total value of a specific TDR program regulation requirement that would otherwise apply to the applicant’s development project proposal. The rough proportionality shall be based upon the calculated fair market value of development rights as determined in accordance with Section 3506.02.D.2. In the Lower Blue Basin values shall be considered on a case-by-case basis based on detailed information submitted by the applicant.

In the event an interbasin transfer is proposed as part of a substantial development application, the process, criteria and ratios established in Section 3506.03 shall be referenced.

C. Payment in Lieu of Utilizing the TDR Program Regulations:

1. In instances where development rights are not available for purchase or transfer, or the utilization of such otherwise present substantial practical difficulties, a financial contribution in lieu of transferring development rights may be allowed as an option to offset TDR program regulation requirements, in whole or in part, that have been identified as a result of a development project proposal.

2. If the applicant elects to propose an in lieu payment, the applicant shall be required to articulate the legitimate concerns which justify the proposal. Any in lieu proposal shall be evaluated by the Review Authority, and the Review Authority may refuse a payment in lieu of transferring development rights and require that development rights be transferred, in accordance with the provisions of this Section.

3. Under no circumstances shall any payment in lieu of utilizing the TDR program regulations exceed the total value of any specific development right requirement that would otherwise apply to the applicant’s development project proposal, based upon the calculated fair market value of such development rights as determined in accordance with Section 3506.D.2 (TDR Banks and Sales Price of a Development Right).

4. All payments in lieu allowed herein shall be deposited into a specified account expressly authorized to retain such payments. Such monies shall be utilized to sustain the County’s efforts to provide funding for the acquisition of development rights from properties identified as TDR Sending Areas on the Official Transferable Development Rights Maps. Any payment in lieu of utilizing the TDR program regulations shall occur prior to recording of the applicable zoning amendment or PUD designation documents, unless an alternative time period is approved by the Review Authority and stated in the resolution of approval for the zoning amendment, PUD, or PUD amendment.

3507: Renewable Energy System Standards

Increased energy costs, government rebates and incentives, and a greater awareness of sustainability issues and human impacts on our planet have created an increased interest in renewable energy systems for homes and businesses. It is the County’s intent to allow for and encourage such systems in locations that minimize impacts on the environment and the surrounding area.

3507.01: Solar Energy Systems

A. Small Scale Solar Energy Systems: Small scale solar energy systems shall be used primarily for on-site, private purposes. Ground mounted systems in commercial, industrial, and multi-family developments shall be reviewed through the Class 2 review process. All other systems shall be reviewed through the Class 1 review process.

1. Location:
a. **Roof Mounted:** Allowed in all Zoning Districts, including PUD’s as an accessory use.
b. **Ground Mounted:** Allowed in all Zoning Districts, including PUD’s, as an accessory use in accordance with the following provisions:
   i. Systems may be ground mounted in the front, side, or rear yard. Systems may not be mounted in the front setback area.
   ii. Ground mounted systems may be located within side and rear setback areas a minimum of 10 feet from the lot line, but may not be located within any road setbacks unless:
      aa. There are no public health, safety, or welfare issues with the proposed location.
      ba. The Road and Bridge and Engineering Departments have approved the location and the property owner has completed an indemnification agreement releasing the County from any liability associated with allowing a structure within the road setback area.
      ca. The applicant has demonstrated, to the satisfaction of the Planning Department, that there is no alternative location on the property or on an existing or proposed structure that is viable without: i) removing significant numbers of healthy trees, or ii) reducing the efficiency of the system by 15% or more.
   iii. Ground mounted systems shall comply with applicable stream and wetland setbacks.
   iv. All building and disturbance envelope restrictions shall apply to ground mounted solar energy systems.
   v. If deemed necessary by the review authority to adequately buffer the system, landscaping, berms and/or an alternative location may be required.
   vi. Ground mounted systems in the BC zoning district must also be in conformance with Section 3514.05.D

2. **Height:**
a. **Roof Mounted:** Roof mounted systems may exceed the permitted height by a maximum of ten percent (10%).
b. **Ground Mounted:** Ground mounted systems may be a maximum of 25 feet tall. The permitted height of systems located in side and rear setback areas shall not be greater than the distance from the system to the nearest property line.

3. **Legal Nonconforming Structures:** Solar energy systems may be roof mounted on legal nonconforming structures. Systems located on portions of the building that are nonconforming cannot extend above the ridgeline of the roof the system is mounted on and cannot extend more than one foot above the roof surface, measured perpendicularly from the roof surface.

4. **Shared Systems:** Solar Energy systems shared by up to 10 property owners may be allowed with approval of a conditional use permit following the Class 4 development review process per Section 12300. Such systems may be located on vacant lots. Such systems must comply with the location and height regulations for small scale solar energy systems.

B. **Large Scale Solar Energy Systems:** Large scale solar energy systems are primarily used to produce power for use off-site, and may be allowed in the A-1, M-1, CG, CN, B-1, B-3, and I-1 zoning districts, and within areas of PUDs allowing uses consistent with these zoning districts, with approval of a conditional use permit following the Class 4 development review process per Section 12300.

**3507.02: Wind Energy Systems**

A. **Small Scale Wind Energy Systems:** Small scale wind energy systems shall be used primarily for on-site, private purposes. Systems shall be reviewed through the Class 1 review process unless otherwise indicated in this Section.
   1. Horizontal Axis Wind Turbines (“HAWT”)a. **A-1 and M-1:** HAWTs are permitted on parcels of 20 acres or more. On parcels less than 20 acres, HAWTs shall be reviewed through a class 4 conditional use permit. Maximum height shall be 80 feet. Setbacks to any property line shall be two times the height of the turbine.
b. **R-U, R-E, RME, OS, and BC:** HAWTs shall be reviewed through a class 4 conditional use permit. Maximum height shall be 80 feet. Setbacks to any property line shall be two times the height of the turbine.
c. **R-1, R-2, R-3, R-4, R-6, R-25, R-P, RC-40000, RC-5000, CG, CN, B-1, B-3, and I-1:** Not permitted.
d. **PUD:** Systems shall be permitted within PUDs as stated in the PUD as an accessory use. If a PUD does not specifically state that a small scale wind energy system is allowed, then such systems shall be allowed in accordance with the most similar zoning district allowing uses and
having lot sizes most similar to the use and lot size permitted in the PUD, as determined by the Planning Department.

2. Vertical Axis Wind Turbines (“VAWT”)
   a. **All Zoning Districts:** Roof mounted VAWTs are permitted up to a maximum of ten percent (10%) above the permitted height.
   b. VAWTs that are tower mounted shall be permitted in accordance with the regulations for HAWTs, as indicated in Section 3507.02.A.1.

3. Noise: Except during severe wind storms, wind turbines shall not cause a sound level exceeding fifty (50) dba, as measured at the nearest lot line.

4. Colors: Towers, turbines, and blades or vanes shall be a color that blends with the background of the structure, and shall be nonreflective.

5. Height: Height for horizontal axis turbines is measured to the center of the turbine shaft. Vertical axis turbines shall be measured to the top of the blades or vanes. Height shall be measured as indicated in Section 3505.06.

B. **Large Scale Wind Energy Systems:** Large scale wind energy systems are primarily used to produce power for use off-site, and may be allowed in the A-1 and M-1 zoning districts with approval of a conditional use permit following the Class 4 development review process per Section 12300.

### 3507.03: Hydroelectric Energy Systems

**A. Small Scale Hydroelectric Energy Systems:** Small scale hydroelectric energy systems are allowed in all zoning districts, including PUDs, as an accessory use and shall be reviewed through the Class 2 application process. Small scale hydroelectric energy systems shall be used primarily for on-site, private purposes and shall comply with the following standards:

1. Wheel turbines, generators, and other mechanical equipment shall be enclosed in a wheelhouse/pumphouse structure.
2. The system shall be designed to blend in with its surrounding environment. All system components, including the structure and pipes shall not create visual or auditory impacts, or create impediments or other unnatural hazards or impacts upon wildlife. If deemed necessary by the review authority to adequately buffer the system and associated buildings, landscaping and/or berms may be required.
3. The system shall be designed to minimize the length of the diversion to the maximum extent practicable in order to minimize impacts to the stream section with reduced flows. Systems shall be designed to minimize construction disturbance and permanent disturbance to streams.
4. Dams are not permitted for any small scale hydroelectric system. Partial diversion structures such as weirs or head gates are allowed with proper permitting.
5. The system shall comply with all applicable water quality control regulations contained in Chapter 7, and other applicable portions of the Code.
6. Equipment housing structures shall be permitted within setback areas in accordance with Section 3505.13.G.3.L.

**B. Large Scale Hydroelectric Energy Systems:** Large scale hydroelectric energy systems are primarily used to produce power for use off-site, and may be allowed in the A-1, M-1, and I-1 zoning districts with approval of a conditional use permit following the Class 4 development review process per Section 12300.

### 3507.04: Wood Burning Energy Systems

**A. Small Scale Wood Burning Energy Systems:** Small scale wood burning energy systems are allowed as an accessory use on lots which are a minimum of 5 acres in all residential Zoning Districts, including PUDs, and shall be used primarily for on-site, private purposes. Small scale wood burning energy systems shall be reviewed through the Class 1 application process. Only clean untreated wood or pellets shall be burned. Systems located within structures other than the primary structure or garage shall comply with the following standards:

1. Smoke: Systems must be outdoor wood-fired hydronic heater devices, or similar as approved by the Public Health and Building Inspection Departments in accordance with the current adopted Building Codes.
2. Location: Systems may be located in the side or rear yard. Systems are not permitted within setback areas.
3. Height: Structure height may not exceed the permitted building height. The chimney height may exceed the permitted height by up to a maximum of ten (10) percent.

4. Unless otherwise approved by the Review Authority, natural colors shall be used.

B. Large Scale Wood Burning Energy Systems: Large scale wood burning energy systems are primarily used to produce power for use off-site, and may be allowed in the A-1, M-1, and I-1 zoning districts with approval of a conditional use permit following the Class 4 development review process per Section 12300.

3508: Maintenance of Common Areas

Whenever a development project includes streets, common open space, common driveways (except common driveways serving two (2) or fewer residential units), parking areas or pathways or common recreational facilities, the developer shall provide for the continued maintenance and repair of such land and improvements through the formation of an owners association. The articles of incorporation, association bylaws and Covenants, Conditions & Restrictions (“CC&Rs”) shall be submitted to the Planning Department with submittal of the first plat for the development. No plat shall be approved unless the BOCC determines that the CC&Rs contain adequate provisions for maintenance and repair of common areas. The articles of incorporation, association bylaws and CC&Rs shall be recorded prior to or concurrent with recordation of the plat. The CC&R’s shall, at minimum, address the maintenance of such common elements, including, but not limited to:

- Common driveway construction and maintenance;
- Road Maintenance, including but not limited to construction, maintenance, and snow removal;
- Detention pond maintenance;
- Maintenance of open space and other common areas, public or private;
- Forest management per an approved forest management plan;
- Trash and recycling collection, including limitations on placing containers outside overnight;
- Common area landscaping and noxious weed management.

For all such common area maintenance provisions included in the CC&R’s, the developer shall execute an “Agreement for the Preservation of Association Maintenance Responsibilities”, or other County approved agreement or covenant, between the homeowner’s association and the Board of County Commissioners to be recorded concurrently with the CC&R’s. The agreement or covenant shall ensure that, in lieu of the County acting as a party to the declaration, that such maintenance responsibilities persist pursuant to the scope and standards set forth in the declarations, and that the association agrees that no modifications to those maintenance provisions in the declarations shall be adopted without the advance written notice to and express consent of Summit County. Whenever a development project includes a community water or wastewater treatment system, the developer shall provide for the continued operation, maintenance and repair of such systems through the annexation of the property to an existing water, sanitation or metropolitan district or through an alternative method acceptable to the County. Current County policies regarding acceptable methods of managing water and wastewater treatment systems are located in the County Subdivision Regulations (Chapter 8).

3509: Public Use Areas

3509.01: General

A. Authority: Summit County is authorized by law to require the payment of development charges and/or the reservation or dedication of sites and land areas for schools and parks when such requirements are reasonably necessary to serve new development and the future residents, occupants, patrons and beneficiaries thereof.

B. Purpose and Intent:

1. The need for public use areas in a particular county is generally proportionate to its population, including residents, seasonal workers, visitors, and travelers. As population increases, so also does the need for recreational lands and facilities and other related public amenities increase. In addition, Summit County's economy is highly dependent on tourism generated by the County's recreational amenities, and such tourist use also generates a high demand on those recreational amenities.

2. The BOCC accordingly finds it is reasonable that any new development that generates increases in
either population, commercial traffic and customers, demands on public use areas, public amenities, or other public resources by means of land development, be required to satisfy the respective needs for public use areas that said developments may create.

3. Public use areas, in the context of this section, shall include: parks, recreational open space lands, paved pathways, trails, recreational facilities, school sites, historic sites and structures or other necessary and desirable services or facilities accessible to the general public. Such sites, services and facilities do not include streets, roads or motor vehicle transportation facilities and the like.

4. Development, for the purposes of this section, shall encompass any residential, commercial or industrial use of property, and “new development” as used in this section shall mean any proposal for preliminary or final approval of an application for rezoning, planned unit development, conditional use permit, subdivision, subdivision exemption, development agreement, site specific development agreement, site plan, or similar types of application for new construction associated with any residential, commercial or industrial use where it is determined that a proportional public use area fee has not been collected through a previous approval.

5. All public use area requirements as set forth herein are intended to be roughly proportionate and directly related to the impacts posed by the subject development.

3509.02: Requirements for Public Use Areas

All new development, as such term is defined herein, shall be required to provide for public use areas in accordance with the provisions of this Section 3509 et seq., as a condition of permit or application approval. Notwithstanding the foregoing, the following proposals for new development are exempt from these public use area requirements:

A. Deed-restricted dwelling units that are permanently restricted to affordable workforce housing or housing for on-site employees, in accordance with Section 3809 et seq. of the Code, and accepted as such by the County.

B. Community facilities and institutional uses.

C. Any proposal for new development that does not present any additional impacts in terms of demand upon or impacts to public use areas, provided the subject property in such development has previously satisfied the public use area requirements of this Code during any prior development approval which did properly address considerations reflective of the existing level of development in accordance with the following criteria:
   1. The application does not propose to increase the floor area of the present structure;
   2. The application does not substantially alter the building footprint, or;
   3. The application proposes to maintain or decrease the existing activity level and intensity of uses on the property.

D. Any commercial or industrial application for new development that meets the following parameters may be exempted, in whole or in part, from public use area fees if the Review Authority finds such exemption to be appropriate in light of the circumstances:
   1. The application does not propose to increase the floor area of the present structure;
   2. The application does not substantially alter the building footprint or;
   3. The application does not potentially increase overall impacts of the existing commercial or industrial uses on the property; and,
   4. The application proposes to maintain or decrease the existing activity level and intensity of uses on the property.

The Review Authority shall make specific findings in support of any such exemption, and such findings shall address the considerations articulated herein.

3509.03: Methods of Compliance

A. The requirement for public use areas in any application should be satisfied through the dedication of appropriate property interests to protect the recreational character and/or provide public access to public use areas, in a manner roughly proportionate to the potential impacts presented by such development. Notwithstanding the foregoing, the Review Authority for any application shall have the right to consider and accept or reject any proposed dedication based on considerations of the utility, function, and value of such property.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

B. If the requirement cannot reasonably be satisfied by means of the dedication of property interests, the applicant may propose to satisfy the same by means of construction of paved pathways, trails, and other recreational facilities.

C. If the requirement cannot reasonably be satisfied by means of either the dedication of property interests or construction of recreational facilities, as set forth above, then the applicant may propose to satisfy the same by the payment of public use area fees in lieu of such required dedication, in a sum empirically deemed to be proportionate and directly related to the potential impacts posed by such development.

D. Applications for approval of new development shall include a statement as to how the applicant proposes to comply with the requirement for public use areas. At the time of the development application review, a determination shall be made by the applicable Review Authority as to what proposed method or combination of methods may be deemed acceptable to meet the requirements of this section.

E. Public use area requirements shall be met prior to the recordation of a plat for subdivisions and prior to the issuance of a building permit for other types of development, whichever comes first.

3509.04: Evaluation Standards for Proposed Methods of Compliance

Specific requirements related to each method of compliance are as follows:

A. **Property Interest Dedication or Reservations:** Property interest dedications shall be evaluated by the following criteria in determining whether such a dedication is acceptable:
   1. A minimum of five (5) acres is typically required for park dedications. Nonetheless, open space features of smaller size may be acceptable if it is determined by the Open Space and Trails Director that all other remaining criteria are met.
   2. School sites must be in compliance with any master plan for school facilities and must meet the following minimum acreage requirements:
      a. Elementary schools 10 acres.
      b. Junior high schools 30 acres.
      c. Senior high schools 45 acres.
   3. The proposed property interest dedication must address an important function in the broad scope of the County's open space, paved pathway, trail, and recreation systems in terms of proximity and utility to the recreational needs addressed.
   4. The degree to which the proposed property interest dedication fosters the continuity of open space links, trails and other major components of the County's open space, paved pathway, trail, and recreation systems shall be considered in any proposal.
   5. The degree to which natural features, scenic vistas, watersheds, habitat and wildlife species, historic, archeological and paleontological resources will be preserved and utilized in a manner which furthers the goals and policies of this section shall be considered in any proposal.
   6. An analysis as to whether the land proposed for dedication is suitable for use for schools, parks or recreational facilities shall be based on the following considerations:
      a. Location.
      b. Access.
      c. Size.
      d. Shape.
      e. Topography.
      f. Geology and soil conditions.
      g. Vegetation.
      h. Drainage.
      i. Availability of water, wastewater treatment and utilities.
   7. The degree to which the park and recreation facilities offered relate to the demographic characteristics of the population to be generated by the subdivision shall be considered in any proposal.

The applicant shall submit information on the value of the land to be dedicated. In the case of a disagreement between the County and the applicant as to the value of the land, an independent appraisal of the value of the land or easement to be dedicated shall be performed by a qualified professional real estate appraiser. The appraisal shall determine the amount of credit toward the required fees that will be granted. The applicant shall pay for the appraisal, which shall be performed by an independent appraiser mutually agreed upon by the County and the applicant.
B. **Credit/Exemption for Public Recreational Facilities:** A credit toward the dedication requirement may be granted for provision of public paved pathways, trails, and recreational facilities. The amount of credit will be determined based on the cost of recreational facilities provided versus the value of land dedication that would be required, or the calculation total for fees in lieu if proposed.

C. **Credit for Existing Residential Units or Lots, or Floor Area for Industrial or Commercial Uses:** Existing legally established residential lots shall be given one credit per residential lot or unit. Existing and legally established industrial and commercial uses shall be allocated one credit for every 1,000 square feet of floor area. Credits shall be deducted from the public use area dedication required of any specific development as set forth above. This credit allowance is to be distinguished from the exemption considerations addressed in Section 3509.02 above. Moreover, this credit shall only be allowed if it is confirmed that either of the two following standards have been satisfied:
1. The residential lot or unit, or floor area for industrial or commercial uses was in legal existence prior to the County’s adoption of public use area requirements in 1976.
2. The residential lot or unit, or floor area for industrial or commercial uses has previously complied with the public use area requirements. Previous compliance, as used in this section, shall only pertain to any lot, unit, or floor area that has already generated and provided a requisite public use area dedication or fee in lieu of the same. Existing lots, units, or floor area that are included in a new development shall not be afforded said credit if no such public use area considerations were addressed in prior approvals. A public use area credit provided for in this subsection (C) shall be equal to the current per unit public use area fee provided for in subsection (D) below.

D. **Public Use Area Fee:** The public use area fee shall be assessed as $1,500.00 per residential unit and/or 1,000 square feet of floor area for new buildings with commercial or industrial type uses. The public use area fee has been established on an empirical basis, in consideration of the per capita development costs of parks, trails, and other facilities within the boundaries of Summit County, Colorado as of the date of adoption of these regulations, in proportional relation to the anticipated demands and impacts generated by new development. The method for determining the fee may be reviewed and revised from time to time as deemed necessary by the BOCC, and may be addressed periodically every two years from the date of adoption of these regulations if deemed appropriate by the BOCC.

### 3509.05: Land Deductions or Reservations

A. **Relationship to Zoning Regulations:** Land dedicated or reserved for the purpose of meeting requirements for public use areas may not include the following types of land areas:
1. Land necessary to meet the requirements for open space area or the limits on density in the County Zoning Regulations.
2. Land designated as public or private open space by means of any previous development approval, including without limit land so designated in any Planned Unit Development.
3. Land previously designated as a right of way area, utility easement area, common driveway or other easement that would unreasonably interfere with the use and enjoyment of the area for public recreation purposes.

B. **Restrictive Mechanism:** Land for which credit is requested for public use area requirements must be prohibited from development for other than recreational purposes using one of the following methods:
1. Dedication to Summit County.
2. Prohibited from development by either a plat note, covenant or deed restriction and the instrument restricting the use of the property requires Summit County's consent to any change in the restriction.
3. Other method acceptable to the Planning and Open Space and Trails Departments.

### 3510: Environmental Impact

#### 3510.01: Air Quality

Woodstoves and fireplaces shall meet all Federal, State and County requirements in effect at the time building permits are issued.

#### 3510.02: Grading and Excavation

All development projects shall comply with the requirements of the County Grading and Excavation

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64
3510.03: Erosion Control

All development projects shall be designed and constructed to minimize erosion during and after construction and shall comply with the erosion control and revegetation requirements contained in Chapter 7.

3510.04: Water Quality

All development projects shall comply with the requirements of the County's Water Quality Control Regulations contained in Chapter 7.

3510.05: Waterways and Wetlands

A. Compliance with 404 Permit Requirements: Any person proposing to conduct earth disturbing activities in any waterways or wetlands in the unincorporated area of Summit County shall comply with requirements for permits under Section 404 of the Federal Clean Water Act (“CWA”). Prior to final action on any final plat or site plan which includes areas in waterways or wetlands, and prior to the issuance of any grading or building permit, the applicant shall provide evidence that a 404 permit has been issued (unless otherwise exempted from such permits, including but not limited to properly exempted agricultural activities), CPW has granted approval for the work to be done under the auspices of the Division's nationwide 404 permit in accordance with Chapter 7 or that no permit is needed.

B. Compliance with Water Quality Control Regulations: Summit County has adopted Water Quality Control Regulations that appear in Chapter 7. Any development application that includes areas in waterways or wetlands shall comply with these Water Quality Control Regulations. These regulations specify requirements for the following:
   1. Streamside setbacks.
   2. Stream crossings by roads and utilities.
   3. Limitations on construction in wetlands areas.

C. Rehabilitation of Waterways and Wetlands: Where a proposed PUD includes waterways or wetlands that have been disturbed by such activities as dredge mining, the issue of rehabilitation or restoration of the waterway or wetlands shall be addressed during the review of the PUD. The Planning Department shall consult with CPW on improvements needed for rehabilitation or restoration and what benefits would be derived. Approval of a PUD may include a requirement that rehabilitation or restoration work be done on waterways or wetlands, where the PUD would allow higher intensity development than is permitted by the existing zoning, as a method of mitigating the impact of the higher intensity development. The Planning Commission or BOCC may require a financial guarantee from the developer or issuance of grading or building permits may be phased to insure adequate progress toward completion of required improvements to waterways and wetlands.

3511: [Reserved]

3512: Industrial/Commercial Performance Standards

The following performance standards apply to all uses located in the B-1, B-3, CG, CN and I-1 and to industrial and commercial uses established outside these zoning districts.

3512.01: Fire and Explosive Hazards

Materials or products that decompose by detonation shall be handled, sorted and utilized in accord with the National Fire Protection Association (“NFPA”) Standards, and the Fire Code, and the standards of applicable State and Federal agencies.

3512.02: Glare and Heat
Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make glare or heat imperceptible from any point along the property line.

**3512.03: Lighting**

Whenever exterior lighting is installed in a commercial or industrial development, it shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare. Additional requirements for lighting are stated in Section 3505.07.

**3512.04: Noise**

A. **Noise Levels:** Noise produced by a commercial or industrial operation shall not exceed the levels established in C.R.S. § 25-12-101 et seq. as maximum permissible noise levels for commercial and light industrial zones, respectively.

B. **Construction Noise:** Noise from construction operations is prohibited on Sundays, and from 7:00 p.m. to 6:59 a.m. on weekdays and Saturdays except as provided in a County approved temporary or conditional use permit or in a County approved PUD designation, or when construction work is required to make emergency repairs. Construction noise shall not exceed the maximum permissible noise levels for industrial zones as specified in C.R.S. § 25-12-101 et seq.

C. **Snowmaking:** Noise from snowmaking equipment is exempt from regulation.

**3512.05: Odors**

No industrial or commercial use shall cause or allow the emission of odorous air contaminants from any single source such as to result in detectable odors that exceed the following limits:

A. For areas located so that all abutting properties are zoned for either commercial or industrial purposes, it is a violation if odors are detected after the odorous air has been diluted with seven (7) or more volumes of odor free air.

B. For all other areas, it is a violation if odors are detected after the odorous air has been diluted with fifteen (15) or more volumes of odor free air, except if the source is an agricultural operation.

C. When the source is an agricultural operation, the emission of odorous air contaminants shall not be considered a violation of this regulation provided the best practical treatment, maintenance and control available shall be utilized in order to maintain the lowest possible emission of odorous gases.

**3512.06: Particulate Emissions**

No particles of fly ash shall exceed two-tenths (0.2) grain per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

3512.07: Radioactivity

A. Releases: Release of radioactivity shall be subject to State and Federal regulations and any other agency having jurisdiction over such releases. Where conflicts between regulations exist, the most restrictive provisions shall apply.
B. Storage: Radioactive materials shall be stored in fireproof containers made of steel or concrete. Radioactive materials shall not be stored in containers made of lead or other low melting metals or alloys unless such containers are encased in steel.
C. Use of Radioactive Materials: Medical sources of radiation residues, such as x-ray machines, gamma and neutron sources and pharmaceutical isotopes which are used for diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical or dental office or medical research facility. Smoke alarms are also allowed. Other uses of radioactive materials shall be limited to measuring, gauging and calibration devices, such as tracer elements in x-ray and similar apparatus.

3512.08: Smoke

No industrial or commercial use shall emit any air contaminant that is of such a shade or density as to obscure an observer's vision in excess of 20% opacity. This requirement shall not apply to: 1) fires authorized or administered by a regulatory agency with jurisdiction, including but not limited to general open burns or planned ignition fires; or 2) start-up, any process modification or adjustment or occasional cleaning of control equipment, the shade or appearance of which does not obscure an observer's vision in excess of 40% opacity for a period totaling no more than three (3) minutes in any one (1) hour. This requirement shall not apply to fugitive dust, or uses associated with forest management, forest health and agricultural uses.

3512.09: Vibration

No industrial or commercial use shall result in vibration perceptible to a person without instruments at any point along the property boundaries.

3512.10: Fencing

All unimproved areas that are not landscaped or that are not in a natural, undisturbed state may be required to be screened from view by opaque fencing.

3513: Manufactured Home Park Development Standards

3513.01: General

Manufactured home parks offer an opportunity to live in a detached residence but often on a much smaller lot and at higher densities than more conventional single-family neighborhoods. Such parks are also unique in that residents usually own their manufactured home, but rent the space it occupies so they have only partial control over the quality of their living environment. If manufactured home parks are developed without attention to layout, landscaping and screening and adequate space for storage, they may have an adverse impact on adjacent properties and on the general appearance of the County. On the other hand, manufactured home parks provide one of the few sources of lower cost housing in the County. For these reasons, manufactured home parks are viewed as an important and unique land use that requires particular standards for park design and development. These standards are intended to:
A. Promote the health and safety of the manufactured home park residents.
B. Provide for adequate open space, space for storage, landscaping and screening to serve the needs of the residents and to create a pleasing, aesthetic appearance when the park is viewed from off-site.
C. Create a high quality living environment through encouraging varied layouts, layouts that reflect the natural terrain, provision of landscaping and recreational facilities. Notwithstanding the provision of this section, manufactured home parks shall also meet applicable development regulations and standards in this Code.
3513.02: Certification

All manufactured homes placed in or relocated to a manufactured home park in Summit County after adoption of this Code shall meet the certification requirements stated in Section 3505.08.

3513.03: Density and Dimensional Requirements

Restrictions on density, height, site area, site coverage, height of walls and fences and setbacks for manufactured home parks are indicated in Figures 3-5 and 3-6, with further standards provided in Section 3505. Manufactured homes shall be parked so that the front hitch shall not protrude onto any sidewalk or street or into any required setback.

3513.04: Design and Maintenance

A. Improvements to Individual Spaces:
   1. Foundation and Anchors: Each manufactured home space shall be improved to include an adequate foundation for the placement and anchoring of a manufactured home, thereby securing the manufactured home against uplift, sliding, rotation and overturning. Each space shall be provided with ground anchors and tie downs placed at least at each corner of the manufactured home foundation and be able to sustain a minimum tensile strength of 2,800 pounds.
   2. Skirting: Skirting shall be installed and shall be provided with doors to permit convenient access to wastewater, water and gas connections. Skirting material shall be weatherproof, fire-resistant and durable. The inspection panels shall be not less than four (4) square feet in area and having no less than 18 inches in the least dimension.
   3. Storage Areas and Buildings:
      a. Area below manufactured home: The space below each manufactured home shall be kept clean and free from refuse. Such space may be used for storage provided the ground is covered with an impervious material and the area is maintained to prevent the harboring of rodents. No flammable combustible materials shall be stored beneath a manufactured home.
      b. Outdoor storage: Outdoor storage in manufactured home parks shall comply with the requirements of Section 3815 et seq. In addition, firewood stored outdoors shall not encroach into the minimum separation area required to be maintained between manufactured homes to protect against fire hazards.
      c. Storage buildings: Storage buildings shall be designed in a manner that enhances the appearance of the manufactured home and shall be constructed in a professional manner from durable materials. The area occupied by any storage buildings shall be included in calculating maximum impervious coverage allowances (see Figure 3-5).
      d. Liquid propane tanks: Liquid propane tanks shall be stored in accordance with National Fire Protection Association (NFPA) standards and the Fire Code.
   4. Utility Riser: Each manufactured home space shall have provided a utility riser located and installed so as not to be damaged during placement of a manufactured home.

B. Maintenance of Individual Spaces: Manufactured home park residents shall be responsible for keeping their individual spaces free from debris and refuse and shall keep landscaping trimmed, mowed and in a thriving condition.

C. Park Layout: Whenever possible, the layout of manufactured homes spaces shall follow variations in natural terrain and preserve unique natural features of the site such as tree stands, watercourses and rock outcrops. Where sites are flat and with few distinguishing features, every effort shall be made to create curvilinear or clustered patterns of mobile home spaces rather than regimented rows. Interspersing open spaces is also encouraged.

3513.05: Fire Protection

Fire protection requirements shall be in accordance with NFPA Standards and the Fire Code.

3513.06: Landscaping

A. In manufactured home parks where lots are offered for sale, the developer shall be responsible for the landscaping of the front yard of each mobile home site after roads, parking areas and pads for
manufactured homes have been constructed and for the maintenance of landscaping for one (1) year or until a manufactured home is purchased or installed by an individual owner, whichever is longer. In manufactured home parks where title to the land is retained by the developer or operator of the manufactured home park, the developer or operator shall be responsible for the installation and maintenance of landscaping in the park in accordance with the County approved landscaping plan.

B. Additional landscaping may be required to provide screening, buffering and to soften the visual appearance of a manufactured home park. Such requirements shall be established at the time of site plan review and shall be made a condition of approval.

C. In manufactured home subdivisions where lots are planned to be sold to individual owners, the developer shall provide for the formation of an owners association which will have responsibility for maintenance of any common area landscaping (see Section 3508).

3513.07: Utilities

Each manufactured home space shall be connected to a central water and wastewater treatment system and shall be provided with adequate hookups to water, wastewater treatment, electric power, telephone and fuel supplies. All utility lines, including service lines, shall be underground.

3514: Backcountry (BC) Zoning District Standards

3514.01: Purpose and Intent

A. A primary intent of the BC Zoning District is to limit improvements to backcountry roads as a means of maintaining the area’s existing historic character and as a means of preserving historic access methods. Property owners in the BC Zoning District must recognize that access to their properties may be restricted in the winter and that allowed improvements to roads used for summer access may be limited. Because of these limitations, emergency vehicle access to properties in the BC Zoning District may not be feasible. Public services and facilities will typically not be provided in the BC Zoning District. Persons interested in owning land with ready access to public services and facilities are advised to seek out the more developed/urban areas of the County.

B. The BC Zoning District provides tradeoffs to backcountry property owners. There are limitations on the size of structures. However, property owners are no longer required to improve roads accessing their properties to County standards, as is typically required under existing laws. This road improvement requirement is a significant obstacle to backcountry property owners who may wish to locate a small cabin/structure on their property.

C. Development in the BC Zoning District shall be subject to the site plan review provisions contained in Section 12600 et seq.

3514.02: Use Standards

Uses allowed in the BC Zoning District are identified in Figure 3-2. For some of these uses, additional standards apply, as identified below:

A. Mining: Mining shall be limited to mining as defined in Chapter 15 that has been permitted through a limited impact permit (i.e.110 permit) issued by the Division of Reclamation, Mining, and Safety (DRMS) and applicable County regulations. At the discretion of the Planning Director, mining operations not covered by a section 110 permit may be permitted in the BC Zoning District with a conditional use permit (Class 4) when such operations are specifically tied to the purposes of reclaiming historic mining impacts and/or improving habitat or the natural environment.

B. Single Family Dwellings: Single-family dwellings are limited to a maximum of 2,400 square feet of floor area. Actual dwelling size is determined according to Section 3514.05 et seq.

C. Nordic Ski Huts: Nordic ski huts shall be allowed subject to a conditional use permit up to a maximum size of 2,400 square feet. Size of the hut shall be determined in accordance with the standards for single-family dwellings, as outlined in Section 3514.05 et seq.

D. Packing and Outfitting Operations: Packing and outfitting operations shall be allowed subject to a conditional use permit serving no more than 20 persons per day, up to a maximum size of 2,400 square feet. Size of the packing and outfitting facilities shall be determined in accordance with the standards for single-family dwellings, as outlined in Section 3514.05 et seq.
E. **Commercial Timber Harvest and Extensive Tree Clearing:** Commercial timber harvesting and extensive tree clearing in excess of one-half acre shall be allowed subject to a Class 2 conditional use permit (see Section 12300 et. seq.). Commercial timber harvesting or tree clearing for the purposes of site clearing to accommodate structures, roads or driveways, leach field areas and utilities, as allowed in the site disturbance and vegetation removal standards of this section, is exempt from the requirement to obtain a conditional use permit, even when the timber is sold by the property owner. In addition to the review criteria listed in Section 12300 the Code, the Review Authority shall also consider the following criteria in reviewing a commercial timber harvest or extensive tree clearing conditional use permit application:

1. Commercial timber harvesting and extensive tree clearing activities shall utilize best management practices (“BMPs”) for timber harvesting, as specified in the Colorado Forest Stewardship Guidelines or most recent similar publication as prepared by Colorado State Forest Service (CSFS). The applicant shall provide a site plan (not required to scale) showing the proposed harvest activities and indicating the BMPs being employed. A forest management plan may substitute for this site plan. The Planning Department shall consult with the CSFS to determine that BMPs, at a minimum, meet the Guidelines specified above.
2. Where new roads are constructed for commercial timber harvesting and tree clearing purposes, the roads shall be temporary. Once the timber harvest or tree clearing is complete, the road surface shall be regraded and reclaimed to a natural condition.
3. Reclamation and/or revegetation of areas disturbed by timber harvest activities and tree clearing is required, including noxious weed management. The applicant shall provide a bond to cover reclamation costs as a condition of approval.

F. The Construction of new trails and trailheads in the Backcountry (“BC”) Zoning District shall require a Class 2 Conditional Use Permit review utilizing the criteria as contained in Section 12302.04.

3514.03: Road and Driveway Improvement and Maintenance Limitations

A. **Improvements to Existing Roads and Driveways:** Improvements to existing roads and driveways shall be allowed, provided the improvements do not exceed the requirements specified in this section and provided that improvements occur within the existing road alignment. Road realignments may in certain cases be allowed if the County Engineer determines that the realignment would more effectively mitigate potential environmental impacts (e.g. erosion, wetland protection). If required by the County, access easements or evidence of allowances across private property and/or National Forest System lands must be provided for any road realignments.

B. **Construction of New Road and Driveway Improvements:** Construction of new roads, driveways and bridges/stream crossings shall be allowed, provided there is no existing access to the property determined to be adequate by the County Engineer and provided the new road or driveway complies with the road/driveway standards and the site disturbance/design standards of this section. New temporary roads, for private timber harvesting or mining purposes only, may also be allowed subject to the standards of this section, provided that the road surface is regraded and revegetated to a natural condition once the logging or mining is discontinued.

C. **Winter Plowing:** All winter plowing of roads and driveways* in the BC Zoning District (between November 1 and April 30), including plowing that existed at the time these regulations were initially adopted, is required to obtain a conditional use permit. The Review Authority may approves a conditional use permit provided the plowing is consistent with the following criteria:

1. Plowing shall be done in a manner that maintains the rural backcountry character to the maximum extent practicable.
2. A minimum amount of snow (approximately 4 inches) shall be required to be left on the road surface to allow for over-snow use, where necessary to accommodate other users. The minimum amount of snow left on the road surface shall be determined by the Review Authority, and based on site characteristics and effects on travel.
3. If the road is considered a significant winter route as designated in a County master plan, and when deemed necessary by the Review Authority, alternative access for other road uses (i.e. skiers) shall be required to be provided for safety purposes.
4. Plowing of the existing road shall not create a potentially hazardous and unsafe condition for vehicles. If a conditional use permit for winter plowing is denied, a finding must be made that adequate parking is available to accommodate at least two vehicles of the permit applicant at or near the location where existing plowing terminates.
*Driveways are exempt from the requirement to obtain a conditional use permit for winter plowing if they are 1) less than 400 feet long, and 2) used exclusively to provide access to a residence (not used as a travel way for other users).

D. Grades Exceeding Twelve Percent (12%): Roads and driveways exceeding twelve percent (12%) grade may be allowed subject to a conditional use permit (see Section 12300 et seq.), the standards of Section 3514.05.C, and the following criteria: As determined by the County Engineer, the proposed roadway will minimize environmental impacts and not create a hazardous and unsafe condition for vehicles.

3514.04: Other Restrictions on Roads and Driveways

A. Improvements to roads and driveways not meeting the standards established under these regulations are prohibited.
B. To the maximum extent practicable, roads and driveways shall be located in a manner that reduces site disturbance and the visibility of the structure. In situations where visibility would be increased due to the location of the road or driveway, the road or driveway shall access the structure either from above the structure or to the side and not from below.
C. Structures shall be located on the site, and driveway length shall be minimized, in a manner that reduces the amount of site disturbance and visual impacts.

3514.05: Development Standards

A. Density and Minimum Parcel Sizes:
For the purposes of subdivision or rezoning, the following standards shall apply:
1. **Density:** Maximum density for any parcel shall be one (1) unit per 20 acres.
2. **Minimum Parcel Size:** Minimum parcel size shall be 20 acres, except for parcels created through approved rural land use subdivisions. Legally created parcels under 20 acres in size in the BC Zoning District existing as of the date these regulations were last amended (effective August 14, 2007) are considered legal nonconforming parcels and shall not require a nonconforming parcel plan review. Provided, however, that all parcels are subject to the County’s merger provisions as established in Section 14101.02 F.

B. Structure/Dwelling Size:
1. **Base Allowance:**
   - **Upper Blue and Ten Mile Basins:** For any parcel of two (2) acres or less a maximum of 750 square feet of floor area shall be allowed.
   - **Snake River Basin:** For any parcel of two (2) acres or less a maximum of 900 square feet of floor area shall be allowed.
2. **Additional Allowance:** For each additional acre of land in excess of two (2) acres, an additional 50 square feet of floor area is allowed up to a maximum of 2,400 square feet. Additional square footage shall be granted for fractional acreage (e.g., 2.75 acres would allow for 787.5 sq. ft. of floor area in the Ten Mile and Upper Blue Basins and 937.5 sq.ft. of floor area in the Snake River Basin).
3. **Accessory Structures:** Accessory structures such as garages, storage sheds, and greenhouses are allowed up to a maximum total size of all accessory structures of 600 square feet. Accessory structures can be attached or incorporated into the primary residence, or can be detached provided that the structures are sited in close proximity to the primary residence so that site disturbance is minimized. Accessory uses are encouraged to be attached or incorporated into the primary residence whenever possible, in order to reduce site disturbance and visual impacts.
4. **Parcel Assemblages:** Parcels can be assembled to meet the acreage thresholds and formulas described above in Section 3514.05.B.2. Parcels do not have to be contiguous, but all parcels involved in the assemblage must be located within the BC Zoning District. This provision allows for property owners to voluntarily transfer floor area allowances from (one) 1 or more parcel(s) to another in the BC Zoning District to allow a larger structure size. For the purposes of this section, the parcel proposed for development is referred to as the “developed” parcel, and all other parcels involved in the parcel assemblage are referred to as the “protected” parcel(s).
   a. **Base Allowance for Other Parcels:** For non-contiguous parcels used to assemble additional acres to increase the structure size, an additional 50 sq. ft. of floor areas is allowed per acre (as described in these regulations). Said non-contiguous parcels involved in the transfer do not have
a base allowance of 750 sq. ft. or 900 sq. ft. (as described in these regulations) for assemblage purposes. The square footage that can be transferred is based on the total acreage of all parcels assembled (e.g., if a property owner in the Snake River Basin assembles two 2.5-acre parcels, the property on which the owner chooses to build would get the base allowance of 900 sq. ft. for the first two acres plus 25 sq. ft. for the 0.5 acre. Additionally, the property owner can transfer 50 sq. ft. per acre from the other 2.5 acre parcel (2.5 acres x 50 sq. ft. = 125 sq. ft. for a total house size of 1,050 sq. ft.).

b. Disposition of Parcels Used in Assemblage: Where parcels are assembled to increase structure size, title to all parcels used for the assemblage (except the parcel where a structure is proposed) shall be transferred to Summit County via an instrument recorded in the Office of the Summit County Clerk and Recorder. However, in unique or rare situations the County may determine that it is not appropriate to transfer title/ownership of a property to the County, but instead title/ownership may be retained by the current owner or transferred to another party (e.g., the U.S. Forest Service). Under these circumstances, a perpetual restrictive covenant or other document enforceable by the County and in a form acceptable to the County shall be recorded in the Office of the Clerk and Recorder. Such restrictive covenant or document shall clearly describe the disposition of the property and shall prevent development or uses inconsistent with the Open Space Zoning District. The transfer of title/ownership or other approved restriction shall be approved by the County and recorded prior to issuance of a building permit.

c. Review Process and Criteria for Approval: All applications for a proposed parcel assemblage are required to obtain approval from the BOCC and shall follow the Class 6 development review process (refer to Section 12000 et seq.). In addition, all applications shall be referred to the applicable basin planning commission for review and comment, and legal notice of the Class 6 development review process shall be sent to all property owners within 300 feet of the property boundary, as specified in Section 13103.01.B.5. The following criteria must be met for the BOCC to approve a parcel assemblage:

i. All properties included in the proposed parcel assemblage are legal parcels in accordance with the applicable provisions of this Code, and, if applicable, are in compliance with the merger of nonconforming parcels requirements specified in Section 14101.02.F.

ii. The applicant and/or authorizing property owner(s) have an ownership interest in all involved parcels sufficient to proceed with the proposed parcel assemblage, including clear title and no encumbrances or restraints, private or otherwise, on the title that would preclude its eligibility to be used for parcel assemblage.

iii. The applicant has provided certification from the County Treasurer’s office that all ad valorem taxes applicable to the proposed parcel assemblage, for years prior to the year in which approval is under consideration, have been paid in accordance with all applicable requirements for collection of property taxes.

iv. If the County is accepting title to the protected parcel(s), no significant environmental or other liabilities exist on the parcel(s), such as but not limited to extensive environmental remediation needs that may preclude the County from accepting title to the property. Or, if the County determines that title to the protected parcel(s) shall be retained by the current owner or transferred to a third party, a perpetual restrictive covenant shall be recorded against the protected parcel(s), as specified in Section 3514.05.B.4.b. above, to the satisfaction of the County.

v. The proposed parcel assemblage is consistent with the overall philosophy of minimizing development within rural backcountry areas and/or environmentally sensitive areas, and is consistent with accomplishing other master plan goals and policies/actions. The cumulative impact of the proposed parcel assemblage, taking into account both the developed and protected parcels and potential development thereon, results in the minimization of disturbance within the following areas, to the satisfaction of the Review Authority:

aa. Environmentally sensitive areas, including but not limited to wetlands and wetland setback areas, streams, floodplains, slopes 30 percent or greater, avalanche hazard areas and other geologic hazards, critical fish and wildlife habitat, and alpine tundra.

ba. Lands of highest visual importance as primarily identified on the Visually Important Lands Map in the respective basin master plan.

vi. When evaluating the suitability of protected parcels, protection of the following areas is encouraged whenever possible:
aa. Lands adjacent to publicly owned property which meet the County’s open space criteria guidelines and which can combine with other open space properties to enlarge and/or connect existing open space parcels.

ba. Lands with significant recreational value, as described in the County’s open space criteria guidelines, particularly those with value for non-motorized passive recreational uses not requiring intensive maintenance or management (i.e., lands containing trails or trailheads, or that provide access or extensions thereto; and/or lands that provide opportunities for dispersed passive recreation.)

vii. The proposed parcel assemblage is consistent with the purpose and intent of the BC Zoning District and all provisions for BC Zoning District parcel assemblages set forth in Section 3514.05.B.4 of the Development Code.

d. **Interbasin Transfer Parcel Assemblage:** BC Zoning District properties shall not be eligible to transfer development rights, or square foot equivalents, to other basins to take advantage of the BC Zoning District acreage assemblage thresholds or formulas to increase structure size.

e. **TDR Banks:** BC Zoning District properties shall not be eligible to acquire development rights, or square foot equivalents, from TDR banks for assembling parcel acreage to increase structure size (i.e., meet or maximize BC Zoning District acreage thresholds and formulas).

f. **Transfer of Residual Development Rights or Square Footage:** Unused, residual or remnant development right value associated with a BC Zoning District property shall not be sold or transferred as a development right or fraction of a development right. Additionally, the transfer of unused or residual square footage to another BC Zoning District property, to be used as part of a parcel assemblage to increase structure size, shall not be allowed (e.g., if an owner of a 20-acre BC zoned parcel in the Upper Blue Basin chooses to build a 950 sq. ft. home instead of a maximum 1,650 sq. ft. home as allowed per the BC Zoning District, the unused or residual development rights or square footage cannot be sold or transferred, but will remain on the property and be available to the existing or future property owner for potential additions or expansions of the structure on the property).

5. **Reconstruction of Damaged Structures:** Where a legal nonconforming structure in the BC Zoning District is damaged or destroyed, the structure may be restored or repaired to not more than its original size, provided the restoration occurs within generally the same footprint as the original structure occupied.

C. **Roads and Driveways:**

1. Winter maintenance of public and private roads in the BC Zoning District shall be regulated pursuant to Section 3514.03.

2. Where permitted under these regulations, road and driveway construction in the BC Zoning District shall comply with the following guidelines and the site disturbance standards:
   a. **Travelway Width:** Ten (10) to Sixteen (16) feet, with turnouts provided at specified distances as determined by the County Engineer.
   b. **Grade:** Twelve percent (12%) maximum. Grades exceeding twelve percent (12%) may be allowed by approval of a conditional use permit as required by these regulations.
   c. **Design Capacity:** 100 ADT
   d. **Surface:** Gravel or natural surface, no pavement or asphalt is allowed.

3. All roads and driveways shall be designed and constructed using best management practices (“BMPs”) to ensure adequate erosion control.

4. **Recognition of Access Across Private Property:**
   a. When a proposed or existing road or driveway crosses through private property or National Forest System lands, an Applicant shall make reasonable efforts to obtain all necessary easements related to such access, and if deemed necessary by the County, the Applicant shall dedicate necessary rights-of-way related to such access to the County.
   b. Notwithstanding the foregoing, if an Applicant is unable to secure such rights of access despite appropriate diligent efforts to accomplish the same, the County may, in the exercise of its sole discretion, recognize such allegedly established historic access and allow the construction of a home in the BC Zoning District. The County may allow this, provided the Applicant provides an appropriate combination of the following: (1) bona fide affidavits of prescriptive use of such road or driveway crossing private lands in a form acceptable to the County, or such other form of tangible and demonstrative evidence regarding such claimed historic use; (2) in cases where a new road or driveway alignment is necessitated and approved, express easements across such intervening property shall be required; and (3) in cases where a road or driveway crosses...
D. Utilities: All of the utilities discussed under this subsection shall conform to the site disturbance and design standards of Section 3514.05 and the other applicable requirements of this Code. Wherever possible, environmentally-friendly alternatives (e.g., solar power, composting or incinerator toilets) to traditional utility services are encouraged.

1. Water: A potable water supply shall be provided. Where practicable, wells shall be located in close proximity to the residence so that minimal site disturbance is caused by placement of the water lines, provided the County’s Onsite Wastewater System (“OWS”) regulations for well separation are complied with. Site disturbance from the drilling and placement of the well shall be minimized.

2. Wastewater Treatment: A means of wastewater treatment which complies with the County’s OWTS requirements is required. Where a traditional septic system and leach field is proposed, the leach field shall utilize a trench design as opposed to a bed design, if practicable. Where the County determines that it is impractical to access a property with a septic system cleaning vehicle, the Public/Environmental Health Department may require the use of composting or incinerator toilets.
   
a. It is preferred to maintain a hillside’s natural character and minimize impacts of septic system design. Therefore, to the maximum extent practicable, septic systems shall be installed in a manner that 1) minimizes site disturbance and 2) does not purposely or “incidentally” remove trees to accommodate views and aesthetics as seen from the proposed residence. Installation of a septic system and subsequent clearing of trees immediately downhill from a proposed structure shall be done only out of “necessity” if no other practicable alternatives exist for septic system design and location. The purpose of this provision is not to prevent a property owner from installing a septic system at a lower elevation than their residence. Rather, the purpose of the provision is to prevent a property owner from clear cutting trees in front of/downhill from their residence to accommodate views.
   
b. Septic systems shall be designed in the most environmentally sensitive manner possible. The design shall incorporate methods to reduce site disturbance. The Planning Department, in conjunction and cooperation with the Public/Environmental Health Department, shall review the design of the septic system to ensure that disturbance is reduced. For example, trench design may be required as opposed to bed design, if such design mitigates visual impacts. The review of the final septic system design by the Public/Environmental Health Department shall occur concurrently with the Planning Department’s review to ensure that site disturbance and visual impacts are mitigated and minimized per the provisions of this section.
   
c. Methods to reduce site disturbance for septic systems shall include, but are not limited to, the utilization of small machinery, selective cutting versus clear cutting. Where septic systems and leach fields are proposed, the disturbance area associated with the septic system and leach field, including any disturbance for access by machinery, shall be outlined in the site plan.

3. Other Utilities (electric, gas, phone, cable): Utilities shall be installed underground (below access roads or driveways), unless the applicant can demonstrate to the satisfaction of the Planning Department that other alternatives for placement of utilities would have less impacts.

4. Generators: Where generators are used on a BC Zoning District property, the generators shall be placed in a fully enclosed, four-side storage building that minimizes noise impacts. Noise shall not exceed the standards for residential noise as established in Summit County Ordinance 12.

5. Small Scale Renewable Energy Systems:

   As a means of providing renewable energy, the installation of small scale renewable energy systems for residential use is encouraged on backcountry properties. Small scale renewable energy systems that are incidental and subordinate to a principal use established and located on a property shall be permitted as a use-by-right on BC zoned properties. These systems shall be installed on an individual property and used to provide energy for the principal use established on the property (i.e., on-site use, not off-site use). Small scale renewable energy systems as defined by the Code include, but are not limited to: small scale hydroelectric, small scale wind turbines, and small scale solar energy systems.

   a. Installation of Renewable Energy Systems: When small scale renewable energy systems are installed on BC zoned properties, the systems shall be designed and placed in a manner that 1) exhibits environmental sensitivity, and 2) satisfactorily minimizes impacts to the backcountry character and resources. Significant site grading shall be avoided in the installation and location of such renewable energy systems. The design of such renewable energy systems shall be reviewed on a case-by-case basis when installed on property zoned BC.
b. The efficient functioning of solar energy systems is of primary importance, and the standards listed in this section are not intended to preclude the installation of solar energy systems on backcountry properties.

c. Careful consideration shall be given to the integration of solar energy equipment into buildings, whether during construction of a new structure or retrofitting of an existing structure. While recognizing solar strategies to optimize placement and performance, the following standards shall be addressed in the design, approval and installation of solar energy systems:

i. **Integrated Installations:** It is preferred that solar be integrated into the design and construction of a new building. For example, integrate solar energy techniques and other mechanical equipment into the overall design of a building, to ensure that the equipment is visually compatible with existing roof pitches and materials.

ii **Location of Separate Structures/Ground Mounting:** When solar is not integrated into the design of a building and is separate from the primary structure, the following issues shall be addressed: compatibility with the architecture of the primary structure, location of equipment, visual continuity and screening.

iii **Height:** Solar panels placed on roofs may exceed the maximum permitted building height (25 feet) by 10%. Solar panels placed on the roof of a legal, non-conforming structure, which exceeds 25 feet in height, may exceed the existing roof height by 10%. Ground mounted solar panels shall not exceed 25 feet in height.

   aa. **Administrative Relief:** A request for an exception to these height restrictions may be considered pursuant to the provisions for administrative relief in Section 13400 et seq. Administrative relief may be granted if a property owner demonstrates that a functional solar energy system cannot be installed in accordance with these height limits, due to special circumstances applicable to the property such as topography, limited solar access or other unique physical conditions.

   iv **Site Grading:** Significant site grading shall be avoided in the installation and location of solar equipment.

E. **Site Disturbance and Design Standards:**

1. **Site Disturbance and Vegetation Removal:** No earth-disturbing activity (unless involving less than 500 square feet of surface area) shall be allowed unless approved by a building, and associated grading and excavation permit, which have been approved for the property and such plans comply with the plans approved as a part of the required development review process. Earth-disturbance and tree removal other than that indicated on the official plans is prohibited unless such plans are approved in accordance with Section 12001, Minor Revisions or Modifications. Development, including structures, roads or driveways, leach field areas and utilities, shall minimize the need for earth-moving and site disturbance to the maximum extent practicable. Site disturbance, including vegetation removal, shall be confined to that area needed to reasonably accommodate the footprint of the building, driveways or roads, leach fields, utilities and defensible space for fire mitigation. Structures, driveways, parking areas and utilities shall be located in a manner that reduces site disturbance to the greatest extent practicable. Areas proposed to be undisturbed shall be fenced during construction or otherwise protected from site disturbance to the satisfaction of the Planning Department. Fencing shall include orange construction fencing or a similar alternative approved by the Planning Department. The fencing shall remain in place until a Certificate of Occupancy (“CO”) is issued or until the Planning Department determines the fencing can be removed. Additional site disturbance may be permissible for mining and forestry activities as permitted under these regulations.

2. **Slopes:** Where practical and consistent with the other standards of this subsection, structures shall be sited on the portion of the parcel that has lesser slopes. The maximum slope for building sites shall be 30%. Where site conditions would preclude development based on the above standards, the County may allow for some disturbance of sloped areas in excess of 30%, consistent with the slope limitation provisions of Section 7102. Other components of the development including roads, driveways, leach fields and utilities shall not be located on slopes greater than 15%. Existing roads located in areas with grades exceeding 15% may be utilized if approved by the County Engineer. Retaining walls shall be used to minimize earth disturbance on steep slopes. Retaining walls shall be constructed in compliance with Section 3505 et seq. of the Code.

3. **Streams/Water Bodies/Wetlands:** Soil disturbance and structures shall be setback a minimum of 25 feet from any stream, water body or wetland, and meet all other applicable requirements as set forth in Chapters 7 and 12 of the Code.
4. **Building Materials/Colors:** Primary building materials and colors, including materials used for accessory structures, shall to the extent practicable mimic and blend with those found in the surrounding natural landscape. Use of wood, stone and other natural looking materials is encouraged. Colors shall be earth-tone, dark and/or subdued. The applicant shall provide a color board to the Planning Department showing proposed colors as part of the site plan application. Highly reflective glass or metal surfaces are prohibited (with the exception of solar energy systems), and instead the use of non-reflective glass or non-reflective metal surfaces is encouraged. Fire retardant materials shall be allowed, provided these materials have a natural appearance, and are approved by the Planning Department during the building permit review process.

5. **Fencing:** Permanent fencing is strongly discouraged. All fences shall be constructed to comply with specific BC Zoning District requirements for fencing as identified in Section 3505.17.A.

6. **Exterior Lighting:** Exterior lighting shall utilize full cut off fixtures so that all direct rays are confined to the site and so that adjacent properties are protected from glare as required by Section 3505 et seq. An exterior lighting detail sheet indicating the types of fixtures shall be required for all building permit applications.

7. **Tree Removal:** For regulations pertaining to “Commercial Timber Harvest” refer to Section 3514.02 above, and for “Fire Mitigation” for new construction refer to Section 3514.05 F below. Due to the location, high visibility and unique characteristics of BC Zoning District properties, tree removal shall be given special consideration. It is important on BC Zoning District properties to assess and balance the relationship between: maintaining view corridors or visually important lands, protecting or sustaining forest health, and applicable wildfire risk and appropriate mitigation measures. Therefore, it is recognized it is often necessary and appropriate for property owners to conduct selective felling and/or thinning of trees. However, arbitrary or extensive cutting of trees for purposes other than protecting and sustaining forest health or mitigating wildfire risk (e.g., removing trees just to accommodate views and aesthetics) shall be prohibited:

   a. **Non-Permissible Tree Removal**
      i. No tree removal shall be allowed outside of the disturbance envelope (as identified on the site plan), except as required for utility installation, driveway construction, fire mitigation, and forest management.
      ii. Tree removal within a temporary construction staging area is not permitted, unless the tree removal is done for fire mitigation or forest management, in accordance with a County approved fire mitigation or forest management plan.

   b. **Permitted Tree Removal & Notification Requirements**
      i. Tree removal deemed necessary for fire mitigation and forest management may be permitted outside of the disturbance envelope upon written approval from the Planning Department, after review and approval of a tree removal plan prepared by a certified forester or fire mitigation officer.
      ii. Trees on a property that are infested with Pine Beetle or are dead may be removed without written notification to the Planning Department.

   c. **Tree Replacement**
      For any trees that need to be replaced due to illegal tree clearing, the owner shall submit a Site Plan Improvements Agreement and a performance bond. The replacement trees shall have a two-year warranty period, to be secured by said bond, in order to ensure their successful establishment.

8. **Setbacks:** Setback requirements for properties in the BC Zoning District are identified in Figure 3-6. In addition to the standard setbacks from property lines, setbacks of 100 feet are required from both roads and trails that have been identified as significant winter or summer routes in an adopted master plan. The 100 foot setback requirement from roads and trails in the BC zoning district shall be measured from the edge of the road or trail surface. Setbacks from roads and trails may be reduced pursuant to an administrative review by the Planning Department if one or more of the following exists:

   a. topography or natural vegetation provides a visual separation such that any buildings or improvements on the site (driveways excepted) do not have a significant visual impact as seen from public roads or trails;
   b. if an existing access road serves the building site;
   c. if lot dimensions preclude the ability to meet the 100 foot setback;
   d. or if reducing the setback would, based on existing site conditions (i.e., steep slopes, wetlands), avoid significant environmental impacts that would otherwise be caused by strict adherence to
the setback requirement.

F. **Fire Mitigation:** All development shall comply with the County fire hazard mitigation requirements for new construction.

G. **Geologic, Mining & Environmental Hazards:** Parcels or areas subject to geologic hazards shall not be developed for any use that might endanger health and safety, life or property unless the hazards can be eliminated or mitigated in a manner acceptable to the County. Geologic hazards include, but are not limited to: avalanches, landslides, rock falls, mud flows, unstable slopes or soils, ground subsidence, radioactivity, or other environmental hazards such as prospect pits, adits and shafts due to historic mining, etc. If there is evidence to believe geologic hazards exist on the site, a geotechnical report shall be submitted to the Planning Department with a building permit application, and the proposed site plan shall be referred to the Colorado Geologic Survey for an evaluation of those geologic factors, which would have a significant impact on the proposed use of the land. Site plans and construction shall be designed or conducted in accordance with the recommendations of the Colorado Geologic Survey, unless an Applicant provides evidence acceptable to the County that an alternative design is in accord with sound engineering and planning principles.

**3514.06: Public Trails/Recreation Access**

A. Public access on existing public roads, identified as significant winter or summer routes in adopted master plans, shall be preserved or acquired to the maximum extent possible for both summer and winter use. The County shall work cooperatively with owners of property in the BC Zoning District to ensure that through-access on such roads is preserved or acquired.

B. Public access on existing trails, pathways and other established routes and trailhead areas for both summer and winter use, identified as significant winter or summer routes in adopted master plans, should be preserved or acquired to the maximum extent possible. Landowners are encouraged to work cooperatively with the County Open Space and Trails Department to address recreational access issues on their properties. The Open Space and Trails Department shall work cooperatively with landowners to attempt to secure access to important trails and established routes.

C. Trails shall be kept in their historic alignments to the greatest extent possible. Road and driveway crossings of trails shall be avoided wherever possible.

**3514.07: Site Plan Review Procedures**

All developments in the BC Zoning District that require a building permit shall be subject to administrative site plan review of the Planning Department. The site plan shall comply with all requirements of Section 12600 et seq. and shall also comply with all requirements of this section. As part of the site plan submittal, a vicinity map of the area, a boundary survey (if required by the Planning Department to evaluate compliance with Section 14101.02.F) and a topographic survey of the area proposed to be disturbed (shown in one (1) or two (2) foot contour intervals) shall be included. Where snow conditions preclude the ability to perform a field visit to a backcountry site, the Planning Department may extend the review period until such time that the site can be reasonably accessed and evaluated. In no case shall the extension go beyond the month of June following the date that the building permit application was submitted. In order to determine if a conditional use permit is needed for winter plowing, the site plan shall include: 1) a statement regarding whether an Applicant intends to plow snow, or 2) a statement that access inhibited by snow will be by other means (snowshoes, skis, snowmobiles, etc.).

**3514.08: Transferable Development Rights**

Pursuant to Section 3506.02 et seq., where development rights from BC Zoning District properties in designated Sending Areas are transferred to designated Receiving Areas, restrictions on development rights that exist on the Sending Area property as a result of the BC Zoning District designation (e.g., use limits, limited structure size, site disturbance and design standards, road and driveway construction or maintenance standards, etc.) shall not apply to the Receiving Area property the development rights are transferred to.

**3515: B-3 Zoning District**

**3515.01: Purpose and Intent**
A. The B-3 Zoning District was established to encourage the coordination and clustering of mixed-use development in centers from five (5) to 30 acres in size. The intent is to create a village containing a mix of land uses, although the village need not be self-sufficient. Development standards and review criteria are specifically intended to discourage strip development and encourage a low-scale, low impact village area.

B. The B-3 Zoning District is an antiquated zoning district remaining in effect per Section 3305.01. A property in the County cannot be rezoned to B-3, but must instead rezone to one of the zoning districts listed in Section 3301.

3515.02: Permitted Uses

The following land uses are permitted uses pursuant to the procedures and general review criteria set forth in this Code:

A. Animal clinic (small animals only).
B. Bed & breakfast.
C. Games Arcades.
D. Office, administrative/business/professional.
E. Office, government.
F. Restaurant, standard (no carry-out or drive-through).
G. Service commercial.
H. Wholesale sales.
I. Bus shelter.
J. Clinic.
K. Museum.
L. Public safety and emergency services, including fire or police stations and emergency medical services.
M. Utility facility, minor.
N. Residential units integrated into a commercial structure, provided that the residential square footage does not exceed the commercial square footage.
O. Medical Marijuana Center, Optional Premise Cultivation Operation, and Infused Products Manufacturing in accordance with the provisions set forth in Section 3804 et seq.

3515.03: Conditional Uses

The following conditional uses may be permitted within the B-3 Zoning District pursuant to the procedures and general review criteria set forth in Section 12300 et seq. In addition, where specific conditions or standards are set forth in the B-3 regulations, the proposed conditional use shall satisfy both those specific conditions and standards and the general review criteria set forth in Section 12300 et seq.

A. Animal hospital (small animals only).
B. Bar/tavern.
C. Business, retail and service (unless specifically listed as a permitted use in Subsection 3515.02. above), provided the following requirements are met in addition to the general conditional use review criteria set forth in Section 12300 et seq.:
   1. Average Daily Trips (ADT) generated by the use shall not exceed 130 ADT per 1,000 square feet of floor area, according to the Trip Generation Manual (Institute of Transportation Engineers, current edition); and
   2. Where applicable, access to the site shall be provided through the use of shared entry drives, secondary access/frontage roads, or other means. Primary access shall not be via Highway 9; and,
   3. The use is consistent with the purpose of this zoning district and any applicable master or subbasin plans.
D. Childcare center.
E. Church.
F. Community center.
G. Convalescent home.
H. Convenience market, provided the following conditions are satisfied:
   1. Where applicable, access to the site shall be provided through the use of shared entry drives, secondary access/frontage road or other means and direct access from a State Highway shall not be
2. The total square footage of all convenience markets within a 5,000 foot diameter the B-3 Zoning District shall not exceed 3,500 square feet of floor area and shall not provide more than eight (8) gas pumps.

I. Fraternal/service club.
J. Light industrial uses.
K. Outdoor display of artwork, subject to the standards set forth in Sections 3813 et seq.
L. Nursery/greenhouse.
M. Outdoor storage.
N. Retirement home.
O. Warehouses and mini-warehouses/storage facilities.
P. Residential uses that comprise no more than 50% of the square footage of a mixed-use structure.
Q. Residential-only structures, provided that:
   1. No more than four (4) residential units shall be permitted in a structure.
   2. Units must be a minimum of 1,200 square feet and a maximum of 1,800 square feet, excluding all garages and accessory buildings. In multi-unit developments, ten percent (10%) of the units may be smaller than 1,200 square feet, and up to ten percent (10%) of the units may be larger than 1,800 square feet.
   3. Restrictive covenants must be in place forbidding short-term (less than six (6) months) rentals.
   4. The Planning Commission must determine that an all-residential development is in keeping with the village character and function of the area.
   5. Permitted density for all-residential projects shall be calculated as provided for in this section, except that proposed rights-of-way and easements for a residential-only subdivision or project are included in the total site area in determining the maximum permitted floor area (existing rights-of-way are excluded). In figuring FAR for residential projects, the FAR methodology outlined in Section 3515.05.A prevails over the FAR definition contained in Chapter 15.
   6. Outdoor residential storage, including snowmobiles, boats and recreational vehicles shall be prohibited.
   7. Maximum height of residential buildings shall be no more than 30 feet above existing grade. Appendages such as chimneys, vents and television or radio antennas, or architectural accents approved by the Review Authority, may exceed the height allowance by ten percent (10%).
   8. There are no minimum lot area or lot frontage requirements for a residential-only subdivision. The minimum lot size and minimum lot frontage shall be proposed by an applicant and reviewed and approved by the Planning Commission based on input from key referral agencies such as a fire department, the County Engineer, the Planning Department and the County Public Health Department. Proposed lot sizes and lot frontages shall ensure adequate access, permeable area and area for ensuring a buildable lot per the provisions of this section and other applicable provisions of this Code.

3515.04: Accessory Uses

Local resident housing, subject to the standards set forth in Section 3809.

3515.05: Density

A. Maximum Density: One to twelve (1:12) FAR except as provided for in the B-3 regulations. For the purposes of the B-3 Zoning District, FAR shall be measured as the ratio of all enclosed floor area, expressed in square feet permitted on a site to the gross site area.

B. Permitted Density: Permitted density in the B-3 Zoning District is one to twelve (1:12) FAR.

C. Density Bonus: The criteria and required development standards for increases in density in excess of one to twelve (1:12) FAR are stated in Table 3-1.
TABLE 3-1: Density Bonus System for the B-3 Zoning District

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1:11</td>
<td>1+ acres</td>
<td>All landscaped areas must be serviced by an automatic irrigation system.</td>
</tr>
<tr>
<td>1:10</td>
<td>Same as above</td>
<td>All requirements above, plus 40% landscaping/open space excluding any proposed landscaped or open space area less than five (5) feet in width.</td>
</tr>
<tr>
<td>1:9</td>
<td>2+ acres</td>
<td>All requirements listed above, plus landscape/open space must be considered meaningful or useful to the village, as determined by the Planning Commission. Meaningful open space includes any that creates a view corridor, focal point or recreational amenity.</td>
</tr>
<tr>
<td>1:8</td>
<td>Same as above</td>
<td>All requirements listed above, and landscaped/open areas must equal 45% of the site.</td>
</tr>
<tr>
<td>1:7</td>
<td>3+ acres</td>
<td>All requirements listed above, and 20% of the required landscaping/open space, must be in one contiguous plot.</td>
</tr>
<tr>
<td>1:6</td>
<td>Same as above</td>
<td>All requirements listed above, and landscaped/open areas must equal 50% of the site.</td>
</tr>
<tr>
<td>1:5</td>
<td>4+ acres</td>
<td>All requirements listed above, and landscaped open areas must equal 50% of the site, not including any off-premise snow storage areas approved by the County on the site.</td>
</tr>
<tr>
<td>1:4</td>
<td>5+ acres</td>
<td>Same as above.</td>
</tr>
</tbody>
</table>

*A site is considered jointly planned and developed if an overall development plan for the entire site is submitted and all owners within the site are parties to the development application. Parcels within the site must either be contiguous or separated by a right-of-way, except that parcels separated by a highway or arterial right-of-way, as defined in Section 5102 of the County Road Standards, cannot be considered part of the same site. To receive a density bonus, applicants must fulfill both minimum site area and landscaping/open space requirements. To achieve higher density than one to eleven (1:11), applicants must fulfill all the landscaping/open space requirements listed for less dense bonuses, in addition to the requirement for the density desired. Only areas designated as public or private open space shall be counted towards fulfilling the landscaping/open space requirements. Landscaped or open areas included in the individual lots shall not be counted towards meeting the landscaping/open space requirements.

3515.06: Other Requirements

All development will be required to comply with the following site plan criteria:

A. Access, Circulation and Parking:
   1. Prior to approval of a site plan for a parcel which fronts on a major collector road, arterial highway or State highway, a master plan for access and circulation between the parcel being planned and adjacent parcels must be approved by the appropriate Planning Commission.
   2. Provision shall be made for vehicular and non-motorized and pedestrian circulation between adjacent parcels. Where necessary, easements shall be granted to the public for these purposes.
   3. Parking areas must be located and improved so that views of parked cars from adjacent streets or highways are screened either through building placement or landscaping. Berms may be used in screening if the design is approved by the Planning Commission. Natural undulations and landscaping should be emphasized in berm design.

B. Drainage, Grading and Utility Plans: Plans shall be submitted as part of site plan review showing how grading and drainage improvements will be accomplished. Where practicable, these plans must be coordinated with adjacent parcels and if it is not possible to make these improvements without affecting adjacent parcels, appropriate easements and cooperative agreements must be obtained.

C. Area and Architectural Character: Site plans in the B-3 Zone are subject to the provisions of any design guidelines, standards or overlay zoning districts in place for the subject area. If no such design guidance exists, the following standards shall apply:
   1. Area Character: The character of the area should be of a human scale, compatible with residential
surroundings. Spacing and orientation of buildings should be coordinated with and proportionate to adjacent development. Development should take advantage of the natural backdrop and should be compatible with the rural character.

2. **Signage:** Temporary signage is regulated by the provisions of the County’s Sign Regulations contained in Chapter 9. Permanent signage shall be subdued and must be compatible with residential surroundings. Each commercial building is allowed one (1) 20 square foot sign (to be permitted through the County sign permit review process) unless an overall sign program is approved for a project by the Basin Planning Commission for the basin where the proposal is located. In review of a signage program, signs shall achieve:
   a. Subdued character;
   b. Coordination between buildings and between businesses in one (1) building; and,
   c. One (1) principal sign per building with one (1) smaller identification sign per business or leasable space.

3. **Building Character:** Building character shall be one (1) to two (2) stories in height with third stories primarily as accents. Architectural designs shall be coherent and create interest through varied rooflines, building façade treatments, structural openings, covered walkways and entrances. Architecture shall create rustic, historical mountain buildings of simple style. Roof forms shall be similar to those of traditional rural buildings, such as simple gable and shed forms.

4. **Exterior Materials:** Exterior building materials should be compatible with the mountain environment. Appropriate primary building materials include painted wood clapboard and board and batten siding. Masonry, including brick, shall be used only as secondary materials. Stone buildings may be appropriate. The following materials are not allowed as primary building materials: concrete, concrete block or unrelieved stucco. Metal panels and asphalt shingles are appropriate roofing materials.

D. **Walls and Fences:**
   1. **Materials:** The following fence or wall materials are prohibited: concrete or concrete block, solid board, vinyl, chain link or plywood. Chain link fencing may be allowed to the extent needed to comply with the non-combustible fencing provisions within ten (10) feet of a structure pursuant to Section 3505.17.C(1). Natural materials such as wood, river rock or stone must be used, unless a specific exemption is granted by the Planning Commission Review Authority.
   2. **Height:** Fences and walls in the front setback shall be no higher than four (4) feet above grade at the property line and shall not cause a visual obstruction at access points. Fences or walls in the front yard but not in the front setback may be a maximum of eight (8) feet above grade. Height limits shall be the same in street-side setbacks, except where there is no vehicular access to the site from that side. When no access exists on a side, the height of the fence or wall may be eight (8) feet at the property line. Fences and walls in other areas shall not exceed eight (8) feet at the property line.

E. **Open Space/Landscaping:** The primary purpose of landscaping and provision of open space is to screen development in order to maintain the rural character of the highway corridor. 40% of a site shall remain in a landscaped or undisturbed state and as dedicated open space. A detailed open space/landscape plan shall be submitted at the site plan review stage that indicates types, sizes, and quantities of landscape material and methods of planting. Plant materials native to the immediately surrounding area must be used. Parking areas shall incorporate landscaping as a method of breaking up the lineal appearance of asphalt areas. The ten (10) foot front setback between roads and parking areas shall be landscaped and not used as snow storage. To meet the minimum open space requirement, the intended land must be dedicated as public or private open space. Undisturbed land on individual lots may not be used to count towards meeting the open space requirement.

F. **Lighting:** Exterior lighting shall be placed to light only the site being developed and so as not to produce glare. Exterior lighting must be full cut-off fixtures.

### 3516: RME: Residential Mountain Estates

#### 3516.01: Purpose and Intent

A. The RME Zoning District was established to provide a zoning district to accommodate larger lot development in the rural areas of the County.

B. The RME Zoning District is an antiquated zoning district remaining in effect per Section 3305.01. A property in the County cannot be rezoned to RME, but must instead rezone to one of the zoning districts...
listed in Section 3301.
C. If a property was rezoned to RME after 1969, it is recognized in some instances that the BOCC may have limited density on parcels zoned RME beyond the mathematic limits of the actual parcel size via limits stated in the resolution of approval to ensure the parcel met the criteria for decision. Owners of property zoned RME are thus hereby advised that they remain responsible to accurately ascertain the limitations on density set forth in any such resolutions, which may or may not be of record.
D. Accessory apartment per the requirements of this Code.
E. Caretaker unit per the requirements of this Code.

3516.02: Permitted Uses

A. Single-family dwelling.
B. Manufactured home per the requirements of this Code.
C. Modular home per the requirements of this Code.
D. Accessory apartment per the requirements of this Code. Detached units in existence prior to 1988 are considered legal, non-conforming if constructed per the requirements of the Code at that time.
E. Caretaker unit per the requirements of this Code.

3516.03: Accessory Uses

A. Private garage.
B. Private barn or stable to shelter horses, kept and/or used by the occupants of the property.
C. Home occupation per the requirements of this Code.
D. Storage building.
E. Minor utility facilities.

3516.04: Conditional Uses

Church, school, college, public library, public museum, community building, pump house water storage tank, public utility regulator or substation.

3516.05: Dimensional Requirements

Lot width or frontage: 125 feet.

3517: R-P: Residential with Plan

3517.01: Purpose and Intent

A. Due to the geographical location of Summit County and being a major domestic watershed for the State of Colorado, particular attention must be paid to location the of high density development. The R-P Zoning District was established to accommodate this development under appropriate conditions as set forth in this Code.
B. The R-P Zoning District is an antiquated zoning district remaining in effect per Section 3305.01. A property in the County cannot be rezoned to R-P, but must instead rezone to one of the zoning districts listed in Section 3301.

3517.02: Permitted Uses

In general, the following uses may be permitted uses in the R-P zone, however, the actual R-P plan approved by the County establishes the final permitted uses, density and overall development plan. After R-P zoning is established on a parcel, the permitted uses, density and overall development plan shall prevail, provided however the accessory and conditional uses outlined below may be requested per the applicable development review process of this Code.
A. Single-family dwelling.
B. Multi-family dwelling.
C. Home for the aged or nursing home.
D. Well, pump house, public utility facilities serving the immediate neighborhood.
E. Accessory apartment per the requirements of this Code.
F. Caretaker unit per the requirements of this Code.

3517.03: Accessory Uses

A. Private garage.
B. Storage building.
C. Management or rental office for use within a project.
D. Affordable Workforce Housing per Section 3809.02.
E. Minor utility facilities.

3517.04: Conditional Uses

Church, school, public library.

3517.05: Density and Dimensional Requirements

Lot Width: 125 feet (variation of lot width may be approved by the Review Authority upon submission and approval of a detailed site plan).

3518: R-25 Zoning District

3518.01: Purpose and Intent

A. Due to the geographical location of Summit County and being a major domestic watershed for the State of Colorado, particular attention must be paid to the location of high density development. The R-25 Zoning District was established to accommodate this development under appropriate conditions as set forth in this Code.
B. The R-25 Zoning District is an antiquated zoning district remaining in effect per Section 3305.01. A property in the County cannot be rezoned to R-25, but must instead rezone to one of the zoning districts listed in Section 3301.

3518.02: Permitted Uses

A. Single-family dwelling.
B. Multi-family dwelling.
C. Home for the Aged or nursing home.
D. Well, pump house, public utility, facilities serving the immediate neighborhood.
E. Accessory apartment per the requirements of this Code.

3518.03: Accessory Uses

A. Private garage.
B. Storage building.
C. Management or rental office for use within a project.
D. Affordable Employee Housing per Section 3809.
E. Minor utility facility.

3518.04: Conditional Uses

Church, school, public library.

3519: SU-1: Special Use

3519.01: Purpose and Intent

A. The SU-1 Zoning District was established to provide a zoning district to accommodate special and unique uses in the County.
B. The SU-1 Zoning District is an antiquated zoning district remaining in effect per Section 3305.01. A property in the County cannot be rezoned to SU-1, but must instead be rezoned to one of the zoning districts listed in Section 3301.

C. If a property was rezoned to SU-1, it is recognized in some instances that the BOCC may have limited density and uses via the zoning amendment process via (i) limits stated in the resolution of approval to ensure the parcel met the criteria for decision; or (ii) the analysis of the zoning amendment and the ensuing findings made by the Review Authority. Owners of property zoned SU-1 are thus hereby advised that they remain responsible to accurately ascertain the limitations on density or uses set forth in any such resolutions, which may or may not be of record.

3519.02: Permitted Uses

The following are permitted uses in the SU-1 Zoning District. However, such uses are only permitted to the extent that the County specifically permitted a use pursuant to the zoning amendment or other resolution of approval. It is acknowledged and understood that each SU-1 Zoning District in the County cannot have all of these uses and that the specific uses permitted are necessarily limited by the County’s approval.

A. Campground, public and private.
B. Cemetery, mausoleum.
C. Fair ground, race track.
D. Outdoor theater.
E. Riding stable or academy.
F. Mobile home park.

3519.03: Conditional Uses

A. Rifle, pistol, archery, trap, skeet range.
B. Mortuary when accessory to a cemetery or mausoleum.

3519.04: Accessory Uses

A. Minor utility facility.
B. Restroom, shower and laundry facilities.
C. Stables.
D. Concession stands.
E. Grandstand, clubhouse, locker rooms.
F. Such other accessory uses and structures as are customarily required to conduct the principal uses permitted in this zoning district.

3519.05: Density and Dimensional Requirements

Density and dimensional requirements, other than building height, shall be determined as part of site plan review.

3520: B-1: Highway Business

3520.01: Purpose and Intent

The B-1 Zoning District was established to provide a commercially oriented highway business zoning district in the county.

3520.02: Permitted Uses

A. Auto accessory parts and repair.
B. Auto sales and service, not including auto salvage or wrecking.
C. Auto service station and garage.
D. Auto wash and polish service.
E. Bowling alley.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

F. Restaurant, standard (no carry-out or drive-through).
G. Hotel, motel, restaurant, bar and lounge.
H. Insurance, real estate offices.
I. Laundry and cleaning services.
J. Liquor, drug, food store.
K. Novelty, curio and souvenir shop.
L. Outdoor entertainment facilities.
M. Sporting goods.
N. Tourist home.
O. Medical Marijuana Center, Optional Premise Cultivation Operation, and Infused Products Manufacturing in accordance with the provisions set forth in Section 3804 et seq.

3520.03: Accessory Uses

A. Dwelling unit, provided that it is occupied by the owner, operator or caretaker of the permitted use.
B. On-site employee housing for a commercial/industrial business per the applicable requirements of this Code.
C. Affordable Workforce Housing per Section 3809.02.

3521: RC-5000 Rural Community

3521.01: Purpose and Intent

It is the intent of the RC-5000 Zoning District to provide for single-family residential neighborhoods on lots which were platted prior to enactment of County Zoning Regulations in 1969, which are located in existing unincorporated communities and which allow for a higher-density, more intense development pattern than is typical of residential neighborhoods since Zoning Regulations were enacted. Such areas have developed as village-like rural communities. Recreational vehicles may be placed on the lots and used as seasonal residences under certain conditions in accordance with the provisions set forth in Section 3819 and if approved under a Class 2 Conditional Use Permit in accordance with the provisions set forth in Section 12300. This zoning district shall not be utilized for the creation of new communities in undeveloped areas. Development standards and uses allowed for this zoning designation are set forth in the Figures in this Code.

3600: LANDSCAPING REQUIREMENTS

3601: Purpose and Intent

The purpose of this section is to provide landscaping standards for sites undergoing development and for the continued maintenance of landscaping in Summit County. It is the County’s goal that landscape design improve the general appearance of the community and enhance its aesthetic appeal. Landscaping should complement both the built and natural environments, while retaining the integrity and character of the surrounding mountain environment.

It is the County’s intent that developments meet the following landscape design objectives:

A. Provide adequate and appropriate plant materials on a project site that comply with the standards of this section, in order to enhance the relationship of the project to its site and context.
B. Preserve existing significant trees and existing vegetation on a site and protect significant trees and existing vegetation during the construction process.
C. Conserve water by requiring landscaping plans to utilize xeriscape concepts.
D. Maximize the use of native species in landscape design, so that native species continue to dominate the County’s mountain environment. Acclimated plant materials that have adapted to the mountain climate, such as drought-tolerant species, may also be used, but plant species that the County has determined to be invasive, noxious or otherwise a nuisance be avoided.
E. Mitigate the impacts of site development with landscape designs that will buffer or screen the development from abutting properties and from the public way. Design buffering and screening features so they complement the existing natural character and context of the site and blend with the setting.
F. Provide landscaped parking islands and peninsulas along the edges and within the interiors of parking lots that establish a sense of smaller parking areas and provide visual interest to the driver and from the public way. Consider the size and path of snow removal equipment when designing parking islands and peninsulas.

G. Promote the long-term health and success of required landscaping through appropriate maintenance practices, including replacing landscaping that may have perished and keeping irrigation systems operable.

H. For resort core areas in the ski resort PUDs, provide appropriate landscaping to ensure that the development retains the county’s natural mountain character, recognizing that resort core areas often have more intensively developed, higher site coverage areas within village centers that are offset by open space areas elsewhere within the PUD.

I. Recognize and implement defensible space requirements to mitigate wildfire hazards around homes and structures.

Landscaping plans shall provide for the installation of plant materials consistent with the purpose and intent of this section and the revegetation of any disturbed areas that will be left in an unimproved state.

3602: Applicability of Landscaping Requirements

A. The provisions of these regulations shall apply to the following types of development:
   1. Duplex, multi-family, mixed-use, commercial, industrial, hotel/lodge and other development subject to site plan review per the requirements of Section 12600 et seq. (see Subsection 4 below for application to single-family dwelling development).
   2. Any modifications to existing landscaping on a duplex, multi-family, mixed-use, commercial, industrial, hotel/lodge other development where a landscaping plan was previously required by the County. Such modification shall need to be reviewed and approved by the applicable Review Authority per the site plan modification process outlined in this Code.
   3. Paving or construction of parking lots associated with all development, excluding single-family development.
   4. Unless otherwise provided for in a PUD or required through another development review approval (accessory apartment, home occupation, etc.), single-family development, or other site work associated with single-family development, is only required to meet the mandatory landscaping design standards listed in Section 3604, including defensible space requirements unless waived by the Review Authority when the specific conditions and individual circumstances (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP)).
   5. For existing single family development, any proposed exterior improvement requiring a building permit shall be required to implement full defensible space requirements pursuant to Section 3604 of this Code unless waived by the Review Authority when the specific conditions and individual circumstances (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the CWPP).

B. Developments that are exempt from the Landscaping Regulations may not be exempt from the requirement to obtain a grading permit or protect water quality (see Grading and Excavation...
Regulations and Water Quality Control Regulations in Chapters 6 and 7). The Grading and Excavation Regulations require all disturbed areas to meet certain requirements, including but not limited to revegetation with a weed-free native grass mix.

C. Landscaping plans shall be submitted for all development subject to these regulations for review and action concurrent with the applicable development review (site plan review, grading permit review, accessory apartments, home occupations where outdoor buffering or screening is being required, etc.). The Review Authority responsible for evaluating a landscaping plan is outlined in Chapter 12.

D. Where there is a conflict between the provisions of the Landscaping Regulations and the County’s water augmentation plan, which plan shall be deemed incorporated herein, the provisions of the County’s water augmentation plan shall prevail but only to the extent the subject property is subject to such augmentation plan.

3603: Flexible Landscaping Design Standards

These standards are not applied to single-family development unless a PUD requires compliance with the landscaping regulations or a higher intensity use is sought (accessory apartment, caretaker unit, etc.).

A. Alternative Methods of Compliance: The standards in this subsection provide measures for development that, if complied with, will be deemed sufficient proof that the design standards of this section have been met. However, these standards may not be the only method by which the County’s landscaping objectives listed above in Section 3601 can be achieved and it is the County’s intent to provide flexibility to applicants in landscape design in order to avoid landscaping requirements that are inconsistent with the natural environment. By way of example, development in a sage meadow may not necessitate the planting of trees when no trees existed in the meadow prior to development of the site, but may necessitate the planting of alternative vegetation more reflective of the natural environment. Applicants may propose, and the County may approve, alternative methods for landscaping a site, provided the applicant can demonstrate, and the Review Authority determines, that the alternative will meet or exceed the level of design that is expressed in the objectives listed above in Section 3601 while complying with all applicable defensible space requirements unless waived by the Review Authority when the specific conditions and individual circumstances (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP)) of a given project do not warrant imposition of this standard.

B. Minimum Planting Requirements: In addition to any landscaping that may be required for buffering (see Section 3603.D below), new development or modifications to existing development shall meet the following minimum planting requirements:

1. A minimum of three (3) trees and two (2) shrubs shall be provided for each actual unit. For projects containing commercial or other nonresidential development, a minimum of three (3) trees and two (2) shrubs shall be provided for every 1,000 square feet of Floor Area. At least one (1) of the three (3) trees shall be a conifer. Trees shall comply with the minimum plant size requirements stated in Section 3606.B. Trees and shrubs meeting the minimum planting requirements in Section 3606.B that are preserved outside of the building setbacks in the developable area can be counted in meeting the minimum planting requirement. Trees are allowed within Zone 1 provided that the horizontal distance between tree crowns at maturity and any other trees, structures, chimneys, and/or overhead utility lines is no less than 10-feet. When a conflict between these minimum planting requirements and applicable defensible space requirements cannot be avoided due to the physical constraints of the project site, alternatives such as integration of bioswales, xeriscaping, and preservation of significant trees as part of the required landscape plan may be allowed so long as such alternatives are determined by the Review Authority to meet the design standards set forth under this section of the Code.

2. Plantings shall be clustered to reflect the patterns found in nature, as opposed to being thinly distributed throughout the site.

3. Buildings often have the strongest visual impact on a site and often are the visually dominant vertical element. Plantings around buildings shall be used to soften their appearance, tie them to the site and reduce their perceived bulk and mass. The Commission Review Authority may require taller trees than established in Section 3606 adjacent to buildings to soften their appearance, tie them to the site and reduce their perceived bulk and mass, but such plantings must meet the defensible space prescriptions set forth in the Summit County Building Code unless waived by the
C. Preservation of Significant Trees:

1. For sites where there are trees present, a site survey shall be conducted to inventory the significant trees. For the purposes of this Code, significant trees are defined as conifers with a caliper of eight (8) inches or greater and deciduous trees with a caliper of four (4) inches or greater. In no event is any developer expected to survey trees on an adjoining parcel. The survey of existing significant trees shall be depicted on an existing conditions plan that shows the site’s topography, property lines and other existing features as required by the site plan review process. The Planning Department may reduce the amount of area to be surveyed for large development sites.

2. All of the significant trees located in between the property lines and a line established ten (10) feet from the required setback lines (as measured from the setback line towards the property line) shall be preserved unless removal is necessary due to: 1) forest management; 2) fire mitigation and defensible space requirements; 3) construction of driveways, detention ponds or limited site grading work; 4) necessary utilities; or 5) other improvements as may be approved by the Review Authority. The ten (10) foot area extending out from the setback lines to the area of trees to be preserved is to allow for room for construction equipment, site grading and other construction activities. Utilities shall be placed in driveway cuts where practicable to preserve vegetation on a site. The amount of site grading work allowed in the setbacks shall be limited by the use of retaining walls, stepped foundations and other similar engineering practices.

3. Vegetation to be preserved shall be protected by the following methods:
   a. During construction, significant trees that are to be preserved shall be protected for an area two (2) feet beyond their drip lines (i.e., the area the branches spread). Adequate protection devices shall be installed to ensure that trunks, branches and root structures are not damaged by construction equipment.
   b. No equipment shall be driven or parked within the vegetation to be preserved or within two (2) feet of the dripline of trees to be preserved.
   c. Vegetation to be preserved shall also be protected by temporary fencing that is maintained throughout the construction process.
   d. If a significant tree that has been identified for preservation is damaged or destroyed during construction or does not survive during the 24 month warranty period following completion of the landscaping improvements, it shall be replaced with a tree of comparable (though not necessarily identical) size based on a caliper-for-caliper basis (e.g. a 24 inch caliper tree is replaced with three (3) eight (8) inch caliper trees). The new trees shall be planted in the same location as the damaged tree if the County determines that the new trees can survive in this location.
   e. If vegetation to be preserved is damaged or destroyed, such damaged or destroyed area shall be replanted to a natural state.

4. No vegetation or tree removal can occur on a lot until the applicable Review Authority reviews and approves of such removal in accordance with these regulations except that dead or diseased trees, such as those infested with the Mountain Pine Beetle, may be removed without prior County approval.

5. If required by the Planning Department, a forest management/fuels reduction plan consistent with the requirements set forth pursuant to Section 8101.D et seq. shall be submitted for any project that has significant areas of trees or forested areas to be preserved, as determined by the Planning Department. It is the intent of this requirement to ensure that diseased trees are removed and trees are thinned to ensure a healthy growing condition and to ensure adequate fire mitigation measures are implemented on site in a timely manner. Such a forest management/fuels reduction plan shall identify forest management practices in accordance with the defensible space zones as set forth in the Summit County Building Code and shall include a phasing plan for implementing the recommendations of the forest management/fuels reduction plan. The obligation to carry out the recommendations shall be included in a Site Plan Improvements Agreement and through a financial guarantee. Additionally, all such forest management/fuels reduction activities shall be included in the Covenants, Conditions, and Restrictions (“CC&Rs”) governing the property in accordance with Section 3508, only study and plan for the immediate area around a development area within the subject development site and shall not involve adjacent properties.
D. **Buffering and Screening:** Landscaped buffers and fences or walls shall be provided to buffer or screen development from abutting properties and the public way as provided for below. Such buffers or screens shall be designed to complement the natural character of the site by using natural materials and land forms that follow the natural undulations or other natural forms of the land. The scale and density of any buffers and screens that are provided shall have an appropriate relationship to the building and its setting.

1. **Buffering:**
   a. Landscaped buffers shall be designed to soften the view and edge of a site, so that it blends into its surrounding context. The specifications for landscaped buffers are provided below. Such buffers shall be installed in the following areas:
      i. At the edges (perimeter) of a parking lot and between parking lots;
      ii. At the edges of snow storage areas;
      iii. Between building development and recreational trails or open space;
      iv. Between multi-family development and a road or other public spaces;
      v. Between industrial uses and residential or commercial uses; and,
      vi. Between commercial and residential areas.
   b. The following represent three (3) acceptable buffering standards to ensure compliance with Section 3603.D:
      i. One (1) deciduous tree with a minimum caliper of one and one-half (1 ½) inches for every two (2) lineal feet of buffering; or,
      ii. One (1) collected or nursery grown conifer with an average height of eight (8) feet for every six (6) lineal feet of buffering; or,
      iii. One (1) nursery grown conifer with an average height of eight (8) feet for every ten (10) lineal feet of buffering.

2. **Screens shall be installed around the following areas:**
   a. Service areas, including dumpsters;
   b. Storage areas;
   c. Utility boxes and gas meters provided such landscaping meets any written utility provider requirements;
   d. Service entrances; and,
   e. Ground level heating, ventilating and other related equipment.

3. **Any fence or wall installed as a screen shall:**
   a. Be built of natural or naturally appearing materials and be constructed of durable materials, such as stone, masonry, wood, or non-reflective metal.
   b. Have muted colors that blend in with the natural environment.
   c. Incorporate architectural treatments on the side(s) of the fence that abuts a public right-of-way, recreational pathway or other access way. Architectural treatments may include, but are not limited to, stamped concrete, stucco, or natural or cultured stone.
   d. Incorporate columns and offsets to break up long expanses.
   e. Not exceed eight (8) feet in height when screening a dumpster, provided that this height limit may be exceeded, to a maximum height of 16 feet, if the screening device is a roofed structure.
   f. Comply with the provisions of Section 3505.17.

E. **Parking Area Landscaping:** Landscaping shall be incorporated into any parking lot that contains 30 or more parking spaces.

1. A minimum of 15 square feet of landscaped area shall be provided per parking space. This landscaped area shall be integrated into the parking lot in the form of landscaped islands and peninsulas.
2. Each individual parking island or peninsula shall be a minimum of 360 square feet in size.
3. Either of the following amounts of landscaping shall be installed for every 360 square feet (or fraction thereof) of area in a parking island or peninsula:
   a. Two (2) conifer trees and eight (8) shrubs; or
   b. Four (4) deciduous trees and eight (8) shrubs.

Trees and shrubs shall comply with the minimum plant size requirements stated in Section 3606.B and the defensible space requirements set forth in Section 3604.P below.
4. A landscaped island or peninsula may be used for snow storage. The area used for snow storage may count toward the minimum snow storage area required by the Parking Regulations. Planting installed in the area shall be compatible with its snow storage function.
5. The size and path of snow removal equipment shall be considered when locating the landscaped
islands and peninsulas. Landscaping installed adjacent to a snow storage area that can be damaged by snow shall be protected by large boulders, planters or similar protective mechanisms.

6. Landscaping located next to snow storage areas shall be protected by boulders, planters, raised elevation or other approved methods. Snow storage may be allowed next to mature trees if it is determined that such trees will not be damaged or destroyed by snow storage activities.

3604: Mandatory Landscaping Design Standards

The following landscaping design standards shall be met:

A. **Maximum Site Coverage:** The Development Standards Matrix (see Figure 3-5) includes the maximum site coverage area for each of the County's zoning districts (see Section 3505 et seq.). The area that is required to be left in a permeable state shall either be landscaped or be left in natural vegetation. Acceptable landscape materials include living trees, shrubs and groundcovers.

B. **Xeriscape Requirements:** Xeriscape is a landscape concept which promotes water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native or drought tolerant vegetation, limiting the amount and type of irrigation and other related measures to conserve water and create a native landscape. The following specific requirements shall be met for all development subject to the mandatory landscaping requirement, unless specifically exempted by another part of the Landscaping Regulations:

1. **Protection of Existing Vegetation:** When existing natural plant communities occur on a parcel of land to be developed, existing vegetation in the required setback areas shall be saved in accordance with Section 3603.C.3 and in accordance with the defensible space requirements as set forth in the Summit County Building Code.

2. **Maximum Amount of Lawn Area:** The maximum amount of lawn area that can be irrigated cannot exceed ten percent (10%) of the open area on a site. All other areas disturbed by grading or construction shall be revegetated in accordance with the provisions listed in Section 3604.J below.

3. **Maximum Amount of Irrigated Area:** The maximum amount of irrigated area cannot exceed 20% of the open area on a site, with such systems designed in accordance with Subsection 5 below. For planting areas allowed to have spray-type irrigation, the total planting areas irrigated shall be included in the calculation. If trees and shrubs are drip irrigated, the area of the tree or shrub well shall be included in the calculation.

4. **Planting Requirements:** Summit County has a harsh environment and careful plant selection and installation of landscape materials is essential to successful establishment of the landscaping. All new plant materials shall use species from the required plant list included in the Required Plant Materials List (see Table 3-2) unless other plant materials are approved by the County based on the ability to survive a semi-arid high mountain environment. The following further limits the type of planting that can occur on a site:

   a. Trees, shrubs or other plants within an irrigated area shall be limited to species shown as either a X or XX plant in Table 3-2, unless other plants are approved by the County for location in irrigated areas (X: Thrives in slightly dry conditions, and once established, generally requires about one (1) inch of water per week; XX: Thrives in dry conditions, and once established, generally requires about one-half (½) inch of water per week).

   b. Trees, shrubs or other plants outside of an irrigated area shall be limited to a species shown as a XXX plant in Table 3-2, unless other plants are approved by the County for location outside of irrigated areas (XXX: thrives in dry conditions, and once established, generally requires one-half (½) inch of water every two (2) weeks).

   c. Planting of Firewise plant materials, as noted in Table 3-2 is encouraged.

**TABLE 3-2: REQUIRED ALLOWED PLANT MATERIALS LIST**

Due to the high altitude and limitations on growing conditions in Summit County (semi-arid environment, short growing season, short frost-free period, etc.), a list of required allowed plant materials and seed mixes is included to aid in selecting plants that have proven appropriate for this area. However, if wetland setbacks or wetland areas are approved for either soil disturbance or mitigation, wetland areas dictate a different group of plants not covered by this list.
X = Thrives in slightly dry conditions. Once established, these plants generally require about 1” of water per week.
XX = Thrives in dry conditions. Once established, these plants generally require about ½” of water per week.
XXX = Thrives in very dry conditions. Once established, these plants generally require about ½” of water every two weeks.

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Approx Water Needs</th>
<th>Firewise/Fire Resistant Plant Material</th>
<th>Native Colorado Plant Material</th>
<th>Approx Mature Height</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TREES and SHRUBS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purshia tridentata</td>
<td>Antelope Bitterbush</td>
<td>X</td>
<td>YES</td>
<td>YES</td>
<td>1 - 2’</td>
</tr>
<tr>
<td>Populus tremuloides</td>
<td>Aspen</td>
<td>X</td>
<td>YES</td>
<td>YES</td>
<td>35 - 50’</td>
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<tr>
<td>Populus balsamifera</td>
<td>Balsam Poplar</td>
<td>X</td>
<td>YES</td>
<td>YES</td>
<td>25 - 98’</td>
</tr>
<tr>
<td>Prunus cerasifera</td>
<td>Cherry, Cistena (Purpleleaf Plum)</td>
<td>X</td>
<td>YES</td>
<td>NO</td>
<td>15 - 30’</td>
</tr>
<tr>
<td>Aronia melanocarpa</td>
<td>Chokeberry, Black</td>
<td>X</td>
<td>YES</td>
<td>NO</td>
<td>3 - 6’</td>
</tr>
<tr>
<td>Padus virginiana</td>
<td>Chokecherry, Native</td>
<td>X</td>
<td>YES</td>
<td>YES</td>
<td>10 - 15’</td>
</tr>
<tr>
<td>Picea pungens</td>
<td>Colorado Blue Spruce</td>
<td>X</td>
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<td>YES</td>
<td>80’</td>
</tr>
<tr>
<td>Malus sp.</td>
<td>Snow</td>
<td>X</td>
<td>YES</td>
<td>NO</td>
<td>15 - 25’</td>
</tr>
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<td>Prunus padus commutata</td>
<td>Mayday</td>
<td>X</td>
<td>YES</td>
<td>NO</td>
<td>30’</td>
</tr>
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<td>Pinus mugo</td>
<td>Mugo Pine</td>
<td>X</td>
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<td>NO</td>
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<td>Populus angustifolia</td>
<td>Narrowleaf Cottonwood</td>
<td>X</td>
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</tr>
<tr>
<td>Rosa glauca</td>
<td>Rose, Redleaf</td>
<td>X</td>
<td>YES</td>
<td>NO</td>
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<tr>
<td>Amelanchier</td>
<td>Serviceberry</td>
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<td>YES</td>
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<td>Prunus virginiana</td>
<td>Shubert Chokecherry</td>
<td>X</td>
<td>YES</td>
<td>NO</td>
<td>10 - 30’</td>
</tr>
<tr>
<td>Sorbaria sorbifolia</td>
<td>Spirea, Rock or Ashleaf</td>
<td>X</td>
<td>YES</td>
<td>NO</td>
<td>6 - 8’</td>
</tr>
<tr>
<td>Abies lasiocarpa</td>
<td>Subalpine Fir</td>
<td>X</td>
<td>NO</td>
<td>YES</td>
<td>36 - 72’</td>
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<td>Pinus aristata</td>
<td>Bristlecone Pine</td>
<td>XX</td>
<td>NO</td>
<td>YES</td>
<td>50’</td>
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<tr>
<td>Picea englemannii</td>
<td>Engelmann Spruce</td>
<td>XX</td>
<td>NO</td>
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<td>Lonicera tatarica</td>
<td>Honeysuckle, Carnold’s Red</td>
<td>XX</td>
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<td>NO</td>
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<td>Juniperus communis</td>
<td>Juniper</td>
<td>XX</td>
<td>NO</td>
<td>YES</td>
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<td>Arctostaphylos uva-ursi</td>
<td>Kinnikinick</td>
<td>XX</td>
<td>YES</td>
<td>YES</td>
<td>1’</td>
</tr>
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<td>Syringa vulgaris</td>
<td>Lilac, Canadian &amp; Common</td>
<td>XX</td>
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<td>NO</td>
<td>7 - 16’</td>
</tr>
<tr>
<td>Pinus flexilis</td>
<td>Limber Pine</td>
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<td>35’</td>
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<td>Pinus contorta</td>
<td>Lodgepole Pine</td>
<td>XX</td>
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<td>Acer ginnala</td>
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<td>XX</td>
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<tr>
<td>Physocarpus monogynus</td>
<td>Mountain Ninebark</td>
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<tr>
<td>Cotoneaster acutifolius</td>
<td>Peking Cotoneaster</td>
<td>XX</td>
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<tr>
<td>Potentilla</td>
<td>Potentilla</td>
<td>XX</td>
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<td>YES</td>
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<tr>
<td>Rubus</td>
<td>Raspberry, Wild</td>
<td>XX</td>
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<tr>
<td>Pseudotsuga menziesii</td>
<td>Rocky Mountain Douglas Fir</td>
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<td>Rosa woodsii</td>
<td>Rose, Woods</td>
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<td>Shepherdia canadensis</td>
<td>Buffaloberry, Russet or Silver</td>
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<tr>
<td>Ribes alpinum</td>
<td>Currant, Alpine</td>
<td>XXX</td>
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<tr>
<td>Ribes aureum</td>
<td>Currant, Golden</td>
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<td>Plant Name</td>
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<td>Height</td>
<td>Rating</td>
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<td>Ribes rubrum</td>
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<td>Chamaebatiaria millefolium</td>
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<td>Sage, Big Leaf</td>
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<tr>
<td>Artemisia tridentata</td>
<td></td>
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<td>Caragana arborescens</td>
<td>Siberian Peashrub</td>
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<td>Osteospermum</td>
<td>African Daisy</td>
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<td>Ajuga</td>
<td>Ajuga, Bugleweed</td>
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<td>Aurinia saxatilis</td>
<td>Basket of Gold</td>
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<tr>
<td>Campanula rotundifolia</td>
<td>Bellflower, Harebell</td>
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<td>Iberis spp.</td>
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<td>Aquilegia</td>
<td>Columbine</td>
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<td>Heuchera spp.</td>
<td>Coral Bells</td>
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<td>Leucanthemum spp.</td>
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<td>Delphinium spp.</td>
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<td>Leontopodium alpinum</td>
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<td>Chamerion angustifolium</td>
<td>Fireweed</td>
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<td>Digitalis</td>
<td>Foxglove</td>
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<td>Alchemilla</td>
<td>Lady’s Mantle</td>
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<td>Maltese Cross</td>
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<td>Argyranthemum</td>
<td>Marguerite Daisy</td>
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<tr>
<td>Viola tricolor</td>
<td>Pansy</td>
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<tr>
<td>Echinacea</td>
<td>Purple Coneflower</td>
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<td>Cerastium tomentosum</td>
<td>Snow in Summer</td>
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<td>Saponaria officinalis</td>
<td>Soapwort</td>
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<td>Galium odoratum</td>
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<td>Viola</td>
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<tr>
<td>Minuartia obsiloba</td>
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<td>Rudbeckia hirta</td>
<td>Black-Eyed Susan</td>
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<td>Persicaria affinis</td>
<td>Border Jewel</td>
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<td>3 - 6&quot;</td>
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<td>Thymophylla tenuiloba</td>
<td>Dahlberg Daisy</td>
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<td>Hemerocallis spp.</td>
<td>Daylily</td>
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<td>Senecio cineraria</td>
<td>Dusty Miller</td>
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<td>Erigeron spp.</td>
<td>Erigeron/Fleabane</td>
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<td>Gazania spp.</td>
<td>Gazania</td>
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<td>&gt; 1'</td>
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</tbody>
</table>
### Solidago
- **Goldenrod**
  - XX
  - YES
  - YES
  - 2'

### Sempervivum spp.
- **Hens & Chicks**
  - XX
  - YES
  - NO
  - < 0.5'

### Carpobrotus edulis
- **Iceplant**
  - XX
  - YES
  - NO
  - > 0.5'

### Iris spp.
- **Iris, Bearded**
  - XX
  - YES
  - NO
  - 1 - 3'

### Polemonium caeruleum
- **Jacobs Ladder**
  - XX
  - YES
  - YES
  - 1 - 2'

### Stachys byzantina
- **Lamb’s Ears**
  - XX
  - YES
  - NO
  - 0.75 - 1.5'

### Calendula spp.
- **Marigold**
  - XX
  - YES
  - NO
  - 8 - 18''

### Pulsatilla ludoviciana
- **Peony**
  - XX
  - YES
  - NO
  - 3 - 5'

### Paeonia
- **Pettunia**
  - XX
  - YES
  - NO
  - 1 - 1.5''

### Phlox subulata
- **Pincushion Flower**
  - XX
  - YES
  - YES
  - < 0.5'

### Scabiosa
- **Poppies, Iceland**
  - XX
  - YES
  - NO
  - 1 - 1.5'

### Papaver nudicaule
- **Poppy, Oriental**
  - XX
  - YES
  - NO
  - 1 - 3'

### Papaver orientale
- **Potentilla, Cinquefoil**
  - XX
  - YES
  - YES
  - < 0.5'

### Geum spp.
- **Prairie Smoke**
  - XX
  - YES
  - YES
  - 1.5'

### Portulaca oleracea
- **Purslane**
  - XX
  - YES
  - NO
  - 2'

### Arabis alpina
- **Rockcress**
  - XX
  - YES
  - NO
  - < 1'

### Armeria maritima
- **Sea Pink**
  - XX
  - YES
  - NO
  - 0.5'

### Nierembergia gracilis
- **Starry Eyes**
  - XX
  - YES
  - NO
  - < 1'

### Limonium spp.
- **Staice**
  - XX
  - YES
  - NO
  - 6 - 24''

### Sedum spp.
- **Stonecrop**
  - XX
  - YES
  - YES
  - < 1'

### Helianthemum nummularium
- **Sunrose**
  - XX
  - YES
  - NO
  - > 1'

### Thymus spp.
- **Thyme**
  - XX
  - YES
  - NO
  - < 0.5'

### Diascia interseirima
- **Twinspur**
  - XX
  - YES
  - NO
  - 12 - 18''

### Veronica umbrosa
- **Veronica, Creeping**
  - XX
  - YES
  - NO
  - < 0.5'

### Veronica liwanensis
- **Veronica, Turkish & Wooly**
  - XX
  - YES
  - NO
  - < 0.5'

### Vinca minor
- **Vinca Vine, Periwinkle, myrtle**
  - XX
  - YES
  - NO
  - < 1'

### Achillea lanulosa
- **Yarrow**
  - XX
  - YES
  - YES
  - 1.5 - 2'

### Centaurea cyanus
- **Bachelor Buttons**
  - XXX
  - YES
  - NO
  - 16 - 35''

### Gaillardia
- **Blanket Flower**
  - XXX
  - YES
  - YES
  - 2 - 3'

### Eschscholzia californica
- **California Poppy**
  - XXX
  - YES
  - NO
  - 1 - 2'

### Euphorbia polychroma
- **Cushion Spurge**
  - XXX
  - YES
  - NO
  - 12 - 18''

### Oenothera
- **Evening Primrose**
  - XXX
  - YES
  - YES
  - 4'

### Penstemon strictus
- **Penstemon, Rocky Mtn.**
  - XXX
  - YES
  - YES
  - 1.5'

### Antennaria
- **Pussysvoes**
  - XXX
  - YES
  - YES
  - < 0.5'

### Eriogonum umbellatum
- **Sulphurflower**
  - XXX
  - YES
  - YES
  - < 0.5'

<table>
<thead>
<tr>
<th>GRASS MIXES</th>
<th></th>
<th>25%</th>
<th>30%</th>
<th>20%</th>
<th>20%</th>
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<tbody>
<tr>
<td><strong>Short Grass Mixture</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Lolium perenne</td>
<td>Perennial Ryegrass</td>
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<tr>
<td>Festuca rubra</td>
<td>Chewing Fescue</td>
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<tr>
<td>Poa pratensis</td>
<td>Kentucky Bluegrass, Limousine</td>
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<td>Kentucky Bluegrass, Marquis</td>
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### SUMMIT COUNTY DEVELOPMENT CODE

**CHAPTER 3: Zoning Regulations**

<table>
<thead>
<tr>
<th>Grass Seed Mixture</th>
<th>Grasses</th>
<th>Percentage</th>
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<tbody>
<tr>
<td><strong>Annual Ryegrass</strong></td>
<td>Lolium multiflorum</td>
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<tr>
<td><strong>Short Dry Grass Seed Mixture</strong></td>
<td>Festuca trachyphylla</td>
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<tr>
<td></td>
<td>Festuca rubra</td>
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</tr>
<tr>
<td></td>
<td>Festuca ovina</td>
<td>25%</td>
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<tr>
<td></td>
<td>Poa compressa</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>Poa secunda</td>
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<tr>
<td><strong>Aggressive Grass Seed Mixture</strong></td>
<td>Agropyron cristatum</td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>Bromus inermis</td>
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<tr>
<td></td>
<td>Thinopyrum intermedium</td>
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<tr>
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<td>Poa pratensis</td>
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<tr>
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<td>Dactylis glomerata</td>
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<td>Festuca rubra</td>
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<tr>
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<td>Festuca arundinacea</td>
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<td>Phleum pratense</td>
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<td>Bromus marginatus</td>
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<tr>
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<td>Lolium</td>
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</table>

**Elymus trachycaulus** *Slender Wheatgrass* 25%

**Festuca arundinacea** *Sheep Fescue* 20%

**Festuca ovina** *Idaho Fescue* 10%

**Poa annua** *Shepherd’s Fescue* 10%

**Poa secunda** *Canby Bluegrass* 10%

**Deschampsia caespitosa** Tufted Hairgrass 5%

**Aggressive Grass Seed Mixture**

<table>
<thead>
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<th>Grasses</th>
<th>Percentage</th>
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<td>Smooth Bromegrass</td>
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</tr>
<tr>
<td>Crested Wheatgrass</td>
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<tr>
<td>Intermediate Wheatgrass</td>
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<tr>
<td>Kentucky Bluegrass</td>
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<tr>
<td>Orchardgrass</td>
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<tr>
<td>Creeping Red Fescue</td>
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</tr>
<tr>
<td>Tall Fescue</td>
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<tr>
<td>Perennial Ryegrass</td>
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</tr>
<tr>
<td>Timothy</td>
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<tr>
<td>Mountain Brome grass</td>
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<tr>
<td>Annual Ryegrass</td>
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**Summit Hills Grass Seed Mixture**

<table>
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<tbody>
<tr>
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<tr>
<td>Hard Fescue</td>
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<tr>
<td><em>Sheep Fescue</em></td>
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<td>Tall Fescue</td>
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<tr>
<td><em>Big Bluegrass</em></td>
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<tr>
<td><em>Canby Bluegrass</em></td>
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**Native High Country Grass Seed Mixture**

<table>
<thead>
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<th>Grasses</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Slender Wheatgrass</td>
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<tr>
<td>Canby Bluegrass</td>
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<tr>
<td>Big Bluegrass</td>
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</tr>
<tr>
<td>Idaho Fescue</td>
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</tr>
<tr>
<td>Sheep Fescue</td>
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<tr>
<td>Western Wheatgrass</td>
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</tr>
<tr>
<td>Blue Wildrye</td>
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**Native High Country Grass Seed Mixture**

<table>
<thead>
<tr>
<th>Grasses</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Slender Wheatgrass</td>
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<tr>
<td>Canby Bluegrass</td>
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<td>Idaho Fescue</td>
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<td>Sheep Fescue</td>
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<td>Western Wheatgrass</td>
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<td>Blue Wildrye</td>
<td>5%</td>
</tr>
</tbody>
</table>

**Native High Country Grass Seed Mixture**

Mixture of primarily bunch type grasses to provide a “natural” look. With water, can grow to 3’ in height. Good companion with wildflowers. *Denotes native.

**Summit Hills Grass Seed Mixture**

Drought tolerant low growing grass mix that can be left unmowed. Requires little water once established. Use with wildflowers only if not watering on a regular basis. With regular watering, this mix will out compete wildflowers. Grows 6” to 8” in height.

**Aggressive Grass Seed Mixture**

Quick cover mix that contains tall non-native aggressive grasses. Provides a crop or field look. Use for erosion control & reclamation. For very steep slopes & poor soils. With water, Can grow to 4’ in height.

**Native High Country Grass Seed Mixture**

100% Native mix. With water, can grow to 3’ in height. Good companion for wildflowers. This mix meets Summit County and town of Breckenridge recommendations for reclamation.
5. **Water Conservation:**

   a) Irrigation systems for trees and shrubs that are X or XX as allowed by these regulations shall be designed as a drip irrigation system. XXX plants may only have irrigation systems at the discretion of the County to ensure successful plant establishment.

   b) Irrigation systems that use sprinkler heads or spray type systems are only allowed to water the maximum amount of lawn area as established above and for planting beds for flowers.

   c) Irrigation as limited by these regulations is only allowed if: 1) a site lies within an area served by a central water system; 2) a site to be watered has a well permit that allows for outdoor use; or 3) a proponent for irrigation provides a letter from a water supplier or other legal document that provides for outdoor watering.

   d) Where irrigation systems are not being installed, the County encourages an applicant to provide temporary, supplemental watering beyond natural precipitation for new plants and revegetation for the first few years to ensure successful plant establishment as required by these regulations. Revegetation can be established without supplementing natural precipitation if the revegetation procedures outlined below are followed.

   e) Watering of new trees and reseeded areas by a temporary system is allowed during the first two (2) years of plant establishment provided outside irrigation is not curtailed by a water district or the State.

   f) Outside irrigation with sprinkler or spray-type irrigation systems can only occur between the hours of 6:00 p.m. to 9:00 a.m. Drip irrigation or hand watering may occur at any time.

   g) No outside irrigation is allowed if a property is served by a well that restricts water to indoor use only, and water has not been leased from another entity allowing outside watering. If there is no water available to the site and the Review Authority does not feel that the site should be landscaped in light of such fact, then the site shall be landscaped in accordance with 3604.C.

   h) All irrigation systems shall be designed with at least two (2) zones to control the amount of water to planting areas and the lawn area so that water can be applied at differing rates based on species need.

   i) All irrigation systems shall be designed with a rain sensor that prevents irrigation if it is raining or if the soils and plants are moist. All irrigation systems shall be maintained per the provisions listed in Section 3609.

   j) All irrigation systems shall have timers. All townhouse projects shall have a separate water meter for the irrigation system.

   k) Mulching: To help with moisture retention, all areas to be planted or revegetated shall be mulched in accordance with the provisions of Section 3604.J.2 below prior to applying the required topsoil or planting trees or shrubs, whichever situation is applicable. Shredded rubber, pine needles and shredded western red cedar are prohibited within five (5) feet of any structure and discouraged from being used within Zone 1 defensible space as mulch due to their higher level of combustibility. This requirement may be waived by the Review Authority when the specific conditions and individual circumstances (i.e., slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP)), of a given project do not warrant imposition of this standard. Composted wood chips and single layer wood chips are allowed within five (5) feet of a structure due to their low combustibility level. Non-living landscaping materials such as gravel, pavers, or bricks are encouraged within five-feet of any structure.

   l) **Other Alternatives:** The Review Authority may consider other alternatives to these xeriscape provisions so long as the overall goal of water conservation will be met, and the overall objectives of the landscaping regulations is achieved.

C. **Non-living Landscaping Materials:** Non-living landscape materials, such as wood chips, river rock and boulders, may be used as landscaping provided such materials shall not exceed 15% of the open area, unless the Review Authority makes a finding that a higher percentage of such other landscaping material is appropriate due to such factors as lack of water for outside watering, topography, soil conditions or achievement of design objectives established by this Code.

D. **Slopes:** To minimize erosion, all disturbed slopes within a project site shall be landscaped or revegetated to insure stability. The maximum slope allowed is two to one (2:1). Slopes of two to one (2:1) shall be treated with erosion control material after they have been seeded or otherwise treated to ensure stability. Retaining walls can be used to ensure that a slope does not exceed a two to one (2:1) grade, except where rock escarpments serve as natural retaining walls.

E. **Reseeding of Cut and Fill Slopes:** Construction of buildings, parking areas and driveways often
results in cut and fill slopes, as developers work to fit such improvements into Summit County's mountainous terrain. All cut and fill slopes shall be revegetated or landscaped in accordance with Section 3604.J to prevent erosion. In areas where a single plane cut would result in a slope too steep for successful reseeding to occur, alternative techniques such as benching, terracing or slope rounding shall be used. The tops of cuts shall be rounded to blend back into the existing landscape.

F. **Retaining Walls:** Design and construction of retaining walls shall comply with the provisions of Section 3505.17 and Section 3603.D.3 of the Landscaping Regulations.

G. **Sight Distance Triangle:** For safety and visibility purposes, a sight distance triangle shall be maintained at street intersections and where driveways intersect streets. The length of the legs and the method of measurement shall be as stated in the County Road Standards (Chapter 5). No landscape materials, earth berming or other visual obstructions between three and one-half (3 ½) feet and seven (7) feet shall be allowed in this sight distance triangle. This regulation is not intended to prohibit the planting of trees or retention of existing trees in the sight distance triangle, if they are pruned so branches are higher than seven (7) feet.

H. **Berm Design Standards:** To the maximum extent practicable, all berms within the unincorporated area of Summit County shall be designed in accordance with the following provisions of the Grading and Excavation Regulations outlined in Chapter 6 and the following specific standards:
1. Maximum height of berms shall not exceed eight (8) feet, as measured from existing grade to the top of the crown of the berm.
2. Maximum slope of a berm shall not exceed three to one (3:1) unless a specific design that varies from such standard is deemed acceptable in light of all the standards and criteria contained in this section.
3. Berms shall be designed with both horizontal and vertical undulations so that the top of the berm undulates and so that the sides of the berm undulate to form a serpentine-like pattern. Vertical undulations shall be at least 50% of the maximum height. Horizontal undulations shall be at least 25% of the maximum width. The County shall review berm plans to ensure that there are enough horizontal and vertical undulations to make the berm naturally appearing.
4. Berms shall be tied into existing grades at their perimeter to ensure berms are naturally appearing.
5. Berms along property lines may not be longer than two-thirds (2/3) the length of the property line. This length is measured only along portions of the berm over two (2) feet in height. Adjacent property owners may propose to build one (1) longer berm along the length of the adjacent properties provided the overall length does not exceed two-thirds (2/3) of the length of the combined lots.
6. A site plan, subdivision, conditional use or other development review applicant may request a berm that does not meet these specific berm design standards during a development review subject to meeting the applicable criteria for decision.
7. Berms shall be compacted prior to planting landscaping or revegetation.

I. **Utility Locations:** Property owners installing landscaping shall be responsible for verifying all utility locations and protecting the utilities from damage during the landscaping process.

J. **Landscaping of Finished Grades:**
1. For single-family development, unless otherwise provided for in a PUD or required by the provisions of this Code (accessory apartment buffering, etc), finished grades shall be brought back to a natural state that was present on the development site prior to development. Examples of this include, but are not limited to: a) if building in a rocky area, the finished grade around development may be rocks; b) development in a forested area may landscape the finished grade with vegetation and other elements found on the forest floor prior to development; and, c) development of a grassy site may be revegetated with grass in accordance with the provisions listed below. Notwithstanding the foregoing, the County encourages the installation of a weed prevention fabric when non-living plant materials are used to ensure the site is landscaped in a weed-free state as required by this subsection.
2. For all other development and all single-family development required to comply with the Landscaping Regulations by a PUD or the provisions of this Code (accessory apartment buffering, etc) a site shall be revegetated using the following provisions:
   a. Application of Topsoil or Mulching: Topsoil shall be saved on site during construction. Stockpiled soil shall be stored at least two (2) feet outside the drip line of any existing trees to prevent damage to the root systems. Finished grades shall be set such as to include the application of a minimum of two (2) inches of topsoil in meeting spot elevations on contours shown on the submitted plans. An applicant may mulch a site in accordance with the
provisions listed in below in lieu of providing topsoil. Slopes shall be smooth and free of rocks and the worked soil shall not be left in clumped form. A Review Authority may approve a more naturalized landscape in the periphery of a project or in more natural areas that includes rocks, logs and other natural elements. If a minimum of two (2) inches of topsoil is not utilized, an applicant may also apply a natural mulch (certified weed free straw, hay, wood cellulose, etc.) provided the earth is tilled in accordance with Section 3604.J.2b below. A site only needs either topsoil or mulching and tillling. Certified weed free hay mulch shall consist of clean field or marsh hay. Certified weed free straw or hay in an advanced stage of decomposition that will smoother or retard the normal growth of grass or that is not State Certified as free of noxious weed seed will not be accepted. If dry straw breaks in the crimping process, it shall not be accepted.

b. Soil Preparation: Preparatory to seeding, the top four (4) inches of the surface shall be tilled into an even and loose seedbed four (4) inches deep, free of clods in excess of four inches in diameter, or a minimum of two (2) inches of topsoil shall be applied to establish the desired line and grade. Planting of grass seed shall be done immediately following, and not more than ten (10) calendar days following surface preparation.

c. Required Seed Mix: All seeding shall be done with one of the seed mixes listed in Table 3-2 unless another seed mix is approved by the Review Authority based on its similarity to native vegetation and drought tolerance. Sod may be used in areas provided it is approved by the Review Authority in accordance with these regulations. The seed mix purity shall be a minimum of 95% pure live seed (PLS). The specified application rate per total mix shall be 80 pounds per acre broadcast, and 15-20 pounds per acre drilled.

d. No water to supplement natural precipitation will be required if a well permit or water provider prohibits outdoor watering; However, a person desiring to revegetate a site is encouraged to utilize supplemental water to establish vegetation if such is available by a well permit, central water systems or other water provider using tank trucks.

e. Timing of Seeding: Where outside watering is not a practicable option, seeding shall be done in the fall after September 15, so that the seeds can germinate in the spring due to the spring melt and spring precipitation.

f. Establishment of Revegetation: Revegetation or ground cover shall be considered established if, when viewed from above, it covers 80% or more of the ground surface in a uniform manner with no sizeable bare spots. The ground cover growth shall be such that it is effective in controlling erosion and sedimentation.

g. Weed-free Revegetation: Landscaping and revegetation shall be free from weeds as identified by the County as invasive, noxious or otherwise nuisance weed species.

K. Site Cleanup: After all planting operations are completed, all trash, excess soil, empty plant containers and rubbish shall be removed from the site. Any scars, ruts or other marks in the ground caused by this work shall be repaired. All construction debris from other construction on site shall be removed from all landscaped areas, especially gypsum board and similar materials that are toxic to plant life. The ground shall be left in a neat and orderly condition throughout the site.

L. Responsibility: It is a developer's responsibility to provide for the short-term two (2) to three (3) year success of the landscaping unless such responsibility is transferred to a property owner or a homeowners association as evidenced by the submission of legal documents that provide for the maintenance of the landscaping areas and a clearly defined written plan on how landscaping needs to be maintained (irrigation schedule, irrigation system maintenance, pruning, weeding, etc.). It is a property owner's or homeowners association's responsibility to provide for the long-term success of landscaping. Recommendations pertaining the landscaping design and installation are provided in the Landscaping Guide. Where a developer is in doubt as to how to accomplish these goals, professional advice should be sought.

M. Landscaping and Snow Storage: Landscaping shall be designed to be protected from snow storage areas and from snow shedding off of roofs. Hardy landscaping plants that will not be damaged by snow storage may be located in snow storage or snow shedding areas.

N. Required Sight Distance: No landscaping shall block the required sight distance at driveway or road intersections per the specific requirements contained in Chapter 5.

O. Establishment of Finished Grade: All disturbed areas within approved grading areas as shown on the official plans shall be re-graded to blend into the natural undisturbed grade. Such regrading shall occur within the disturbance envelope unless grading was approved outside of the disturbance envelope on the official plans.
P. Defensible Space Requirements: All landscaping shall meet the defensible space requirements set forth in the Summit County Building Code unless waived by the Review Authority when the specific conditions and individual circumstances (i.e., slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP)) of a given project do not warrant imposition of this standard. In addition, the following shall apply to all newly installed landscaping unless waived by the Review Authority when the specific conditions and individual circumstances of a given project do not warrant imposition of this standard:

1. No trees shall be planted within five (5) feet of the structure, including eaves and decks;
2. Trees are allowed within Zone 1 provided that the horizontal distance between tree crowns at maturity and any other trees, structures, chimneys, and/or overhead utility lines is no less than 10-feet. All trees within Zone 1 shall be pruned in accordance with the Summit County Building Code.
3. Highly combustible mulch such as shredded rubber, pine needles, shredded red cedar, or similar materials are not allowed within five (5) feet of the structure. Non-combustible materials such as pavers, gravel, brick are encouraged as well as composted wood chips and single layer wood chips for mulch since they are more fire resistant than the other types of materials noted above.

Defensible Space Zones 1, 2, & 3
3605: Plan Requirements for Landscaping

Landscape plans shall provide for the installation of plant materials, grading and other site work that complies with the requirements of this section. Landscape plans shall be prepared by a landscape architect, landscape contractor, horticulturist, or other qualified professional or individual. The landscaping plan shall include the following:

A. North arrow and scale. Scale shall be one to ten (1” = 10’) to one to 30 (1” = 30’) or larger for sites of two (2) acres or less, two to 50 (2” = 50’) or larger for sites larger than two (2) acres.
B. Topographic contours at two (2) foot intervals or other appropriate intervals as approved by the Planning Department.
C. Location of the following items:
   1. Existing vegetation, including Significant Trees;
   2. Significant physical site features such as watercourses;
   3. Property lines and easements;
   4. Utilities, existing and proposed;
   5. Structures, existing and proposed;
   6. Driveways, roads, parking areas, walkways, dumpster enclosures, gas or electric boxes or meters and areas to be paved, graveled or covered by decks;
   7. Snow storage areas;
   8. Retaining walls, with top of wall and bottom of wall heights in mean sea elevation;
   9. Detention ponds and drainageways;
   10. Areas to be revegetated;
   11. Proposed grading and drainage plan;
   12. Proposed plant materials drawn to scale illustrating growth at approximately ten (10) years;
   13. Rough irrigation plan if an irrigation system is proposed, including but not limited to the provisions required by these regulations and a calculation of irrigated area (coniferous tree irrigates approximately six (6) square feet, deciduous tree irrigates approximately four (4) square feet, a shrub irrigates approximately two (2) square feet);
   14. General notes that reflect the site preparation and plant installation requirements of this Code (see Section 3604 et seq.);
   15. Reseeding plan;
   16. Topsoil or mulching plan per the applicable landscaping requirements; and
   17. Defensible space zones as described in the Summit County Building Code.
   17.18. Significant trees and other vegetation to be retained and a fencing plan showing how such areas will be protected;
   18. Documentation of adequate water rights to implement plan if located outside of a special district that provides central water service.

Additional plans and details may be required by the Planning Department depending on the development proposal.

3606: Plant Installation

A. Quality Standards for Plant Materials: Plant materials not originating from the project site shall comply with State and Federal laws relating to inspection for plant diseases and insect infestations. Plant materials shall be of standard quality, true to name and type and in accordance with the specifications of the American Association of Nurserymen. All plants shall have a normal habit of growth and shall be sound, healthy, vigorous and free of sunscalds, excessive abrasions or other adverse disfigurements. Tree trunks shall be sturdy and free of excessive scares or abrasions. All trees and shrubs shall have vigorous, fibrous root systems and shall be hardened off (i.e., acclimatized to high altitude) prior to planting.
B. Minimum Plant Sizes: The minimum sizes of acceptable plant materials shall be:
   1. Deciduous Trees: One and one-half (1-1/2) inch caliper. If at least 80% are two (2) inch caliper or larger, 20% may be one (1) inch caliper.
2. **Coniferous Trees:** 40% shall be a minimum height of eight (8) feet. The remaining 60% shall be a minimum height of six (6) feet.

3. **Shrubs:** At least 50% shall be five (5) gallon container or larger. The remaining 50% shall be one (1) gallon container or larger.
Trunk caliper shall be measured at four (4) feet (48 inches) above ground level.

### 3607: Inspection of Landscaping

Upon completion of landscape improvements, the developer shall request final inspection by the Planning Department. The number, size and species of plant materials, their approximate location in accordance with the approved landscape plan and defensible space requirements, and all site work shall be completed in accordance with the approved or modified landscape plan for the project. Where the plans indicate a range in the number of plants in a particular location, at least the minimum number shall be provided. No occupancy permits shall be issued for a project until the Planning Department has inspected and approved the landscape installation, except as provided in Section 3608.01.

### 3608: Landscape Guarantee

A Site Plan Improvements Agreement (“SPIA”) and associated financial guarantee per the requirements contained in Section 12607 shall be submitted to ensure compliance with the Landscaping Regulations. In addition to the provisions contained in Section 12607, the following provisions shall apply:

#### 3608.01: Guarantee Prior to Issuance of Occupancy Permit

A. **Completion of Required Landscaping Prior to the Issuance of Certificate of Occupancy:** All of the required landscape improvements for a development project shall be completed, inspected and determined to be acceptable by the Planning Department before the County shall issue either a CO or a Temporary Certificate of Occupancy (“TCO”) for a development project except as provided in this section.

B. **When Occupancy Permits May be Issued:** Occupancy permits may be issued for all or part of a development project prior to completion of landscaping if all of the following conditions are met:
   1. The developer is requesting a CO between October 1st and June 1st.
   2. The developer has provided a new, or revised, SPIA committing to complete the required improvements no later than July 15th of the following growing season.
   3. The developer has provided a financial guarantee in the form of a Letter of Credit (“LOC”), cash bond or cash deposit equal to 115% of the estimated cost of the incomplete improvements, including labor and materials, to assure completion of the improvements. The term of the financial guarantee shall cover time necessary to complete the improvements and any required warranty period.

C. **When Occupancy Permits May Not be Issued:** During the growing season, from June 1 to October 1, no CO shall be issued for a building unless the landscaping associated with that building is completed in accordance with the approved plans. However, a TCO can be issued during this time period if the other provisions of this subsection are met and the developer has qualified for a TCO through the Building Department.

#### 3608.02: Landscape Guarantee After Installation

A. **Length of Guarantee Period:** In order to insure that successful, stable plant establishment is achieved, all landscape planting shall be subject to a guarantee period of two (2) years from the date installation is inspected and declared complete except, where planting, seeding or revegetation is done on three and one-third to one (3.33:1) or greater slopes, the initial guarantee period shall be three (3) years (these guarantee periods are also required by the Water Quality Control Regulations in Chapter 7.) If a site inspection shows plantings on three and one-third to one (3.33:1) or greater slopes are established earlier than three (3) years, the Planning Department may grant partial or full release of the guarantee or reduce the length of the guarantee period.

B. **Requirement for Financial Guarantee:** No CO shall be issued for a development project unless the developer first posts a financial guarantee for the landscaping improvements and associated site work for the required guarantee period. The purpose of this guarantee is to assure that the site work
associated with the landscaping is completed and plant materials that do not survive are replaced and the site is revegetated in a weed-free state as required by these regulations. If the landscaping work is not completed, the financial guarantee shall be in an amount sufficient to cover the cost of materials and labor needed to replace the required plant materials, landscaping site work and other costs associated with the landscaping as outlined in the required improvements agreement per Section 12607. If the landscaping work is completed, the financial guarantee shall be 50% of the costs of landscaping-related line items outlined in the site improvements agreement, including any contingency as mandated by Section 12607. The financial guarantee shall be based on the costs shown in the required improvements agreement and in accordance with subsection C below. The term of the financial guarantee shall cover the guarantee period as outlined in these regulations. Where a developer is requesting a CO prior to completion of landscaping in accordance with Section 3608.01, the financial guarantee for completion of the landscaping must be posted prior to issuance of a CO. The term of the financial guarantee for the period following installation shall be long enough to cover the time that will elapse before the landscaping is installed and end of the required guarantee period.

C. **Criteria for Successful Plant Establishment:** For plant establishment to be considered successful, plants shall have a healthy appearance and be free of diseases and insects. All disturbed areas shall be completed in accordance with the approved landscaping plan and have topsoil applied or be mulched in accordance with the design standards set forth in Section 3604. Such areas shall also be reseeded in accordance with Section 3604 or covered with ground cover vegetation.

D. **Site Inspection During Guarantee Period; Use of Guarantee:** The Planning Department may at its sole discretion inspect a development site on a periodic basis during the guarantee period. Following each inspection, the Planning Department shall provide a written report to the developer of the results of the inspection and if plant materials need to be replaced. At such time that the Planning Department determines that 100% of the required landscape improvements have been installed in accordance with Section 3600, the County may authorize the release of up to 50% of that portion of the financial guarantee designated to secure landscaping improvements. The developer shall be responsible for replacement plantings. Prior to the end of the growing season (June 1 through October 1) in which replacement plantings are installed, the developer may request a reduction in the financial guarantee by an amount corresponding to the replacement work done. The Planning Department shall decide, based on the health of the replacement plantings, whether a full financial guarantee is still required or if it may be reduced. If the developer fails to install replacement plantings, the Planning Department may use the developer's financial guarantee to do such corrective work as is needed, or assign the financial guarantee to a property owner or a homeowners association affiliated with the landscaping provided such entity is willing to complete the work and signs an agreement with the County concerning the completion of the work.

E. **Weed-free Revegetation:** Prior to the release of any financial guarantee for landscape improvements, the County must determine that revegetation of the site is essentially free from weeds as identified by the County as invasive, noxious or otherwise nuisance weed species.

### 3609: Landscape Maintenance After Completion of Construction

All landscaped areas shall be maintained in a healthy and growing condition. Maintenance shall include but not be limited to watering, fertilizing, weeding, repairing (fences and other structures), cleaning, pruning, trimming, thinning, spraying and cultivating. In multi-family residential, commercial and other nonresidential developments, property owners are responsible for replacing landscape materials that have died, where these materials were required by the approved landscape plan on file for the development. Where irrigation systems have been installed, these systems shall be kept operable, including adjustments, replacements, repairs and cleaning needed as part of regular maintenance. All landscaping installed after the final certificate of occupancy/certificate of completion is issued, or after the warranty period is over, shall meet the defensible space requirements set forth in the Summit County Building Code unless waived by the Review Authority when the specific conditions and individual circumstances (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the CWPP) -of a given project do not warrant imposition of this standard. Landscaping installed after completion of construction in conflict with defensible space requirements shall be considered a zoning violation.

### 3700: Parking Requirements

#### 3701: Purpose and Intent
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

The purpose and intent of the Parking Regulations is to:

A. Ensure adequate off-street parking is provided to meet the parking demand of land uses;
B. Ensure their usefulness;
C. Mitigate adverse impacts on adjacent land uses;
D. Allow for convenient access by the handicapped; and,
E. Protect the public health, safety and welfare.

3702: Applicability of Parking Requirements

3702.01: New Structures, Land Uses, Remodeling and Occupancies

Off-street parking spaces or lots shall be provided by the developer for the following:

A. New single-family, duplex, multi-family or other residential development;
B. New commercial, industrial, mixed-use or non-residential development;
C. New land uses established for a development that requires parking lots or parking spaces;
D. Change in land use that requires additional parking lots or parking spaces;
E. Remodeling, additions to or enlargement of existing structures that require additional parking spaces or lots; and
F. Changes in the occupancy of an existing building or the manner in which a use is conducted that would result in additional parking spaces being required.

3702.02: Enlargements and Additions

Additional parking spaces or lots required by the provisions of Section 3702.01 or any enlargements of, or additions to existing structures or existing uses shall meet the applicable provisions of this Code for any such enlargement, addition or change in uses.

3702.03: Planned Unit Developments

Where a PUD Zoning District is proposed, the provisions of this section shall be used as guidelines in formulating the PUD designation. Parking requirements that differ from those stated in this section may be adopted as part of a PUD designation because of special circumstances or as the result of a parking study. It is the County's intent in providing for PUD Zoning Districts to allow for such flexibility in parking standards. After a PUD designation is adopted, the parking standards stated in the PUD designation shall supersede the provisions of this section. Where an adopted PUD designation does not address parking requirements, the provisions in this section shall apply.

3702.04: Temporary, Conditional and Other Land Uses

The requirements of this section shall apply to temporary, conditional and other land uses.

3703: Parking Requirements for Previously Approved Development

A. Lawfully Established Land Uses: Development projects for which a development review was approved by the County Code must only meet the requirements of the Parking Regulations in effect on the date the development review was approved. Projects previously approved by the County that have expired and are requested to be renewed, shall meet the requirements of this section.
B. Development or Uses Established Prior to County Adoption of Zoning Regulations: No building or use of land lawfully approved by the County through prior development reviews shall be considered nonconforming solely because of the lack of off-street parking facilities required by this Code.

3704: Parking Requirements

3704.01: Table of Parking Requirements
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

A. Figure 3-7 contains the minimum parking requirements for land uses in Summit County. Special requirements for certain land uses are stated in notes. Where the application of these requirements results in a fractional space, the fraction shall be rounded to the next whole number.

B. For multi-family developments, a minimum of an additional one half (1/2) space per dwelling unit of common parking area shall be provided if either 1) the required parking is provided in private individual garages, or 2) some portion of the required parking is provided in private individual garages and the other portion is approved as tandem parking.

3704.02: Uses Not Listed

Parking requirements for uses not specifically listed in Figure 3-7 shall be determined by the Review Authority based on either 1) the similarity between the uses listed in Figure 3-7 and the proposed use, or on a parking study; 2) parking requirements for such uses used in other applicable jurisdictions; or 3) parking requirements created by professional organizations, such as the Institute of Transportation Engineers and the American Planning Association.

3704.03: Combination of Uses

For developments with a combination of uses, parking requirements shall be determined by adding the requirements for each of the different land uses. The parking necessary for each use shall be provided unless approval is obtained for joint use of required parking as provided in Section 3704.04.

3704.04: Joint Use of Required Parking

Parking lots may contain required spaces for several different uses. Parking spaces assigned to one use may not be credited to another use except as provided in this section.

A. Proposals for Joint Use Parking: Project proponents may request a reduction in parking requirements where the uses anticipated in a development project are expected to operate at different times. For example, a project that includes a use that operates only on weekends and a use that operates only on weekdays may utilize the same parking area as long as the parking area is sized for the larger of the two (2) uses. A project proponent seeking approval of joint use parking shall provide information on the operation of uses proposed for his development as part of his project submittal. A parking study may be required if deemed necessary by the Review Authority.

B. Action on requests for Joint Use Parking: The Review Authority shall take action on requests for joint use parking included in a development review application. A request for joint use parking shall not be approved by the Review Authority if it would result in substantial detriment to public health, safety and welfare or substantial impairment of the intent of the County Parking Regulations (Section 3700 et seq.).

3704.05: Off-Premise Parking

For all development other than single-family, required parking shall be provided within the boundaries of the site except as provided in this section. Off premise parking may be permitted by the Review Authority if:

A. Sufficient area is available for the required parking to be provided on the project site and this area will remain in open space rather than used to increase the density of the project.

B. The applicant has provided a plan illustrating how the parking could be accommodated on the project site.

C. Placement of the parking off-site will achieve important design objectives such as consolidating or better coordinating parking areas, increasing landscaped areas and buffering of buildings or creating a garden-like atmosphere on the project site.

D. The off premise parking is no more than 150 feet from the building or use to be served by the parking, or valet or transit service will be provided between the building or use and the off premise parking.

3704.06: Flexibility Statement

The County recognizes that the strict application of parking requirements may not meet the intent of the County Parking Regulations. Flexibility in the requirements of County’s Parking Regulations may be
granted if the following conditions are met:
A. The purpose and intent of the Parking Regulations are preserved.
B. The parking provided will be sufficient to serve the use for which it is intended.
C. The modification will not be detrimental to the public health, safety and welfare.

A project proponent wishing to obtain flexibility from the requirements of the County’s Parking Regulations shall submit evidence which shows that the proposed standards are more appropriate and will better meet the needs of the development. A parking study may be required if deemed necessary by the Planning Department. The Review Authority shall make the final determination of parking requirements, except when the decision of the Review Authority is appealed to the BOCC, the BOCC shall make the final determination of parking requirements.

3704.07: Handicapped Parking Requirements

Parking spaces for the handicapped shall be no less than the Americans with Disabilities Act requirements currently in effect or hereinafter amended. Fractions of required spaces shall be rounded up to the next highest whole number. Spaces designated for handicapped use shall count toward fulfilling the parking requirements for a development and shall not be considered additional requirements. All existing and proposed handicapped parking spaces located in a project site shall be identified on site plans for the project. This parking requirement shall not relieve an applicant from the need to comply with any State and/or other Federal laws, regulations or standards.

3705: Design Requirements and Guidelines

3705.01: Location of Spaces

A. General: Off-street parking spaces for residential dwelling units shall be located as conveniently as possible to the dwelling units. Parking spaces for nonresidential uses shall be located as conveniently as possible to the uses they serve. All parking spaces proposed to be located further than 150 feet from the building or use they serve, measured in a straight line from the building entrance, shall first be approved by the Planning Commission as part of the site plan approval.

B. Parking in Open Space is Not Allowed: No off-street parking space shall be located on a portion of the site that is required to be open space.

C. Spaces for Handicapped: Any required parking spaces for the handicapped shall be located as close as is practical to the entrance to the uses they are intended to serve and oriented so that a user of the handicapped space does not have to go past the rear of automobile parking spaces or cross driveways in order to reach a building entrance.

3705.02: Layout of Parking

A. Dimensions of Parking Spaces:
   1. Angled Parking: Parking spaces which are angled between 30 degrees and 90 degrees to a driving lane shall be a minimum of nine (9) feet in width and 19 feet in length, measured rectangularly.
   2. Parallel Parking: Parking spaces parallel to the driving lane shall be a minimum of nine (9) feet by 22 feet.
   3. Compact Car Spaces: Up to a maximum of 20% of the parking spaces in a covered parking garage may be designed as compact car spaces, except that compact car spaces shall not be permitted in a garage for 20 or fewer cars, or in a garage where the spaces will be assigned or sold. Compact car spaces shall be a minimum of eight (8) feet in width and 16 feet in length, measured rectangularly and they shall be clearly marked.
   4. Spaces for Handicapped: Parking spaces for handicapped shall be a minimum of 14 feet in width and 19 feet in length measured rectangularly. The requirement for 14 foot wide spaces allows for a five foot wide loading area. Two adjacent handicapped spaces may be a total of 23’ in width, sharing a five foot loading area between them.

B. Aisle Widths: For perpendicular parking, aisles in outdoor parking lots shall be a minimum of 22 feet in width unless an aisle is functioning as a fire apparatus access road, in which case the required width shall be 24 feet. Aisles in parking garages shall be a minimum of 22 feet in width.

C. Driveway Widths: The width of all driveways shall comply with the County Road Standards (Chapter
5) and with the requirements of the Fire Code.

D. **Design and Arrangement of Parking Areas:**

1. **General:** Parking areas shall be designed such that vehicles cannot extend beyond the perimeter of such areas onto adjacent properties or public rights-of-way. Parking spaces, aisles and turning areas shall be entirely within lot lines and shall not encroach on any road or other public right-of-way. No parked vehicle shall overhang any road or public right-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or come in contact with or damage any building wall, fence, vegetation or other obstruction.

2. **Access to Parking Spaces:** Each required parking space shall have unobstructed access from a road or alley or from an aisle or drive connecting with a road or alley, without moving another vehicle. Notwithstanding the foregoing, tandem parking is permitted in a driveway for single-family, duplex and accessory apartment development subject to meeting the other applicable provisions of this Code (setbacks, grade, width of driveways, etc.).

3. **Driving Lanes:** Driving lanes shall be designed such that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

4. **Backing Movements:** Unless no other practicable alternative is available, parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement shall not apply to parking areas consisting of driveways serving two (2) or fewer dwellings where such driveways connect to collector or lesser streets. Backing onto collector streets is discouraged. Backing onto arterials is prohibited regardless of use.

5. **Allowance for Emergency Vehicles:** Parking areas shall be designed so that sanitation, emergency and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements. Parking areas shall be designed in accordance with the Fire Code.

6. **Striping:** All paved parking areas serving commercial or industrial land uses, community facilities or institutional uses or serving twelve (12) or more residential units shall be striped. Handicapped parking spaces shall be designated by a sign centered on each parking space and with a sign mounted on a post at the head of each space in accordance with the Manual of Uniform Traffic Control Devices (“MUTCD”). Striping and markings in parking areas shall be repainted as frequently as is necessary so striping and markings are clearly visible.

E. **Loading and Unloading:** Loading and unloading areas shall be provided in a safe and convenient manner for all developments whose normal operation requires routine shipments or deliveries. Loading and unloading areas shall be of sufficient size to accommodate the number and type of vehicles likely to use them, given the nature of the development in question.

1. **Number of Spaces Required:** The Review Authority shall determine the number of required spaces for loading and unloading at the time of site plan review. Consideration shall be given to floor area, the number of tenant spaces and types of businesses proposed for the development. The following numbers shall be used as guidelines in determining the requirement for loading and unloading spaces:

<table>
<thead>
<tr>
<th>Floor Area of Building</th>
<th>Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 - 19,999</td>
<td>1</td>
</tr>
<tr>
<td>20,000 - 79,999</td>
<td>2</td>
</tr>
<tr>
<td>80,000 - 127,999</td>
<td>3</td>
</tr>
<tr>
<td>128,000 - 191,000</td>
<td>3</td>
</tr>
<tr>
<td>192,000 - 255,999</td>
<td>4</td>
</tr>
<tr>
<td>256,000 - 319,999</td>
<td>5</td>
</tr>
<tr>
<td>320,000 - 391,999</td>
<td>6</td>
</tr>
<tr>
<td>392,000 or more</td>
<td>1 space for each additional 72,000 square feet or fraction thereof</td>
</tr>
</tbody>
</table>

Spaces shall be a minimum of twelve (12) feet in width by 55 feet in length, with 14 feet of overhead clearance from street level, unless otherwise indicated.

2. **Location and Design:** Loading and unloading areas shall be located and designed such that the vehicles intended to use them can:

   a. Maneuver safely and conveniently to and from public right-of-way.
   b. Complete the loading and unloading operations without obstructing or interfering with any
public right-of-way or any parking space or parking lot aisle.

3. **No Overlap of Requirements**: No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

**3705.03: Engineering Requirements**

Engineering requirements for parking areas are listed in the Road Standards (Chapter 5) of the Code.

**3705.04: Lighting**

Lighting in parking areas shall meet the requirements for lighting under basic development regulations and standards (see Section 3505.07).

**3705.05: Landscaping Requirements**

Parking areas present a major visual impact on the land, especially in the mountains. Parking areas shall be landscaped to help screen them and reduce negative visual impacts. Such landscaping shall be in accordance with the Landscaping Regulations of this Code.

**3706: Use of Parking Areas**

Required parking spaces shall be used only for the parking of operable passenger vehicles of residents, guests, customers, patrons and employees and shall not be used for the storage of unlicensed or inoperable vehicles, nor for the storage of materials except as otherwise provided by this Code.

**3707: Provision and Maintenance of Parking Areas**

It shall be the responsibility of the developer to provide a mechanism for the maintenance of the required parking areas.

**3800: REGULATIONS AND STANDARDS FOR SPECIFIC LAND USES**

This section contains regulations and standards that apply to specific land uses. Not all land uses have special regulations, but where regulations have been established, they are stated in this section and compliance is required. Figure 3-2 states in which zoning districts these uses are allowed and whether they are allowed as permitted, conditional, accessory or temporary uses. If a conflict exists between the provisions of this section and the provisions of Figure 3-2 with regard to how a use is allowed, Figure 3-2 shall prevail. The review procedure to be followed and the findings which shall be made for issuance of conditional use permits are stated in Section 12300 et seq. The review procedures to be followed and the findings which shall be made for the issuance of temporary use permits are stated in Section 12400 et seq.

**3801: Community Gardens**

A Community Garden is a shared land area which is planned, designed, built and maintained by community members, governmental entities, or other non-profit entities for individual or community use and enjoyment. Community Gardens may be solely used to raise food for gardeners and/or the surrounding community, or may be a decorative formal garden, an educational facility, or a rehabilitative facility. Community Gardens may consist of one community plot, multiple plots, individual plots, and greenhouses. The intent of a Community Garden is to provide fresh food to those caring for and participating in the garden and to the immediately surrounding community.

**3801.01: Zoning Districts Where Permitted**

Community Gardens are permitted in all zoning districts with a Class 2 site plan review. Community Gardens may be allowed in designated open space areas which are bordered by more developed areas if covenants, easements, or any other encumbrances do not prohibit such use and if the addition of any structures does not exceed the maximum impervious area allowed on that property or within the subdivision.
as a whole, whichever is applicable.

**3801.02: Types of Community Gardens**

Community gardens shall be categorized as follows:

A. **Local Neighborhood Community Gardens on Private Property:** These community gardens are located on private property and are intended to serve the surrounding neighborhood(s). Retail sales from these gardens are prohibited.

B. **Community Gardens on Public Property:** These community gardens are located on publicly owned property and are intended to serve the surrounding neighborhoods as well as the broader community.

C. **Community Gardens with Retail Sales:** These community gardens are located either on public or private property, are intended to serve the surrounding neighborhoods and broader community, and offer the produce grown on site for retail sale from the property. Fifty percent (50%) of the products sold, based upon either gross annual sales or annual volume, must be grown on site. The remaining 50% of the products sold may be produce grown off site. One hundred percent (100%) of all products sold shall be food and contribute to increasing the supply of and access to fresh food in the community.

**3801.03: Setbacks and Easements**

All community gardens are subject to the following setback requirements:

A. All structures shall comply with setbacks in accordance with Section 3505.14 of the Code, including but not limited to greenhouses and sheds.

B. Compost piles or bins shall meet all setback requirements and shall be located a minimum of 15 feet from any property line.

C. Community gardens and related structures shall not be located in any easement unless expressly approved by the grantee of the easement.

**3801.04: Sale of Produce from Community Gardens with Retail Sales**

Produce may be sold from a community garden subject to the following provisions:

A. A Class 2 Site Plan with public notice as required by Section 12000.10.B is required for Community Gardens on Public Property and Community Gardens with Retail Sales as defined above in Section 3801.02 in all zoning districts.

B. Operators of Community Gardens with Retail Sales shall not be for-profit or commercial entities. All proceeds from the sale of produce shall be directed first to facilitate improvements to or the operation of the community garden and any excess may be directed to facilitate other community benefits.

C. Adequate parking shall be provided on site and shall meet the standards for “Low Intensity Retail” as set forth in Figure 3-7. However, in determining the number of spaces, it shall be based upon the required number per 1,000 square feet of garden rather than floor area. Parking in the Right-of-Way is prohibited.

D. Sales from the property may only occur during growing season and shall not exceed 180 days per year.

E. Produce Stands may not exceed 120 square feet of floor area and must meet all setback requirements for the property.

F. For Community Gardens with Retail Sales, the area used to sell produce may not exceed 500 square feet.

**3801.05: Property Maintenance**

All community gardens shall be maintained in an orderly and neat condition and shall not cause visual clutter. No trash or debris shall be stored or allowed to remain on the property. Tools and supplies shall be stored indoors or removed from the property daily. Vegetative material, compost, additional soil, and other bulk supplies shall be stored in an orderly manner in the rear of the property and shall not create a negative visual impact or offensive odors. The community garden shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining off the property. Pesticides and fertilizers may only be stored on the property in a locked building and must comply with any other applicable requirements for hazardous materials. Only equipment used in a typical residential garden may be utilized except during the initial construction of the community garden and related structures. During winter months, when community gardens are not in use, all materials, equipment, and supplies shall be stored in an
enclosed building or off of the property or shall be screened from public view in accordance with the non-residential outdoor storage regulations set forth in Section 3815 et seq.

3801.06: Management Plan

Each community garden shall have a management plan that addresses any probable impacts of the use and includes any proposed mitigation measures. The plan shall include, without limitation:

A. A designated community garden coordinator.
B. Documentation of liability insurance or other insurance as determined by the County to be appropriate.
A. A site plan drawn to scale, including but not limited to the location of the garden area, any structures associated with the garden, produce stands and produce sales areas, animal keeping facilities, a parking area, and the location of fences.
B. Description of the type of equipment necessary or intended for use in each season and the frequency and duration of the anticipated use.
C. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of the application, and the plants, diseases, pests, or other purposes they are intended for.
D. Proposed sediment and erosion control plan to ensure that water and fertilizer will not drain onto adjacent property.
E. Water supply plan including the source of adequate water rights or proof of secured taps.
F. Impacts of irrigation run-off on adjacent properties, water bodies, and environmentally sensitive areas, and proposed sediment and erosion control measures.
G. A traffic and parking plan showing a designated parking area and the anticipated number of cars per day.
H. If beekeeping is a part of the community garden, the management plan shall include the parties responsible and their roles in the beekeeping activities.

3801.07: Hours of Operation and Noise Limitations

Activities at a community garden shall not take place before sunrise or after sunset. All community gardens are subject to the noise limitations as set forth in C.R.S. § 25-12-101 et seq. and in accordance with the most similar zone for the location of the community garden.

3801.08: Signs

Upon approval of a sign permit, in accordance with Chapter 9, each community garden is permitted one sixteen square foot sign displaying the name of the community garden. Art work depicting food, flowers, or other agriculturally related products is not considered signage but shall not cause visual clutter.

3801.09: Abandonment of Community Garden Use

If a community garden use is discontinued for three consecutive seasons, then all structures shall be removed from the site and the site shall be revegetated with native grasses and returned to a natural state.

3802: Animal Keeping

Intent and Application: It is the intent of this section to limit the type and number of animals kept by individuals on property in County zoning districts. In determining compliance with these regulations, only animals, which have passed the age of six (6) months shall be counted except for chickens which are counted regardless of age. Parcels of 35 acres or larger in the A-1 Zoning District are exempt from regulations on the numbers of animals allowed, except as otherwise provided in this section. Except in the A-1 Zoning District, animal keeping is allowed only as an accessory use in accordance with the specific regulations set forth herein.

3802.01: Types of Animals Permitted

A. Domesticated Species (Regulated): The following types of domesticated animals may be kept in the unincorporated area of Summit County subject to the limitations on numbers of animals stated in
Section 3802.02 and in Figure 3-8:

1. Cats
2. Cattle
3. Dogs
4. Equines
5. Goats
6. Llamas
7. Poultry
8. Sheep
9. Swine
10. Chickens
11. Goats
12. Bees

B. Domesticated Species (Unregulated): The keeping of small-sized animals under 15 pounds, other than the types of animals listed in 3802.01.A, where it is customary to keep such animals as pets and they are not being raised for commercial purposes, is not regulated by this section. Examples include guinea pigs, hamsters, rabbits, parakeets and tropical fish.

C. Wildlife Species: Keeping of wildlife species in the unincorporated area of the county shall comply with the provisions of this Code. (Under State statutes, the keeping in captivity of wild vertebrates, mollusks and crustaceans native to Colorado, or any wild species introduced or released in Colorado by CPW is prohibited except with permission of CPW. Failure to comply with State statutes shall not constitute a violation of this Code.

D. Exotic Species: The keeping of wild animal species not native to Colorado (i.e. exotic animals) is prohibited in Summit County, except for circus animals where the owner or operator of the circus has obtained an exhibitor's license from the United States Department of Agriculture (“USDA”) and has obtained approval of a temporary use permit from the Planning Commission. (Under State statutes, the release of an exotic animal into the wild without a letter of authority from CPW is prohibited. If an exotic animal escapes into the wild, the owner of the animal is required by State regulations to report the escape within four (4) hours to CPW and to local law enforcement authorities. CPW is responsible for recapturing, or if necessary destroying, or requiring the animal's owner to either recapture or destroy, any exotic animal which is a threat to native wildlife species. Failure to comply with State statutes shall not constitute a violation of this Code.

3802.02: Zoning Districts Where Animals Allowed; Numbers Allowed

A. Dogs and Cats:

1. A-1 Zoning District: The number of dogs and cats kept as pets on parcels of 35 or more acres in the A-1 and BC zoning districts is not regulated. Figure 3-8 indicates the number of dogs and cats permitted on parcels of less than 35 acres but not less than 20 acres in these districts. On parcels of less than 20 acres in the A-1 and BC zoning districts, the numbers of dogs or cats allowed to be kept as pets shall comply with the number permitted in the residential zoning district which allows parcel sizes comparable to the size of the parcel in the A-1 or BC zoning districts. The operation of breeding or boarding kennels in the A-1 Zoning District requires approval of a conditional use permit by the Planning Commission per Section 12300 et seq. following the Class 4 development review process outlined in Section 12000 et seq. (see definition of kennel in Chapter 15).

2. PUD Zoning Districts: The keeping of dogs and cats in PUDs shall be regulated by the County adopted PUD designation for the particular PUD. If an adopted PUD designation includes residential development and contains no regulations of the keeping of dogs and cats, the regulations
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

contained in Figure 3-8 for the residential densities which approximate the densities allowed in the PUD shall apply. The determination as to what limits apply in PUDs without specified limits shall be made by the Planning Director. The keeping of animals in nonresidential areas of a PUD is prohibited unless the adopted PUD designation specifies that they are permitted.

3. **Zoning Districts Other Than A-1, BC, and PUD:** Figure 3-8 indicates, for each County zoning district other than the PUD zoning district, the maximum number of cats and dogs which may be kept as a permitted use and with approval of a conditional use permit per Section 12300 et seq. by the Planning Department per the Class 2 development review process outlined in Section 12000 et seq. Criteria for the review of conditional use permits for animal keeping are also contained in Section 3802.05. When a zoning district is not listed in Figure 3-8, the Planning Director shall determine the number of dogs and cats permitted in such a zoning district based on the similarities to other zoning districts listed in Figure 3-8, such as, but not limited to, lot size.

B. **Livestock:**

Livestock shall include cattle, equines, goats (except for miniature, dwarf, and pygmy), llamas, poultry, sheep and swine. Chickens are not regulated as poultry, except in the A-1 Zoning District, and instead regulations for such use are listed in Section C. below and Figure 3-8. Regulations pertaining to miniature, dwarf, and pygmy goats are listed in Section D below and Figure 3-8. Livestock may be kept in the A-1, BC, RU, RE, RME, R-1, PUD, and R-P zoning districts subject to the following limitations:

1. **A-1, BC, RU, RE, RME and R-1:** For the A-1, BC, RU, RME, RE and R-1 zoning districts, Figure 3-8 states the maximum number of livestock animals which may be kept as a permitted use, and with the approval of a conditional use permit per the Class 2 development review process outlined in Section 12000 et seq. by the Planning Department. Criteria for the review of conditional use permits for animal keeping are also contained in Section 3802.05. The limit on numbers of livestock animals applies to the operation of boarding, community, and stables or barns where such stables are a permitted use. Parcels of 35 or more acres in the A-1 Zoning District are exempt from regulation on numbers of livestock allowed, except for uses involving the keeping of animals such as animal clinics, animal feedlots or sales yards or fur farms which are listed as conditional uses in Figure 3-2. On parcels of less than 20 acres in the A-1 Zoning District, the number of livestock animals permitted shall comply with the number allowed for the residential zoning district having parcel sizes comparable to the size of the parcel in the A-1 Zoning District, and provided a Nonconforming Parcel Plan Review has been approved for the property which authorizes the number of animals determined by this section.

2. **PUD:** The keeping of livestock may be permitted in a particular PUD if allowed by the County adopted PUD designation. The keeping of livestock is prohibited where the PUD designation contains no allowance for this use.

3. **R-P:** In R-P Zoning Districts where the individual lot size is 80,000 square feet or greater, the keeping of livestock animals shall be permitted in individual lots in accordance with the ratios established for the residential zoning district having a comparable lot size in Sections B.1, B.2, of Figure 3-8. In R-P Zoning Districts where the individual lot size is 40,000 to 80,000 square feet, the keeping of livestock animals is subject to approval of a conditional use permit by the Planning Department per the Class 2 development review process outlined in Section 12000 et seq. The number of livestock animals to be allowed in individual lots shall be in accordance with the ratios established for the R-1 Zoning District in Section B.2 and of Figure 3-8.
   a. In R-P Zoning Districts having individual lots of 40,000 or more square feet, where the property subject to the R-P Plan includes common open space, in addition to the allowance for the keeping of livestock animals on individual lots, the keeping of livestock animals in a common animal keeping facility may be allowed as provided in Section 3802.03.
   b. In R-P Zoning Districts where the individual lot size is less than 40,000 square feet, the keeping of livestock animals on individual lots is not permitted, however, the keeping of livestock animals may be allowed in a common animal keeping facility in accordance with Section 3802.03.

C. **Chickens:**

The definition of “Chickens” includes chicken hens and roosters of any age and is further defined in Chapter 15. See Section C.2 below for additional limitations on roosters. Chickens are permitted in the A-1, BC, B-3, PUD, RU, RE, RME, R1, R2, R3, R4, R6, R25, RC-40,000, and RC-5,000 Zoning Districts subject to the following limitations:

1. **Number of Animals Permitted:**
   a. Figure 3-8 sets forth the maximum number of chickens which may be kept as a permitted use
for each zoning district, so long as they are kept in accordance with the applicable regulations below. Criteria for review of conditional use permits for animal keeping are also contained in Section 3802.05.

b. In a PUD, the keeping of chicken hens is a permitted use unless the PUD specifically prohibits the use. The number of chickens permitted shall be based on the terms of the PUD, or, if not addressed in the PUD, the number allowed in the most closely related zoning district.

c. For multi-family developments, chickens may be kept on private property and in the common area of the development subject to review and approval of a Class 2 site plan. A maximum of two chicken hens per family is permitted and up to a maximum of twelve chicken hens per project. Additional chickens may be allowed in a multi-family project if approved by the Class 2 CUP process. The application shall include:
   i. Written authorization from the Homeowner’s Association.
   ii. A plan for managing and maintaining the chicken facility.
   iii. The name, address, and phone number for all persons or families intent on raising chickens in the common chicken facility.
   iv. Documentation of adequate water rights.

2. **Prohibited Animals:** Roosters are prohibited on any parcel less than 80,000 square feet and are prohibited in the B-3, R1, R2, R3, R4, R6, R25, RC-40,000 and RC-5,000 zoning districts regardless of parcel size.

3. **Setbacks:**
   a. There are no setback requirements for chicken facilities on Parcels zoned A-1 over 20 acres.
   b. Chickens shall only be kept in the rear yard of a property unless otherwise approved through a Class 2 Site Plan review.
   c. Chicken coops shall meet all property line setback requirements set forth per the applicable zoning districts, except that all coops shall be located at least 15 feet from any property line (e.g. in the R6 Zoning District, the side setback is 7.5 feet, but the coop must be located at least 15 feet from this property line). Fenced areas for chickens may be located in the setbacks.
   d. Compost bins containing poultry manure shall be located in the rear of the property, are not permitted in setbacks and must be a minimum of 15 feet from any property line.

4. **Chicken Coops and Runs:**
   a. All chickens must be provided with a covered, predator-resistant chicken coop that is constructed with a solid top, properly ventilated, designed to be easily accessed, cleaned and maintained. The chickens shall be further protected from predators by being enclosed in the coop from dusk until dawn.
   b. The chicken coop shall be well-constructed with natural or naturally appearing materials.
   c. Chicken Facilities, which include the chicken coop, runs, food storage areas, and other enclosures designated for the keeping of chickens, shall be regularly maintained to control dust, odor, and waste and in a manner that does not constitute a nuisance, safety or health hazard to adjacent properties. All waste materials shall be properly disposed of and not allowed to accumulate on the property.
   d. The coop shall provide a minimum of 4 square feet per chicken. The coop shall not exceed 10 feet in height. A building permit for a coop over 120 square feet is required.
   e. Chicken runs are allowed in the rear of the property, but the area must be fenced to contain the chickens on the intended property.
   f. All chicken feed must be kept in an airtight, rodent and wildlife proof container.

5. **Slaughtering of Chickens:**
   a. The slaughtering of chickens is permitted outside of the public view.

6. **Sale of Chickens and Eggs:**
   a. In the B-3, R1, R2, R3, R4, R6, R25, RC-40,000 and RC-5,000 Zoning Districts, the commercial sale of chickens or eggs is prohibited, except in a retail establishment in the B-3 Zoning District. On properties of 80,000 square feet or more in the A-1, BC, RU, RE, RME Zoning Districts, eggs produced by chickens may be sold off-site (i.e. at a farmer’s market, local markets, etc.). The on-site commercial sale of chickens is only allowed on parcels zoned A-1, and that are a minimum of 20 acres, in accordance with approved agricultural operations.
   b. Any commercial sale of chickens or eggs must be with the approval of the Public Health Department.

D. **Goats**
   1. **Maximum Number Allowed:** The maximum number of goats permitted in each zoning district is
set forth in Figure 3-8. The following provisions provide further clarification regarding the maximum number of goats allowed.

a. On all lots where goats are permitted, the lot size must be a minimum of 40,000 square feet.

b. In the A-1, BC, RU, RE, and RME Zoning Districts, the number of goats permitted shall be based on the number of Livestock allowed per parcel size. The type and gender of goats, as well as intact male goats, are not regulated in these Zoning Districts.

c. In the PUD (on lots a minimum of 40,000 square feet in size), R1, and RC-40000 Zoning Districts, only female and altered male miniature goats are allowed (i.e. the types of goats commonly known as Pygmy, Dwarf, and Miniature goats). A minimum of two goats and a maximum of three goats are permitted per property not including nursing kidlets belonging to does on the property, until weaned or up to 16 weeks maximum age per lot or contiguous lot under common ownership.

2. **Shelter and Fenced Areas:**

a. Shelter and fenced areas for goats are not regulated in the A-1 Zoning District.

b. In the PUD, R1, and RC-40000 Zoning Districts, a minimum of 15 square feet of sheltered area per goat and 200 square feet of fenced outdoor area per goat is required. Shelters shall be a fully enclosed, well ventilated and constructed with durable materials and shall meet the setbacks of the underlying zoning designation. Enclosures and shelters shall be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis to prevent the attraction of pests and offensive odors. Enclosures, including shelters, shall be located in the rear yard.

c. Fence height shall be a minimum of four feet.

3. **Additional Provisions:**

a. Feed shall be kept in a bear and rodent proof container if located outdoors.

b. No slaughtering of animals is allowed on any property except in the A-1 Zoning District.

c. Except in the A-1, RU, RE, and RME Zoning Districts, goats and products derived from goat’s milk may not be used for commercial purposes.

**E. Beekeeping:**

1. **Definitions:**

a. Apiary: a place where one or more beehives are kept.

b. Bee: the adult stage of a common domestic honey bee, apis mellifera species.

c. Beekeeper: any person who owns or maintains a bee colony.

d. Colony: a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

e. Hive: a structure intended for the housing of one bee colony. A hive, including the attached honey supers, shall not exceed 12 cubic feet in size.

2. **Maximum Number of Colonies:** Beekeeping is allowed as an accessory use in all zoning districts where the primary residential use has been established.

a. In all Zoning Districts, the maximum number of colonies is based on the size of the lot as follows:

i. On lots one-quarter (1/4) acre or less, two colonies are permitted.

ii. On lots more than one-quarter (1/4) acre but less than one-half (1/2) acre, four colonies are permitted.

iii. On lots one-half (1/2) acre or more, but less than one (1) acre, six colonies are permitted.

iv. On lots one (1) acre or larger, eight colonies are permitted.

v. On lots greater than one acre, where all hives are situated at least two hundred (200) feet in any direction from all property lines on the lot which the apiary is located, there shall be no limit to the number of colonies.

b. Community Gardens: Beekeeping shall be allowed in all classifications of community gardens in accordance with this Section and provided that there is a management plan indicting the responsible parties and their roles in the beekeeping activities.

c. For each two colonies authorized under the maximum number of colonies allowed, one nucleus colony in a hive may be maintained upon the same lot. The hive structure may not exceed one standard nine and five-eighths (9 5/8) inch depth ten frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within forty-five days after the date it is acquired.

3. **Hives:** All bee colonies shall be kept in hives with removable combs, which shall be maintained in
a sound and usable condition.

4. **Protection of Hives from Bears and other Wildlife:**
   a. All hives shall be protected by an electric fence or ratchet straps in accordance with the following provisions:
      i. Fences should be solar charged or 110 volt electric fencing.
      ii. Electric fences must be well grounded, sufficiently charged at all times, and maintained on a regular basis. Maintenance includes clipping or applying herbicide to vegetation growing under the fence and ground mat, recharging the battery, and checking wire voltage with a voltmeter.
      iii. Wire strands on a permanent electric fence should be no more than 8 inches apart, and no more than 12 inches apart on a temporary electric fence. For both permanent and temporary electric fences, the bottom wire should be no more than 8 inches above the ground. The top wire does not need to be more than 3½ feet high.
      iv. Hives should be located at least 3 feet from the electric fence.

5. **Setbacks:** All hives shall be located at least five (5) feet from any adjoining property with the back of the hive facing the nearest adjoining property.

6. **Fencing of Flyways:** Where a colony is located within twenty-five feet of a developed public or private property line, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall or fence, which may be vegetative, parallel to the property line and extending ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.

7. **Water:** Each property owner or beekeeper shall ensure that a convenient source of water is available at all times.

8. **Maintenance:** Each property owner or beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

9. **Aggressive Colony:** In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to relocate the colony.

10. **Prohibited:** The keeping of bee colonies not in strict compliance with this section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be subject to zoning enforcement action, including removal, as set forth in Chapter 14.

**3802.03: Common Animal Keeping Facilities**

**A. Allowance for Common Facilities:** Where a residential subdivision is located in a zoning district where the keeping of livestock and the subdivision includes common open space, the property owners in the subdivision may propose a common pasture, stable or barn to be located in the common area. In order for a common animal keeping facility to be established, the amount of land within the boundaries of the subdivision, excluding rights-of-way and easements prohibiting the surface use of the land, when divided by the number of residential units permitted, must equal or exceed 40,000 square feet per unit. A common animal keeping facility shall not be used for the keeping of poultry. Establishing a common animal keeping facility requires approval of a conditional use permit per Section 12300 et seq. by the Planning Commission per the Class 4 development review process outlined in Sections 12000 et seq. regardless of the number of animals proposed. The number of livestock animals allowed to be kept in the common facility shall be established in the permit and shall be determined in accordance with Section 3802.03.B.

**B. Number of Animals Permitted:**

1. **Lots Less than 40,000 Square Feet:**
   a. Where the lots allowing residential development are less than 40,000 square feet in size, the keeping of livestock animals shall be limited to the common area and shall not be permitted on individual residential lots. The number of livestock animals permitted to be kept in the common area shall not exceed the number allowed by B.2 in Figure 3-8 using the acreage in the common area that would be fenced for use by the livestock.
b. The Planning Commission may determine that the number of livestock animals to be kept in the common area must be further reduced if necessary to avoid adverse impacts on adjacent properties. The actual number allowed to be kept in the common area shall be stated in the conditional use permit approving the common animal keeping facility.

2. **Lots of 40,000 or More Square Feet:** Where the lots allowing residential development are 40,000 or more square feet in size, the keeping of livestock animals on individual residential lots is permitted if in accordance with this section and Figure 3-8. If a conditional use permit for a common animal keeping facility is approved such that a facility is established in the common area, livestock animals may be kept either on individual residential lots or in the common animal keeping facility provided the number of livestock animals which could be kept in the subdivision if the ratios in B.2 of Figure 3-8 were applied to the residential lots in the subdivision is not exceeded.

C. **Application Requirements:** Property owners proposing a common animal keeping facility shall submit the following information as part of any application for a conditional use permit for such facility, in addition to usual submittal requirements per the Class 4 development review process outlined in Section 12000 et seq.:

1. **Written material.**
   a. Names of all property owners participating in the application.
   b. Names of all property owners in the subdivision.
   c. Proposed maintenance and operations plan for a common animal keeping facility, including applicable provisions from the property owner’s association articles of incorporation, bylaws, and covenants, conditions and restrictions.
   d. Evidence of approval from the property owners association for use of the common area for a common animal keeping facility.

2. **Graphic material.**
   a. Map showing the location of and acreage of the lots in the subdivision.
   b. Map showing the location of and acreage of the common area to be used for common animal keeping facility.
   c. Site plan showing the layout of common animal keeping facility including fence lines.
   d. Floor plans and elevations of any structures proposed to be used in the common animal keeping facility.

D. **Criteria to Be Met:** The following criteria shall be met in establishing common animal keeping facilities.

1. The common open space to be used for the common animal keeping facility shall be under the ownership and management of a property owners association having the authority to conduct maintenance and operation of the facility. The property owners association shall have responsibility for insuring that the condition of the common animal keeping facility is in compliance with Section 3802.04 and any requirements imposed as a condition of permit approval.

2. The common animal keeping facility shall be for private and not for commercial purposes. The allowance for such facilities shall not result in the establishment of a boarding or commercial stable.

3. The property owners association shall be responsible for determining which property owners may put livestock animals in the common animal keeping facility.

### 3802.04: Conditions Under Which Animals Shall Be Kept

A. **Keeping of Livestock in Fenced Area:** Persons keeping livestock shall provide a fenced area to contain the animals, except where such livestock is being kept on parcels of 35 acres or greater in the A-1 Zoning District. On such parcels, State Statutes regarding fencing shall apply (C.R.S. § 35-46-101 et seq.). Persons keeping livestock on BC zoning district parcels shall limit fencing to areas as specified in 3505.17.A.6.

B. **Keeping of Uncastrated Male Livestock Animals:** Persons keeping uncastrated male livestock animals on parcels of less than 35 acres shall keep them in a pen, corral or run area enclosed by at least a six (6) foot chain link fence or by a material equal or greater in strength, except when it is necessary to remove them for training, breeding or other similar purposes.

C. **Storage and Disposal of Manure:** Persons keeping livestock in enclosed corrals or barns, rather than in open pasture, shall remove and store or dispose of manure to prevent unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare or safety of humans and animals or contamination of surface or subsurface water quality.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

D. **Drainage:** Where livestock are kept in enclosed corraled or barns, provision shall be made for proper drainage and control of runoff to prevent stagnant, standing water or the flow of contaminated water into surface or subsurface water supplies.

### 3802.05: Conditional Use Permits for Animal Keeping

Figure 3-8 indicates when a conditional use permit is required for keeping domestic pets and livestock animals in County zoning districts. The general procedures for review and action on conditional use permits, as stated in Section 12300 et seq., shall be used to review requests for permits for animal keeping. The following criteria shall be used in evaluating applications for conditional use permits for animal keeping:

A. Size of lot in relation to numbers of animals requested.
B. Amount of land area to be made available for use by animals.
C. Need for buffering between the area to be used for animal keeping and any adjacent uses.
D. Need to mitigate the impact on neighboring properties of odors and noise resulting from animal keeping.
E. If the applicant is a group of property owners proposing a common pasture, stable or barn for the keeping of livestock, the criteria stated in Section 3802.03 shall be met.

### 3802.06: Responsibility for Enforcement of Animal Regulations

Whenever an individual is required to obtain a license from CPW for the keeping of animals, CPW shall be responsible for enforcing such requirements. Whenever a conditional use permit is required by County regulations for the keeping of animals, the County Planning Department shall be responsible for enforcing such requirements.

### 3803: Bed and Breakfasts

Bed and breakfast establishments are allowed as permitted uses in the A-1, CG, and CN zoning districts, subject to the standards set forth herein, and as conditional uses in any residential zoning district. The procedures for review and action on conditional use permits are stated in Section 12300 et seq. The following standards shall be met before approval of a bed and breakfast may be granted unless the Review Authority determines that a condition requiring compliance with a specific criterion is more appropriate, such as the need to provide adequate water or wastewater treatment or have a structure comply with Building Code or Fire Code requirements.

#### 3803.01: Type of Establishment

An establishment is considered a bed and breakfast if it provides lodging available to the general public in a single-family residence where the owner of the residence lives on the premises. The Planning Commission may require as a condition of approval recordation of a covenant requiring that the bed and breakfast establishment be owner occupied as long as it is operated as a bed and breakfast. A bed and breakfast may not be established in a duplex or multi-family residential building.

#### 3803.02: Size of Establishment

A. **Size Limits:**
   1. **A-1 Zoning District:** On parcels of 20 or more acres in the A-1 Zoning District, bed and breakfast establishments shall conform to the size limits established for small scale resorts (see definition of resort, small scale in Section 3808). On parcels of less than 20 acres, bed and breakfast establishments shall conform to the regulations for the residential zoning district that would allow lot sizes comparable to the size of the parcel in the A-1 Zoning District.
   2. **RU, RE, R-1, R-2 Zoning Districts:** Three (3) lodging rooms
   3. **R-4, R-6, R-P and Other Residential Zoning Districts:** Two (2) lodging rooms
   4. **PUD:** Bed and breakfasts must be allowed by the provisions of a PUD as either a permitted or conditional use. Bed and breakfasts are not permitted in a PUD if a PUD designation does not list them as a permitted or conditional use. Where a PUD lists a bed and breakfast as an allowed use, the provisions of this section shall be applied as provided for in Section 12200 et seq.
B. Compliance with Limits: In determining the number of rooms available for lodging, at least one (1) bedroom shall be designated for use by the owner of the residence and not counted. The number of lodging rooms allowed shall be stated as part of the conditional use permit issued for the bed and breakfast. The number of lodging rooms allowed may be less than the maximum number permitted by this section if, in the judgment of the Planning Commission, the size of the lot or the location of the residence is such that allowing the maximum number would result in an adverse impact on surrounding properties. The number allowed may also be reduced from the maximum permitted if the necessary parking cannot be accommodated on the parcel where the bed and breakfast is proposed to be located. The Planning Commission may require as a condition of approval recordation of a covenant limiting the number of lodging rooms to a specified number within the limits stated in this section.

3803.03: Parking

Parking for bed and breakfasts shall be provided in accordance with the County parking regulations (see Figure 3-7). Guest parking shall be either graveled or paved and shall be kept free of snow to discourage on-street parking. The parking area shall be designed so that cars are not required to back onto the road providing access to the parcel where the bed and breakfast is located.

3803.04: Compliance with Building and Fire Codes

Where an applicant is requesting a conditional use permit for a bed and breakfast, all portions of the residence shall be in compliance with the applicable requirements of the Building and Fire Codes.

3803.05: Signs

Any sign for a bed and breakfast shall comply with the County Sign Regulations for home occupations (see Chapter 9).

3803.06: Impact on Neighborhood

A bed and breakfast shall be operated in a manner that preserves the residential character of the neighborhood where it is located. The amount of traffic and noise from lodging guests shall not cause an adverse impact on surrounding properties.

3804: Medical and Retail Marijuana

A. Purpose and Intent: It is the purpose and intent of these regulations to govern the uses and activities associated with medical marijuana and retail marijuana and ensure that such uses and activities all operate in a safe manner that does not endanger the public welfare.

1. As used herein, the following terms are defined as follows and collectively referred to as “Marijuana Businesses”:
   a. Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana Infused Products Manufacturing Facilities as defined in Chapter 15 and under C.R.S. 12-43.3-104 and collectively referred to as “Medical Marijuana Businesses”.
   b. Retail Marijuana Stores, Retail Marijuana Cultivation Facilities, Retail Marijuana Products Manufacturing Facilities, and Retail Marijuana Testing Facilities, as defined under the “Colorado Department of Revenue, Marijuana Enforcement Division Permanent Rules Related to the Colorado Retail Marijuana Code” (CDR-MED Rules) and as may be amended from time to time or as may be defined in related and adopted Colorado Revised Statutes and collectively referred to as “Retail Marijuana Establishments”.

2. As used herein, the residential cultivation of medical and personal use marijuana is collectively referred to as “residential cultivation of marijuana”.

B. It is further intended that the purpose and intent of these regulations is to:

1. Regulate the conduct of persons owning, operating, and using marijuana businesses in order to protect the public health, safety, and welfare.

2. Establish a nondiscriminatory mechanism by which the County appropriately regulates the location and operation of marijuana businesses within the County.
3. Mitigate potential negative impacts that the residential cultivation of marijuana may cause on surrounding properties and persons.

C. **Adoption of State Statutory Provisions and State Administrative Regulations:** Except where the provisions set forth under Section 3804 et al. are inconsistent with or differ from the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, or the state administrative regulations relating to both medical and retail marijuana, all of the provisions of the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, and the state administrative regulations relating to both medical and retail marijuana are adopted by reference, and apply to all applications received and licenses issued by the local licensing authority. If there is a conflict between the provision of this section and the Colorado medical marijuana code or the state administrative regulations, the provisions of this Section control to the fullest extent permitted by applicable law.

D. **Specific Authorization of Marijuana Business:** Only Marijuana Businesses specifically authorized under these provisions are permitted. All other marijuana related businesses are prohibited.

3804.01: **Licensing and Permitting Requirements**

A. **License Required:** No person may operate a Marijuana Business without a valid license issued by the Local Licensing Authority and the State Licensing Authority. A person seeking to obtain a license from the Local Licensing Authority shall file an application with the County Planning Department in accordance with the requirements set forth in this section of the Code and Resolutions 13-68 and 13-67 setting forth the licensing requirements for Retail Marijuana Establishment operations and Medical Marijuana Businesses, respectively. The Planning Department is the supervising agency for all Marijuana Business License applications and is responsible for providing application forms and assisting the applicant with the application process. The County is authorized to issue licenses for: a.) a Medical Marijuana Center; b.) an optional Premises Cultivation Operation; c.) a Medical Marijuana Infused Products Manufacturing Facility; d.) a Retail Marijuana Store; e.) a Retail Marijuana Products Manufacturing Facility; f.) a Retail Marijuana Cultivation Facility; and g.) a Retail Marijuana Testing Facility.

B. **Permit Required:** Any person wishing to cultivate marijuana in their home for personal use or as a caregiver as permitted in accordance with Section 3804.04 et seq. shall apply for and be issued a permit by the Planning Department for such residential cultivation of marijuana and such activities shall be conducted in accordance with the provisions set forth in Section 3804.04 et seq. below.

C. **Review Authority:** An application for a marijuana business license or a residential cultivation permit shall be reviewed as a Class 2 application in accordance with the applicable process outlined in Chapter 12. All applications that include the cultivation of marijuana, including residential cultivation, shall be reviewed as a Class 2 administrative review and the location of the cultivation shall be kept confidential except that such locations shall be disclosed to the Building Department, Sheriff’s Office, local fire authority and any other governing agency with review authority.

1. **Additional Referral Agencies:** In addition to the referral agencies required to review applications in accordance with Chapter 12, all applications for marijuana businesses shall be referred to the Sheriff’s Office. Upon the receipt of a completed application, the Sheriff’s Office shall obtain and review a criminal background records search on the applicant(s). The Planning Department shall also, at minimum, send a referral to the Office of the Clerk and Recorder, the Building Department and the local fire authority for review and comment.

2. **Additional Conditions:** The Review Authority may impose such reasonable terms and conditions on a license or permit as may be necessary to protect the public health, safety, and welfare, and obtain compliance with the requirements of this Code, the Colorado Medical Marijuana Code, the Building Code, and other applicable laws.

3. **Decision by Local Licensing Authority:** The decision by the local licensing authority shall be in accordance with C.R.S.12-43.3-301 et seq. for Medical Marijuana Businesses and in accordance with CDR-MED Rules for Retail Marijuana Businesses. All applications shall be processed within the timeframes for Class 2 applications as set forth in Chapter 12.

4. **Inspection of Premises:** After approval of an application for a Marijuana Business license, the license shall not be issued until the building in which the business to be conducted is ready for occupancy with such furniture, fixtures, and equipment shown in the approved plans as are necessary to comply with the applicable provisions of C.R.S.12-43.3 et seq., C.R.S. §12-43.4-101 et seq., and CDR-MED Rules, whichever is applicable, and then only after the local licensing authority has inspected the premises to determine that the applicant has complied with the
architect’s drawings and related plans for the interior of the building which was submitted with the application. Additionally, prior to the issuance of a license, the premises shall be inspected by the Building Official to determine compliance with the County’s building and technical codes. No license shall be issued if the proposed licensed premises do not comply with the County’s building and technical codes. Throughout the term of the license, the Building Official may inspect the licensed premises to determine continuing compliance with the building and technical codes.

D. Transfer of Ownership/Change in Location: The ownership of a license may be transferred and the permanent location of a licensed premises may be changed in accordance with the Colorado Medical Marijuana Code, the Colorado Retail Marijuana Code, the CDR-MED Rules, the state administrative regulations, and this Code.

E. No County Liability: By operating a Marijuana Business pursuant to a license issued by the local licensing authority, or by cultivating marijuana in a residential dwelling, a licensee or permit holder releases the County, its officers, elected officials, employees, attorney’s and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the licensee or permit holder, its owners, operators, employees, clients, or customers for a violation of any state or federal law, rule or regulation related to marijuana or medical marijuana, or from forced closure of the licensed premises or residential cultivation because the Colorado medical marijuana code, the CDR-MED Rules and/or if Section 3804 et seq. is found to be invalid under any applicable law, including but not limited to Federal law. As a part of any application for a marijuana business license, an applicant shall sign and submit a waiver that states the following:

1. By applying for and accepting a license issued by the Local Licensing Authority, the licensee waives and releases the County, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
2. By applying for and accepting a license, all licensees, jointly and severally if more than one (1), agree to indemnify, defend, and hold harmless the County, its officers, elected officials, employees, attorneys, and agents against all liability, claims and demands on account of any injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana business that is the subject of the license.

F. Other Laws Remain Applicable: Before issuing a license, the Local Licensing Authority shall obtain written confirmation from the licensee that it understands and agrees to the following:

1. Neither Section 3804 et seq. nor the act of obtaining a license from the local licensing authority protects licensees, or the owners, operators, employees, customers, and clients of licensed premises, from criminal prosecution pursuant to any law that prohibits the cultivation, sale, use, or possession of controlled substances, including but not limited to marijuana and/or medical marijuana.
2. Applicants for permits and licenses from the County shall either 1) request concurrent review with any necessary state licensing requirements per C.R.S. §12-43.3-302(5) for a Medical Marijuana Business or 2) have already completed the state application process and received any necessary state licenses or permissions.

G. Annual Renewals: All licensed Marijuana Businesses and residential cultivation activities shall apply for a license or permit renewal annually to ensure continued compliance with Section 3804 et seq. and any other applicable regulations. All annual renewals shall follow the Class 2 process and at a minimum, shall be referred to the Sheriff’s Office, the Building Department, and the local Fire Authority, which may conduct inspections of the licensed premises, along with the Planning Department if feasible. The County shall give the permit holder or licensee at least 24 hours notice prior to inspections.

3804.02: General Provisions

A. Zoning Districts Where Medical Marijuana Centers, Medical Marijuana Infused Products Manufacturing Facilities, Retail Marijuana Stores, Retail Marijuana Products Manufacturing Facilities, and Retail Marijuana Testing Centers are Permitted: Medical marijuana centers, medical marijuana infused products manufacturing facilities, retail marijuana stores, retail marijuana products manufacturing facilities, and retail marijuana testing centers are only permitted in the I-1, CG, CN, B1, and B3 Zoning Districts as well as on commercially zoned property within PUDs in accordance
B. Zoning Districts Where Optional Premise Cultivation Operations and Retail Marijuana Cultivation Facilities are Permitted: Optional Premise Cultivation Operations and Retail Marijuana Cultivation Facilities are only permitted in the I-1, CG, CN, B1, and B3 Zoning Districts as well as on properties with property commercial use designation in a PUD in accordance with the provisions set forth in Section 3804.03 below.

C. Co-location of Medical Marijuana Centers and Retail Marijuana Stores: Medical Marijuana Centers and Retail Marijuana stores may co-locate on the same property or within the same licensed establishment in accordance with all State laws.

D. Marijuana Businesses-Proximity to Other Land Uses: The distance limitations established by this section shall control over the distance limitations set forth in C.R.S 12-43.3-308 et seq., C.R.S. §12-43.4-101 et seq., and the CDR-MED Rules. Distances shall be computed by direct measurement from the nearest property line of the land use listed below to the nearest portion of the building of the marijuana business. Distances shall be verified by the applicant and confirmed by the Local Licensing Authority via a method deemed acceptable by the County. At a minimum, no marijuana business shall be located within the following distances from the specified land uses listed below:

1. 50 feet of property being used for a residential use, property in a residential zoning district, and a property with a residential use in a PUD;
2. 1,000 feet of a licensed childcare facility or residential childcare facility;
3. 1,000 feet of any elementary school, middle school, high school, college or university either public or private;
4. 500 feet of a halfway house or correctional facility;
5. 500 feet of another marijuana business.

E. Home Occupations: A Marijuana Business license shall not be issued for a home occupation. Marijuana may not be sold from any residential unit nor shall marijuana be grown in a residence with the intent to sell. Residential cultivation of marijuana shall be conducted in accordance with Section 3804.04 et seq.

F. Hours of Operation: A marijuana business may open no earlier than 8:00 a.m. and shall close no later than 7:00 p.m. on the same day, Monday through Sunday.

G. Alcohol: The sale or consumption of alcohol on licensed premises is prohibited, except for the sale of tinctures, which is permitted provided all products sold on site comply with applicable State rules and regulations.

H. On-site Consumption: The on-site consumption of marijuana at a licensed facility is prohibited, unless conducted at a properly licensed Marijuana Testing Facility and in compliance with all rules and regulations regarding such facilities.

I. Disposal of Marijuana: Marijuana waste shall be stored, secured, and managed in accordance with applicable state laws, including but not limited to rules promulgated by the Colorado Medical Marijuana Enforcement Division and the CDR-MED in effect and as amended from time to time hereinafter.

J. Security Systems: All marijuana businesses shall provide adequate security on the premises which meets the minimum security standards set forth by the Colorado Medical Marijuana Enforcement Division Rules and the CDR-MED Rules, whichever are applicable, in effect and amended from time to time hereinafter.

K. Signage: All signs shall comply with the sign provisions set forth in Chapter 9 and/or any sign program in effect for the property. In addition, no signage associated with a marijuana business shall use the word “marijuana”, “cannabis”, or any other word or phrase commonly understood to refer to marijuana, nor shall any images of the marijuana plant be used in signage.

L. Paraphernalia: Equipment or apparatus used for the inhaling or consumption of marijuana, including but not limited to rolling papers, water pipes, pipes, and vaporizers may be sold at a marijuana center to persons authorized by law to purchase medical marijuana at the medical marijuana center or by persons 21 years of age or older at a Retail Marijuana Store.

M. Display of Marijuana and Related Paraphernalia: Marijuana plants, products, and paraphernalia shall be screened from view from any exterior windows.

N. Annual Inspection: As a condition of any approval for a Marijuana Business, an annual inspection of such business shall be conducted by the County Planning Department and any other regulatory agencies with jurisdiction.

O. Parking Requirements: Parking for Marijuana Centers or Retail Marijuana Stores shall be based on the parking requirements for a general retail business, per Figure 3-7 of the Code. As long as there is no
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

retail space associated with a Medical Marijuana Infused Products Manufacturing Facility or a Retail Marijuana Products Manufacturing Facility, the parking provisions for such uses shall be in accordance with a low-retail business, per Figure 3-7. Parking for an Optional Premises Cultivation Operation, a Retail Marijuana Cultivation Facility, and a Retail Marijuana Testing Facility shall be in accordance with manufacturing/warehousing facilities, per Figure 3-7.

3804.03: Commercial Cultivation of Marijuana

A. The commercial cultivation of marijuana may only take place in a licensed marijuana business, an optional premise cultivation operation or a retail marijuana cultivation facility.

B. Direct Relationship to a Medical Marijuana Center or Medical Marijuana Infused Products Manufacturing Facility: Any Optional Premise Cultivation Operation shall be directly associated with a licensed Medical Marijuana Center or Medical Marijuana Infused Products Manufacturing Facility located either in the unincorporated area of the County or within a town located in Summit County. Seventy percent of the product grown, cultivated, and/or processed at the Optional Premise Cultivation Operation shall be sold at a licensed Medical Marijuana Center or used at a licensed Medical Marijuana Infused Products Manufacturing Facility located within the County or within a town located in Summit County. At least annually and upon request by the County, any licensed Optional Premise Cultivation Operation shall submit documentation demonstrating compliance with this section.

C. Ventilation: All licensed Optional Premise Cultivation Facilities and Retail Marijuana Cultivation Facilities shall be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the premises.

D. Water Rights: For any marijuana business that proposes the cultivation of medical or retail marijuana, proof of adequate water rights shall be submitted with the application.

E. Hazardous Chemicals: Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state, and federal laws. An application for review of any marijuana business that includes the cultivation of marijuana shall include a floor plan showing the location of the storage of such chemicals and shall be subject to review and approval by the Fire Authority.

3804.04: Residential Cultivation of Marijuana

This section provides regulations associated with the growing, cultivating, and processing marijuana in a residential dwelling unit. Marijuana may not be grown, cultivated, or processed in a residential unit except in compliance with this subsection. Any marijuana growing, cultivation or processing that does not meet the provisions of this subsection shall be considered a business or commercial activity as regulated above in this Section 3804 and/or other provisions of this Code.

A. The growing, cultivation, or processing of medical marijuana shall be done in full compliance with all applicable provisions of Amendment 20, the Colorado Medical Marijuana Code, the Medical Marijuana Program, and other applicable State laws, rules and regulations.

B. The growing, cultivation, or processing of retail marijuana shall be done in full compliance with all applicable provisions of Amendment 64, C.R.S. §12-43.4-101 et seq., the CDR-MED Rules, and other applicable State laws, rules and regulations.

C. Marijuana may be grown, cultivated, or processed only within the primary residence of the person growing, cultivating, or processing marijuana. Marijuana may not be grown, cultivated, or processed in the yard, outbuildings, or other area outside of such primary residence except as provided for in this section.

D. Medical marijuana may be grown, cultivated, or processed within a primary residence only by a primary caregiver for his or her patients, or by a patient for himself or herself. A primary caregiver may not lawfully grow, cultivate, or process medical marijuana for a patient who does not reside at the primary residence where the growing, cultivating, or processing occurs.

E. Commercial sale of marijuana grown, cultivated, or processed pursuant to this Section 3804.04 is prohibited.

F. Not more than six marijuana plants may be grown, cultivated, or processed within any primary residence; provided, however, up to twelve marijuana plants may be grown, cultivated, or processed
within a primary residence if more than one patient, primary caregiver, or other person over 21 years of age resides within the primary residence.

G. The growing, cultivation, and processing of marijuana plants shall be limited to the following areas within the primary residence:
   1. Within a detached single-family dwelling unit, marijuana may be grown, cultivated, or processed only within a secure, defined, contiguous area not to exceed 150 square feet;
   2. Within any residential dwelling unit other than a detached single-family dwelling unit, marijuana may be grown, cultivated, or processed only within a secure, defined, contiguous area not to exceed 100 square feet; and,
   3. Marijuana shall not be grown, cultivated, or processed within the common area or limited common area of any real property that is devoted to a residential use.
   4. Marijuana may be grown, cultivated, or processed in an outbuilding or a garage associated with a residential structure provided that the area is secure, defined, and limited in size in accordance with the provisions above.

H. For purposes of this section, the term “secure” shall be defined as an area within the primary residence that is able to be locked and is accessible only to the patient, primary caregiver or adult 21 years of age or older. Secure premises shall be located or partitioned off to prevent access by children, visitors, passersby, thieves, or anyone else not licensed to possess medical marijuana or whom is not 21 years of age or older.

I. The growing, cultivation, and processing of marijuana shall not be perceptible from the exterior of the primary residence, including, but not limited to:
   1. Common visual observation;
   2. Light pollution, glare, or brightness that disturbs the repose of another;
   3. Undue vehicular or foot traffic, including unusually heavy parking in front of the primary residence; and,
   4. Noise from an exhaust fan in excess of the maximum permissible noise level per C.R.S. §25-12-103(1).

J. The smell or odor of marijuana growing within the primary residence shall not be capable of being detected by a person with a normal sense of smell from any adjoining lot, building unit, parcel or tract of land not owned by the owner of the primary residence, or from any adjoining public right of way.

K. The space within the primary residence where marijuana is grown, cultivated, or processed shall meet all applicable requirements of the County’s building, zoning, and other technical codes adopted in the Summit County Land Use and Development Code.

L. If a patient, primary caregiver or other person grows, cultivates, or processes marijuana within a primary residence that he or she does not own, such person shall obtain the written consent of the property owner before commencing to grow, cultivate or process medical marijuana on the property.

M. No chemical shall be used by a patient, primary caregiver or other person to enhance or extract tetrahydrocannabinol (THC) from marijuana that is grown in a primary residence.

N. The residential cultivation of marijuana may commence only after a permit for such activity has been approved in accordance with the provisions set forth in Section 3804.01 et al.

3804.05: Inspections and Compliance

Subject to the requirements and limitations of this section and pursuant to Chapter 14, Section 14300 of the Summit County Land Use and Development Code, the County shall have the right to request entrance into any structure within the County where marijuana is being sold, grown, cultivated, or processed during reasonable hours for the purpose of conducting a physical inspection of the premises to determine if the premises comply with the requirements of this Section 3804 et seq. and all other applicable regulations. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry and take such other enforcement action as may be deemed appropriate.

3804.06: Definitions

The definitions contained in Amendment 20, the Colorado Medical Marijuana Code, the Colorado Medical Marijuana Program, and any regulations promulgated by the Colorado Department of Public Health and the Environment and the Colorado Department of Revenue, as amended from time to time, are incorporated into this Section by reference. All other applicable definitions are as defined in Chapter 15 of this Code.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

3805: Telecommunication Facilities

A. Purpose and Intent: This section is drafted to regulate and control the location and impacts of certain telecommunication facilities, including communication towers and antennas, throughout the unincorporated area of Summit County, Colorado. The provisions of this section are intended to be in compliance with the provisions of the Federal Telecommunications Act of 1996, are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services and shall be implemented accordingly.

B. General: Communication towers and antennas shall be as provided for in this section and in Figure 3-2. Where a conditional use permit is required, the procedures for review and action on conditional use permits shall be as stated Section 12300 et seq. Communication towers and antennas shall conform to the requirements of this section and the other applicable requirements of this Code.

3805.01: Classification of Communication Towers and Antennas

A. Commercial Communication Towers:
   1. Primary: Communication towers used by businesses for commercial purposes such as radio or television stations, cellular companies and companies other than public utilities or public agencies where voice, data or other transmissions are directed to the general public are classified as commercial towers.
   2. Accessory: Communication towers used by businesses, other than public utilities or public agencies, for the sole purpose of dispatching personnel and equipment, where transmissions are not commercial in nature and are not directed to the general public are classified as commercial towers and are considered an accessory use.

B. Noncommercial Communication Towers: Communication towers used by public utilities and public agencies for such purposes as dispatching personnel and equipment, for emergency communications or for controlling, diagnosing and obtaining data on the operation of equipment, where transmissions are not directed to the general public or used for advertising purposes, are classified as noncommercial communication towers.

C. Commercial Communication Antennas (Not Mounted on a Communication Tower):
   1. Primary: Communication antennas that are mounted to a building, utility structure (not including a communication tower) or other non-communication tower structure used by businesses for commercial purposes such as radio or television stations, cellular companies, internet connections and companies other than public utilities or public agencies where voice, data or other transmissions are directed to the general public are classified as commercial antennas.
   2. Accessory: Communication antennas that are mounted to a building, utility structure (not including a communication tower) or other non-communication tower structure used by businesses, other than public utilities or public agencies, for the sole purpose of dispatching personnel and equipment, where transmissions are not commercial in nature and are not directed to the general public are classified as commercial antennas and are considered an accessory use so long as such are located on the site of the commercial activity.

D. Noncommercial Communication Antennas (Not Mounted to a Communication Tower): Communication antennas that are mounted to a building, utility structure (not including a communication tower) or other non-communication tower structure used by public utilities and public agencies for such purposes as dispatching personnel and equipment, for emergency communications, or for controlling, diagnosing and obtaining data on the operation of equipment, where transmissions are not directed to the general public or used for advertising purposes, are classified as noncommercial antennas.

E. Private Antennas: Antennas used as an accessory use to a dwelling unit used solely for private or home occupation use are classified as private antennas. Notwithstanding the foregoing, it is acknowledged that private antennas may be used by a commercial business as a primary commercial antenna to rebroadcast provided that: 1) the antenna is still used for private use and the antenna is not just used to rebroadcast, 2) applicable Federal laws concerning low power wireless telecommunication are met, and 3) the provisions of this section are met.

F. Private Towers: Private towers used for non-commercial, residential proposes, such as HAM Radio towers, CB Towers, or other such uses, which service only the residence or structure on the property where they are located are classified as private towers. Private towers may not be more than 20 feet in height.
3805.02: Permit Requirements for Communication Towers and Antennas

A. **Commercial Communication Towers:**
   1. **Primary:** Primary commercial communication towers are permitted in all zoning districts with approval of a conditional use permit. Antennas mounted to an approved commercial communication tower do not require additional approvals as long as the mounting of such antennas does not increase the height of the communication tower beyond that which is permitted.
   2. **Accessory:** Accessory commercial communication towers no more than 35 feet in height are permitted in the A-1, CG, CN, I-1 and M-1 and ski resort PUD zoning districts without approval of a conditional use permit provided the requirements of this section are met. Accessory commercial towers more than 35 feet in height require approval of a conditional use permit.

B. **Noncommercial Towers:** Noncommercial communication towers require approval of a conditional use permit in the BC zoning district and shall not exceed 35 feet in height. Noncommercial communication towers no more than 35 feet in height are permitted in any other zoning district without approval of a conditional use permit provided the requirements of this section are met. Noncommercial communication towers more than 35 feet in height require approval of a conditional use permit. Where a facility of a public utility includes a communication tower and both the facility and the tower require conditional use permits, a combined permit may be issued. Antennas mounted to an approved non-commercial tower do not require additional approvals as long as the mounting of such antennas does not increase the height of the communication tower beyond that which is permitted.

C. **Commercial Antennas:**
   1. **Primary:** Primary commercial communication antennas that are mounted to an existing utility structure (not including a communication tower), a multi-family building, commercial building, mixed-use building or other non-residential structure (excluding communication towers) are permitted in all zoning districts with approval of a Class 2 development review application per the provisions of Section 12000 et seq.
   2. **Accessory:** Accessory antennas that are mounted to a building, utility structure (not including a communication tower) or other non-communication tower structure are a permitted use in all zoning districts without any formal County approval, provided that; 1) the area of the antenna does not exceed ten (10) square feet in surface area, and 2) the other applicable provisions of this section are met (aesthetics, maximum height, location, etc.).

D. **Noncommercial Communication Antennas:** Non-commercial communication antennas that are mounted to a building, utility structure (not including a communication tower), or other non-communication tower structure are permitted in all zoning districts provided that; 1) the area of the antenna does not exceed ten (10) square feet in surface area, and 2) the other applicable provisions of this section are met (aesthetics, maximum height, location, etc.).

E. **Private Antennas:** Private antennas are a permitted use in all zoning districts in the County and no administrative review by the Planning Department is required, provided 1) the area of the antenna does not exceed ten (10) square feet in surface area, and 2) the other applicable provisions of this section are met (aesthetics, maximum height, location, etc.). Notwithstanding the foregoing, private antennas established prior to the adoption of these regulations may remain in place until such time as they are rendered functionally non-operational.

F. **Private Towers:** Private towers may be allowed pursuant to all applicable standards for design, impacts, and placement, and all other zoning standards, as set forth in this Code are met.

G. **Permit Processing:** All permit applications for telecommunications towers shall be processed in accordance with the standards set forth for all similarly categorized applications pursuant to Chapter 12 of this Code.

3805.03: Dimensional Requirements for Communication Towers

A. **Minimum Lot Size:**
   Commercial and noncommercial communication towers are permitted in any zoning district and are exempt from minimum lot size requirements. (The exemption from minimum lot size requirements does not exempt the business, public utility or public agency from the requirement to plat the lot proposed for use for a communication tower.) The required lot size shall be determined as a condition of permit approval, when a permit is required, and shall be of sufficient size to meet the criteria stated in this section.
B. **Minimum Setbacks:** Setbacks for both primary facilities and accessory structures shall be established by the Review Authority based on the following considerations:
   1. Requirements generally applicable to the zoning district in which the tower is located.
   2. Similarities to surrounding zoning districts.
   3. Mitigation of visual impacts.
   4. Protection of the public health and safety.

C. **Maximum Height:**
   1. 35 feet where permitted without approval of a conditional use permit.
   2. Where approval of a conditional use permit is required, maximum height shall be determined as a condition of approval except that no tower shall exceed 300 feet.

### 3805.04: Visual and Other Aesthetic Design Standards and Mitigation for Communication Towers and Antennas

A. **Communication Towers:** A plan for mitigation of visual impact or other appropriate aesthetic impacts of the proposed tower, and associated telecommunication support facilities, shall be submitted. Visual simulations and renderings may be required by the Planning Department as a part of the submittal materials. Visual mitigation techniques such as coloring, screening and landscaping shall be used whenever possible. The level of mitigation required will depend on the location of the proposed facility in relation to topographic features, important visual features, major public thoroughfares, public recreational areas, residential neighborhoods and other sensitive visual areas. Implementation of a visual mitigation plan shall be included as a condition of final plat or conditional use permit approval. The environmental effects of radio frequency emissions shall not be considered an appropriate aesthetic mitigation concern provided such tower complies with the regulations of the Federal Communications Commission regarding such concern.

B. **Antennas:**
   1. **Primary:** Primary commercial antennas mounted to an existing utility structure (not including a communication tower), a multi-family building, commercial building, mixed-use building or other non-residential structure (excluding communication towers) shall meet the following design standards:
      a. The design of antennas and associated telecommunication support facilities shall use materials, colors textures and screening that create compatibility with the surrounding built and natural environment. A plan for mitigation of visual impacts or other appropriate aesthetic impacts of the proposed antenna shall be submitted with any required development review application.
      b. Signs shall be limited to those signs required for cautionary or advisory purposes only and not for any advertising.
      c. The antenna shall not exceed a surface area of ten (10) square feet.
      d. Antennas mounted to a structure or building shall not be more than ten percent (10%) higher than the actual, as-built building or structure height to which such antenna is mounted. For example, a building that is of 40 feet high can have an antenna that extends no more than four (4) feet above the roof.
      e. Antennas may not be located within any setbacks as established in the underlying zoning district without approval of a conditional use permit. Notwithstanding the foregoing, antennas may be placed on existing utility structures (not communication tower) or other existing buildings and other structures that are located in the setback.
   2. **Accessory:** Accessory antennas that are mounted to a building, utility structure or other non-communication tower structure shall have the same design requirements as for primary commercial antennas.
   3. **Noncommercial Communication Antennas:** Non-commercial communication antennas that are mounted to a building, utility structure or other non-communication tower structure shall have the same design requirements as for primary commercial communication antennas.
   4. **Private Antennas:** Private antennas shall have the same design requirements as for primary commercial communication antennas, except that, it is the responsibility of the property owner to ensure that the private antenna include materials, colors textures, screening and landscaping that create compatibility with the surrounding built and natural environment.
   5. **Conditional Use Permit:** An applicant that desires to install an antenna that does not meet the requirements of this section may submit for a conditional use permit per the provisions of Section 12300 et seq.
3805.05: Signal Interference for Communication Towers

Evidence shall be submitted to demonstrate that a proposed communication tower complies with all specifications of the Federal Communications Commission with respect to preventing signal interference with other systems or facilities in the area. After operation of the tower commences, the tower operator shall be required to investigate any electrical disturbances affecting operation of equipment beyond the boundaries of the tower site and to resolve such disturbances if the disturbances are attributable to the use of the tower.

3805.06: Statement of Need for Communication Towers

A statement of need for a proposed communication tower and a description of the proposed service area shall be submitted by an applicant at the time a conditional use permit development review application is filed. Said statement of need shall address relevant considerations including, but not limited to, customer and business demand in the location sought, alternative tower sites considered and opportunities for collocation available in the general proximity of the proposed tower. The applicant shall document that sharing space on an existing tower is not practical or feasible. The practicality or feasibility of shared use shall be assessed using the criteria in Section 3805.07, as well as any other considerations established as appropriate in light of the circumstances.

3805.07: Shared Use for Communication Towers

The County may require an existing or proposed tower be made available for shared use (collocation) of other telecommunication providers as a condition of approval. Shared use shall not be required if the Review Authority determines that:

A. Uses proposed by an applicant seeking to share an existing tower would interfere with the use of the tower by the tower owner.
B. Shared use would interfere with the security of the tower owner's operation or facilities.
C. The applicant and the tower owner are unable to reach agreement on how the applicant is to reimburse the tower owner for a proportionate share of construction and maintenance costs or is otherwise unable to come to terms with such owner on a reasonable, market reflective rate for such use, after good faith negotiations on such matters of co-location.

3805.08: Compliance with Regulations

Communication towers and antennas shall comply with all applicable Federal, State and County regulations. At the time application is made for a conditional use permit, site plan or final plat approval, the applicant shall submit evidence showing he has obtained any required approvals or permits for commercial communication towers from these agencies.

3805.09: Denial of Communication Tower Development Review Applications

Any decision by a Review Authority denying an application for a telecommunications tower shall be in writing and supported by substantial evidence contained in a written record.

3805.10: Reclamation and Abandonment

A financial guarantee for reclamation or removal of a communication tower or antenna can be secured through appropriate mechanisms by the County. Notwithstanding the foregoing, any communication tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of the property where such tower is located shall remove the same within 90 calendar days of the issue date of the notice to remove the tower or antenna.

3806: Construction Offices

Construction offices are allowed in any zoning district with approval of a temporary use permit. The procedures for review and action on temporary use permits are stated in Section 12400 et seq. Temporary
use permits for a construction office shall conform to the requirements of this section and the other applicable requirements of this Code.

3806.01: Time When Allowed

A temporary construction office may be established at a project site upon issuance of a grading permit or, if no grading permit is required, upon issuance of a building permit for a development project. A temporary construction office shall be removed upon issuance of CO for the final phase of a project or if construction work is suspended or abandoned for a period of 180 calendar days.

3806.02: Use of Mobile Structure

A temporary construction office may be established in a mobile structure if the structure meets the following criteria:

A. The structure shall be installed on a permanent or a non-permanent foundation approved by the Building Department prior to occupancy or use.
B. Any electrical, plumbing and mechanical connections shall be approved by the Building Department prior to occupancy or use.
C. The structure shall be skirted so that the foundation, water, wastewater and utility connections are screened from view.
D. No signs shall be painted or posted on the exterior of the structure except signs permitted by the County Sign Regulations (Chapter 9).

3806.03: Parking

A graveled or paved parking area shall be provided for construction staff and visitors. The size of the parking area shall be determined as a condition of permit approval.

3807: Special Events

A special event is an organized event or a group activity including, but not limited to a performance, live music, broadcast music, commercial entertainment, assembly, contest, exhibit, ceremony, athletic competition, reading, or other similar gatherings where anything of value is exchanged in return for attendance or entry into the event. Special events do not include wedding events. Special events governed under this section are commercial in nature.

3807.01: Applicability

The Special Event provisions set forth in this section are only applicable to special events held on property interests not held by Summit County Government. Special events on Summit County roads or property are subject to the regulations set forth in Resolution 2004-90 and herein after amended and such events are administered by the County Open Space and Trails Department.

3807.02: Temporary Use Permits for Special Events

Special Events are only permitted on properties zoned A-1, and which are a minimum of 20 acres, and in PUDs where authorized in the PUD. Commercial Special Events on properties zoned A-1 with less than 75 people require a Class 2 TUP and for more than 75 people a Class 4 TUP is required. Special Events in PUDs shall be permitted in accordance with the applicable provisions of the PUD. In the event of conflict between these regulations and PUD provisions, the more stringent requirements shall apply. Where the requirements of this section differ from the requirements of Section 12400 et seq., the requirements of this section shall prevail.

3807.03: Noise

All special events are subject to the noise limitations as set forth in C.R.S. § 25-12-101 et seq. and in accordance with the most similar zone for the location of the special event.
3807.04: Parking Plan

Parking for special events shall be accommodated on the property where the special event is being held or in a designated and approved parking area. Where parking is proposed off-site, shuttle service shall be provided. The on or off-site parking plan must be approved by the applicable fire protection district or authority.

3807.05: Trash Control and Removal

Trash receptacles shall be provided in sufficient number and shall be distributed on the event site in order to prevent the accumulation of uncontained rubbish. All outdoor trash receptacles shall either be bear proof or located in an area inaccessible to bears when not being used for the special event. All special events greater than 75 guests shall utilize zero-waste strategies.

3807.06: Security

The sponsor of a special event shall cooperate with the necessary County agencies, as determined by the Planning Department and including but not limited to the Sheriff’s Office, to ensure adequate safety for the participants. The sponsor may be required, depending on the nature of the event, to arrange for law enforcement or private security personnel to be in attendance and to compensate the law enforcement agency or private security company.

3808: Dude Ranches and Resorts

Small scale dude ranches and resorts are permitted in the A-1 Zoning District. Medium scale dude ranches and resorts are allowed in the A-1 Zoning District with approval of a conditional use permit. The procedures for review and action on conditional use permits are stated in Section 12300 et seq. Small and medium scale dude ranches and resorts shall conform to the requirements of this section, the definitions in Chapter 15, and the other applicable requirements of this Code.

3808.01: Classification of Resorts

A. Small Scale: A small scale dude ranch resort shall be located on a parcel of at least 20 acres. On parcels having a minimum of 20 acres, no more than ten (10) guests are permitted. On parcels in excess of 20 acres, an additional one-half (0.5) guest/acre for every acre over 20 acres are permitted up to a maximum of 20 guests.

B. Medium Scale: A medium scale dude ranch resort shall be located on a parcel of at least 20 acres. A maximum of one-half (0.5) guest/acre is permitted.
3808.02: Required Parking

Small and medium scale dude ranches and resorts shall be provided with parking in accordance with County parking requirements (see Figure 3-7).

3808.03: Access to Public Land

Where activities require use of public lands or waterways the dude ranch or resort shall abut these lands or have access to them by either a written access agreement or easement across any intervening land, or a public road.

3808.04: Cooking and Dining Facilities

Full service cooking or dining facilities shall be provided. Full service, central dining facilities shall be provided for all dormitory or lodging room guests. Individual cabins may be served by kitchens contained within the cabins or by a central dining hall.

3808.05: Limitations on Occupancy

Lodging rooms or individual cabins shall not be used for long term seasonal or longer occupancy. Full-time residents shall be limited to the dude ranch or resort owner or manager and their family, or employees.

3808.06: Compliance with Building and Fire Codes

Where an applicant is requesting a conditional use permit for a dude ranch or resort and the structures proposed to be used were in existence prior to the effective date of this Code, the unit shall be inspected and shall comply with applicable requirements of the Building and Fire Codes prior to issuance of a certificate of occupancy. Where a dude ranch or resort is proposed to be built after the effective date of this Code and a conditional use permit is required for its establishment, the structures to be used shall be constructed in accordance with the Building and Fire Codes and shall receive a CO for the conditional use permit to be valid.

3808.07: Compatibility with Adjacent Uses

Approval of a conditional use permit for a dude ranch or resort may include conditions as to the location, layout and operation of facilities necessary to ensure compatibility with, and to mitigate adverse impacts on, adjacent properties.

3809: Local Resident Housing

3809.01: Purpose and Intent

The availability and attainability of housing for local residents and employees is critical to the health, functionality, economy and spirit of the County. Having an adequate supply of suitable and affordable housing options for local residents and employees is important to sustain working-class professionals, year-round service and seasonal resort workers. Therefore, this section of the Code is intended to provide regulations that facilitate the provision of a variety of suitable and affordable housing options for persons residing and working in the County.

This section includes regulations on, and requirements for three categories of housing for local residents and employees: 1) affordable workforce housing, 2) accessory apartments, and 3) housing for on-site employees. Housing for on-site employees includes on-site employee housing for commercial/industrial businesses and multifamily residential developments, on-site employee housing for ranching, farming and mining operations in rural areas, and on-site caretaker units. Affordable workforce housing and accessory apartments have been broken out separately because they each provide a distinct type of housing for persons generally employed within Summit County, rather than employees working on a particular property or for a particular business.
To ensure that each type of local resident housing is used in the manner intended by this Code, the regulations pertaining to each type of local resident housing, as set forth below, include restrictions unique to that type of housing, and require a deed restriction or restrictive covenant to be recorded restricting the use and occupancy of each housing type in accordance with the applicable regulations.

3809.02: Affordable Workforce Housing

A. Purpose and Intent

This section of the Code is intended to provide regulations that facilitate the provision of moderately priced housing to help meet the needs of the locally employed residents of Summit County, and to ensure that such housing is used for its intended purpose. Affordable workforce housing is restricted in ownership, occupancy and/or sale to provide, in a perpetual manner, moderately priced housing to be occupied by local residents. Affordable workforce housing is intended to provide ownership or rental housing for individuals and families residing and employed in Summit County who would otherwise face significant fiscal obstacles in their ability to purchase or rent a market-rate unit in Summit County. Accordingly, such housing is not intended to be occupied by persons who own other real estate or investment properties, and is not intended to serve as a real estate investment. Affordable workforce housing may be permitted on properties that have been authorized for such use through an approval of the County. This section includes regulations on, and requirements for, affordable workforce housing. Affordable workforce housing shall conform to the requirements of this section and the other applicable requirements of this Code.

B. Restrictions on Affordable Workforce Housing Units

1. Deed Restriction Required: Restrictions on the sale, resale, rental (when authorized) and occupancy of affordable workforce housing units must be guaranteed in perpetuity through a deed restriction, or other mechanism acceptable to the County. Prior to County approval of any development containing an affordable workforce housing unit, such deed restriction shall be submitted to the Planning Department for review and approval. Recordation of the approved deed restriction shall occur prior to issuance of a certificate of occupancy for the affordable workforce housing unit. The deed restriction shall be drafted in accordance with the provisions of the Summit County Affordable Workforce Housing Deed Restriction Guidelines, which have been adopted by the Board of County Commissioners and are kept on file in the Planning Department.

C. Density Calculation for Affordable Workforce Housing Units and Relationship to Transferable Development Rights (TDR) Regulations

Affordable workforce housing, which meets the following criteria shall be exempt from the provisions of the Transferable Development Rights (TDR) regulations set forth in Section 3506 of this Code:

1. The dwelling unit(s) are deed restricted in accordance with the Summit County Affordable Workforce Housing Deed Restriction Guidelines, which are on file in the Planning Department; and,

2. The dwelling unit(s) comply with the following affordability limits for average sales price or rental rate (when authorized) of affordable workforce housing, which are set forth in this Section. The sales price or rental rate (when authorized) shall be calculated in accordance with the methodology set forth in the Summit County Affordable Workforce Housing Deed Restriction Guidelines:

   a. Average Sales Price Required: The average sales price of the units shall not exceed affordability limits (as most recently determined by the U.S. Department of Housing and Urban Development (HUD) specifically for Summit County) for families and individuals at or below 100% of area median income (AMI). While the sales price of individual units may vary, the average sales price of the project, as a whole, shall be set so as to be affordable to households earning no more than 100% of AMI.

   b. Ability to request increased average sales price for diversified affordable workforce housing developments: Diversified affordable housing developments, which provide housing units available at a variety of affordability levels may be eligible to request an increased average sales price. The diversity in affordability levels will be evaluated on a project by project basis and shall be based on the most recent Summit County Housing Needs Assessment. When approved by the Review Authority, the average sales price of the units in a diversified affordable housing development can exceed affordability limits for families and individuals at 100% of AMI, up to an average of 120% AMI, or as otherwise approved by the Review Authority. An example of an affordability mix is below:
### Affordability Level (% AMI) | Percent of Overall Development
---|---
80% or less | 24%
80.1 – 100% | 26%
100.1 – 120% | 17%
120.1 – 140% | 20%
140% - 180% | 13%
Total | 100%

c. **Rental Rate Required:** The average rental rate of the units (when authorized) shall not exceed affordability limits (as most recently determined by the U.S. Department of Housing and Urban Development (HUD) specifically for Summit County) for families and individuals at or below 60% of area median income (AMI). While the rental rates of individual units may vary, the average rental rate of the project, as a whole, shall be set so as to be affordable to households earning no more than 60% of AMI.

d. **Voluntary and Alternative Measures of Compliance with TDR Program Regulations:** In accordance with the provisions for voluntary and alternative measures of compliance with the TDR Program Regulations in Section 3506.04 et seq. of this Code, substantial developments of fifteen (15) or more development rights in the Lower Blue, Snake River and Ten Mile basins are eligible to request an exemption from satisfying all or part of the TDR requirements for projects that further legitimate community interests and objectives as specifically promoted by master plan goals and policies or other County development policies (including the provision of deed-restricted affordable workforce housing that meets the specifications set forth in Section 3809.02 et. seq. of this Code). Per the provisions for voluntary and alternative measures of compliance with the TDR Program Regulations in Section 3506.04 et. seq. of this Code, the Review Authority has the ability to exempt housing from the provisions of these regulations where the average sale price or rental rate (when authorized) of the units exceeds the affordability limits set forth in Sections 3809.02.C.2.a., 3809.02.C.2.b. and 3809.02.C.2.c. above, when determined to be appropriate based on unique situations or considerations associated with a particular development proposal.

3. The dwelling unit(s) complies with all other applicable regulations in Section 3809.02 et seq. of this Code, including but not limited to: minimum floor area requirements, and standards for homeowner’s association dues.

### D. Minimum Floor Area Requirements for Affordable Workforce Housing Units

To ensure that a reasonable amount of living space is sold for the price of an affordable workforce housing unit, the following minimum floor area requirements shall be met for each unit type and affordability level. Unfinished spaces, such as unfinished basements, shall not be counted toward meeting the minimum floor area requirements.

| Minimum Floor Area Requirements for Affordable Workforce Housing Units (square feet) |
|---------------------------------|---|---|---|---|---|
| **Unit Type** | **Less than 80% AMI** | **80 – 100% AMI** | **100.1 – 120% AMI** | **120.1 – 140% AMI** | **More than 140% AMI** |
| Studio | 450 | 500 | 550 | 600 | 650 |
| 1-Bedroom | 650 | 700 | 750 | 800 | 850 |
| 2-Bedroom | 900 | 950 | 1,000 | 1,050 | 1,100 |
| 3-Bedroom | 1,100 | 1,200 | 1,300 | 1,400 | 1,600 |
| 4-Bedroom | 1,300 | 1,400 | 1,500 | 1,700 | 1,900 |

Compliance with the minimum floor area requirements shall be accomplished by means of adherence to the chart above. However, in the case of exceptional circumstances under which an Applicant articulates a need for flexibility to request a reduction to the applicable floor area requirements for proposed affordable workforce housing units, the Review Authority may consider and, if appropriate in light of the circumstances, approve a proposal to reduce the minimum floor area requirements. Such a determination by the Review Authority shall be based on factors including, but not limited to:

1. Design features that improve a home’s livability (e.g. an efficient and flexible layout with limited space used for hallways and staircases, high ceilings and windows that provide above average natural light);
2. Significant storage outside the unit in a garage or storage shed;
CHAPTER 3: Zoning Regulations

SUMMIT COUNTY DEVELOPMENT CODE

G. Community Vitality and Sustainability in Affordable Workforce Housing Developments

To facilitate the development of vibrant and sustainable neighborhoods, which serve a variety of community needs, developers are encouraged to provide the following elements when designing affordable workforce housing developments:

1. Road and path networks that encourage walking and promote a sense of community among residents.

2. Amenities or facilities, which serve other legitimate community needs, such as a child care center, post office, neighborhood meeting space, neighborhood commercial shops (i.e. coffee shop, general
store), community gardens or facilities for recreation and transportation (i.e. parks, athletic fields, and public transit stops).

3809.03: Accessory Apartments

A. Where Permitted: Accessory apartments are allowed as a permitted use only in single-family dwelling units in County zoning districts as specified in Figure 3-2, and may be permitted in a PUD as an allowed use if such use is requested as part of the creation or modification of a PUD per the zoning amendment process. Accessory apartments are also permitted in single-family dwelling development in the antiquated zoning districts remaining in effect, including but not limited to the RME and R-25 zoning districts. Permitted accessory apartments shall be evaluated per the Class 2 development review process outlined in Section 12000 et seq.

B. Detached Historic Structures: If an applicant is requesting an accessory apartment in a detached historic structure as provided for in this section, the Review Authority must find that the detached accessory apartment meets the criteria to determine the historic nature of the structure as outlined in Section 3809.03.M.1.A. and the related requirements in Sections 3809.03.M. et seq.

C. Not Allowed in Duplex or Multi-Family Dwellings: Accessory apartments are not allowed in duplex dwellings or multi-family dwellings.

D. Other Requirements: Accessory apartments shall conform to the requirements of this section and the other applicable requirements of this Code. An accessory apartment shall not be allowed on the same parcel as a caretaker unit.

E. Use of Primary and Accessory Units

1. General: When an accessory apartment is established on a parcel, either the accessory apartment or the primary residence shall be restricted to long-term rental to persons employed within Summit County a minimum of 30 hours per week or occupancy by relatives of the property owner. Long-term rental shall mean rental for at least six (6) months. Short-term rental of the restricted unit on the property is expressly prohibited. The County may allow exemptions to the employment requirement for persons with disabilities or persons who have reached retirement age. If allowed by the County, the employment exemption shall be included in the covenant required in subsection 2 below. Rental Procedures for Primary and Accessory Units:

   a. At such time that an approved unit becomes vacant, the property owner must immediately make reasonable good faith efforts to rent the unit to a qualified occupant. For purposes of this section, a qualified occupant is defined as persons residing and employed in the County a minimum of 30 hours per week.

   b. In the event that the County discovers the unit is not being rented according to the requirements of this section, the property owner shall have 90 days to lease the unit to a qualified occupant, and submit a copy of such lease to the County along with the names of the current tenants and their places of employment, or show cause as to why such unit has not been leased in accordance with these regulations.

   c. If the property owner is unable to lease the unit to a qualified occupant within 90 days, for good cause shown, the property owner shall contact the Summit Combined Housing Authority to request assistance with finding a qualified occupant to lease the unit. The property owner shall be allowed reasonable, good faith discretion in determining if any prospective tenants are suitable, provided that such discretion is not exercised intentionally or inadvertently in a manner to circumvent the intent of these regulations. However, in making such determination, no discrimination in terms of race, creed, gender, sexual orientation or other protected classifications will be tolerated.

   d. Any accessory apartment not properly leased in accordance with these requirements shall be deemed a violation of the accessory apartment approval and a breach of the covenant restricting the unit. The County shall have the ability to pursue any and all remedies necessary to enforce the requirements of this Section, including revocation of the accessory apartment approval, and the County shall be entitled to all costs, including reasonable attorney’s fees, incurred in enforcing the same.

2. Recordation of Covenant: All permits issued for an accessory apartment shall include the requirement that the property owner record a covenant restricting the use and occupancy of the property in accordance with the requirements outlined in this section. The covenant shall grant enforcement power to Summit County or an authorized designee.

3. Flexibility to Use an Approved Accessory Unit as Either an Accessory Apartment or a
Caretaker Unit: In situations where the location and design standards for construction of an accessory apartment (as set forth in Section 3809.03.F.) and a caretaker unit (as set forth in Section 3809.04.F.2) are identical (based on the subject property’s zoning and acreage), flexibility may be granted by the Review Authority to allow occupancy of the approved accessory unit in accordance with either: 1) the occupancy standards for use of an accessory apartment outlined in this section, or 2) the occupancy standards for use of a caretaker unit outlined in Section 3809.04.F.1. In cases where such flexibility is requested by the applicant and approved by the Review Authority, the flexible occupancy allowance shall be documented in the covenant required in subsection 2 above, to the satisfaction of the County Attorney.

F. Location and Design

1. Where allowed in County zoning districts, an accessory apartment shall be either (1) incorporated into the primary residence on the property; (2) located above a garage serving the primary residence; (3) incorporated into a barn serving agricultural uses only where a barn is permitted by the provisions of this Code; or (4) located in an existing detached structure, provided the structure meets the historic criteria outlined in Section 3809.03.M.1. An accessory apartment shall have a separate kitchen and may have a separate entrance from that of the residence with which it is associated. To ensure the single-family character of neighborhoods is retained, the following design elements shall be met for accessory apartments:
   a. Entrances: An accessory unit may have a separate entrance from that of the residence with which it is associated, however if the unit is located above a detached garage, an outside stairway shall not be allowed in order to preserve the single-family appearance of the neighborhood.
   b. Roof Lines: If the accessory unit is not located within the primary dwelling unit and located either above the garage or above a barn, then the roof design of the detached structure shall be similar to the primary dwelling unit’s design in terms of roof pitch and roofing materials.
   c. Building Materials: The building materials used in conjunction with the additional unit shall be of the same type and color scheme as contained in the primary dwelling unit.
   d. Landscaping: All parking areas provided in conjunction with the accessory use shall be landscaped to buffer the parking area from surrounding land uses, with the final landscaping reviewed and approved on-site prior to the issuance of a CO to help mitigate the potential negative visual impacts of the additional parking. Where landscaping is required, a financial guarantee shall be presented to the County prior to receiving a CO per the financial guarantee provisions listed in Section 3600 et seq.
   e. Detached Garages and Barns: Accessory apartments located above detached garages and barns are only allowed on lots equal to or greater than 20,000 square feet. Accessory apartments in barns are only allowed if such a structure is permitted by the underlying zoning district. An accessory apartment over a garage or barn is allowed only if such improvement does not extend beyond the basic footprint of such structures. Cantilevering or extending the accessory apartment beyond the footprint of a barn or a garage is not permitted except for minor encroachments outside of this footprint for bay windows, roof eaves, chimneys, and other similar appurtenances as may be approved by the Review Authority. A garage shall not be expanded by a storage area, shop or other similar addition to allow for more floor area for the accessory apartment above so that the building’s mass and the character of the area are maintained.
   f. Number of Bedrooms: The number of bedrooms shall be limited to a maximum of three (3) bedrooms.
   g. Building Form: Primary structures which include an accessory apartment shall be designed so that the exterior resembles a single-family residence and shall not be designed in a manner where the exterior resembles a duplex design (i.e., a structure containing two identical, side-by-side dwelling units with two entry doors on the front façade).
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

G. **Number of Units Allowed**
   In zoning districts where accessory apartments are permitted, no more than one (1) accessory apartment shall be permitted on each parcel.

H. **Size of Units Allowed**
   1. Where accessory apartments are permitted, the floor area in the accessory apartment shall not exceed 1,000 square feet. In calculating the floor area of an accessory apartment to determine compliance with this section, any garage space associated with the accessory apartment shall be excluded.
   2. Detached accessory apartments that meet the historic criteria outlined in Section 3809.03.M.1 can be larger than 1,000 square feet, and have more than three (3) bedrooms, if they are located on parcels 20 acres or greater and zoned A-1.

I. **Water and Sewer**
   1. **Central Water and Sewer:** If a proposed accessory apartment is located within an area served by central water and sewer, the property owner shall pay additional water and sewer tap fees or other charges for an accessory apartment if so required by the supplier of the water and sewer service. Such tap fees and any charges shall be paid prior to the issuance of a building permit for an accessory apartment.
   2. **Well Water:** When an accessory apartment is proposed to be served by a well, the applicant shall identify the source they propose to use for the provision of water and, if water augmentation, water leasing or some other legal form of additional water right for the apartment in necessitated, the applicant shall also provide written confirmation from the entity to provide water that the water augmentation will occur. If a proposed accessory apartment does not have an existing water right (as evidenced by a valid well permit, or court approved water augmentation plan), any approval of an accessory apartment that will provide water by a well shall include a condition that, prior to the issuance of a building permit, the applicant shall submit either: 1) a final court decreed water augmentation plan; 2) a water lease; or, 3) some other legal document providing evidence of additional water right for the apartment.
   3. **Individual Sewage Disposal System:** When an accessory apartment is proposed to be served by an ISDS system, the County’s Public Health Department shall provide referral comments on the application, which may include specific requirements to ensure a site can accommodate an ISDS. If the Public Health Dept. determines that a site can most likely accommodate the necessary ISDS and any other related requirements, then an ISDS permit will need to be obtained prior to the issuance of a building permit.

J. **Parking**
   Each accessory apartment shall be provided with parking in accordance with County parking requirements (see Figure 3-7). Parking for the accessory apartment shall be provided only in a designated, paved or graveled area and shall not exceed two spaces. However, if the size of an accessory apartment would allow three (3) people to occupy the unit in accordance with Section 3809.03.L. then a maximum of three parking spaces shall be allowed. Parking may be tandem, (outside or in a garage) and no administrative relief from the parking requirements is necessary to allow the tandem parking.

K. **Compliance with Building and Fire Codes**
   Where an applicant is requesting a Class 1 permit for an accessory apartment and the apartment was in existence prior to 1988, the unit shall be inspected and shall comply with applicable requirements of the Building and Fire Codes prior to occupancy of the accessory apartment. The Review Authority may add a condition that an existing accessory apartment be brought into compliance with the applicable Building Code and Fire Code by a date certain, not to exceed one (1) year after the date of any approval. If this condition is not met, the Review Authority’s approval shall be void.

L. **Impact on Neighborhood and Findings for Approval**
   1. An accessory apartment shall be established and occupied in a manner that preserves the residential character of the neighborhood where it is located. To reach this intent, the total occupancy of the accessory apartment and the primary unit shall meet all the requirements of the definition of family as outlined in Chapter 15 with the exception that an accessory apartment may not be occupied by more than three (3) individuals, regardless of their relationship (limited to one (1) person per 300 square feet).
   2. An accessory apartment, which is located in a detached historic structure and is larger than 1,000 square feet, may have one (1) additional occupant per 300 square feet, up to a maximum of five (5) occupants, provided the structure is located on a parcel 20 acres or greater, and zoned A-1.
   3. All other restrictions of this Code, including animal restrictions, shall apply as if to one (1) single-
family dwelling. For example, if the zoning district restricts a single-family dwelling to two (2) dogs, the dwelling and the accessory apartment combined shall not have more than two (2) dogs.

4. The Review Authority may approve an accessory apartment only if the application meets all relevant regulations and standards set forth in Section 3809.03 et seq. and provided the Review Authority makes the following findings:
   a. The proposed accessory apartment is in harmony and compatible with surrounding land uses and the neighborhood, and would not create a substantial adverse impact on adjacent properties or on services and infrastructure.
   b. Approval of the proposed accessory apartment would not result in excessively high activity levels or intensity of uses (i.e. traffic, noise, parking) within the neighborhood.

M. Detached Accessory Apartments
Purpose and Intent: Detached older structures used as accessory apartments can provide benefits. Such use can provide for affordable or local housing that is compatible with the surrounding neighborhood, complements community character, is of good quality, and integrated into free-market housing. Permitting older detached structures and using them as accessory apartments can encourage their rehabilitation, preserve the County’s heritage and promote the preservation of structures that might have architectural, historical or cultural significance. Moreover, enhancement of property values and the stabilization of historic neighborhoods, farms, ranches and sites can be achieved.

1. Proof of Historic Nature of Detached Accessory Apartments
   Proof of Historic Nature: An applicant must provide proof of the historic nature of a proposed detached structure for use as an accessory apartment; criteria to determine the historic nature of the structure are as follows:
   a. The structure was built prior to 1960; had previously been or is currently being used as a residence; the original, distinctive character is well preserved; and the integrity of setting and materials is retained. Determination as to the date the proposed structure was built and used as a place of residence shall be based on conclusive evidence. Conclusive evidence can be provided through a combination of at least two (2) of the following:
      1. County Assessor data.
      2. Historic records provided by the applicant.
      3. Dated photographs (e.g., aerial or historical).
      4. Official designation on a national, state or local historic registry (e.g., National Register of Historic Places, Colorado State Register of Historic Properties, Summit County Historic Preservation Advisory Board, Summit Historic Society).
      5. Sworn affidavit from someone with personal knowledge of the property.
      6. Other evidence deemed credible by the Reviewing Authority.

2. Alterations or Rehabilitation to Preserve Character
   Any proposed addition, alteration or rehabilitation to a detached accessory apartment shall generally preserve the original, distinctive character of the building and its site. However, the Review Authority may allow for reasonable changes of the original, distinctive character if such change is being caused by the application of applicable Code requirements, including but not limited to Building Code and Fire Code requirements.

3. Additional Submittal Requirements
   In addition to the requirements contained in Section 3809.03, a request for a detached accessory apartment shall also be subject to the following requirements:
   a. Presubmittal Meeting: A presubmittal meeting shall be held jointly between a project proponent and the Planning and Building Departments prior to submittal of an application for a detached accessory apartment per the provisions of Section 12000 et seq. The purpose of the meeting is to discuss issues that need to be addressed, appropriate building Code requirements and the review schedule.
   b. Building and Fire Code Reports: A report or analysis regarding appropriate Building and Fire Code requirements shall be submitted by a Colorado licensed design professional. The report or analysis shall indicate the potential need and extent of modifications necessary to the detached accessory apartment to make it habitable per the Building and Fire Codes.
   c. Narrative on How Original, Distinctive Character Will be Maintained: A detailed narrative of how the owner will upgrade the appearance of the proposed detached accessory apartment to preserve the historical integrity and original, distinctive character of the existing building and site shall be submitted.
N. Relationship to Previous Approvals for Accessory Apartments and Length of Validity

The County’s previous approval of a permit for an accessory apartment is valid so long as the use is authorized under Figure 3-2 and so long as the accessory apartment continues to meet the specific conditions or requirements that were in force or specifically applied to the project by the County’s previous approval. The Review Authority’s approval of an accessory apartment can be revoked in accordance with Section 12000.19.

3809.04: Housing for On-Site Employees

A. Purpose and Intent

Much of Summit County’s economy is tied to the ski industry in the wintertime and conference and convention business, outdoor recreation and construction in the summertime. The work force employed in these industries is typically seasonal, with peak demand in the winter months. Most of the jobs are in the service industry, which has a tradition of being lower paid. At the same time, housing costs in the county tend to be high and choices on housing limited at certain times of the year. Summit County’s economy also includes ranching, which employs a lower paid, seasonal work force. It is the intent of the BOCC to encourage the provision of housing for on-site employees by allowing this use in zoning districts and in types of development projects where employees are to be expected. Where housing for on-site employees is provided, it is the BOCC’s intent to insure that such housing is used for its intended purpose. On-site employee housing is allowed in County zoning districts as specified in Section 3809.04.B. below and also as listed in Figure 3-2. This section includes regulations on, and requirements for, the following types of housing for on-site employees:

1. Caretaker units for on-site caretakers in agricultural areas and single-family developments.
2. On-site employee housing for commercial/industrial businesses, multifamily residential developments, ranching and farming operations, and mining operations.
3. Employee housing for ski resorts.

On-site employee housing shall conform to the requirements of this section and the other applicable requirements of this Code.

B. Types of Housing For On-Site Employees

1. Caretaker Units for On-site Caretakers:
   Caretaker units are residential dwelling units occupied by relatives or employees of the owner of the property where the unit is located, who provide security and/or caretaking services on the property. Caretaker units are allowed as either a permitted or accessory use in County zoning districts as specified in Figure 3-2 and may be permitted in a PUD as an allowed use if such use is requested as a part of the creation or modification of a PUD per the zoning amendment process. Caretaker units are also permitted in single-family dwelling development in the antiquated zoning districts remaining in effect, including but not limited to the RME and R-25 zoning districts. Caretaker units shall conform to the requirements of Section 3809.04.F. below and the other applicable requirements of this Code.

2. On-site Employee Housing for:
   a. Commercial and Industrial Businesses: An on-site employee housing unit for a commercial/industrial business is an accessory dwelling unit, located on the same property as the commercial or industrial business, which is used to house persons employed by the owner of that business. On-site employee housing units for commercial and industrial businesses are permitted in County zoning districts that allow commercial and industrial development, as specified in Figure 3-2. These units are also permitted in commercial and industrial developments in the antiquated zoning districts remaining in effect, including but not limited to the B-1 and B-3 zoning districts, and in PUDs where commercial or industrial development is allowed. These on-site employee housing units can either be incorporated into a commercial/industrial building or located in a separate, freestanding structure on the same property as the commercial/industrial business.
   b. Multifamily Residential Developments: An on-site employee housing unit for a multifamily residential development is a residential dwelling unit within a multifamily development, which is occupied by person(s) who provide on-site management and/or maintenance services for the development (i.e. building and landscape maintenance, housekeeping, etc.) On-site employee housing units for multifamily residential developments are allowed as a permitted use in County zoning districts that allow multifamily development, as specified in Figure 3-2. This type of employee housing unit is also permitted in multifamily developments in the antiquated zoning districts remaining in effect, including but not limited to the R-25 zoning district, and in
PUDs where multifamily development is allowed.

c. **Ranching and Farming Operations:** On-site employee housing for ranching and farming operations are bunkhouses or hired hand quarters that are provided for temporary, seasonal harvesting crews on a farm or ranch property. On-site employee housing for ranching and farming operations is allowed as a permitted use on A-1 zoned parcels of 35 acres or more and as a conditional use on A-1 zoned parcels less than 35 acres, provided the employee housing is accessory to an active ranching or farming operation.

d. **Active Mining/Milling Operations:** On-site employee housing is permitted as an accessory use to active mining/milling operations on parcels in the M-1, I-1 and A-1 zoning districts. On-site employee housing for active mining/milling operations are limited to bunkhouses providing sleeping quarters for employees working for an active mining/milling operation on the property where the bunkhouse is located.

3. **Employee Housing for Ski Resorts:** The provisions for employee housing at each of the major ski areas located in the unincorporated area of the County are stated in the PUD designation for the ski resort (i.e. the Copper Mountain and Keystone Resort PUDs).

C. **Incentives for Provision of Housing for On-Site Employees**

   To encourage the provision of housing for on-site employees, dwelling units which have been restricted by covenant to use as housing for on-site employees in accordance with Section 3809.04.D. below, shall not be counted in calculating the density of a development project (including both dwelling units per acre and total floor area).

D. **Restrictions on Employee Units**

   1. **Covenant Required:** Prior to issuance of any building permit for an on-site employee housing unit, a covenant restricting the unit to use as housing for on-site employees shall be submitted to the Planning Department for review and recordation, except as provided in this section. On-site employee housing units shall be occupied on a long term basis by on-site employees only and shall not be rented on a short term basis or rented to the general public under any circumstances, except as provided in this section. The requirement for long term occupancy by on-site employees and other key requirements of this section shall be stated in the covenant recorded against an on-site employee housing unit.

   2. **Exceptions:**

      a. **Units for Seasonal Agricultural Labor and Activities:** Where employee housing has been provided on a farm or ranch for the purpose of housing harvesting crews, such units need not be restricted to long term occupancy but shall not be used for rental to the general public. Occupancy of such units by hunting and fishing permitees shall be allowed.

E. **Removal of Restrictions**

   Where a dwelling unit has been restricted by covenant to use as housing for on-site employees, the covenant may be removed by mutual consent of the BOCC, the property owner and any lien holder subject to the following findings:

   1. The retention of the covenant will result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the property owner.

   2. If the employee housing unit becomes an unrestricted unit and is added to the unit count in the project, it will not cause the project to exceed its density limits.

F. **Caretaker Units for On-Site Caretakers**

   Caretaker units are allowed as either a permitted or accessory use in County zoning districts as specified in Figure 3-2 and may be permitted in a PUD as an allowed use if such use is requested as a part of the creation or modification of a PUD per the zoning amendment process. Caretaker units are also permitted in single-family dwelling development in the antiquated zoning districts remaining in effect, including but not limited to the RME and R-25 zoning districts. Caretaker units shall conform to the requirements of this section and the other applicable requirements of this Code.

   1. **Use of Primary and Caretaker Unit**

      a. **General:** Caretaker units shall be occupied by relatives or employees of the owner of the property where the unit is located, who provide security and/or caretaking services on the property. Caretaker units shall not be used as guest quarters, offered to or used as rental units by the general public, or rented on a short-term basis.

      b. **Recordation of Covenant:** Approval of a caretaker unit shall include the requirement that the property owner record a covenant restricting use of the unit to members of the property owner's family or employees of the owner in accordance with this section. The covenant shall grant enforcement power to Summit County.
SUMMIT COUNTY DEVELOPMENT CODE  
CHAPTER 3: Zoning Regulations

c. Flexibility to Use an Approved Accessory Unit as Either an Accessory Apartment or a Caretaker Unit: In situations where the location and design standards for construction of an accessory apartment (as set forth in Section 3809.03.F.) and a caretaker unit (as set forth in Section 3809.04.F.2) are identical (based on the subject property’s zoning and acreage), flexibility may be granted by the Review Authority to allow occupancy of the approved accessory unit in accordance with either: 1) the occupancy standards for use of an accessory apartment outlined in Section 3809.03.E., or 2) the occupancy standards for use of a caretaker unit outlined in this Section. In cases where such flexibility is requested by the applicant and approved by the Review Authority, the flexible occupancy allowance shall be documented in the covenant required in subsection B above, to the satisfaction of the County Attorney.

2. Location and Design
   a. A-1 Zoning District: On parcels of 35 or more acres, a caretaker unit may be located in a freestanding residence separate from the property owner's residence, may be incorporated into the primary dwelling or a garage serving the primary dwelling or may be located in a recreational vehicle, where the recreational vehicle is located at least 300 feet from any property line and, where practical, is screened from view from any street or highway abutting the property. On parcels of less than 35 acres, a caretaker unit shall be incorporated into the primary dwelling or a garage serving the primary dwelling. For parcels zoned A-1 greater than 20 acres, caretaker units may be established in a manufactured home, provided such home meets all state and local standards.

   b. M-1 Zoning District: A caretaker unit may be located on a parcel in the M-1 Zoning District where an active mining operation is being conducted. The caretaker unit may be located in a freestanding residence, or where the mining operation is seasonal, in a recreational vehicle provided the recreational vehicle is not located on the property for more than six (6) months each year.

   c. R-1, R-2, R-3, R-4 and R-6, RU, RE or in PUDs That Allow Such Units: To ensure the single-family character of neighborhoods is retained, the following design elements shall be met for caretaker units:
      i. **Entrances:** A caretaker unit may have a separate entrance from that of the residence with which it is associated, however if the unit is located above a detached garage, an outside stairway shall not be allowed in order to preserve the single-family appearance of the neighborhood.
      ii. **Roof Lines:** If the caretaker unit is not located within the primary dwelling unit and located above the garage then the roof lines shall be similar to the primary dwelling unit’s design in regards to roof pitch and roofing materials.
      iii. **Building Materials:** The building materials used in conjunction with the additional unit shall be of the same type and color scheme as contained in the primary dwelling unit.
      iv. **Landscaping:** All parking areas associated with the caretaker unit shall be landscaped to buffer the parking area from surrounding land uses, with the final landscaping reviewed and approved on-site prior to the issuance of a CO to help mitigate the potential negative visual impacts of the additional parking. Where landscaping is required, a financial guarantee may be required in order to receive a CO per the financial guarantee provisions listed in Section 3600.
      v. **Detached Garages:** Caretaker units located above detached garages are only allowed on lots equal or greater than 20,000 square feet. A caretaker unit over the garage or barn is allowed only if the unit does not extend beyond the basic footprint of such structures. Cantilevering or extending the caretaker unit beyond the footprint of a barn or a garage is not permitted, except for minor encroachments outside of the footprint for bay windows, roof eaves, chimneys, and other similar appurtenances as may be approved by the Review Authority. A garage shall not be expanded by a storage area, shop or other similar addition to allow for more floor area for the caretaker unit above so that the buildings mass and the character of the area is maintained.
      vi. **Number of Bedrooms:** The number of bedrooms shall be limited to a maximum of three (3) bedrooms.
      vii. **Building Form:** Primary structures which include a caretaker unit shall be designed so that the exterior resembles a single-family residence and shall not be designed in a manner where the exterior resembles a duplex design (i.e., a structure containing two identical, side-by-side dwelling units with two entry doors on the front façade).
3. Number of Units Allowed
   a. **A-1 Zoning District:** No more than one (1) caretaker unit shall be permitted for each primary dwelling unit allowed.
   b. **M-1 Zoning District:** No more than one (1) caretaker unit shall be permitted for each mining operation.
   c. **PUD Zoning District:** The number of caretaker units allowed shall be governed by the PUD designation, and in no event will the number exceed more than one (1) unit per parcel.
   d. **Other Zoning Districts:** In other zoning districts where caretaker units are permitted, no more than one (1) caretaker unit shall be permitted on each parcel.
   e. **Relationship to Accessory Apartments:** A caretaker unit shall not be allowed on the same parcel as an accessory apartment.

4. Size of Units Allowed
   On parcels of 35 or more acres in the A-1 Zoning District or on parcels of any size in the M-1 Zoning District, the size of the caretaker unit is not regulated. On parcels of less than 35 acres in the A-1 District, and within the single family residential zoning districts and PUD Zoning Districts where caretaker units are allowed, a caretaker unit shall not exceed 1000 square feet.

5. **Water and Sewer Service**
   Prior to approval of a caretaker unit, the property owner shall pay additional water and sewer tap fees and charges for a caretaker unit if so required by the supplier of the water and sewer service. If a well and septic system are proposed to serve a caretaker unit, the provisions of Sections 3809.03.E.2 and 3 shall be applied to the caretaker unit.

6. Parking
   Each caretaker unit shall be provided with parking in accordance with County parking requirements (see Figure 3-7).

7. **Compliance with Building and Fire Codes**
   Where an applicant is requesting a caretaker unit per the provisions of this Code or a PUD and the unit was in existence prior to the effective date of this Code, the unit shall be inspected and shall comply with applicable requirements of the Building and Fire Codes prior to any Certificate of Occupancy if so required by the Review Authority. Where the caretaker unit is proposed to be built after the effective date of this Code, the unit shall be constructed in accordance with the Building and Fire Codes and shall receive a CO for the conditional use permit to be valid.

**3810: Home Occupations**

The purpose and intent of this section of the Code is to allow for certain home occupations within the county based on specific limits and requirements. These regulations are also intended to (1) provide for economic development, (2) increase the availability of childcare, and (3) facilitate community development. These regulations are also intended to ensure that home occupations are compatible with the residential development in the surrounding neighborhoods and to protect the overall community character.

A. **Zoning Districts Where Permitted:**
   1. Figure 3-2 demonstrates where home occupations may be allowed in various County zoning districts. Home occupations are also allowed in the antiquated zoning districts remaining in effect listed in Section 3305.01.
   2. **PUDs:** A home occupation may be permitted in a specific PUD, without necessitating a PUD modification, provided such use meets the standards and criteria of Section 3810 for Accessory Use or Low Impact Home Occupations. However, for any home occupation which may fall within the category of a Moderate Impact Home Occupation, as defined in Section 3810 et seq., a home occupation may only be approved as an expressly allowed use through the PUD modification process.
   3. If a specific land use is listed in Figure 3-2 as “not allowed” or as a conditional use, a property owner may still apply for a home occupation permit as provided for in this section, and approval may be granted if the proposed use meets the criteria for approval stated in Section 3810.05. Notwithstanding the foregoing, it is understood that some land uses in Figure 3-2 or other land uses that may be desired as a home occupation may not be permitted by the County due to the inability to meet the required criteria for home occupations including, without limitation, home occupations which involve high intensity manufacturing, overtly commercial operations for the sale of goods or products, any activity utilizing highly flammable or hazardous materials for
commercial purposes, or other high level commercial uses in a residential setting.

B. **Requirements:** A home occupation, as may be permitted in the underlying zoning districts, shall conform to the criteria and requirements stated in this section and other applicable requirements of this Code in order to be established, and must continue to comply with these criteria for the entire duration of such use.

### 3810.01: Categories of Home Occupations

**A. Definition:** Home occupations, for the purpose of this section, are certain limited commercial enterprises that are conducted by a person in his or her residence, or on the same lot as his or her residence.

**B. Types of home occupations:** Home occupations, for the purpose of this section 3810, are separated into three main categories, as follows:

1. **Accessory Use Home Occupations:** Home occupations that comply with the criteria listed in sections 3810.05.A and 3810.05.B are classified as Accessory Use Home Occupations. Examples of accessory use home occupations may include, but are not limited to such uses as:
   a. Computer software developer/consultant;
   b. Internet web page designer; and,
   c. Telemarketer.

2. **Low impact home occupations:** Home occupations that comply with the criteria listed in sections 3810.05.A and 3810.05.C are classified as Low Impact Home Occupations. Examples of low impact home occupations may include, but are not limited to such uses as:
   a. Portrait photographer/artist;
   b. Architect;
   c. Electrician or Plumber;
   d. Civil, electrical or mechanical engineer; and,
   e. Home childcare (limited to not more than nine (9) children, including infants and the children of the residents of the premises). Notwithstanding the foregoing, these regulations neither expressly nor implicitly exempt any home childcare operation from any permitting process required by Summit County, the State of Colorado, or any other applicable jurisdiction, as the same applies specifically to child care operations.

3. **Moderate Impact Home Occupations:** Home occupations that comply with the criteria listed in sections 3810.05.A and 3810.05.D are classified as Moderate Impact Home Occupations. Examples of moderate impact home occupations may include, but are not limited to such uses as:
   a. Furniture repair;
   b. Small equipment repair;
   c. Doctor or Dentist; and,
   d. Any home childcare operation consisting of more than nine (9) children at any time, including infants and the children of the residents of the premises is considered a moderate impact home occupation and subject to conditional use permit review. Notwithstanding the foregoing, these regulations neither expressly nor implicitly exempt any home childcare operation from any permitting process required by Summit County, the State of Colorado, or any other applicable jurisdiction, as the same applies specifically to child care operations.

### 3810.02: Application for Home Occupation Approval

If a home occupation is operated as an accessory use home occupation, in compliance with Sections 3810.05. A and B, a permit is not required. All home occupations that do not meet the criteria to be classified as an accessory use home occupation, Sections 3810.05. A and B, must apply for approval to the Planning Department. For those accessory use home occupations meeting the requirements of Sections 3810.05. A and B for which a business license is required, the review of the home occupation will be performed in conjunction with the business license review. Home occupations classified as low impact home occupations meeting the criteria in Sections 3810.05.A and C will be reviewed through the Class 2 review process. Home occupations classified as moderate impact home occupations meeting the criteria in Sections 3810.05.A and D will be reviewed through the Class 4 CUP review process. An applicant may request approval under any of the three types of home occupations stated in Section 3810.01.B. The Planning Department shall make the final determination regarding the appropriate type of home occupation being requested. Appeals of this determination shall be processed in accordance with section 13200 of this
3810.03: Administrative Planning Approval

A. The Planning Department may approve any low impact home occupation on an administrative basis. Low impact home occupations may be subject to any additional conditions of approval as a part of the Planning Department’s administrative approval in order to ensure that the criteria set forth herein, and the purpose and intent of this section 3810, are met and adhered to.

B. All home occupations approved on an administrative basis by the Planning Department shall maintain such operation in accordance with the category status for such activities which approval was premised upon. Any failure to maintain such limitations on the scope and impact of the operation shall be considered a violation of this Code and subject the operating party to Code enforcement action.

3810.04: Conditional Use Permit

A. In order for any moderate impact activity to be recognized as a valid and legal home occupation, the person conducting this home occupation must first file a home occupation application with the Planning Department and obtain a conditional use permit per Section 12300 of this Code.

B. All conditional use permits shall be issued contingent upon continued compliance with the standards set forth in this section 3810, and all other applicable Code requirements, and shall be issued for an initial duration of five years, with the opportunity for administrative renewal as set forth below in section 3810.06. Nevertheless, the Review Authority may impose a shorter duration of approval to determine if the applicant maintains compliance with the conditions and criteria of approval.

3810.05: Performance Standards

A. General: In order for any accessory use home occupation activity to be recognized as valid and permissible, the following performance standards shall be met in addition to those specific to the type of home occupation permit being applied for:

1. The home occupation activity shall not result in any objectionable noise, fumes, dust or electrical disturbance, as shall be determined by the Planning Department in its sole discretion.

2. No motor vehicles equal to or greater than thirty three (33) feet in length, or 15,000 pounds gross vehicle weight, nor any tractor trailer vehicle containing more than fourteen (14) surface tires, are permitted to enter, leave, or be stored on any property where a home occupation is conducted. The location of the home occupation shall not interfere with the provision of mandatory parking spaces for that property, pursuant to the Code.

3. No home occupation may be operated as a center for retail sales, and no such activity may include any display of goods or advertisement for sale meant to entice the public to pursue such retail sales, any stock in trade, or any other commodities.

4. All primary home occupation activities shall be contained within an enclosed building, and all associated activities may be subject to effective screening and mitigation as determined appropriate by the Planning Department or other Review Authority.

5. The person(s) conducting the home occupation must reside in his or her primary residence, and all home occupation activities must remain incidental and secondary to the use of the property for residential purposes.

6. The amount of space used for the home occupation activity shall at no time exceed 25% of the total building square footage contained on the property, inclusive of all structures located thereon. This provision does not apply to home day care.

7. The Review Authority, if applicable, in its sole discretion, may impose any additional conditions of approval upon any conditional use permit in order to ensure that the criteria set forth herein, and the purpose and intent of this section 3810, are met and adhered to.
B. **Accessory Use Home Occupation:**
   The following performance standards must be met in addition to the performance standards for an accessory use home occupation:
   1. The use is conducted entirely within the interior walls of the premises.
   2. The use involves no employees other than the occupant(s) of the residence.
   3. There are no customer visits to the premises.
   4. The use does not generate additional traffic impacts, parking impacts, or impacts on adjacent properties other than what would normally be expected in a residential development.
   5. The use does not include any nonresidential outdoor storage associated with the home occupation.
   6. The use does not include any signage for the home occupation.

C. **Low Impact Home Occupation Permit:**
   The following performance standards must be met in addition to the performance standards for a low impact home occupation permit to be approved:
   1. The use is conducted entirely within the interior walls of the premises. This provision does not apply to home day care.
   2. The use involves only the residents of the premises as employees, and not more than one additional individual at any time, regardless of whether such individual is acting as an employee, independent contractor, officer, agent, partner, volunteer, or any person serving in any other capacity for the direct furtherance of and performance of the home occupation activity.
   3. The use generates no traffic volumes exceeding that produced by the dwelling unit by more than 16 average daily trips or a maximum of 30 trips during any 24-hour period. This provision does not apply to home day care.
   4. In platted subdivisions, no more than one vehicle associated with the use, registered as a passenger vehicle, light truck, recreational truck, or farm truck may be parked outside on the property.
   5. The use may include the provision of products or services to clients on site, but shall not allow for the point of sale conveyance of any goods or products to any customer on site per section 3810.05.A.4.
   6. Any low impact home occupation seeking the allowance for non-residential outdoor storage, in accordance with §3815 of this Code, shall apply for a Class 2 application concurrently with and contingent upon approval of the home occupation application.
   7. Any signs advertising a home occupation activity must first be reviewed and approved in accordance with the Summit County sign regulations contained in Chapter 9 of this Code.

D. **Moderate Impact Home Occupation Permit:**
   The following performance standards must be met in addition to the performance standards for a moderate impact home occupation conditional use permit to be approved:
   1. All primary home occupation activities shall be contained within an enclosed building, and all associated activities may be subject to effective screening and mitigation as determined appropriate by the Planning Department or other Review Authority.
   2. The use involves only the residents of the premises as employees, and not more than one additional individual at any time, regardless of whether such individual is acting as an employee, independent contractor, officer, agent, partner, volunteer, or any person serving in any other capacity for the direct furtherance of and performance of the home occupation activity.
   3. The use may generate traffic volumes which exceed that produced by the dwelling unit by more than 16 average daily trips or 30 trips during any 24-hour period but shall not be so significant it will not result in significant adverse impacts to the adjacent neighborhood.
   4. Any moderate impact home occupation seeking the allowance for non-residential outdoor storage, in accordance with §3815 of this Code, shall apply for a Class 2 application concurrently with and contingent upon approval of the home occupation application.
   5. In platted subdivisions, no more than two vehicles associated with the use, registered as a passenger vehicle, light truck, recreational truck, or farm truck may be parked outside on the property.
   6. The use may provide services to clients on site, and the point of sale conveyance of goods or products to a customer on site, subject to the limitations on such sales set forth in section 3810.05.A.4 of the Code.
   7. Any signs advertising a home occupation activity must first be reviewed and approved in accordance with the Summit County sign regulations contained in Chapter 9 of this Code.
3810.06: Length of Validity/Permit Renewal

Permit validity for any home occupation permit shall be in accordance with Section 12000.17. Upon a permit holder’s demonstration, to the satisfaction and approval of the Planning Department, that all conditions and performance standards set forth in the initial permit have been complied with for the duration of said permit, permits for home occupation activities may be renewed for a period of up to five (5) years. Renewal of such permits may be approved pursuant to the standards and procedures set forth in Section 12000 of the Code.

3810.07: Permit Transferability

No conditional use permit for a home occupation may be transferred upon sale or lease of the subject property, nor may such permit be otherwise assigned or sold to another person and/or business. Any new landowner or lessee desiring to continue the home occupation activity at issue must apply for a new conditional use permit.

3810.08: Permit Revocation of Home Occupation Permits

A. If, upon review at any time, the Planning Department determines that the permit holder has failed to comply with any of the performance standards, conditions or restrictions imposed by this section 3810, by the home occupation permit itself, or by the representations and assertions made by the applicant in his or her initial permit application, the Planning Department may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the permit.

B. The administrative decision to revoke such permit shall be made only after the issuance of notice to the permit holder regarding the asserted noncompliance, and the provision of an opportunity for the permit holder to make a formal response, within ten (10) days of receipt of notice, to the Planning Department regarding any asserted noncompliance. Any decision by the Planning Department to revoke the permit may be appealed to the Summit County Board of County Commissioners within 10 days of receipt of written notice of such revocation, otherwise that decision shall be final and not subject to appeal. All appeals shall be heard at the first public hearing of the Summit County Board of County Commissioners that is scheduled no less than fourteen days after an appeal is filed by the permit holder.

3810.09: Appeal Procedure for Denial of Permit

If the application for a conditional use permit is denied, the applicant may appeal that decision to the Board of County Commissioners within 10 days of receipt of written notice of such denial, otherwise the permit denial shall be final and not subject to appeal. All decisions by the Planning Commission may be appealed to the Summit County Board of County Commissioners, pursuant to the applicable appeal procedures set forth in section 13200 of the Code.

3811: [Reserved]

3812: Mining/Milling

Purpose and Intent:

A. It is the intent of the BOCC to allow mining operations and/or milling operations (“mining/milling operations”) in Summit County provided that significant adverse impacts of such operations on the health, safety, and welfare of the inhabitants and environment of Summit County are avoided or adequately mitigated, particularly as to those properties in the vicinity of, or along transportation routes to, the mining/milling operation.

B. Extractive natural resource uses, such as mining/milling operations, come in many forms and have a variety of impacts associated with those activities, including noise, dust, traffic, visual impacts and land use compatibility concerns. Establishing limited land use development criteria by which to evaluate and/or regulate mining/milling operations can help mitigate possible adverse impacts. Mining/milling operations shall conform to the requirements of this section.

3812.01: Nonconforming Mining/Milling Activities (Grandfathered)
A. **Legal, Non-conforming Mining or Milling:** Mining and/or milling operations conducted pursuant to a permit that was issued by the State of Colorado Mined Land Reclamation Board under the following regulations prior to the adoption of the County’s Mining Regulations on January 26, 2004, or pursuant to amendments of such a permit even if the date of the amendment is subsequent to January 26, 2004, are deemed to be legal nonconforming uses for which a permit under this section 3812 is not required: the Mineral Rules and Regulations for Hard Rock/Metal and Designated Mining Operations (2 CCR 407-1) governing Section 110, Section 111, Section 112, and Designated Mining Operations; Coal Mining Regulations (2 CCR-407-2); and Construction Materials Regulations (2 CCR-407-4).

B. **Illegal, Non-conforming Mining or Milling:** Any mining/milling operation that does not satisfy the requirements of Section A above, or any expansion that constitutes a material modification of a preexisting, legal nonconforming mining/milling operation that has not been permitted, whether pursuant to the original permit or an amendment thereof, by the State of Colorado pursuant to the regulations listed in subsection A above, shall be an illegal nonconforming use. Any such illegal uses shall be subject to an immediate enforcement action, including but not limited to the mitigation of any adverse impacts in accordance with the County’s Mining Regulations, land use development criteria, and any other applicable law, rule or regulation.

### 3812.02: Zoning Designations for Mining Operations

A. **M-1 Zoning District:** Mining operations are permitted in the M-1 Zoning District.

B. **BC Zoning District:** Mining operations in the BC Zoning District are only permitted pursuant to a Section 110 limited impact permit (“110 Permit”) issued by the State Mined Land Reclamation Board (“MLRB”). At the discretion of the Planning Director, mining operations not covered by a Section 110 permit may be permitted in the BC Zoning District with a conditional use permit when such operations are specifically tied to the purposes of reclaiming historic mining impacts and/or improving habitat or the natural environment.

C. **A-1 and I-1 Zoning Districts:** Mining operations are permitted in the A-1 and I-1 zoning districts with approval of a conditional use permit.

### 3812.03: Zoning Designations for Milling Operations

A. Milling operations are permitted in the M-1 Zoning District.

B. Milling operations are not allowed in the BC Zoning District.

C. Milling operations are permitted in the A-1 and I-1 zoning districts with approval of a conditional use permit.

### 3812.04: Applications for Mining/Milling Permits

The following regulations and criteria are not intended to conflict with, or supersede reclamation activities as permitted by and governed under the Mined Land Reclamation Act. Rather, all mining and/or milling operations shall be subject to a land use review by the appropriate Review Authority to ensure, to the extent authorized by law, and in concert with the MLRA, that such operations are located and conducted in such a manner as to prevent significant adverse impacts on the public health, safety, and welfare of Summit County. All new mining/milling operations and illegal, non-conforming operations as defined above in Section 3812.01B shall submit an application for a permit.

A. **Application Procedures:**
   1. Application for a Mining/Milling Permit where mining/milling is a permitted use shall be processed as a Class 2 Review.
   2. Applications for a Mining/Milling Permit where mining/milling is allowed as a conditional use shall be processed per the review procedures generally applicable to the issuance of conditional use permits as set forth in Section 12300 et seq., and include the criteria as set forth in Section 3812.04(C), below.

   The words and terms used in this section shall have the meanings as may be expressly defined in this Code.

B. **Application Requirements:**
   1. All applications for mining and/or milling permit shall demonstrate compliance with all applicable State and Federal regulatory schemes applicable to the proposed operation. In order to achieve efficiency and to avoid duplicative efforts, to the extent practicable applications should be
processed concurrently with other permit applications required by other jurisdictions. Such compliance will include:

a. Permit approval from the Colorado Division Reclamation, Mining, and Safety; including, as needed, the Permit application and exhibits submitted to the DRMS as required per the rules and regulations implementing the Colorado Mined Land Reclamation Act, the Colorado Land Reclamation Act for the Extraction of Construction Materials, the Colorado Surface Coal Mining Reclamation Act, and any other applicable rules or regulations;

b. As needed, evidence of compliance with all requisite Federal and State air quality rules and regulations;

c. As needed, evidence of compliance with all requisite Federal, State, and local water quality rules and regulations.

2. For mining/milling operations a forest management/fuels reduction plan shall be prepared pursuant to the requirements of Section 8101.D et seq. of this Code unless waived by the Planning Director when the specific conditions and individual circumstances (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit CWPP) of a given project do not warrant imposition of this requirement.

2.3. Appropriate fees, as determined by the adopted development review fee schedule, for review of a mining/milling operation conditional use permit request shall be applied to the applicant. If the time required for review of a particular submittal exceeds the typical rate because it is especially complex or because of delays caused by the applicant, the Planning Director may levy an additional fee to cover the County’s cost of review and the Planning Director may require payment of such fees prior to consideration of the case by the decision-making body.

C. Criteria to be Met:

1. Any application for a mining and/or milling operation permit may only be approved if the specific and cumulative impacts of the proposed operations will have no significant adverse impact on the health, safety, and welfare of Summit County and also satisfy the general criteria for a conditional use permit as provided for in Section 12302.04. In addition, the proposed mining and/or milling permit application shall meet the following specific criteria.

2. The proposed operation shall be compatible with adjacent residential, commercial, industrial, agricultural, public or recreational land uses.

3. The proposed operation will have no significant adverse impact on the environment, including any areas containing significant environmental resources or attributes, with specific emphasis on the following:

a. Air quality

b. Surface and ground water quality

c. Visual and scenic quality

d. Noise

e. Terrestrial and aquatic animal life or plant life

f. Wetlands and riparian areas

g. Areas of paleontological, historic or archaeological importance

4. The proposed operation will not degrade any substantial sector of the local economy in the vicinity of the operation, including any recreational opportunities or experience.

5. The proposed operation is not subject to or will not subject others to significant risk from natural hazards including soil stability, geologic hazards, or wildfires.

D. Mitigation:

1. In the event the Review Authority determines that the proposed operation will result in significant adverse impacts on the health, safety, and welfare of Summit County, the proposal may nonetheless be approved if adequate mitigation measures or conditions can be imposed that adequately abate such impacts, so long as such measures do not conflict with applicable state and Federal regulatory authorities.

E. Bond Requirements:

1. Prior to issuance of a conditional use permit, the operator shall post an acceptable financial guarantee in an amount to be determined by the Planning or Engineering Department sufficient to ensure the following:

2. Reclamation or revegetation of areas outside the state permit boundaries which have been disturbed or impacted by mining/milling operations. Reclamation of areas permitted through the DRMS per C.R.S. §34-32-109(3), 34-32.5-109(3), or 34-33-113 are not subject to any financial guarantee under this section of the Code.
3. Repair of damage to infrastructure such as private or public roads and associated drainage facilities, water, sewer and utility lines, or irrigation ditches located outside the state permit boundaries where the mining operation is located.

3812.05: Prospecting

For the purposes of this section, prospecting shall be defined as the act of searching for or investigating a mineral deposit. “Prospecting” includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development or extraction operations, and the building of roads, access ways, and other facilities related to such work.

A. All prospecting activities resulting in a net disturbance of more than 500 sq. ft. shall be submitted to the Review Authority for a determination that the proposed activities will be performed in a manner that will not result in significant adverse impacts on the health, safety, and welfare of Summit County, as set forth in and in compliance with Section 3812.04 above. A grading and excavating permit shall be required per Section 6200 et seq. for any operation subject to this subsection A.

B. Prospecting activities noticed, and authorized under the MLRA shall not be subject to the above review and determination of impact by Summit County.

3812.06: Compliance and Enforcement

A. Compliance: All mining/milling operations and/or activities shall comply with all other applicable provisions of this Code and the Building Codes.

B. Violations and Revocation: Upon the occurrence of any violation of; 1) the Development Code, 2) the Building Code, 3) a condition, land use development criteria, safeguard, commitment of record required by the Review Authority as a part of mining/milling conditional use permit, 4) Federal or State permit requirement or regulation, or 5) a permit suspension by the MLRB, the County may institute an enforcement action. Prior to any permit revocation, suspension, or other action as provided for in this section, an Owner/Operator deemed to be in violation of any provision of this Code may be afforded the opportunity for a public hearing before the BOCC after due notice and an opportunity to address the allegation of the violation. The enforcement remedies of this section shall be in addition to any other remedy or action as may be authorized by law.

3812.07: Amendments, Revisions and Conversions

In the lifespan of a mining/milling operation, additional improvements and/or expanded activities may be proposed by an operator that were not included or considered in the original permit or in a grandfathered (legal nonconforming) operation and thereby constitute a material modification of the original permitted or legal nonconforming operations. Prior to commencing any such improvements or activities, the Owner/Operator shall provide notice to the Planning Department that such improvements and/or expanded activity are being proposed. Approved permit amendments to state permits shall be submitted to the review authority to ensure that the expanded activity and/or improvements are in compliance with the Code; provided, however, that a new permit shall not be required for amendments of permits for grandfathered mining and/or milling operations governed by Section 3812.01A.

3812.08: Exemptions

The following types of excavations and operations are not considered mining or milling operations and are exempt from these mining/milling regulations; provided, however they are not exempt from any other regulations in this Code:

A. Construction materials: Extraction and use of construction materials within a defined project area that is subject to a development approval from Summit County for the purpose of constructing a residential, commercial or industrial structure not otherwise associated with mining or milling operations. Examples include building or subdivision developments, foundation excavations, utility or roadwork, water or road tunnel developments and landfill sites.

B. Agricultural excavations: Extractions or excavations related to bona fide agricultural operations are not considered mining or milling operations.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

C. Dredge spoils:
   1. Extraction of dredge spoils two (2) feet or more above ground water.
   2. Screening of such dredge spoils on site.
   3. Trucking of dredge spoils off site.

3813: Outdoor Display of Artwork

Artwork is defined as a man-made work that exhibits a sense of design and aesthetics, including but not limited to, sculpture, mobiles, mosaics, murals, crafts, paintings or works using mixed media. Works containing words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images where these items are used for advertising purposes to identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means shall be considered signs and shall meet the requirements of the County Sign Regulations (Chapter 9). Outdoor display of art is the placement of an artwork in an area outside of a building or enclosed structure so that it is visible from adjacent properties or from street rights-of-way. The allowance for the outdoor display of artwork shall not be construed to permit the storage of equipment, construction materials, rubbish or other such items contrary to this Code. If a property owner or tenant proposes to display artwork outdoors, the following regulations shall apply.

3813.01: Zoning Districts Permitting Outdoor Display of Art

The installation and display of outdoor artwork is a permitted use in any of the County's zoning districts with the following limitations:

A. A-1, BC, and All Residential Zoning Districts:
   1. **Size and Height Limitations:** For lots of less than 35 acres, a work of art shall not exceed one-half (1/2) the height limit for residences for the zoning district where the work is to be located and may be placed in required setbacks. The ground area covered by a work of art shall be determined by drawing vertical lines from the most outward extensions of the artwork to the ground level, and then connecting these points. The square footage contained in the ground area shall not exceed ten percent (10%) of building the coverage limitation on the parcel where the artwork is to be located. Parcels of 35 or more acres in the A-1 Zoning District are exempt from any regulation of outdoor artwork, except that such artwork shall not exceed one-half (1/2) the height limits for residences for the zoning district.
   2. **Safety Requirements:** Placement of a work of art shall not obstruct vehicular or pedestrian traffic patterns, and shall not interfere with traffic control or snowplowing. The location and method of installation shall not threaten public safety. The property owner shall assume all responsibility for meeting safety requirements and shall assume all liability associated with the installation and display of artwork on his property.

B. CN, CG and I-1 Zoning Districts: In commercial and industrial zoning districts, placement of outdoor artwork shall be subject to approval of a conditional use permit by the Planning Commission. The size, location and extent of the artwork shall be determined as part of the approval of the conditional use permit. In reviewing conditional use permit applications for outdoor artwork, the Planning Commission shall use the criteria stated in Section 3813.02.

3813.02: Conditional Use Permits for Artwork

The general procedures for review and action on conditional use permits are stated in Section 12300 et seq. The following criteria shall be used in reviewing conditional use permit applications for outdoor display of artwork.

A. **Effect of Display:** The outdoor display of art, especially in commercial and industrial zoning districts, shall have the effect of adding to the aesthetics of the property.

B. **Location of Display:** Placement of outdoor artwork in areas that are pedestrian oriented is encouraged. Outdoor artwork shall not be placed so as to cause a hazard to pedestrian or vehicular traffic.

C. **Size and Scale:** Attention shall be given to the size and scale of an outdoor artwork in relation to the scale of buildings on the site where it is to be located, and in relation to surrounding land uses. An outdoor artwork shall not overwhelm its location or create a significant visual impact.
D. **Method of Installation:** Outdoor artwork shall be placed on a permanent base that has a finished appearance and is compatible in terms of materials and design with the structures on the property where it is located.

E. **Compliance with Other Code Requirements:** The outdoor display of art shall comply with all applicable requirements of this Code, including but not limited to the design and safety provisions contained in Section 3813.01.

### 3814: Outdoor Display of Merchandise

The outdoor display of merchandise is the placement of goods outside a building or enclosed structure so they are visible to the public, where such goods are available for sale on the premises. This section applies to the outdoor display of merchandise at special events such as sidewalk sales, parking lot sales, garage sales, craft fairs or flea markets where the merchandise made available is not normally sold outdoors or where merchandise is moved outdoors during business hours but stored indoors outside business hours. This section does not apply to merchandise usually displayed or stored outside such as automobiles at auto dealerships and nursery stock. The allowance for the outdoor display of merchandise shall not be construed to permit the storage of equipment, construction materials, rubbish or other such items contrary to the provisions of this Code. The following regulations shall apply to the outdoor display of merchandise.

### 3814.01: Zoning Districts Permitting Outdoor Display of Merchandise

Outdoor display of merchandise is permitted in the CG and CN zoning districts only, except as otherwise provided in this section.

### 3814.02: Scope of Display

The outdoor display of merchandise shall show customers samples of products available and shall not display the merchant's entire line or supply of goods.

### 3814.03: Location of Display

Outdoor merchandise displays shall not be placed in required setbacks, driveways, parking spaces required to be provided by these regulations or in landscaped areas. Such displays shall not cause a hazard to pedestrian or vehicular traffic.

### 3814.04: Method of Display

The arrangement of merchandise shall be in an organized fashion. Signs shall be in accordance with County Sign Regulations (Chapter 9).

### 3814.05: Time Limits

Merchandise shall be displayed only during hours in which the business is open to the public. During hours when the business is closed, merchandise shall be returned to its customary location in an enclosed structure or storage yard.

### 3814.06: Zoning Districts Other than Commercial

The outdoor display of merchandise in zoning districts other than CG and CN is permitted as follows:

A. **Garage or Yard Sales:** The outdoor displays of merchandise associated with garage or yard sales are permitted on any parcel containing a residence in the A-1, BC, RU, RE, R-1, R-2, R-3, R-4, R-6, R-P and PUD zoning districts, where the garage or yard sale is conducted by the owner or tenant residing on the property and the sale is not conducted as a regular event.

B. **Community Events:** The outdoor displays of merchandise at community events such as craft fairs, heritage days or festivals are permitted in any zoning district where such events are permitted. To qualify as a community event, the primary sponsor shall be a community or nonprofit organization rather than a business or merchants association.

C. **Outdoor Vendors:** The display of merchandise by an outdoor vendor is permitted in the A-1 Zoning
3815: Storage Regulations

Regulations on the location and screening of outdoor storage areas, the types of materials allowed to be kept in storage areas and on the storage of motor vehicles, recreational vehicles, boats and utility trailers are stated in this section. These regulations are intended to be used in evaluating the design of development projects as well as for continuing enforcement. Storage shall conform to the requirements of this section and the other applicable requirements of this Code. Storage is classified as follows: (1) residential outdoor storage (see Section 3815.02); (2) non-residential outdoor storage in residential zoning districts (see Section 3815.03); (3) commercial, industrial and other non-residential outdoor storage in nonresidential zoning districts (see Section 3815.04); (4) outdoor storage in the M-1 Zoning District (see Section 3815.05); (5) outdoor storage for community facilities and institutional uses in any zone district (see Section 3815.06); (6) outdoor storage of motor vehicles (see Section 3815.07); and (7) outdoor storage of recreational vehicles, boats and utility trailers (see Section 3815.08). A primary use must be established prior to allowing the accessory use of outdoor storage.

3815.01: Definitions

The following definitions are provided herein for the sole purpose of interpreting, administering and implementing the County's Storage Regulations. For the purposes of these Storage Regulations only, the definitions set forth herein shall control and take precedence over any definitions set forth in Chapter 15 or other chapters of this Code:

A. Boat: A vessel for transport by water, constructed to provide buoyancy by excluding water, and shaped to give stability and permit propulsion, and registered as a boat with the State of Colorado. Includes motor and power boats and sailboats.

B. Eyesore: A motor vehicle that is unlicensed and exhibits one of the following characteristics:
   1. Is partly or completely disassembled.
   2. Has a rusting exterior.
   3. Has missing doors, roof, hood, windshield, bumpers, headlights or tail lights.
   4. Has its engine removed.
   5. Has wheels or tires removed.

C. Motor Vehicle: A vehicle which is used to transport passengers and goods which is less than 33 feet in length and 15,000 pounds gross vehicle weight and is not designed for use as living quarters on either a temporary, seasonal or permanent basis. Includes automobiles, pickup trucks and vans. Excludes recreational vehicles and park homes.

D. Nonresidential Storage: The keeping of materials or other items which are not incidental to normal residential use of property including but not limited to merchandise, goods, supplies and equipment related to a business or other nonresidential use.

E. Park Home: A vehicle having similar characteristics to a recreational vehicle as defined in this section except it is 33 or more feet in length and, unlike other types of recreational vehicles, is often placed on a permanent or semi-permanent basis for extended periods of time in the same location for use as a second home rather than used for travel purposes. Park homes are similar in appearance and function to a manufactured home but do not meet the required length of 40 feet to qualify as a manufactured home.

F. Recreational Vehicle: A vehicle that is:
   1. Built on a single chassis.
   2. 400 square feet or less when measured at the largest horizontal projections.
   3. Self-propelled or designed to be towed.
   4. Less than 33 feet in length.
   5. Not designed primarily for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Recreational vehicles include motor homes, travel trailers, camper trailers and truck campers. For the purpose of this section, recreational vehicle shall not include park homes or manufactured homes.

G. Residential Outdoor Storage: The keeping of any equipment, materials or other items outdoors on property in a residential zoning district where the material or items are incidental to normal residential use of property and are owned by the owner or tenant residing on the property, including but not limited to lawn and garden equipment, snowmobiles, motor bikes, bicycles, snow blowers and other household...
items, excepting all items defined as rubbish pursuant to Chapter 11.

H. Utility Trailer: A structure on wheels which can be towed or hauled by another vehicle and used for carrying goods, materials or other items. Includes horse trailers but does not include temporary office trailers.

3815.02: Residential Outdoor Storage

The regulations in this section are only applicable to residential outdoor storage on parcels of less than 35 acres in the A-1 Zoning District and parcels in the RU, RE, RME, R-1, R-2, R-3, R-4, R-6, R-25, R-P and MHP zoning districts and areas in PUD, B-1 and B-3 zoning districts allowing residential uses.

A. Location: On parcels of less than 35 acres but not less than 20 acres in all single-family residential development in the County, areas used for residential outdoor storage shall not be in any required setback. On parcels of less than 20 acres in all single-family residential development in the County, areas used for residential outdoor storage other than for the storage of firewood shall be restricted to the side or rear yard of the property. Use of front yards or required setbacks is prohibited except that firewood may be stored in the front yard other than in the front setback if stacked in an orderly manner. Firewood shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eves, canopies, or other projections or overhangs from May 1st until November 1st of each year without being covered by a certified flame-retardant covering. Unenclosed/uncovered storage of firewood shall be located a minimum of 30-feet from any structure between May 1st and November 1st of each year unless waived by the Review Authority when the specific conditions and individual circumstances (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the CWPP), -of a given project do not warrant imposition of this requirement.

B. Screening: Residential outdoor storage on parcels of 40,000 square feet or less in all single-family residential development in the County shall be screened, except that firewood that is stacked in an orderly manner shall not be required to be screened. Screening shall be such that items placed in the storage area are not visible from any adjacent lot, road right-of-way, common open space, park or other public area when viewed from the same grade as the area where the storage is to be located by a person of normal adult height (six (6) feet) and of normal visual acuity. Methods of screening may include placing stored items inside a garage or storage shed, using an opaque fence to enclose the storage area or any method approved by the Planning Department which would provide the same degree of screening as an opaque fence. The types and durability of the materials and method used for screening shall be consistent with the character of construction in the neighborhood.

3815.03: Nonresidential Outdoor Storage in Residential Zoning Districts

The regulations in this section are applicable to the storage of nonresidential items and materials in residential zoning districts.

A. All Single-family and Duplex Residential Development in the County: The Planning Department shall review and act on the establishment of a nonresidential storage area on any parcel in any zoning district in the County. Nonresidential storage is prohibited on parcels of less than 10,000 square feet in all single-family residential development in the County. Non-residential outdoor storage shall be administratively evaluated by the Planning Department per the applicable requirements of this Code per the Class 2 development review process outlined in Section 12000 et seq. of this Code.

B. Design Requirements for Non-residential Storage Areas: The regulations in this section shall be met prior to the Review Authority’s approval for a nonresidential storage area.

1. Location: Areas used for nonresidential outdoor storage shall be restricted to the rear yard of the property outside of required setbacks. Use of front or side yards or setbacks is prohibited.

2. Maximum Area: The maximum area utilized for nonresidential storage, whether contained within a building or structure or outdoors, shall not exceed two percent (2%) of the net site area, up to a maximum of 2,000 square feet, whichever is less.

3. Maximum Size of Equipment or Materials: No vehicles or equipment stored shall exceed 33 feet in length or 15,000 lbs. gross vehicle weight.

4. Ownership of Items: All items stored shall either be owned by an owner of the property where they are located or by a tenant residing on the property where they are located. If the items are used in a business, the business shall be owned or operated either by an owner of the property or by a tenant residing on the property where the items are stored.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 3: Zoning Regulations

5. **Screening:** All nonresidential storage shall be screened so as not to be visible from any adjacent lot, road right-of-way, common open space, park or other public area when viewed from the same grade as the area where the storage is to be located by a person of normal adult height (six (6) feet) and of normal visual acuity. Methods of screening may include using an opaque wall or fence to enclose the storage area or any other method approved by the Planning Department that would provide the same degree of screening as an opaque wall or fence. The types and durability of the materials and method used for screening shall be consistent with the character of construction in the neighborhood. The height of any fence used to screen an outdoor storage area shall comply with the limits on heights of fences and walls stated in this Code.

6. **Prohibited Materials:** The storage of live animals, commercial explosives, flammable liquids, gases or other hazardous materials is prohibited, except that limited storage of fuel may be permitted by the County as a part of a home occupation.

7. **Neighborhood Impact:** The establishment or use of a storage area for nonresidential items shall not cause any disruption to the residential character of the neighborhood in which the storage area is located. Neighborhood disruption shall consist of excessive noise, dust, odor, fumes, traffic, adverse visual impact or any other impact that is not compatible with the residential use of surrounding property.

8. **Commercial firewood storage is prohibited in Zone 1 defensible space and shall be separated from any trees by a minimum horizontal distance of 15-feet at all times unless waived by the Review Authority when the specific conditions and individual circumstances (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP)), of a given project do not warrant imposition of this requirement.**

### 3815.04: Commercial, Industrial and Other Non-residential Outdoor Storage in Non-Residential Zoning Districts

A. **Location:** In commercial, industrial and other non-residential zoning districts, outdoor storage areas shall be located in the side or rear yard and not in any required setbacks, except that outdoor storage areas may be located in the front yard if no other location is feasible because of structures in place at the time this Code became effective.

B. **Screening:** Outdoor storage areas shall be enclosed by an opaque fence. Where the fence around an outdoor storage area includes a gate, the gate shall be constructed of solid materials so as to be opaque. Chain link fences and gates are permitted in the I-1 Zoning District if equipped with wooden slats to create an opaque screen.

C. **Types of Materials:** Any type of material or equipment, other than hazardous substances or items defined as rubbish in Chapter 11, may be stored in an outdoor storage area if the storage area meets the location and screening requirements stated in this section.

D. **Commercial firewood storage is prohibited in Zone 1 defensible space and shall be separated from any trees by a minimum horizontal distance of 15-feet at all times unless waived by the Review Authority when the specific conditions and individual circumstances (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP)), of a given project do not warrant imposition of this requirement.**

### 3815.05: Outdoor Storage in the M-1 Zoning District

A. **Location:** Outdoor storage areas shall not be located in any required setbacks. Where property in the M-1 Zoning District abuts property in any residential zoning district or an area of a PUD allowing residential development, storage areas shall be placed at least 100 feet from the boundary between the two zoning districts unless no other location is feasible given the dimensions of the parcel in the M-1 Zoning District.

B. **Screening:** Where property in the M-1 Zoning District abuts property in any residential zoning district or an area of a PUD allowing residential development and the outdoor storage area is within 150 feet of the boundary between the two zoning districts, the storage area shall be screened as required for the I-1 Zoning District.

C. **Types of Materials:** Any type of material or equipment, other than hazardous substances or items defined as rubbish in Chapter 11, may be stored in an outdoor storage area if the storage area meets the
location and screening requirements stated in this section.

3815.06: Outdoor Storage for Community Facilities and Institutional Uses in Any Zoning District

A. **Location:** Outdoor storage areas shall be located in the side or rear yard and not in any required setbacks.

B. **Screening:** Outdoor storage areas shall be enclosed by an opaque fence. Where the fence around an outdoor storage area includes a gate, the gate shall be constructed of solid materials so as to be opaque.

C. **Types of Materials:** Any type of material or equipment, other than hazardous substances or items defined as rubbish in Chapter 11, may be stored in an outdoor storage area if the storage area meets the location and screening requirements stated in this section.

3815.07: Outdoor Storage of Motor Vehicles

A. **Parcels of 20 or More Acres:** Outdoor parking and storage of motor vehicles on parcels of 20 or more acres is not regulated by this Code, provided that no motor vehicle shall be parked or stored in any required setback except where a parking area or driveway is located within the setback.

B. **Parcels of Less Than 20 Acres:** Outdoor parking and storage of motor vehicles is permitted on all parcels that contain less than 20 acres provided the following criteria are met.

1. **Ownership of Vehicles:** Stored motor vehicles shall be owned by the property owner, by a guest or relative of the property owner or by a tenant residing on the property.

2. **Size and Weight Limits:** Motor vehicles parked or stored shall not exceed 33 feet in length and 15,000 pounds gross vehicle weight.

3. **Condition:** Vehicles parked or stored shall be licensed, operable and meet minimum requirements for safety pursuant to C.R.S. § 42-4-202 et seq., except if disabled because of sudden mechanical failure or as otherwise provided in this section. Disabled vehicles shall be removed within 48 hours.

4. **Appearance:** If a motor vehicle does not meet the requirements as stated in B.3 of this section, outdoor parking or storage is permitted only if the motor vehicle:
   a. Is covered with a car cover designed and made to fit the vehicle; or,
   b. Is enclosed within a fenced area so as not to be visible from any adjacent lot, road right-of-way, common open space, park or other public area.

5. **Location:** Motor vehicles stored or parked outdoors shall be placed in a paved or graveled parking area or driveway. Storage in unsurfaced areas of yards is prohibited. Motor vehicles shall not be stored or parked within any required setback except where a parking area or driveway is located within the setback.

C. **CN, CG, I-1 Zoning Districts and Areas of PUDs and Other Zoning Districts Allowing Commercial or Industrial Uses:** Outdoor parking and storage of motor vehicles is permitted in commercial and industrial zoning districts if the following criteria are met.

1. **Location:** Motor vehicles stored or parked outdoors shall be placed in a paved or graveled parking area or driveway. Storage in unsurfaced areas on a property is prohibited. Motor vehicles shall not be stored or parked within any required setback except where a parking area or driveway is located within the setback.

2. **Condition:** Motor vehicles parked or stored shall be licensed, operable and meet minimum requirements for safety pursuant to C.R.S. § 42-4-202 et seq., except for vehicles:
   a. Awaiting repair at a service station or auto repair shop.
   b. Part of the stock available for sale at an auto dealership.
   c. Located in an enclosed storage yard screened by an opaque fence.
   d. Located in an enclosed building.
   e. Disabled because of sudden mechanical failure.

Disabled vehicles not awaiting repair shall be removed within 48 hours.

D. **M-1 Zoning District:**

1. **Location:** Motor vehicles stored or parked outdoors shall be placed in a paved or graveled parking area or driveway. Storage in unsurfaced areas on a property is prohibited. Motor vehicles shall not be stored or parked within any required setback except where a parking area or driveway is located within the setback.

2. **Condition:** Motor vehicles parked or stored shall be licensed, operable and meet minimum requirements for safety pursuant to C.R.S. § 42-4-202 et seq.
3815.08: Outdoor Storage of Recreational Vehicles, Boats and Utility Trailers

A. **Occupancy:** Occupancy of utility trailers and boats is prohibited, except for boats when launched on a body of water where boating is permitted. Occupancy of recreational vehicles is prohibited except when:
   1. The vehicle is located in an approved recreational vehicle park.
   2. The vehicle is located in the A-1 Zoning District and is being used as a caretaker unit in compliance with the requirements of Section 3809.04.
   3. The vehicle is located in an M-1 Zoning District and is being used as living quarters by a caretaker for an active mining operation in compliance with the requirements of Section 3809.04 et seq.
   4. The vehicle is located on a single-family or duplex lot and is owned and occupied by guests of persons residing on the property provided the recreational vehicle is parked for no more than 30 consecutive days.

B. **A-1 and BC Zoning Districts:** A primary use must be established prior to allowing the accessory use of outdoor parking of recreational vehicles, boats and utility trailers. Outdoor parking and storage of recreational vehicles, boats and utility trailers on parcels of 35 or more acres shall not be parked on stored in any required setback. Recreational vehicles, boats or utility trailers on parcels of less than 20 acres shall comply with the requirements for the residential zoning district, which would allow lot sizes comparable to the size of the parcel in the A-1 or BC zoning districts.

C. **Residential Zoning Districts:** A primary use must be established prior to allowing the accessory use of outdoor parking of recreational vehicles, boats and utility trailers. Outdoor parking and storage of recreational vehicles, utility trailers and boats is permitted in the all zoning districts allowing residential development if the following criteria are met.
   1. **Ownership of Vehicles:** Stored recreational vehicles, utility trailers and boats shall be owned by the property owner, or by a guest, relative, or tenant of the property owner or by a tenant residing on the property.
   2. **Size and Weight Limits:** Recreational vehicles, utility trailers and boats parked or stored shall not exceed 33 feet in length and 15,000 pounds gross vehicle weight.
   3. **Condition:** Recreational vehicles, utility trailers and boats parked or stored on a residentially zoned property, shall be licensed, operable and meet minimum requirements for safety, except if disabled because of sudden mechanical failure. The license required shall be appropriate to the type of vehicle. Disabled vehicles shall be removed within 48 hours.
   4. **Location:**
      a. **Single-family and Duplex Lots:** Recreational vehicles, utility trailers and boats shall be placed in a paved or graveled parking area or driveway. Storage in unsurfaced areas of yards is prohibited. Storage areas shall not be in front yards or in required setbacks.
      b. **Multi-family Developments:** Recreational vehicles, utility trailers and boats shall be placed in either a paved or graveled parking area or paved or graveled storage yard. Storage in unsurfaced areas is prohibited. The following standards also apply to the placement of recreational vehicles, utility trailers and boats in multi-family developments:
         i. **Use of Parking Spaces:** The parking or storage of a recreational vehicle in a parking space is permitted if such use does not interfere with the availability of spaces for motor vehicles. The number of motor and recreational vehicles associated with a unit in a multi-family residential development and parked or stored in the parking area for the development shall not exceed the number of parking places provided for the unit.
         ii. **Storage Yards:** Storage yards shall be located outside of front yards and required setbacks. Placement of any storage yard shall not conflict with required parking, vehicular and emergency access, pedestrian access, snow storage, drainage, and landscaping or other required site design elements. Storage yards shall be enclosed by an opaque fence, which is a minimum of six (6) feet in height.

D. **CN, CG, B-1, B-3 and I-1 Zoning Districts and Areas of PUDs Allowing Commercial or Industrial Uses or Other Zoning Districts Allowing Non-residential Development:** The outdoor parking and storage of recreational vehicles, utility trailers and boats is permitted if the following criteria are met.
   1. **Location:** Recreational vehicles, utility trailers and boats stored or parked outdoors shall be placed in a paved or graveled storage area or in a paved or graveled storage yard. Parking or storing recreational vehicles, utility trailers and boats in unsurfaced areas on a property is prohibited. Recreational vehicles, utility trailers and boats shall not be parked within any required setback.
except where a parking area is located within the setback. Storage yards shall not be located in the front yard or in any required setback.

2. **Time Allowed:** Recreational vehicles, utility trailers and boats shall remain in place for no longer than 48 hours, except if they are:
   a. Awaiting repair at a service station or repair shop.
   b. Part of the stock available for sale at a dealership.
   c. Located in an enclosed storage yard screened by an opaque fence.
   d. Located in an enclosed building.

3. **Condition:** Recreational vehicles, utility trailers and boats parked or stored outside of an enclosed storage yard or enclosed building shall be licensed, operable and meet minimum requirements for safety pursuant to C.R.S. § 42-4-202 et seq., except vehicles awaiting repair at a service station or auto repair shop or if disabled because of sudden mechanical failure. Disabled vehicles not awaiting repair shall be removed within 48 hours.

E. **M-1 Zoning District:** The parking or storage of a recreational vehicle on property where an active mining or milling operation is occurring is permitted to provide living quarters for a caretaker or mine operator on a seasonal basis as provided in Section 3809 et seq. The parking or storage of additional recreational vehicles is prohibited.

### 3816: Outdoor Vendors

Outdoor vendors are permitted as an accessory use in the A-1 Zoning District and with approval of a temporary use permit in the CG and CN zoning districts and in the B-1, B-3 and PUD zoning districts that have commercial development. Notwithstanding the foregoing, a ski resort or commercial PUD may have specific provisions regarding outdoor vendors that supersede the requirements of this section. An outdoor vendor in the A-1 Zoning District is considered accessory when the products sold are agricultural in nature and originated on the property where the vendor is located. Outdoor vendors shall conform to the requirements of this section and the other applicable requirements of this Code.

#### 3816.01: Location of Vendor

An outdoor vendor shall locate on property owned or leased by the vendor or where he has obtained permission of the property owner. An outdoor vendor shall not locate within any street or highway right-of-way, driveway or aisle way, within 35 feet of a property boundary in the A-1 Zoning District, within a required setback in other zoning districts where outdoor vendors are a temporary use, in any landscaped area or in any parking spaces required by this Code. An outdoor vendor shall not obstruct pedestrian or vehicular traffic or obstruct motorists' vision at access points.

#### 3816.02: Advertising

Any signs advertising an outdoor vendor shall comply with the County Sign Regulations (Chapter 9).

#### 3816.03: Parking

Where an outdoor vendor proposes to locate on a site having no existing parking, the outdoor vendor shall be responsible for providing a graveled or paved parking area for customers. The use of gravel is encouraged rather than paving where a vendor will be in operation for only a limited period of time so it is possible to restore the site to its unimproved state when the vendor ceases to operate.

#### 3816.04: Design of Structure

Any stand, push cart or structure used by an outdoor vendor shall have a finished appearance and be compatible in terms of materials and design with any structures on the property where it is located. The materials and design of structures used by outdoor vendors in the A-1 Zoning District is not regulated by these regulations except that the structure shall be constructed in a workmanlike manner.

#### 3816.05: Use of Vehicles

The sale of goods from vehicles as provided for in this section is not permitted in any zoning district except
3816.06: Trash Control

Where an outdoor vendor is distributing products where trash may result, such as the sale of food in disposable containers where the food is intended for immediate consumption, the outdoor vendor shall provide trash containers and make adequate provision for trash control and removal. An outdoor vending site shall be maintained in a clean and sanitary condition.

3816.07: Temporary Use Permit for Outdoor Vendors

The procedures for review and action on temporary use permits are stated in Section 12400 et seq. Additionally the following criteria shall be used in reviewing temporary use permit applications for outdoor vendors:

A. Placement relative to existing structures, pedestrian and vehicular circulation or parking areas.
B. Adequacy of parking.
C. Adequacy of trash control.
D. Design of any stand, pushcart, or structure to be used by an outdoor vendor.
E. Permission of property owner.
F. Evidence that any required State or local permits, such as Colorado Department of Health permits for food service, have been obtained.

3817: Temporary Real Estate Sales Offices

Temporary real estate sales offices are allowed in all zoning districts in the County with approval of a temporary use permit. The procedures for review and action on temporary use permits are stated in Section 12400 et seq. Temporary real estate sales offices shall conform to the requirements of this section and the other applicable requirements of this Code.

3817.01: Time When Allowed

A. Sale of Lots: For projects where lots are to be sold, a temporary real estate sales office may be established at the project site upon recordation of the subdivision plat creating the lots offered for sale.
B. Unit or Space Sales: For projects where units or floor space are to be sold, a temporary real estate sales office may be established at the project site upon issuance of building permits for the structures in which the units or spaces for sale are to be located.
C. Removal of Office: A temporary real estate sales office shall be removed if no transfers have occurred during the previous twelve (12) months as shown in the record of document fees maintained by the County Clerk and Recorder. A temporary sales office cannot be reestablished without approval of a new temporary use permit by the Planning Commission. The applicant shall provide evidence of an active marketing program promoting the development and of buyer interest for a new temporary use permit to be issued.

3817.02: Use of Mobile Structure

A temporary real estate sales office may be established in a mobile structure if the structure meets the following criteria:

A. Exterior Materials: All exterior materials shall be natural or naturally appearing materials. Where the office is to be used for unit or space sales, exterior materials shall be consistent with the design and finish treatment of the buildings in the project.
B. Roof Form: Roofs shall be pitched.
C. Foundation Design: Structures shall be installed on permanent or non-permanent foundations approved by the Building Department prior to occupancy or use.
D. Required Building Department Inspections: Any electrical, plumbing and mechanical connections shall be approved by the Building Department prior to occupancy or use.
E. Skirting: Structures shall be skirted so that foundation, water, wastewater and utility connections are
screened from view.

F. **Landscaping:** The area used for the sales office, parking area and entry drive shall be landscaped in accordance with a plan approved by the Review Authority.

G. **Handicap Accessible:** The sales office shall be handicap accessible in accordance with the Building Code and any State or Federal regulations.

H. **Lighting:** Lighting shall be designed and installed in accordance with the Lighting Regulations of this Code (Section 3505.07).

I. **Setbacks:** The sales trailer and the required parking spaces can be located in the required setbacks provided that allowing such uses does not cause the removal of significant trees that were to be preserved per the Landscaping Regulations and such uses are compatible with present area development.

### 3817.03: Parking

A graveled or paved parking area shall be provided for sales staff and customers. The size of the parking area shall be determined by the Review Authority as a condition of permit approval.

### 3817.04: Signs

Any sign for a temporary real estate sales office shall comply with the County Sign Regulations (Chapter 9).

### 3817.05: Separation from Construction Area

The permit holder shall insure the safety of persons coming to the sales office by creating a separation between the area to be used by the public and the area under construction. Such separation may be established by the installation of fencing or by other methods approved by the Review Authority that provides the same degree of protection as fencing.

### 3818: Sludge Disposal

Sludge disposal is allowed as a permitted use in the M-1 Zoning District, an accessory use in the OS District and as a conditional use in the A-1 Zoning District with approval of a conditional use permit. The procedures for review and action on conditional use permits are stated in Section 12300 et seq. Sludge disposal shall conform to the requirements of this section and the other applicable requirements of this Code.

#### 3818.01: Compatibility

Sludge disposal or temporary storage of sludge shall be compatible with surrounding land uses. To ensure compatibility, approval of a conditional use permit for sludge disposal may include conditions concerning the following:

A. Season when sludge is to be disposed.
B. Daily hours of operation.
C. Method of operation during high wind conditions.
D. Rate of application.
E. Method of disposal.
F. Design of storage facility.
G. Length of time sludge is stored.

#### 3818.02: Compliance with Regulations

Sludge disposal or temporary storage of sludge shall comply with all applicable Federal, State and County regulations. At the time application is made for a conditional use permit, the applicant shall submit evidence showing he has obtained any required approvals or permits for sludge disposal from these agencies.

#### 3818.03: Size and Distribution of Sites

The use of small, scattered sites for sludge disposal or temporary storage shall be avoided unless the operator has demonstrated his ability to meet generally accepted standards of management for such operations.
**3818.04: Qualifications of Operator**

The management capability of an operator of a sludge disposal site shall be evaluated and conditional use permits shall only be issued to operators who have demonstrated their ability to meet generally accepted standards for the management of sludge disposal sites or who post a financial guarantee acceptable to the County as to its enforceability and liquidity.

**3818.05: Annual Review**

Conditional use permits for sludge disposal shall be reviewed by the Planning Commission on an annual basis to ensure continuing compliance with the criteria in this section and any conditions of approval.

**3819: Recreational Vehicle Use in RC Zoning Districts**

Long term recreational vehicle use is allowed in the RC-5000 and RC-40000 zoning districts with approval of a Class 2 conditional use permit. The procedures for review and action on conditional use permits are stated in Section 12300 et seq. Recreational vehicle use in the RC Zoning District shall conform to the requirements of this section and the other applicable requirements of this Code:

A. If one exists, the property owner shall join a homeowners association that has jurisdiction over the property where the recreational vehicle use is located and shall abide by the controls established by the homeowners association.

B. The recreational vehicle use of the property may occur for a maximum of 50 weeks per calendar year. The recreational vehicle shall be removed from the property for at least two (2) weeks per calendar year.

C. The recreational vehicle shall have a self-contained sanitation system or be connected to an approved wastewater treatment system.

D. The recreational vehicle shall have current licensing and registration and be in an operable road worthy condition.

E. The recreational vehicle shall be placed on a paved or graveled parking area.

**3820: Adult-oriented Businesses**

This section regulates the location of adult entertainment and nude entertainment establishments, which includes, but is not limited to, adult arcades, bookstores, novelty stores, video stores, motels, cabarets, motion picture theaters or peep booths, collectively known as adult-oriented uses. Definitions specific to this section are provided in Chapter 15. Adult-oriented businesses shall conform to the requirements of this section and the other applicable requirements of this Code.

**3820.01: Applicability**

The content of this section applies to the opening of any type of adult-oriented business or any similar business, including but not limited to the following:

A. The opening or commencement of any sexually oriented business as a new business.

B. The conversion of an existing business, whether or not an adult-oriented business, to an adult-oriented business.

C. The relocation of any adult-oriented business.

**3820.02: Applicant Requirements**

Applicants for a conditional use permit to construct and/or operate an adult-oriented business must meet the following requirements:

A. Any individual applicant must be at least 21 years of age.

B. Any false statement or information put forth by the applicant will be grounds for denial of a conditional use permit for an adult-oriented business.

C. If the applicant or any holder of ten percent (10%) or more of any class or stock, or a director, officer, partner or principal of the applicant has had an adult-oriented business license or permit revoked or
suspended anywhere in the State of Colorado or has operated an adult-oriented business that was determined to be a public nuisance under State law or this Code, within one (1) year prior to the application, a conditional use permit for an adult-oriented business cannot be approved.

D. A corporate applicant must be in good standing or authorized to do business in the State.

E. All taxes imposed against the applicant in relation to an adult-oriented business must be paid prior to approval of any new application for an adult-oriented business.

F. The applicant must be free of any conviction or nolo contendere plea to any crime involving pandering, prostitution, obscenity or any other crime of a sexual nature, committed in any other jurisdiction, within the five (5) years prior to the date of such application, which would reasonably bring into question the applicant’s ability to own and/or operate a sexually oriented business.

3820.03: Verification of Applicant Information

The County Sheriff's Office shall be responsible for fingerprints and photographs and for investigation of the background of each individual applicant, the partners of a partnership or the officers, directors, holders of ten percent (10%) or more of the stock of a corporation and all managers of the proposed adult business. The investigation conducted by the Sheriff’s Office shall verify the accuracy of all information provided by all applicants, as required to be disclosed by Section 3820.02. Each applicant shall pay a non-refundable investigation fee at the time the application is filed in the amount then charged by the State Department of Public Safety for each person who will be investigated. At the conclusion of its investigation, the Sheriff’s Office shall indicate whether the required information has been verified via a written, signed and dated communication to the Planning Department.

3820.04: Length of Validity

Conditional use permits for adult-oriented businesses shall be granted for a period of two (2) years.

3820.05: Revocation

A conditional use permit for an adult-oriented business may be revoked in accordance with Section 12000.19 if any conditions imposed with approval of the permit are violated. In addition, the revocation process may be initiated upon a finding of any of the following factors:

A. That repeated disturbances of public peace have occurred within the establishment or upon any parking areas, sidewalks, access ways or grounds within the neighborhood of the establishment involving patrons, employees of the applicant or the applicant himself/herself.

B. That the applicant or any employees thereof have illegally offered for sale or illegally allowed to be consumed or possessed upon the premises or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the premises, narcotics, dangerous drugs, fermented malt beverages or any malt vinous or spirituous liquors.

C. That the applicant or manager or his or her designee is not upon the premises at all times that adult entertainment is being provided.

D. That adult entertainment was offered at the establishment during prohibited hours.

E. That the applicant, manager or an employee has allowed patrons to engage in public displays of indecency or has allowed patrons or employees to engage in acts of prostitution or negotiations for acts of prostitution within the establishment or upon any parking areas, sidewalks, access ways or grounds immediately adjacent to the establishment, when the applicant, manager or employee knew or should have known such displays or acts were taking place.

F. That the applicant is delinquent in payment to the County or State for any taxes or fees past due.

G. That the applicant, manager or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur within the premises.

H. That on two (2) or more occasions within a twelve-month period, a person or persons committed a crime involving pandering, prostitution, obscenity or any other crime that is connected with operating a sexually oriented business, in any jurisdiction, in which a conviction or plea of nolo contendere has been obtained, and the person or persons were employees of the adult business at the time the offenses were committed.

3820.06: Transferability
A. Permits issued under this section shall not be transferable except as provided herein. Any change in the partners of the partnership or in officers, directors or holders of ten percent (10%) or more of the stock of a corporate licensee holding a conditional use permit for an adult-oriented business shall result in termination of the permit unless the applicant files a written notice of change to the Planning Department within 30 calendar days of any such change. The written notice shall include the names of all new partners, officers, directors and all holders of ten percent (10%) or more of the corporate stock who were not previously holders of such amount of stock.

B. When a permit has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new permit. All rights and privileges granted under the original permit shall continue in full force and effect to such survivors for the balance of the permit.

C. Each permit issued under this section is separate and distinct and no person shall exercise any of the privileges granted under any permit other than that which he or she holds. A separate permit shall be issued for each specific business or business entity and geographical location.

3820.07: Zoning Districts Where Allowed

Adult-oriented uses are allowed with the approval of a conditional use permit in the CG, CN, I-1, B-1 and B-3 zoning districts or in any PUD on parcels designated for commercial or retail use, as long as the conditions of this section can be met.

3820.08: Compatibility with Adjacent Land Uses

A. No adult-oriented business shall be operated or maintained within 1,000 feet of any residentially zoned or used property, school property, church property, licensed day care facility or public park, measured in a straight line, without regard for intervening structures, from the closest property line of the adult-oriented business to the closest wall of any structure housing a residence, school, licensed day care facility or church or the closest property line of a public park.

B. Notwithstanding the distance separations that adult-oriented businesses must follow as set forth in Section A above, any person may apply to the BOCC for a hardship variance. The BOCC may, at its sole discretion, decrease the distance requirement and grant the operation of an adult-oriented business if it determines that a person proposing such an establishment in a particular location cannot meet one or all separation requirements and finds that sufficient buffering protections exist to separate the adult-oriented use from any school, licensed day care facility, public park, church property or any other adult-oriented use so that (a) the impacts of the establishment on adjacent properties is not increased as a result of the granting of the variance; (b) the granting of a variance will not cause substantial detriment to the public health, safety and welfare; and (c) the granting of the variance will not substantially impair the purpose and intent of this Code or any other County ordinance or regulation.

C. Any adult-oriented business lawfully operating on November 8, 1999, that is in violation of this section shall be deemed a nonconforming use as provided in Chapter 12 of the Summit County Land Use and Development Code.

D. If two (2) or more adult-oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the adult-oriented business that was first established and continually operating at the particular location will be deemed to be in compliance with this section and the later established business(es) will be deemed to be in violation of this section.

E. An adult-oriented business lawfully operating is not rendered in violation of this section by the subsequent location of a residence, school, licensed day care facility, church, public park or residential zoning district within 1,000 feet of the adult-oriented business.

3820.09: Hours of Operation

No adult-oriented use may be open for business on Sunday. Monday through Saturday operations are restricted to between 4:00 p.m. and 12:00 midnight.

3820.10: Age Restrictions

Admission to adult-oriented businesses is restricted to persons of the age of 21 years or more during the hours adult entertainment is being presented. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premises during the hours such adult-oriented
business is open for operation.

3820.11: Establishment Manager

A. A registered manager or his or her designee shall be on the premises of an adult-oriented business at all times that adult entertainment is being provided. It shall be unlawful for any person to work as a manager of an adult-oriented business without first registering with the Planning Department. The registration form shall require the applicant to provide his or her legal name and any aliases, home address, telephone number and satisfactory proof that he or she is 21 years of age.

B. In the event a permit holder changes the manager of an adult-oriented business, the permit holder shall immediately report such change and register the new manager on forms provided by the Planning Department within fourteen (14) calendar days of such change.

3820.12: Standards of Conduct

A. The following standards of conduct must be adhered to by employees of any adult-oriented business that offers, conducts or maintains live adult entertainment:

1. No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals or display male genitals in a discernibly turgid state even if completely and opaquely covered.

2. No employee or entertainer shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

3. No employee or entertainer shall wear or use any device or covering exposed to view that simulates the breasts, genitals, anus, pubic hair or any portion thereof.

4. State of dress:
   a. No employee or entertainer shall be unclothed or in such attire, costume or clothing so as to expose any portion of the female breasts below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals of any person, except upon the stage at least 18 inches above the immediate floor level and removed at least six (6) feet from the nearest patron or behind a solid, uninterrupted physical barrier that completely separates the entertainer from any patrons. This barrier must be a minimum of one-fourth (1/4) inch thick and have no openings between the entertainer and any patrons. The stage shall be fixed and immovable.
   b. No employee or entertainer shall perform while nude or semi-nude any obscene acts or obscene acts that simulate:
      i. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law;
      ii. The touching, caressing or fondling of the breasts, buttocks, anus or genitals.

5. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this section.

6. There shall be posted and conspicuously displayed in the common areas of each place offering adult entertainment a list of food and drink prices.

7. Any tips for entertainers shall be placed by a patron into a tip box that is permanently affixed in the adult-oriented business and no tip may be handed directly to an entertainer. A licensee that desires to provide for such tips from its patrons shall establish one or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.

8. An adult-oriented business that provides tip boxes shall conspicuously display in the common area of the premises one (1) or more signs in letters at least one inch high to read as follows:

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ADULT-ORIENTED BUSINESSES ARE REGULATED BY SUMMIT COUNTY. ALL TIPS ARE TO BE PLACED IN TIP BOX AND NOT HANDED DIRECTLY TO THE ENTERTAINER. PHYSICAL CONTACT BETWEEN PATRONS AND ENTERTAINERS IS STRICTLY PROHIBITED.
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9. No adult entertainment occurring on the premises shall be visible at any time from outside of the premises.
B. Any operator who offers, conducts or maintains live adult entertainment or an adult arcade that exhibits, in a viewing room of less than 150 square feet of floor area, a film, videocassette or other video reproduction, shall comply with the following requirements in addition to those set forth in Subsection A:

1. It is the duty of the operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager’s station at all times that any patron is present inside the premises.
2. It is the duty of the licensee and operator of the premises to ensure that any doors to public areas on the premises remain unlocked during business hours.
3. The interior of the premises shall be configured in such a manner that there is an unobstructed view from at least one (1) manager’s station to every area of the premises where patrons are permitted access for any purpose, excluding rest rooms. Rest rooms may not contain video reproduction equipment. The view required in this subsection must be by direct line of sight from the manager’s station.
4. A manager’s station may not exceed 32 square feet of floor area. No alteration to the configuration or location of a manager’s station may be made without the prior approval of the Building Official.
5. It shall be the duty of the permit holder, and his or her agents and employees present on the premises to ensure that the view area specified in Subsection B.3 remains unobstructed by any doors, curtains, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area where patrons will not be permitted access on the building plans.
6. No viewing room may be occupied by more than one (1) person at any one (1) time.
7. Viewing rooms must be separated from other viewing rooms by a solid, uninterrupted physical divider that is a minimum of one-quarter (¼) inch thick and serves to prevent physical contact between patrons.

C. Nothing in this section shall be construed to permit any act on the premises of an adult-oriented business in violation of C.R.S. § Title 12, Article 46 or 47, or the State Department of Revenue rules and regulations issued pursuant thereto.

3820.13: Right of Entry

The application for a conditional use permit for an adult-oriented business license shall constitute consent of the permittee and his or her agents or employees to permit the Sheriff’s Department or any other agent of the County to conduct routine inspections of any permitted adult-oriented business during the hours the establishment is conducting business.

3820.14: Lighting Requirements

A. All off-street parking areas and premises entries of adult-oriented businesses shall be illuminated from dusk to closing hours of operation with a lighting system that provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking area and walkways serving the adult-oriented business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.

B. The premises of all adult-oriented businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted access to provide an illumination of not less than two (2) foot-candles of light as measured at the floor level.

C. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted access to provide an illumination of not less than one (1) foot-candle of light as measured at the floor level.

3820.15: Required Parking

Eight spaces per 1,000 square feet of floor area or three-tenths (0.3) spaces per persons allowed at maximum capacity must be provided for each establishment. Parking area design and location must meet all applicable County requirements.

3820.16: Exemptions
It is an affirmative defense to prosecution under this Code that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated by:

A. A proprietary school, licensed by the State, a college, community college or university supported entirely or partly by taxation;
B. A private college or university that maintains and operates educational programs in which credits are transferable to a college, community college or university supported entirely or partly by taxation; or,
C. In a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing and where, in order to participate in a class, a student must enroll at least five (5) calendar days in advance of the class.
<table>
<thead>
<tr>
<th>CASE #</th>
<th>RESO #</th>
<th>SECTION / DESCRIPTION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>94-37</td>
<td>95-53</td>
<td>8204, 8253, 8403, 8601.03</td>
<td>06/12/95</td>
</tr>
<tr>
<td>95-22</td>
<td>95-70</td>
<td>8350, 8450</td>
<td>07/10/95</td>
</tr>
<tr>
<td>97-134</td>
<td>97-132</td>
<td>8108.01C.6, 8401.03, 8401.05, 8402, 8404.03, 8404.04, 8405, 8454</td>
<td>11/11/97</td>
</tr>
<tr>
<td>98-46</td>
<td>98-145</td>
<td>8001, 8004</td>
<td>12/16/98</td>
</tr>
<tr>
<td>99-14</td>
<td>99-50</td>
<td>8401.04, 8404.03</td>
<td>04/26/99</td>
</tr>
<tr>
<td>99-83</td>
<td>99-100</td>
<td>8001, 8109, 8253, 8254, 8304, 8400</td>
<td>08/23/99</td>
</tr>
<tr>
<td>99-74</td>
<td>99-166</td>
<td>8151</td>
<td>12/20/99</td>
</tr>
<tr>
<td>99-242</td>
<td>00-17</td>
<td>8453.02, 8453.03, 8453.04</td>
<td>02/28/00</td>
</tr>
<tr>
<td>01-133</td>
<td>01-127</td>
<td>8001, 8004, 8254.05, 8304.03, 8404.03, 8420, 8453.02,</td>
<td>10/22/01</td>
</tr>
<tr>
<td>03-053</td>
<td>03-75</td>
<td>8107.02, 8107.03</td>
<td>08/11/03</td>
</tr>
<tr>
<td>04-077</td>
<td>07-44</td>
<td>Comprehensive amendments to Code – All Chapters</td>
<td>5/22/07</td>
</tr>
<tr>
<td>08-071</td>
<td>08-58</td>
<td>Chapter 8 (Section 8805 and Table 8-1). Payment of ad valorem taxes prior to plat recordation and required certifications for subdivision plats.</td>
<td>8/12/08</td>
</tr>
<tr>
<td>08-032</td>
<td>08-65</td>
<td>Chapter 8 (8424 and 8600). Local Resident Housing—Amendments to address affordable workforce housing, accessory apartment and on-site employee housing regulations.</td>
<td>09/09/08</td>
</tr>
<tr>
<td>09-057</td>
<td>09-061</td>
<td>8004 A &amp; B (applicability of master plans and TDRs)</td>
<td>11/10/09</td>
</tr>
<tr>
<td>09-097</td>
<td>10-07</td>
<td>8104.01.F, 8108.01, 8601</td>
<td>1/26/10</td>
</tr>
<tr>
<td>10-143</td>
<td>13-74</td>
<td>Comprehensive Amendments to the Code</td>
<td>10/8/13</td>
</tr>
</tbody>
</table>

1 The Sections referenced above were the Sections in effect at the time the Development Code was amended. Subsequent amendments to the Development Code may have resulted in section numbers being modified and may no longer be applicable.
# SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
## CHAPTER 8: Subdivision Regulations

### TABLE OF CONTENTS

#### CHAPTER 8

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8000: GENERAL PROVISIONS</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>8001: Purpose and Intent</td>
<td>Scope of the Regulations and Purpose and Intent</td>
<td>5</td>
</tr>
<tr>
<td>8001.01</td>
<td>Scope of Regulations</td>
<td>5</td>
</tr>
<tr>
<td>8001.02</td>
<td>Purpose and Intent</td>
<td>5</td>
</tr>
<tr>
<td>8002: Applicability</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>8002.01</td>
<td>General</td>
<td>5</td>
</tr>
<tr>
<td>8002.02</td>
<td>Allowances for Exemptions</td>
<td>6</td>
</tr>
<tr>
<td>8003: Authority</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>8004: Conformance with Master Plans and the Requirements of this Code</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>8005: Development Requirements in Accordance with Subdivision Improvements</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>8006: Subdivision Review Procedures and Review Requirements</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>8007: Establishment and Maintenance of Subdivision Improvements</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>8100: SUBDIVISION REQUIREMENTS</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>8101: Required Fire Protection Improvements</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>8102: Required Streets and Roads Improvements</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>8103: Required Access Improvements</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>8104: Required Trail Improvements</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>8105: Required Water, Wastewater and Utility Improvements</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>8106: Required Drainage Improvements</td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>8107: Required Dedications and Easements</td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>8107.01: Required Streets and Roads Dedications and Easements</td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>8107.02: Required Trail Dedications and Easements</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>8107.03: Required Utility Dedications and Easements</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>8108: Maintenance of Improvements and Common Elements</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>8108.01: Common Elements</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>8108.02: Street Maintenance</td>
<td></td>
<td>13</td>
</tr>
<tr>
<td>8109: Subdivision Improvements Agreements</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>8109.01: Purpose and Intent</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>8109.02: General Responsibilities for Improvements</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>8109.03: Required Contractual and Financial Guarantee</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>8109.04: Use of Financial Guarantee</td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>8109.05: Parties to SIA</td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>8109.06: Release of Guarantee</td>
<td></td>
<td>16</td>
</tr>
<tr>
<td>8109.07: Assignment of Subdivision Improvements Agreement and Financial Guarantee</td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>8109.08: Enforcement</td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>8150: DESIGN CRITERIA</td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>8151: Overall Design Criteria</td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>8151.01: Protection of the Natural Environment</td>
<td></td>
<td>17</td>
</tr>
<tr>
<td>8151.02:Areas Subject to Environmental Hazard</td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>8152: Drainage Design Criteria</td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>8153: Fire Protection Design Criteria</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>8154: Lots and Blocks Design Criteria</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td>8155: Establishment of Design Criteria</td>
<td></td>
<td>21</td>
</tr>
<tr>
<td>8156: Soil Suitability Design Criteria</td>
<td></td>
<td>21</td>
</tr>
<tr>
<td>8157: Streets and Roads Design Criteria</td>
<td></td>
<td>22</td>
</tr>
<tr>
<td>8158: Trail Design Criteria</td>
<td></td>
<td>22</td>
</tr>
<tr>
<td>8159: Water, Wastewater Treatment and Utilities Design Criteria</td>
<td></td>
<td>22</td>
</tr>
<tr>
<td>8159.01: Test Criteria and Procedures for Onsite Wells and Onsite Wastewater Treatment</td>
<td></td>
<td>22</td>
</tr>
</tbody>
</table>
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

8000: GENERAL PROVISIONS

8001: Scope of the Regulations and Purpose and Intent

8001.01: Scope of Regulations

This chapter establishes regulations for the subdivision of land to assure that lots created and uses developed by means of such subdivision processes provide an adequate water supply, means of wastewater treatment, and utilities, and ensure access to the public street. The Subdivision Regulations also set forth the development requirements that pertain to any subdivision proposal, and further include standards for subdivision design including the design of streets, storm drainage, water and wastewater treatment systems, and installation of utilities. All subdivisions shall provide for the construction of all necessary improvements within the subdivision, and any subdivider shall provide, in advance, a financial guarantee for the construction of such improvements.

8001.02: Purpose and Intent

The purpose and intent of this chapter is to safeguard the public health, safety and welfare, to encourage well-planned, stable neighborhoods and to protect the County's natural environment by:

A. Ensuring certain subdivision proposals are in general conformance with the goals, policies/actions and other provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
B. Preventing development of areas subject to flood, geologic hazard, wildfire, radiation, noise and air pollution or other environmental hazards unless such hazards can be mitigated.
C. Encouraging subdivision design that protects wildlife habitat, wetlands, native vegetation, existing landforms and the County's historical, archeological and paleontological resources.
D. Assuring land intended for development is suited for the proposed uses.
E. Coordinating the design and construction of street and utility systems.
F. Requiring the cost of improvements necessary for the development of a proposed subdivision and of benefit to its eventual residents be paid by the proponent of such development.
G. Making adequate provision for development of schools and recreational facilities necessary to serve the needs of Summit County's population.
H. Assuring land is not subdivided unless the necessary services and facilities to support such development are available.
I. Establishing an adequate and uniform system of monumentation of subdivisions to facilitate preparation of accurate legal descriptions and conveyance of property.
J. Assuring that new subdivision names are sufficiently different from existing names to avoid confusion in the delivery of emergency and other services.

8002: Applicability

8002.01: General

A. Application: These Subdivision Regulations apply to the following situations:
   1. Any division of land into two (2) or more parcels, separate interests or interests in common except a division:
      a. Where each of the parcels created comprises 35 or more acres of land and none of the parcels are intended for multiple owners;
      b. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in 35 or more acres per interest;
      c. Which could be created by any court in Colorado by using the law of eminent domain, by operation of law or by order of any court in Colorado if the Board of County Commissioners (“BOCC”) is given
timely notice of such pending action and given opportunity to raise the issue of whether or not the division evades subdivision requirements prior to the court taking action and the BOCC does not do so within 20 calendar days;
d. Which is created by a lien, mortgage, deed of trust or any other security instrument;
e. Which is created by a security or unit of interest in any investment trust regulated under the laws of Colorado or any other interest in an investment entity;
f. Which creates cemetery lots;
g. Which creates an interest in oil, gas, minerals or water which is severed from the surface ownership of real property;
h. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be considered one (1) interest for purposes of subdivision regulation;
i. Which is created by a combination of contiguous parcels of land into one (1) larger parcel. If the resulting parcel is less than 35 acres, only one (1) interest in said parcel shall be allowed. If the resulting parcel is greater than 35 acres, such acreage divided by the number of interests, must result in 35 or more acres per interest (Easements and rights-of-way shall not be considered in making these calculations);
j. Which creates a rural land use subdivision pursuant to Section 8420 et seq. which was created based on the provisions of Colorado Revised Statutes (“C.R.S.”) § 30-28-401-404 et seq.; or
k. Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide the land being purchased.

2. Any parcel of land which when previously subdivided was accompanied by a filing that complied with these regulations with substantially the same density.

B. Applicability of Subdivision Regulations to Site Plan Reviews: The following Subdivision Regulations shall also apply to site plan reviews: Drainage, Section 8106 et seq.; Fire Protection, Section 8101 et seq.; Streets and Roads, Section 8102 et seq.; Trails, Section 8104 et seq.; Water, Wastewater Treatment and Utilities, Section 8105 et seq.; and, Subdivision Naming Conventions, Section 8160 et seq.

8002.02: Allowances for Exemptions

The BOCC may exempt any division of land from these regulations if it determines that such division is not within the purpose of the Subdivision Regulations. Exemptions are defined further in Section 8400 et seq. along with regulations for their review.

8003: Authority

This chapter is adopted pursuant to C.R.S. § 30-28-133 et seq.

8004: Conformance with Master Plans and the Requirements of this Code

A. General Conformance with Applicable Master Plans: A proposed (1) preliminary or final plat, (2) lot split on wells subdivision exemption, (3) general subdivision exemption, (4) rural land use subdivision or (5) lot line vacation/adjustment subdivision exemption shall be designed to be in general conformance with the goals, policies/actions and other provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans. The determination of general conformance with such plans shall be determined in accordance with the standards for such a determination set forth in Chapter 2 of this Code.

B. Subdivision and Density: In determining if a proposed subdivision subject to this requirement is in general conformance with an applicable master plan, the Review Authority shall consider the use and density provisions outlined in the underlying zoning to be the ceiling setting the maximum allowable density on any parcel in light of parcel size and zoning dictates. Notwithstanding the foregoing, it is expressly understood that the application of master plan provisions during subdivision review, as well as subdivision regulations and other sections of
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

this Code, may limit and affect the type and density of land uses that may be located on the property below the maximum density set by zoning.

C. **Other Applicable Code Requirements:** Subdivisions shall be designed and constructed to meet the applicable provisions of this Code.

**8005: Development Requirements in Accordance with Subdivision Improvements**

This chapter sets forth general development standards which are applicable to the approval of a subdivision, including but not limited to design criteria and required improvements (Section 8100 et seq.), subdivision improvements agreements (Section 8602 et seq.), maintenance of improvements including but not limited to roads and common elements (Section 8603 et seq.), plat standards (Section 8700 et seq.) and enforcement (Section 8800 et seq.).

**8006: Subdivision Review Procedures and Review Requirements**

Summit County has established procedures and requirements for the review of subdivisions and subdivision-related applications. These provisions are contained in the following sections:

A. Subdivision Work Session.................................................................Section 8200 et seq.
B. Preliminary Plat ..........................................................Section 8250 et seq.
C. Final Plat ..........................................................Section 8300 et seq.
D. Subdivision Exemptions..........................................................Section 8400 et seq.
E. Rural Land Use Subdivision..........................................................Section 8420 et seq.
F. Right-of-Way Dedication Plat.....................................................Section 8500 et seq.

**8007: Establishment and Maintenance of Subdivision Improvements**

The establishment and ongoing maintenance of all subdivision improvements shall be addressed during the review of any subdivision, including without limitation roads and common driveways, drainage, landscaping, trails, water supply, wastewater treatment, and utilities. The construction and completion of all necessary improvements shall be ensured through the provision of an adequate financial guarantee in addition to a Site Improvements Agreement (“SIA”) or Site Plan Improvements Agreement (“SPIA”) to provide for the ongoing function and maintenance of said improvements.

**8100: SUBDIVISION REQUIREMENTS**

**8101: Required Fire Protection Improvements**

As a condition of approval of any subdivision, the subdivider shall be required to provide the following improvements related to fire protection:

A. Water sources for firefighting meeting the requirements of the Fire Code.
B. Fire hydrants as required by the Fire Code.
C. Access meeting the applicable provisions of this Code and the Fire Code.

**D. Fuel Reduction/Forest Management Plans:** Forest management plans, fuels reduction plans, and other measures to reduce wildfire hazard or preserve trees, including consideration of the goals and policies set forth in the Summit County Community Wildfire Protection Plan (CWPP), may be required by the Review Authority for all subdivisions in areas rated as having moderate or severe fire hazard by the Colorado State Forest Service (“CSFS”) or where the local fire district identifies a specific fire danger that the BOCC deems significant, where the wildfire hazard is deemed significant by County staff in consultation with the Colorado State Forest Service (CSFS), US Forest Service, or local fire protection districts due to topography, aspect, vegetation, access, firefighting infrastructure, or other relevant factors as identified in the CWPP. Implementation of any forest
management or fuel reduction plan may also be required as a condition of approval of a proposed subdivision in any such area. The cost of implementing any required forest management or fuel reduction plan shall be included in the required SIA or SPIA, whichever situation applies. The creation of any parcel of less than 35 acres requires that each lot be included in a fire protection district or that adequate arrangements are made with a fire protection district to provide fire protection services. At a minimum, required forest management and fuels reduction plans shall include the following:

1. A purpose statement.
2. Maps showing property boundaries, existing and proposed roads, existing and proposed building envelopes, defensible space zones, and prescription areas. Such maps shall be fully consistent with the proposed plat.
3. An inventory of current fuels. Except when active silviculture activities are a part of a forest management plan, this may be a qualitative statement rather than a quantitative assessment.
4. The location of subdivision wide shaded fuel or fire breaks.
5. Identification of overhead power lines and prescriptions for removing hazardous trees in close proximity.
6. Provision for secondary fire apparatus access and emergency water supply (e.g., fire hydrants; cisterns).
7. Phasing Plan:
   a. If it is intended that the subdivision be platted in phases, then the plan needs to identify the prescriptions associated with each phase.
   b. Subdivision wide improvements that are recommended to be carried out prior to the sale of any lots or prior to the completion of road improvements shall be included in the phasing plan.
   c. Defensible space Zones One and Two shall be identified around each building envelope or lot and/or common area, whichever is applicable.
8. Identification of haul roads and landing areas. Subdivision roads and building envelopes shall be used for these purposes wherever possible.
9. A long-term maintenance plan/CC&Rs with assignment of party responsible for implementation (e.g., HOA).

E. Road name signs shall be made from non-combustible materials and shall meet MUTCD standards as well as those set forth in the Summit County Addressing, Road Naming and Numbering Regulations. The governing CC&Rs shall require that all address signs be made from non-combustible materials.

8102: Required Streets and Roads Improvements

As a condition of approval of any subdivision, the subdivider shall be required to provide the following street improvements in accordance with this Code or any applicable PUD provisions:

A. Construction of New Streets and Bridges Within the Subdivision: Construction of all new public and private streets and any new bridges in accordance with the design and construction standards in the County Road Standards.

B. Construction of New Streets and Bridges Outside of the Subdivision: Construction of streets and any bridges outside the subdivision necessary to establish a connection between the subdivision and the existing street system, with the design and construction standards for such connections to be determined by the County Engineer based on what part they play in the County's overall street system.

C. Upgrading of Existing Streets and Bridges: Where existing streets and any bridges provide access between the subdivision and the state highway system and the existing streets and bridges do not meet County standards for the traffic volumes which would occur once the subdivision is built, upgrading of existing streets and bridges to the County standards required for the projected traffic volume.

D. Drainage Systems and Sidewalks: All access way drainage requirements and sidewalks required by the County's Road Standards (Chapter 5) or these regulations.
E. **Drainage Improvements:** All required drainage improvements, including but not limited to street drainage, accommodations for historic off-site drainage, required detention or retention; all of which may include, by means of example, culverts, drainage pans, inlets, curbs and gutters, weirs, etc.

F. **Traffic Control Devices:** Traffic control devices including but not limited to signs and signals, street name signs, street lighting (such street lighting may be desired by the developer and typically maintenance and utilities thereof will be paid for by a non-County entity), striping and pedestrian crosswalks in conformance with the criteria contained the Manual of Uniform Traffic Control Devices (“MUTCD”) as adopted by the State of Colorado.

G. **Medians:** Street medians and median landscaping, if required.

H. **Driveways to Serve More Than Two (2) Single-Family Dwellings:** Any driveways designed to serve more than two (2) single-family dwellings.

I. **Temporary Turnaround:** Where streets are temporarily dead-ended in anticipation of future extension the County Engineer may require the construction of a temporary turnaround.

J. **Trail or Public Use Area Improvements:** Where a developer is providing trails or other public improvements the developer shall install those trails and/or improvements in accordance with the trail design requirements contained within this Code.

K. **Other Improvements:** Where a developer is proposing a common improvement associated with the subdivision that is not covered by one (1) of the categories listed above or when a PUD or the Zoning Regulations require other improvements to a subdivision, the developer shall be responsible for installing such improvements.

L. **Maintenance of Improvements:** The maintenance of the improvements required by this section shall be determined during the required development review. In any event, the developer may be required to provide for private maintenance of the improvements as required by this section if the improvements within the right-of-way are not accepted for maintenance as provided for in these regulations. If a developer desires to install improvements that exceed the County’s design requirements, the developer may be required by the County to pay for the maintenance of such improvements.

### 8103: Required Access Improvements

A. **Requirement for Access:** Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all traffic needing or desiring access to the property and its intended use. Unless otherwise provided for in a PUD, such access shall be provided either by a public or private street meeting the requirements of the County Road Standards (see Chapter 5) and as follows:

1. **Residential Uses:** Access for up to four (4) single-family detached dwelling units or two (2) duplexes may be provided by a common driveway which then connects to either a public or private street. Easements for common driveways shall be either platted or provided by another legal mechanism approved by the County. Access for multi-family developments shall be provided by a driveway or roadway that provides access to parking areas for the units and connects to either a public or private street. If the units in a multi-family development are offered for individual sale (i.e. condominiums or townhouses), the common parking areas, driveways and roadways shall be owned and maintained by an owners association or such other entity as may be approved by the County. Provisions for maintenance shall be stated in covenants on the property or by an alternative method reviewed and approved by the County Attorney as providing sufficient means of enforcement. Driveways and parking areas shall meet the requirements of the County Road Standards (see Chapter 5) and the Parking Regulations contained in Section 3700 et seq.

2. **Nonresidential Uses:** Access to lots zoned or developed for commercial, industrial, community or institutional uses shall be provided either by driveways or by parking areas which then connect by driveways to either a public or private street. Driveways and parking areas shall meet the requirements of the County’s Road Standards (see Chapter 5). Where these uses are located in a commercial center or a business or industrial park, access may be provided by common parking areas and driveways, which may also be shared by more than one (1) development project, subject to approval by the Review Authority. Easements for common parking areas and driveways shall be platted or provided by another legal mechanism of record approved by the County.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

B. Emergency Access: Emergency access is provided if at least two (2) different routes for emergency vehicles are available from the County highway system to a specific structure. For the purposes of this section, the County highway system consists of the arterial and collector street system.

1. **Provision for Emergency Access:** Emergency access may be required by the Review Authority based on the nature and scope of a proposed development and feasibility. The requirement for emergency access shall not apply to subdivisions in the A-1 and BC districts having lots of 20 or more acres. In assessing feasibility, consideration shall be given to cost of road construction, ability to obtain easements from adjacent property owners and the amount of environmental damage that would occur. In order for a road to qualify as providing emergency access, the County must receive an adequate guarantee that the road will be maintained on a year round basis.

2. **Design Considerations:** The County Road Standards limit the length of cul-de-sacs to 600 feet (see Chapter 5). A variance in County Road Standards must be obtained to use cul-de-sacs in excess of 600 feet.

3. **Alternatives:** Where provision of emergency access is not feasible, the County may require other mitigation measures to insure public health and safety.

8104: Required Trail Improvements

The subdivider shall provide the following improvements for all trails required by the BOCC in the approval of a subdivision or accepted by the BOCC as fulfilling the requirement for public use areas stated in Section 3509 et seq.:

A. Clearing and grading of the trail surface to meet required widths and grades.
B. Surfacing, when required.
C. Installation of trail signs.
D. All improvements necessary for drainage and to protect trails from erosion.
E. All recreational pathway (“recpath”) and trail improvements and construction shall comply with the design and construction standards outlined in Chapter 5, Road Standards.

8105: Required Water, Wastewater and Utility Improvements

As a condition of approval of any subdivision, the subdivider shall be required to provide the following water, wastewater treatment and utility improvements:

A. **Water Systems:** Construction of new water systems and expansion of existing water systems required to serve the subdivision shall be required. Notwithstanding the foregoing, if individual wells are proposed and deemed appropriate for a subdivision, installation of such wells shall be the responsibility of individual lot owners. The aforementioned requirement for construction of water systems shall include, without limitation, the following responsibilities:
   1. All water mains within the boundaries of the subdivision.
   2. Water mains necessary to connect the subdivision with any existing water system intended to provide service to the subdivision.
   3. Pump stations needed for operation of the water system.
   4. Water treatment facilities necessary to meet state standards for purification of water, where a stand-alone community water system is proposed.
   5. Individual service lines stubbed to each property lot line.

B. **Wastewater Treatment Systems:** Construction of new wastewater treatment systems and expansion of existing wastewater treatment systems required to serve the subdivision, except where OWTS’s are proposed, installation of such systems shall be the responsibility of individual lot owners. Construction shall include the following:
   1. All sewer mains within the boundaries of the subdivision.
   2. Sewer mains necessary to connect the subdivision with any existing wastewater treatment system intended to provide service to the subdivision.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

3. Lift stations needed for operation of the wastewater treatment system.
4. Wastewater treatment facilities necessary for operation of the wastewater treatment system where a stand-alone community wastewater treatment system is proposed.
5. Individual service lines stubbed to each property lot line.

C. Other Utilities: Installation of electric and telephone lines needed to serve each lot in the subdivision and to connect the subdivision to existing utility lines is required. Where feasible, installation of gas and cable television lines is required. These improvements shall be guaranteed through a Subdivision Improvements Agreement (“SIA”) or Site Plan Improvements Agreement (“SIA”) in conformance with Section 8609 and 12607 respectively.

8106: Required Drainage Improvements

All subdivisions shall meet the required drainage and water quality provisions set forth in Chapters 5, 6, and 7 of the Code.

8107: Required Dedication and Easements

8107.01: Required Streets and Roads Dedication and Easements

A. Offers of Dedication for Public and Private Streets: All streets located within a subdivision shall be offered for dedication to the County as public rights-of-way for access, utilities, snowstorage, drainage and related infrastructure uses regardless of whether maintenance is public or private. Right-of-way dedications for public and private streets shall conform in width to the requirements in the County's Road Standards (Chapter 5) including sufficient width to include all drainage improvements, associated cut and fill slopes, intersections, curb returns, snow storage, retaining walls and other road appurtenances.

B. Platting of Easements for Private Accessways: Easements must be platted for all private alleys, common driveways including common driveways which serve single-family or duplex dwellings or other accessways. Easements for alleys, common driveways or other accessways shall include, at a minimum, the width of the travel surface, two (2) feet on either side, any associated cut and fill slopes and any drainage improvements. The appropriate width of any such easement shall be determined upon recommendation of the County Engineer.

C. Upgrading of Streets:
1. Existing Roads: Where the area to be subdivided includes an existing road and the right-of-way for the road is insufficient to meet County Road Standards (Chapter 5) or the right-of-way for the road has not been dedicated to the County and the road is included in the circulation system providing access to the lots in the subdivision or is needed to provide access to future development on surrounding private land, the subdivider must dedicate the necessary right-of-way to County standards as part of the platting of the subdivision and at the subdivider’s expense.
2. Compliance with Master Plan: When a County-adopted master plan indicates plans for the establishment, realignment or widening of a road which traverses the area to be subdivided, the subdivider must dedicate the necessary right-of-way for the establishment, realignment or widening of the road at the subdivider’s expense.
3. Connections to Existing Road System: Where streets outside a subdivision must be constructed to establish a connection between the subdivision and the existing street system or existing streets which will be used for such connection need to be upgraded to accommodate added traffic from the subdivision, the subdivider must obtain the necessary rights-of-way for these improvements and must plat or otherwise provide for a legal means of access per another legal mechanism approved by the County.

D. Half Streets: New subdivisions shall not include new perimeter half streets unless satisfactory assurance for dedication of the other half is provided. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be dedicated and constructed by the subdivider.
8107.02: Required Trail Dedications and Easements

A. Public Trails or Recreational Pathways: All trails or recpaths which will become part of an overall County system or which maintain or replace existing trail or recpath connections to National Forest land shall be platted as public easements. Easements shall be dedicated to the County for use by the public.

B. Private Trails or Recreational Pathways: Trails or recpaths which are contained within a subdivision and are for the exclusive use of its residents shall be expressly platted as private open space or as private easements limited to the use and enjoyment of the residents of the subdivision.

C. Right-of-way/Easements: The standard right-of-way/easement requirements for shared use recpaths shall be 33 feet, with a minimum of 25 feet where topographic constraints or exceptional physical conditions dictate narrower corridors. For unpaved (soft) trails, the standard right-of-way/easement shall be 20 feet with a minimum of ten (10) feet where topographic constraints or exceptional physical conditions dictate narrower corridors. Exceptions to standard trail widths for shared use paths and unpaved trails will be determined and approved by Open Space and Trails Department staff. Additional right-of-way/easement width shall be provided to accommodate cut and fill slopes, drainage improvements, intersections, curb returns and snow storage (if applicable). Snow stacking is prohibited in trail easements unless approved by the Review Authority.

D. Centering Recreational Pathways: To the extent practicable, recpaths shall be designed such that the recpaths are centered in the right-of-way/easement.

8107.03: Required Utility Dedications and Easements

A. Utility Lines: The subdivider shall provide easements for all existing or required utility lines and facilities. In addition, utility easements necessary for applicable utility providers, special districts or by public agencies providing water and wastewater treatment service shall be provided. Where central water or wastewater treatment services are not currently available, utility easements for wastewater and water lines shall be provided along appropriate alignments to facilitate the future installation of such lines should service become available. During the subdivision review process, the necessity for the provision of easements to accommodate any existing or planned main distribution or collection lines crossing the property to be subdivided shall be addressed, in order to ensure the coordinated development and maintenance of such systems. The width of any utility easement shall be sufficient to allow adequate maintenance of the system.

B. Utility Facilities:
   1. Public Systems: Where a public water or wastewater treatment system includes such facilities as well houses, pump stations, lift stations or soil absorption beds, these facilities shall be placed in easements allowing access to the operator for maintenance, repairs and improvements necessary for the adequate operation of the system.
   2. Community Systems: Where a community water or wastewater treatment system includes such facilities as well houses, pump stations, lift stations, distribution lines, or soil absorption beds, these facilities shall be placed in a designated common area or in appropriate easements. Said placement shall be required to allow for access by the operator for maintenance, repairs and improvements necessary for the adequate operation of the system.

8108: Maintenance of Improvements and Common Elements

8108.01: Common Elements

Whenever a development project includes private streets, privately maintained streets, common open space, common driveways serving three (3) or more dwelling units, common parking areas, common pathways or, common recreational facilities, subdivision drainage improvements, forest management/fuels reduction/defensible space improvements, or any other facility or improvement requiring common maintenance and/or governmental financing is proposed, a property owners association must be formed such that the owners association will bear the financial responsibility for maintenance of these facilities and improvements and have a means for fulfilling the
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

responsibility. The articles of incorporation, association bylaws and Covenants, Conditions & Restrictions ("CC&Rs") or any other covenants securing such responsibilities shall be submitted to the Planning Department with submittal of the first final plat for the development. The Planning and Engineering Departments must approve all maintenance and repair provisions, as described below, in said documents prior to approval of the final plat. No final plat shall be approved unless the BOCC determines that the CC&Rs and/or other covenants contain adequate provisions for maintenance and repair of common areas as described below.

The CC&R’s shall, at minimum, address the maintenance of such common elements, including, but not limited to:
- Common driveway construction and maintenance;
- Road Maintenance, including but not limited to construction, maintenance, and snow removal;
- Detention pond maintenance;
- Maintenance of open space and other common areas, public or private;
- Forest management/defensible space improvements per an approved forest management/defensible space plan;
- Trash and recycling collection, including limitations on placing containers outside overnight;
- Common area landscaping and management of noxious weeds.

For all such common area maintenance provisions included in the CC&R’s, the developer shall execute an “Agreement for the Preservation of Association Maintenance Responsibilities”, or other County approved agreement, between the homeowner’s association and the Board of County Commissioners to be recorded concurrently with the CC&R’s. The agreement shall ensure that, in lieu of the County acting as a party to the declaration, that such maintenance responsibilities persist pursuant to the scope and standards set forth in the declarations, and that the association agrees that no modifications to those maintenance provisions in the declarations, pertinent to the agreement with the County, shall be adopted without the advance written notice to and express consent of Summit County.

The CC&Rs and/or other covenants shall be recorded prior to or concurrent with recordation of the final plat. Evidence that the articles of incorporation and association bylaws have been recorded with the State shall be submitted prior to the recordation of the final plat. Evidence of adequate capital fund availability for the subdivision maintenance responsibilities shall also be submitted prior to the recordation of the final plat.

Whenever a development project includes a community water or wastewater treatment system, the developer shall provide for the continued operation, maintenance and repair of such systems through the annexation of the property to an existing water, sanitation or metropolitan district or through an alternative method acceptable to the County. Current County policies regarding acceptable methods of managing water and wastewater treatment systems are located in this Chapter.

8108.02: Street Maintenance

Whenever roads are proposed to serve a subdivision, the subdivider shall arrange for the long-term maintenance of the road, either through County acceptance of road maintenance, as determined in accordance with the County’s Road Standards or by a road maintenance agreement that binds a public or private entity (homeowner’s association, etc.) to the long term maintenance of the road. The road maintenance agreement shall be in a form acceptable to the County. The subdivider shall also require through covenants or deed restrictions that all property owners within the subdivision join this private entity and assume their share of its financial obligations. Evidence of adequate capital fund availability for the street maintenance responsibilities shall also be submitted prior to the recordation of the final plat.
8109: Subdivision Improvements Agreements

8109.01: Purpose and Intent

The purpose of this section is to ensure that all improvements to subdivisions are financed, constructed and maintained in accordance with all specifications pertaining to the same. The intent of this section is to provide for continued fiscal and legal responsibility for such improvements until the entire subdivision project is deemed complete and responsibility for the continued maintenance of such improvements has been properly assumed by the relevant successors in interest, such as a homeowner’s association, a special district, or, in certain situations, the County or some other governmental entity. In such regard, unless otherwise determined by the BOCC, an SIA, as provided for pursuant to C.R.S. § 30-28-137 et seq., shall be required for every subdivision as provided for in this Code and shall control the administration of that project and the improvements related thereto.

8109.02: General Responsibilities for Improvements

Subdivision Improvements are the responsibility of the developer. All improvements shall be designed and constructed according to applicable designs, specifications and standards as approved by Summit County and other regulatory authorities having jurisdiction over the property to be subdivided. The developer shall assume all responsibility for the financing, construction and initial maintenance of all improvements internal or external to the proposed subdivision as required by the subdivision approval pursuant to the criteria established in these regulations, unless suitable evidence is submitted that other public agencies have the responsibility for the construction and the costs of improvements.

8109.03: Required Contractual and Financial Guarantee

A. Completion of Improvements or Fully Executed Agreement: No grading permit shall be issued for a subdivision, nor shall any final plat be recorded, until the developer has submitted, and the BOCC has approved, one or a combination of the following:
   1. A legally executed SIA, in standard form as provided by the County, committing developer to construct all required improvements shown in the final plat documents within a two year time period from the date of the issuance of the grading permit (or such other period of time as may be agreed to by the County and the applicant), together with collateral and/or an adequate financial guarantee which is sufficient, in the judgment of the County, to make reasonable provision for the completion of said improvements in accordance with design and time specifications. Said SIA shall be duly executed and recorded as provided for herein and as provided for in Section 8109. The term length may be extended for good cause if such amendment is approved by the BOCC as a consent agenda item. Such SIA shall be formally approved by the BOCC at a public meeting;
   2. Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgment of the BOCC, will make reasonable provision for completion of said improvements in accordance with design and time specifications; or,
   3. Certified proof, in a form acceptable to the County, of the completion of the required improvements in accordance with all plans, specifications, designs and standards for the same.

B. After the SIA is submitted, it shall be presented to the BOCC as a consent agenda item for review and approval, and shall be recorded in the Office of the Clerk and Recorder.

C. The applicant and the County may mutually agree to amend the SIA and any associated phasing plan due to changes in the proposed development schedule, so long as the County reviews the changes and finds that there have been changes that warrant the amendment of the original SIA. Any amendment shall be considered an ongoing continuation of the original SIA and such amendment shall be done in a form acceptable to the County.

D. Cost Estimate:
   1. Prior to the execution and recordation of any SIA, the developer shall provide the County with an itemized estimate of the costs of all required improvements as addressed in the SIA. Said estimate shall be based
upon a reasonable calculation of the costs of all material, labor, and administration necessary to perform the work in a workmanlike fashion in accordance with the applicable specifications and standards. If requested, said estimate shall be accompanied by documentation demonstrating that the estimate is based upon a reliable computation of all estimated costs of completing such improvements.

a. The County Engineer shall review the estimate and determine if the estimate is sufficient and is authorized to require revisions in the list of improvements and cost estimates, prior to posting of a financial guarantee. The County Engineer may investigate as to the costs of any particular line item(s) in said estimate and utilize the results of such an investigation as the necessary line item for the estimate if deemed appropriate.

b. Any significant alteration in the anticipated costs of completing any improvement as required in the subdivision approval, based upon changes in conditions, increase in costs of materials or labor, modification to plans or other such contingencies shall be immediately reported to the County Engineer and adjusted in the submitted estimate. If such alterations or changes have the effect of increasing the costs of the improvements, the County Engineer may require that any financial guarantee ensuring the same be adjusted to reflect that increase.

**E. Required Guarantee:**

1. Prior to the execution and recordation of any SIA, developer shall submit a financial guarantee of performance, ensuring the completion of all required improvements, including the costs of administration, labor and materials, in accordance with an accepted cost estimate as provided for in subsection E above.

2. Said financial guarantee shall be executed by the developer in a form acceptable to the Planning Department and the Engineering Department, including without limitation an irrevocable LOC, a cash bond, a certificate of deposit from one (1) or more acceptable financial institutions or other irrevocable financial commitment deemed appropriate by the Planning Department and the Engineering Department.

3. The financial guarantee shall meet the following criteria:
   a. Shall be issued for 115% of the total value of improvements, including labor, equipment and materials unless the County has a demonstrated cause to require that a subdivider provide a financial guarantee of up to 125% of the total value of improvements, including labor, equipment and materials.
   b. Shall provide for payment to Summit County upon demand if the developer has not performed the obligations specified in the subdivision improvements agreement and the issuer has been notified of such default.
   c. Shall specify an expiration date or dates, reflecting the schedule for completion of the improvements, at which time the County may take unilateral action upon such guarantee to pay for the costs of correction, completion or necessary maintenance of any required improvements.

**8109.04: Use of Financial Guarantee**

If the County determines that any required improvements are not constructed in accordance with all provisions of the SIA and in substantial compliance with the specifications for such improvements, the County shall notify the developer of the noncompliance, accompanied by a list of specific deficiencies, and establish a schedule for correcting any such deficiencies. If the County determines that the developer will not or cannot construct any or all of the improvements in accordance with all of the specifications or has failed to do so in accordance with the schedule for correction provided, the County shall have the power to withdraw and employ such funds from the financial guarantee as may be necessary to construct the improvement or improvements in accordance with the SIA.

**8109.05: Parties to SIA**

A. Parties to Execute: The SIA shall be executed by the developer and the BOCC and shall provide for continued responsibility of such developer for full and final performance of all aspects of the SIA.

B. Entity as a Party: If the Developer is a corporation, limited liability Company, or any other type of entity as provided under Title 7, C.R.S., then the following requirements for the proper execution of the SIA shall also apply:
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

1. The entity shall be licensed with, and remain in good standing with, the Colorado Secretary of State, and be authorized to do business in the State of Colorado at all relevant times;

2. For any such entity, during the entire duration of the project construction and applicability of the SIA, the County may, for good cause, require the entity to provide certification to the County on a periodic basis, or upon demand of the County, that it remains in good standing, maintains sufficient funds to address all potential claims under the SIA and otherwise remains solvent.

3. Moreover, for any such entity, the SIA shall incorporate or be accompanied by a certified acknowledgement by an agent of the entity that any potential claims by the County under the SIA are to be considered known claims entitled to prior notice of dissolution of that entity and that any failure to so notify the County shall be deemed a violation of the noticing requirements for dissolution of any such entity pursuant to Title 7 of the Colorado Revised Statutes.

4. At least 21 calendar days prior to any entity filing any papers of dissolution with the Colorado Secretary of State, said entity shall provide written notice to the Planning Department and the Engineering Department of such intent to dissolve, accompanied with a proposed assignment of all rights and responsibilities to another party for the review of the Planning Department and the Engineering Department.

5. Should any entity fail to substantially comply with any of the aforementioned requirements or otherwise commit a material violation of the SIA, the County may require that the SIA be cosigned by an individual acknowledging the assumption of joint responsibility for performance under the SIA.

8109.06: Release of Guarantee

The financial guarantee may be released, either in part or in whole, at the discretion of the Planning Department and/or the Engineering Department, only when the following conditions are met:

A. Upon full completion of all improvements, the developer may send a written request for release of the guarantee to the Planning Department or the Engineering Department. Certification of compliance with all specifications for any improvement shall be submitted with any such written request. Any and all deviations from the approved plans and specifications shall be listed in said written request and depicted in such certification. No release of collateral may occur if the County Engineer determines that the certification or as built plans fail to address all required improvements or if any deviations to specifications have not received prior approval by the County Engineer and are not consistent with good engineering design. If deemed necessary based upon any particular considerations of the project, the County Engineer may require that certified as built plans be provided for any element of the project or the project in its entirety.

B. Letters are submitted from all appropriate utilities or special districts indicating (1) improvements have been installed in accordance with approved plans; and, where applicable, (2) the utilities or special districts have accepted such lines for maintenance. Such letters shall be provided prior to the full release of the financial guarantee or any partial release of the same that has any nexus to improvements related to such utilities.

C. Developer shall also warrant, in writing, that all responsibilities under the SIA have been performed in a workmanlike manner, in accordance with all plans and specifications, prior to the release of any part of the financial guarantee.

D. Partial release of the financial guarantee may be granted by the Planning Department and Engineering Department upon acceptable certification that specific improvements have been completed in accordance with an approved construction plan that is incorporated into the SIA and the partial release is being requested because 100% of the work associated with any such improvements have been completed. Notwithstanding the foregoing, a partial release of any portion of the financial guarantee shall not be deemed as a release of any part of the overall obligations of the SIA and developer shall remain responsible for all performance under the SIA until such time as any and all of the developer’s obligations under the SIA have been fully performed. The County reserves the right to hold up to ten percent (10%) of such itemized improvement as retainage, up to the point where final completion of the project is accomplished, for the limited purpose of ensuring such proper completion of the entire project.
E. Upon determination by the County Engineer and the Planning Department that all performance under the SIA required of the developer has been fully completed in its entirety, the entire financial guarantee shall be released to the developer.

8109.07: Assignment of Subdivision Improvements Agreement and Financial Guarantee

A. Developer may assign the rights and responsibilities under the SIA only upon advance notice and approval by the County Engineer and the Planning Department of such assignment. No such assignment may be made without a concomitant assignment of all developer’s interests in the financial guarantee to the same assignee.

B. Developer may assign all rights and responsibilities under an SIA, including all interests in the financial guarantee, to a homeowner’s association with concurrence by such association for a specific project for the purposes of completion of such project by said homeowner’s association.

8109.08: Enforcement

In addition to, and not in abrogation of, all enforcement remedies available to the BOCC under Chapter 14, C.R.S. §§30-224 & 124.5 et seq., and the SIA, the following enforcement provisions shall apply to all SIA matters:

A. Continuing Obligation: The developer shall have a continuing obligation of performance under the SIA until such time as all developer’s responsibilities under the SIA have been fully performed.

B. Financial Guarantee for Complete Performance: The financial guarantee provided for in Section 8109 et seq. is required to ensure the performance of all obligations under the SIA. Accordingly, any element of such financial guarantee, even if nominally designated for any particular element of performance under the SIA, may be used to ensure completion of any performance required by the SIA.

C. Financial Guarantee for Warranty of Work: The financial guarantee may also be utilized to ensure that all work continues to adhere to the warranties and certifications provided by developer in the course of performance under the SIA.

D. District Court Jurisdiction: The BOCC or any purchaser of any lot, outlot or other subdivided land subject to a plat restriction which is the security portion of an SIA shall have the authority to bring an action in any district court in accordance with C.R.S. §30-28-137(3) et seq., as amended.

E. Injunctive Relief: In addition to any other remedy set forth in Part 1, Article 28, Title 30, C.R.S., as amended, the BOCC or any purchaser of any lot, outlot or other subdivided land shall have the authority to bring an action for injunctive relief in accordance with C.R.S. §30-28-137(4) et seq. to enforce any plat restriction (including all obligations contained in documents required to be executed and recorded as part of the final plat approval and all commitments of record of the developer related to the County’s approval of the final plat), plat note, plat map or provision of an SIA and for damages arising out of failure to adhere to any such plat restriction, plat note, plat map or provision of an SIA. Nothing in Part 1, Article 28, Title 30 C.R.S., as amended, or this Section 8109, et seq., shall have the effect of requiring the BOCC to bring any action authorized in this provision.

F. Enforcement of the SIA: The County shall seek to recover all costs incurred by the County from the financial guarantee, including but not limited to all administrative costs incurred in enforcing the terms of the SIA. If the financial guarantee is not enough to recover all of the costs of the required subdivision improvements and/or the County’s administrative costs, the County may seek the recovery of such costs as provided for by law.

8150: DESIGN CRITERIA

8151: Overall Design Criteria

8151.01: Protection of the Natural Environment

A. Protect and Preserve Distinctive Natural Features: To the extent practicable, subdivisions shall be designed to protect and preserve distinctive natural features, such as but not limited to rock outcrops, ridgelines, steep slopes, perennial streams and wetlands areas. When practicable, such areas shall be left in their natural state
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

and protected by either the use of disturbance envelopes as required by this Section, the establishment of open space lots where development is prohibited or some other protective measures acceptable to the Review Authority. Where it is not practicable to protect and preserve distinctive natural features or if such features do not present significant characteristics that merit preservation, the impacts to such areas shall be mitigated to the satisfaction of the BOCC.

B. **Designing Subdivisions to Fit the Topography of the Land:** Subdivisions shall be designed so that the layout of lots, the placement of building envelopes, the alignment of roads, trails, driveways, walkways, and all other subdivision features shall utilize a design philosophy that generally reflects the existing natural topographic contours of the property, and which further achieves the design criteria within this section.

8151.02: **Areas Subject to Environmental Hazard**

Lots proposed for development and access roads to such development shall avoid areas subject to avalanches, landslides, rockfalls, mudflows, unstable slopes, floodplains, susceptibility to significant wildfire hazards, or other areas subject to environmental constraints unless these hazards are mitigated or eliminated to the satisfaction of the BOCC. If hazards cannot be mitigated or eliminated to the satisfaction of the BOCC, then affected areas shall be placed in lots where development is prohibited or other appropriate protection measures shall be taken as determined acceptable to the BOCC.

8152: **Drainage Design Criteria**

A. **Rate of Runoff:** Runoff from a project site after construction shall not exceed the level of runoff which occurred prior to construction. The entire drainage area upstream from a project site, up to a maximum of 200 acres, shall be considered when determining runoff quantities whether or not this area is part of the project site. The following methods may be used for estimating peak runoff flows:

1. Runoff from stream flow records.
2. Tabular Method as per Technical Release TR-55 or TR-20 from the Engineering Division of the United States Department of Agriculture (“USDA”).
3. HEC-RAS Computer Program from the United States Army Corps of Engineers (“USACE”).
4. The Rational Method, with all runoff calculations and designs to be done by a licensed engineer.

B. **Design of Drainage Improvements:** Drainage improvements shall be designed and constructed in accordance with the standards in this section and in Chapters 5 and 7 herein. In addition, the following design requirements shall be met:

1. **Method of Detention:** The methods noted below may be used for controlling excess runoff from project sites. In all cases, provisions shall be made to handle routine maintenance and silt buildup.
2. **Detention and Retention:** Detention systems shall be designed to store the difference between the developed volume and the historic volume of runoff during the 25-year event. Discharge from the detention system will be at 25-year historic rates. Retention systems will be designed to store the entire 25-year 24-hour event from the developed site.
3. **Gravel Trenches:** Gravel trenches shall be designed to store the entire volume in excess of historic rates of runoff and to allow this runoff to percolate into the soil. In designing gravel trenches, the assumption shall be made that gravel has 20 percent (%) porosity. The percolation rate of the soil shall not be slower than 60 minutes per inch.
4. **Other Methods:** Other methods for handling runoff may be used with approval of the County Engineer.

C. **Design of Ditches:** Drainage ditches shall have a minimum slope of three-quarters of one percent (0.75%). Energy dissipators or retention ponds shall be installed in drainage ditches where flows are anticipated in excess of five (5) feet/second. Ditches adjacent to roads shall have a maximum side slope of three to one (3:1) on the inside and outside edges, except where there is a cut slope on the outside edge, the outside edge of the ditch shall be matched to the cut slope.

D. **Design of Culverts:** Culverts shall be designed and installed as required in Chapter 5.

E. **Subdrains:** Subdrains shall be required for all foundations where possible and shall daylight to proper drainage channels.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

F. **Positive Drainage:** Finished grade drainage shall be diverted away from building foundations in accordance with the Building Code provisions.

8153: Fire Protection Design Criteria

A. **Water Supply:** Water supplies for fire fighting for any proposed development shall meet all requirements set forth in the Fire Code.

B. **Fireflow:** Fireflow requirements for each individual building in any proposed subdivision shall meet all requirements of the Fire Code.

C. **Installation of Facilities:** When fire protection facilities are required to be installed by the developer, such facilities including, but not limited to, all surface access roads necessary for emergency access, shall be installed and made serviceable prior to and during times of construction.

D. **Hydrants:** Where a central water system is provided in a development, fire hydrants shall be provided in accordance with the Fire Code.

8154: Lots and Blocks Design Criteria

A. **Area and Dimensions:**
   1. The minimum site area and dimensions of all lots shall conform to the applicable Zoning Regulations.
   2. Each lot shall contain sufficient land area to be buildable given the intended use and the requirements of the County's Zoning Regulations.
   3. Corner lots shall have sufficient area to meet all visual clearance area, setbacks and driveway intersection spacing requirements of Chapter 5.
   4. All proposed lots shall be designed to accommodate the fire mitigation prescriptions for Zones One and Two as set forth in the Summit County Building Code within the proposed lot boundaries and/or the parent parcel to the maximum extent feasible. If accommodation of Zones One and Two defensible space within the confines of the proposed individual lots or parent parcel is not feasible, then prior arrangements (e.g., easements) on neighboring properties for full implementation of Zones One and Two defensible space shall be provided prior to plat recordation unless waived by the Review Authority when the specific conditions and individual circumstances of a given project do not warrant imposition of this standard. In the event that an agreement on accommodation of Zones One and Two defensible space prescriptions on an adjoining property is not possible due to the refusal of the adjoining property owner, The Review Authority may accept other defensible space prescriptions that take into account the property’s topography, vegetation, and aspect in a manner that provides the functional equivalent of full Zones One and Two defensible space prescription implementation or circumstances of a given project do not warrant imposition of this standard (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Summit County Community Wildfire Protection Plan (CWPP)).

B. **Lot Lines:**
   1. Whenever possible, lot lines shall be located at the top of slopes, along benches, flowlines or drainage courses or follow other natural or man-made features.
   2. Side lot lines shall be at substantially right angles or radial to street lines where possible.
   3. Lot lines shall parallel and run alongside easement lines where possible.

C. **Access and Frontage:**
   1. Each lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all traffic needing access to the property and its intended use. Such access shall be provided either by a public or private street meeting the requirements of the County Road & Bridge Standards (“Road Standards” - Chapter 5), the applicable requirements contained in the Subdivision Regulations and the access criteria in Section 3504 et seq.
   2. All lots created by the preliminary/final plat development review process shall have a minimum 50-foot frontage, except lots in mobile home parks, zero lot line developments and lots taking access from a cul-de-sac, which shall have a minimum 30-foot frontage. Notwithstanding the foregoing, lots created via the subdivision exemption process shall provide 50 feet of frontage, if feasible.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

D. Blocks:
1. Blocks shall be designed to assure traffic safety and ease of traffic control and circulation.
2. Blocks shall be utilized when two or more groupings of lots are shown on the plat unless topography or other factors indicate an alternative arrangement is more desirable.

E. Disturbance and Building Envelopes:
1. Applicability and Requirements: All preliminary plats, final plats, lot splits on wells creating an additional building site, rural land use subdivisions, general exemptions platting a parcel and lot line vacation/adjustment plats may be subject to the following elements if so required by the Review Authority:
   a. The Review Authority may require that each lot on the plat that allows development (excluding open space parcels and tracts for future subdivisions) have a disturbance envelope depicted. The Review Authority’s determination of whether disturbance envelopes will be required shall be based on the goal of preserving natural features, such as but not limited to wetlands, steep slopes, ridgelines, rock outcrops, areas subject to geotechnical hazards and treed or natural cover on the site.
   b. For each developable lot created on a plat, a disturbance envelope may be required by the Review Authority to delineate an area that must contain all grading, clearing, excavation, development and drainage (as required by the Building Code and the provisions of this Code), including but not limited to any OWTSs, wells, dwellings, storage buildings or other structures or improvements. Provided, however, the following exceptions may be allowed outside of the disturbance envelopes:
      i. Trails.
      ii. Driveways.
      iii. Utilities provided such should be located under the driveway, if practicable.
      iv. Grading improvements associated with the overall subdivision that were reviewed and approved by the County.
      v. Tree removal for required fire mitigation.
      vi. OWTSs and wells if the applicant for a subdivision demonstrates that it is not feasible to construct such within the disturbance envelopes.
      vii. Other improvements as may be allowed by the Review Authority provided the natural integrity of the lot is maintained and development constraints are avoided.
   c. Where a disturbance envelope is required, the Review Authority may also require the establishment of a building envelope within the disturbance envelope, in which all buildings, structures, roof driplines and other improvements shall be required to be located unless an exemption for such exists as determined by the Review Authority. The intent of this building envelope would be to ensure setbacks as established by the underlying zoning and/or the integrity of the disturbance envelope are maintained during construction. Where a building envelope is required, it shall be set back a minimum of ten feet from the disturbance envelope to allow for adequate area necessary for the grading and construction associated with the structures. The Review Authority may require additional separation between the disturbance envelope and building envelope based on the proximity of natural features including but not limited to steep slopes, wetlands, and rock outcrops, or based on meeting other Development Code provisions or Master Plan policies.
   d. The Review Authority may also require that the area within which the driveways must be located be determined during the subdivision development review process. Determining the location of the area within which the driveway must be located shall be done by balancing the most direct approach to the disturbance envelopes from the roadway providing overall access to the proposed development, with the least environmental or visual impacts, while still meeting the applicable requirements for driveways as outlined in the Road Standards or such other similar driveway design standards as may be established in a Planned Unit Development (“PUD”).
   e. Where a disturbance envelope is not setback a uniform distance from property lines proposed on a plat, the County may require that the disturbance envelope be defined on the plat sufficiently so that it can be measured in the field.
   f. Plat notes may be added to the plat outlining the provisions of this subsection, including but not limited to, the key provisions of the definition of a disturbance envelope and building envelope outlined in Chapter 15.
g. The Planning Director may require that a tree survey of the significant trees on the site be provided as a part of the submittal requirements for the subdivision. The Review Authority may also require that if trees outside the disturbance envelope are removed without the approval of the County, such trees will be replaced on a caliper for caliper basis.

2. **Ensuring the Integrity of the Disturbance and Building Envelopes is Maintained:** The Planning Department will ensure the integrity of the disturbance and building envelopes are maintained during and after construction by establishing conditions of approval, such as but not limited to: 1) requiring construction fencing to be placed along the disturbance envelope for the duration of construction and 2) requiring a site improvement location certificate prior to pouring the foundation walls or constructing the building walls. Staff will monitor compliance with such aforementioned requirements and may pursue subsequent enforcement requirements if a violation is observed.

F. **Solar Orientation:**

The County encourages new subdivisions to maximize access to solar exposure. To the maximum extent practicable, lots shall be laid out in a configuration that allows future structures to be designed in a manner that maximizes solar technologies.

8155: Establishment of Design Criteria

As part of the submittal for any residential subdivision in any zoning district allowing the single-family and duplex residential development zoning districts, the developer shall submit covenants that cross-reference the applicable design criteria of this Code and any applicable PUD. The covenants shall be recorded in conjunction with the recordation of the subdivision plat and no building permits shall be issued prior to recordation of the covenants. The criteria shall create a consistent design theme for the development and shall address, at a minimum, the following items:

A. Architectural design per Section 3505.05 et seq. (single-family subdivisions only need to address exterior materials and exterior colors per this section of the Code);
B. Landscaping per Section 3600 et seq. (Single-family has very limited standards per this section);
C. Disturbance envelopes per Section 8154(A-F); and,
D. Exterior lighting per Section 3505.07.; and,
E. Reference to the Code and how such relates to the covenants per the provisions of Section 1202.

8156: Soil Suitability Design Criteria

A. **Suitability for Development:** The layout of subdivisions shall create lots only in areas having soil conditions that are suitable for the intended use.
B. **Avoidance of Hazards:**
   1. Areas subject to geologic hazards shall not be platted for any use which might endanger health and safety, life or property unless the hazards are mitigated in a manner acceptable to the County. Geologic hazards include but are not limited to:
      a. Avalanches, landslides, rock falls, mudflows and unstable slopes or soils.
      b. Seismic activity.
      c. Radioactivity.
      d. Ground subsidence.
   2. All areas of a proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions shall be identified by the subdivider and evidence provided that the proposed uses of these areas are compatible with such conditions.
   3. Subdivisions shall be designed in accordance with the County's Floodplain Regulations (Section 4100 et seq.).
C. **Review by Colorado Geologic Survey:** Each preliminary plat is required by State Statute to be referred to the Colorado Geologic Survey (“CGS”) for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land. Subdivisions shall be designed in accordance with the
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

recommendations of the CGS, except if the subdivider provides evidence acceptable to the County that an alternative design is in accord with sound engineering and planning principles.

8157: Streets and Roads Design Criteria

Street systems providing access to lots within subdivisions shall be arranged, designed and constructed as specified in the County Road Standards (Chapter 5).

8158: Trail Design Criteria

A. Countywide System: All the following trails shall be designed in accordance with the trails design criteria in the Code: 1) trails that will become part of an overall County system as shown in an applicable master plan, 2) trails that are required by the County per the requirements of this Code or a PUD, or 3) trails which maintain or replace existing trail connections to public lands.

B. Private Trails: Trails that are contained within a subdivision and are for the exclusive use of its residents shall be designed in accordance with the applicable criteria in the Code unless otherwise mutually agreed to by the developer and the County at the time of subdivision.

C. Snow Storage Not Allowed in Trail Easements or Rights-of-Way: Snow stacking in the trail or recpath right-of-way/easement is prohibited except when approved by the County in advance.

8159: Water, Wastewater Treatment and Utilities Design Criteria

A. Water:

1. Evidence of adequate water for each lot to be developed shall be submitted with a preliminary plat application. If water is to be provided by a central water treatment system, the subdivider shall submit evidence from the purveyor that adequate capacity is available to serve the proposed density of the subdivision. If wells are contemplated, the subdivider shall submit evidence of adequate water rights in terms of quality, quantity and dependability acceptable to the County.

2. All water systems and individual wells shall meet all requirements of and be approved by the State Engineer prior to final plat approval. For all subdivision proposals, except rural land use subdivisions as expressly provided for in Section 8420 et al, which involve an existing or proposed well, the application shall be subject to an evaluation by the State Engineer as to whether the cumulative impacts of such wells will cause material injury to decreed water rights.

3. For subdivision exemptions, where divisions of land include a parcel with an existing permitted well, and the division results in the well being located on a parcel that is smaller than the parcel that was considered when issuing the original well permit, the State Engineer’s Office may require that well be re-permitted consistent with the law as it applies to the size of the newly-created parcel on which it is located. This requirement shall be stated in a plat note so that the current owner and any prospective buyer will be aware of this provision.

4. All water systems and individual wells shall be approved by either the Public Health Department or the Engineering Department regarding water quantity, dependability and quality.

5. Any development proposing to use an existing public water system shall meet all requirements of the district or agency operating the system.

6. Common wells shall be located on either residential outlots or on private residential lots with proper access easements.

7. Maintenance of common water facilities must be accomplished through covenants and an owners association, through a separate maintenance agreement or through some other perpetual agreement acceptable to the County.

B. Wastewater treatment:

1. Evidence of adequate method of wastewater treatment for each lot to be developed shall be submitted with a preliminary plat application. If wastewater treatment is to be provided by a central wastewater treatment system, the subdivider shall submit evidence from the service provider that adequate capacity is available...
to serve the proposed density of the subdivision. If Onsite Wastewater Treatment Systems (OWTS) are proposed, the subdivider shall submit a plan with the location of all OWTSs. If deemed necessary, the Public Health Department may also require soil testing data.

2. All wastewater treatment systems designed for flows exceeding 2,000 gallons per day (gpd) as determined by County regulations shall be designed in accordance with and approved by the Colorado Department of Public Health and Environment.

3. All wastewater treatment systems designed for flows less than 2,000 gpd as determined by County regulations shall be designed in accordance with and approved by the Public Health Department.

4. Any development within a sewer district shall comply with that district’s requirements. Any development proposing to use an existing public wastewater treatment system, but which is not within a sewer district, shall meet all requirements of the district or agency operating the system.

5. OWTS’s will not be permitted for any new subdivision with an overall density greater than one (1) residential unit per acre. Allowance may be made for use of OWTSs on individual lot(s) of less than one (1) acre within a new subdivision when: a) the properties utilize OWTS designs that incorporate advanced treatment for nutrient reduction as approved by the Public Health Department; b) the overall density of the proposed new subdivision is no greater than one (1) unit per acre; and c) a plan for how the OWTSs are to be accommodated has been approved by the Public Health Department.

6. It is the policy of the BOCC that where a wastewater treatment system is designed for flows exceeding 2,000 gpd:
   a. It is assumed that such service should be provided and managed by an existing sanitation district or public agency unless it can be demonstrated that more efficient and reliable wastewater treatment service would become available with the formation of a new special district organized pursuant to Colorado Statutes.
   b. The proponent for a new special district for wastewater treatment must indicate the increased benefit of the new special district over service provided by an existing sanitation district or public agency. The service plan for the new special district must comply with the applicable requirements of State Statutes.

7. It is the policy of the BOCC that where any portion of a property line for a parcel is within 400 feet of an existing collector or main sewer line connected to a wastewater treatment plant, the development shall connect to sewer line unless the wastewater service provider will not allow connection. In establishing this policy, the BOCC finds that provision for wastewater treatment through a central system reduces potential health hazards from contamination of ground water and phosphorus loading of streams and reservoirs in the County. A request for an exception to this requirement will be considered pursuant to the provisions for administrative relief in Section 13400 et seq. In order to grant administrative relief from this requirement, the Code Administrator must consult with the Summit County Public Health Department and must find that installation of an on-site system meeting County standards is feasible, that such installation is consistent with public health, safety and welfare and will not cause a significant adverse impact on water quality in Summit County and that one (1) or more of the following exists:
   a. An exceptional elevation difference between the development and the sewer line, which makes connection unduly burdensome; or,
   b. Presence of an intervening body of water, watercourse or wetland, which makes connection unduly burdensome; or,
   c. Presence of an intervening state or interstate highway; or,
   d. The installation is proposed for a parcel which is five (5) acres or larger and all buildings and uses on the parcel requiring wastewater treatment are located more than 400 feet from a central wastewater system main or collector line.

8. The following circumstances are eligible for being exempt from Section 8159.B.7 and from needing formal administrative relief if approved by the Public Health Department in consultation with the Code Administrator:
   a. The OWTS permit is only for maintenance to an existing OWTS, including tank replacement, sewer or effluent piping work, treatment of a malfunctioning leach field, etc. However, leach field replacement or additions shall be subject to Section 8159.B.7.
b. Inability, after a good faith effort, to obtain easements across intervening land.

C. Utilities:
1. Installation of all utilities including gas, electric power, telephone and cable television must meet requirements of the utility providing service.
2. All utilities shall be located underground, including but not limited to all utility stub outs, unless located in a pedestal, except in situations or locations where topography or other factors make undergrounding of utilities undesirable as determined by the Review Authority.
3. All above ground utility stub outs shall be located within pedestals that are painted to match the natural or man-made backdrop.
4. Where a free-standing electric meter is needed for a common light(s), such a meter shall be appropriately screened or buffered from all public rights-of-way.

8159.01: Test Criteria and Procedures for Onsite Wells and Onsite Wastewater Treatment Systems (OWTS)

A. Plan for Onsite Wells and OWTS: Where both onsite wells and OWTSs are proposed for subdivisions having a density higher than two (2) acres per unit, the subdivider shall prepare a plan showing how the wells and OWTSs are to be placed and coordinated so each lot is served. Such a plan may also be required at the discretion of the Public Health Department if site conditions, such as wetlands and/or steep slopes, on any of the individual lots will make placement of onsite wells and OWTSs unusually restrictive. The Public Health Department shall use this plan in reviewing applications for OWTSs to ensure placement of an individual lot owner's well and OWTS is in accordance with the plan. Public Health may make modifications in the plan if it does not affect the ability to locate both a well and OWTS on an adjacent lot. No OWTS permit shall be issued unless the well location is also identified and Public Health determines the location of the well and OWTS on the applicant's lot does not interfere with placement of both a well and OWTS on any adjacent lot or with the existing use of a well and/or OWTS on any adjacent lot.

B. Water: Where onsite wells are proposed for a development, the Engineering Department shall determine whether it is necessary for the applicant to drill test wells and the number of wells to be drilled to ascertain the quantity, reliability and quality of water available from underground sources. The Engineering Department may use soils reports, data from properties in the vicinity and field observations in making this determination. The applicant shall supply data from test wells or other data as required by the Engineering Department.

C. Wastewater Treatment: Where an OWTS is proposed for a development, the following procedure shall be used to determine what data shall be submitted by the applicant with respect to feasibility:
1. For developments having lot sizes smaller than one (1) acre, OWTS permitting processes, as administered by the County Public Health Department, shall be followed to ensure that an appropriate system will fit on each of the proposed lots that are smaller than one (1) acre. Advanced treatment technologies are required per section 8159.B.5 above.
2. For developments having lots with unusually restrictive site conditions, such as wetlands and/or steep slopes, OWTS permitting processes shall be followed for such lots at the request of the Public Health Department.
3. For developments having lot sizes greater than one (1) acre, yet smaller than two (2) acres, a plan for placement of OWTSs, and/or onsite wells, shall be followed as described in part (A) of this section. No additional supporting data shall be required except as required in part (C)(2) of this section.
4. For developments where all lots are greater than two (2) acres, no supporting data shall be required showing placement of OWTS and onsite wells except as required in part (C)(2) of this section.

D. Additional Requirements: Specific criteria to be met in testing for water availability, dependability and quality and for feasibility of OWTSs may be established by the Engineering and the Public Health departments in administrative procedures.

8160: Project Naming Conventions

8160.01: Subdivisions Subject to Naming Conventions
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

The subdivision naming conventions outlined in this section shall apply to any new subdivision as provided for in the Subdivision Regulations where the project name will become part of the legal description or address of the resulting lots.

8160.02: Naming Criteria

A. Requirement for Unique Names: New subdivisions identified in Section 8160.01 shall have unique names. Unique shall mean that there are no other subdivisions in the County or towns, either existing or approved on a preliminary plat or townhouse or condominium plat, with the same or a similar name, unless the name is reserved through the site plan development review process as provided for in these regulations. Names that sound similar are not considered unique (e.g., Beach and Peach, Bear Tree and Bearing Tree). The same root name with a different descriptor or suffix shall not be considered unique (e.g., Lakeview Meadows and Lakeview Commons).

B. Reservation of Project Name: Project names must be reserved prior to townhouse or condominium platting at the time of site plan approval, in accordance with the provisions of Sections 12602.02 and 8109.

C. Similar Sounding Names may be Allowed: Similar sounding names may be recommended for approval at the discretion of the County’s Geographic Information Systems Workgroup (“GIS Workgroup”) of the Information Systems Department for townhouse or condominiums platted within the same PUD, as long as they are distinctly recognizable (e.g., Copper Springs Lodge and Copper Station).

D. Names for Filings in the Same Subdivision: Separate filings of the same subdivision may have the same name as long as they are given separate filing numbers (e.g. Wildernest Filing #1 and #2).

E. Basis of Names: New subdivision names are encouraged to have a historical, cultural, geographic or natural significance to the area.

8160.03: Approval Authority

The County GIS Workgroup shall approve the names of all newly created subdivisions identified in Section 8160.01. The County GIS Workgroup may, at its own discretion, consult with the Summit County Communications Department about the acceptability of proposed subdivision names.

8160.04: Name Change

Once a name is approved and recorded as part of the legal name of a plat, it can be changed through a general subdivision exemption development review process. If an applicant wishes to change a project name prior to the platting process, the new name must be reviewed and acted on in accordance with these regulations by the GIS Workgroup under the provisions of this section.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

8160.05: Appeal Authority

Appeals of the decision of the GIS Workgroup regarding acceptance of a subdivision name will be heard by the Board of Adjustment in accordance with section 13200 of this Code. Any reference in this Code to GIS Workgroup approval of a subdivision name shall be deemed to include any decision of the Board of Adjustment on appeal regarding such subdivision name.

8160.06: Road Names

Road names shall be designated in accordance with Section 5004 et seq.

8200: SUBDIVISION WORK SESSIONS

Purpose and Intent: A subdivision work session is intended to identify potential development constraints and to evaluate the suitability of the subdivision layout in light of these constraints. The level of detail provided in the work session may vary depending on the size and scale of the proposed development and how it will be phased. The Planning Commission shall endeavor to alert the subdivider to any inconsistencies with current zoning, possible design problems and issues that need to be addressed in the preliminary plat submittal. The main function of a subdivision work session is to have a non-binding, cursory review of broad issues and concerns rather than provide a detailed critique and in-depth analysis. No formal approval or disapproval of a subdivision is granted at the work session stage. Unless as otherwise provided for in Section 12000.C.3 a subdivision work session is limited to the discussion of a proposed Preliminary Plat.

8200.01: Work Session Requirement

Prior to submitting a preliminary plat, an applicant is required to submit a subdivision work session application unless such requirement is waived by the Planning Department in accordance with Section 12000.C.3.

8201: Review Procedures for Subdivision Work Sessions

An applicant seeking a subdivision work session shall follow the Class 3 development review process outlined in Section 12000 et seq.

8250: PRELIMINARY PLAT

Purpose and Intent: The preliminary plat review process is not intended to ensure final provisions have been made for water, wastewater treatment, access and other required infrastructure, but instead evaluate the tentative method of providing this infrastructure and ensure the applicant has a reasonable and reliable means of providing such infrastructure at the final plat stage. Accordingly, any representations or approvals relating to a preliminary plat shall not be considered to be an endorsement or assurance as to any final plat approval. A person seeking to subdivide a property must also apply for a final plat development review.

8251: Requirements for Approval

8251.01: Access

A. General Access Requirements:

1. As part of any preliminary plat submittal, the applicant shall include a preliminary road layout and shall identify approximate grades, cuts and fills.
2. The subdivider shall indicate the intended means of providing access to each lot intended to be developed in accordance with the Subdivision Regulations and the other applicable provisions of this Code.
3. The extent of the easements or rights-of-way proposed to be acquired shall be sufficient to demonstrate the ability to construct an access road meeting the County's Road Standards for the proposed subdivision (see Chapter 5).

8251.02: Water, Wastewater Treatment and Utilities

| A. Evidence of Adequate Water, Wastewater Treatment and Other Required Utilities: Prior to approval of any preliminary plat, the subdivider shall supply evidence to the Planning Department that each proposed development lot (excluding proposed open space parcels) will have: 1) an adequate supply of water in terms of quantity, quality and dependability for the proposed use of each lot; 2) an adequate means of wastewater treatment; and, 3) availability of other required utilities. This evidence need not be in the form of providing a final decreed right, such as purchasing water or wastewater taps, but instead can be in a narrative form that outlines the intended method of providing utilities, allowing an evaluation of the tentative method of providing this infrastructure so that the Review Authority can determine that the applicant has a reasonable means of providing such infrastructure at the final plat stage.

| B. Initial Determination of Utility Provider Capacity: With respect to water, wastewater and all other required utilities, the entity expected to provide such service to the subdivision shall signify in writing that capacity is available and the extension of lines is feasible. If the applicant proposes to provide water or wastewater treatment through other than a central system, they shall meet the requirements of Section 8159. At minimum, the applicant shall provide evidence acceptable to the County that:
1. Adequate water rights have been acquired or right of acquisition has been obtained to supply the proposed development.
2. Data required by the County on the quality, dependability and quantity of water available have been submitted and the data meets the County's requirements.
3. Data from soil testing has been submitted to the County in accordance with the test criteria in Section 8159.01 and the data meets the County's requirements.

8251.03: Fire Protection and Emergency Services

Prior to the BOCC’s approval of a preliminary plat, referral agency comments from the agencies responsible for providing fire protection and emergency services for the proposed subdivision that are based on regulatory requirements of an applicable code or regulation, shall be incorporated into the design of the subdivision when (1) such comments are based on specific regulatory requirements, and (2) when the Review Authority determines that such recommendations should be incorporated as a part of a subdivision’s design per the preliminary plat criteria for decision.

8252: Review Procedures for Preliminary Plats

An applicant seeking a preliminary plat shall follow the Class 5 development review process outlined in Section 12000 et seq.

8252.01: Criteria for Approval

The following criteria must be met to approve a preliminary plat:

A. The proposed subdivision is consistent with the Zoning Regulations applicable to the property.
B. The proposed subdivision is consistent with the Subdivision Regulations applicable to the property.
C. The proposed subdivision is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans in accordance with Section 8004 of the Subdivision Regulations.
D. The applicant has provided evidence that provisions can be made for a water supply that is sufficient in terms of quantity, quality and dependability to provide an appropriate supply of water for the type of subdivision proposed.

E. The applicant has provided evidence to establish that, if a public wastewater treatment system is proposed, provision has been made for such system, and if onsite wastewater treatment is proposed, results from soil testing has been provided which demonstrate that wastewater treatment systems would comply with state and local laws and regulations in effect at the time of submission of the preliminary plat.

F. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.

G. The applicant has provided evidence that all lots and parcels created by the subdivision will have access to the County road system and to the State highway system in conformance with the State access code.

8300: FINAL PLAT

Purpose and Intent: The final plat development review process is the last step in obtaining approval to subdivide the property. The intent of final plat review is to ensure that a proposed subdivision complies with the Subdivision Regulations and other applicable regulations of this Code and that an applicant has definitively provided the required infrastructure for the subdivision. A person seeking to subdivide a property must first apply for, and receive approval of, a preliminary plat development review.

8301: Requirements for Approval of Final Plats

8301.01: Access

County Engineering Department Approval and Provision of Right-of-Way: No final plat shall be approved unless the applicant has received approval from the Engineering Department of road improvement plans meeting the requirements of the County's Road Standards (Chapter 5) and these regulations and has acquired a means of access from the existing County road system to the proposed subdivision. The extent of the easements or rights-of-way acquired shall be sufficient to construct an access road meeting the County's Road Standards for the proposed subdivision.

8301.02: Evidence of Adequate Water, Wastewater Treatment and Other Required Utilities

Prior to approval of a final plat, the subdivider shall supply definitive evidence to the Planning Department that each proposed development lot (excludes proposed open space parcels) will have: 1) an adequate supply of water in terms of quantity, quality and dependability for the proposed use of each lot; 2) an adequate means of wastewater treatment; and, 3) availability of other required utilities. This evidence shall be in a final form that provides definite proof that water, wastewater and required utilities will be provided to serve the proposed development lots. Examples of such include, but are not limited to: 1) final court approved water augmentation plan; 2) proof of purchased and allocated water taps; 3) proof of purchase of wastewater taps; and 4) a confirmation letter from appropriate utility providers.

8301.03: Fire Protection and Emergency Services

Prior to BOCC approval of a final plat, the applicant shall provide consent sign-offs from the agencies responsible for providing fire protection and emergency services, if so required by the Review Authority, for the proposed subdivision.
8301.04: Providing Digital Data of a Final Plat to the County

Prior to presenting an approved final plat to the Chairman or the BOCC for a signature, the applicant shall be required to submit a digital file of the approved final plat to the County’s GIS Workgroup of the Information Systems Department for updating and maintaining the County’s GIS. Such a digital file shall be in a digital format acceptable to the GIS Workgroup. Requirements for digital submittal and specifying acceptable data format and content may be obtained from the County’s GIS Workgroup.

8302: Review Procedures for Final Plats

An applicant seeking a final plat shall follow the Class 6 development review process outlined in Section 12000 et seq.

8302.01: Criteria for Approval

The following criteria must be met to approve a final plat.

A. The proposed final plat is consistent with the approved preliminary plat and the applicant has complied with all conditions of preliminary plat approval.
B. The applicant has provided definitive evidence that provisions have been made for a water supply that is sufficient in terms of quantity, quality and dependability to provide an appropriate supply of water for the type of subdivision proposed.
C. The applicant has provided definitive evidence to establish that, if a public wastewater treatment system is proposed, provision has been made for such system, and if onsite wastewater treatment is proposed, results from soil testing has been provided which demonstrate that wastewater treatment systems would comply with state and local laws and regulations in effect at the time of submission of the preliminary plat.
D. The proposed final plat complies with the County's Subdivision Regulations and standards.
E. The applicant has provided certification from the County Treasurer's Office that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.
F. The plat map is drawn in accordance with standards in the County's Subdivision Regulations (Chapter 8) and is suitable for recordation.
G. No change has occurred which would result in an inability to make the findings required for approval of preliminary plats. Adequate provision has been made for water supply, wastewater treatment, utilities and access for the subdivision in accordance with these regulations (Chapter 8) and Colorado State Law.

8302.02: Endorsement and Recordation

A subdivision plat shall not be recorded in the Clerk and Recorder's Office unless it bears the approval of the BOCC as evidenced by the signature of the Chairman of the BOCC. The Chairman of the BOCC shall not sign a subdivision plat until the subdivider has: 1) complied with all conditions required to be met prior to recordation of the plat; 2) posted a financial guarantee for the subdivision improvements per the SIA approved by the BOCC; 3) paid any required public use area fees; 4) received formal approval from the BOCC at a public meeting. The Chairman of the BOCC shall only sign plats meeting such criteria if provided for signature directly by the Planning Department.

8302.03: Master Road and Subdivision Lists

A. Master Road List: Upon approval of a final plat, the Planning Department shall notify the County GIS Workgroup of the Information Systems Department of its approval. The County GIS Workgroup shall add any new roads created by the plat to the County Master Road List and shall assign numbers to these roads.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

B. Master Subdivision List: Upon approval of a final plat or reservation of project name per Section 8160 et seq. or 12602.02, the Planning Department shall notify the County GIS Workgroup of its approval or name reservation. The County GIS Workgroup shall add any new subdivision names created by the plat to the County Master Subdivision List.

8400: SUBDIVISION EXEMPTIONS

8400.01: Site Area Requirements and Subdivision Exemptions

If a duplex lot or multi-family lot meets the minimum site area and density requirements of the underlying zoning, such lots may be subdivided in accordance with this Code’s subdivision exemption requirements listed in Section 8400 et seq. Duplex dwellings, townhouse dwellings or multi-family dwellings may be subdivided into parcels that do not meet required site area and density provisions provided: 1) the site continues to be developed as one (1) entity according to an approved or modified development plan in accordance with the requirements of this Code; 2) the overall site development adheres to the site area and density requirements of the underlying zoning district; 3) the property continues to meet and adhere to all requirements of any townhouse plat or condominium map, or other applicable documents of record; and, 4) any subdivision plat for the development site includes a plat note stating the development of the parcels is subject to an overall development plan. Notwithstanding the foregoing, a duplex dwelling subdivision exemption shall be divided so that the lot for one (1) dwelling unit contains no less than 40% of the total land area in the original lot unless other site areas are approved by the Planning Department that allow for each lot to have approximately 30% to 50% of the land area in each resultant duplex lot.

8401: Types of Subdivision Exemptions

Colorado State Statutes allow the BOCC to exempt any division of land from review as a subdivision if the BOCC determines that such division is not within the purposes of the subdivision statute. The BOCC has established seven (7) types of subdivision exemptions:

8401.01: General Subdivision Exemptions

The BOCC has declared divisions of land that are not within the purposes of the State subdivision statutes (C.R.S. §30-28-133 et seq.), and which are not otherwise classified by this section, to be classed as general subdivision exemptions if the criteria stated in Section 8402.01.A is satisfied.

8401.02: Duplex Subdivisions

The BOCC has declared subdivisions of duplex lots which create individual lots for each duplex dwelling upon such lot as subdivision exemptions if the criteria stated in Section 8402.01.B are satisfied. This type of plat must include structures to be subdivided and therefore may not be used simply to create lots for the future construction of duplex structures. In order for a duplex plat application to be processed, it must be demonstrated that all structures to be subdivided on the plat have been framed and passed the final framing inspection by the Building Department.

8401.03: Lot Splits on Wells

The BOCC has declared subdivisions of parcels containing 40 acres or more which will result in a total of no more than two (2) building sites for single-family use, where the single-family dwellings will be served by wells, as subdivision exemptions if the criteria stated in Section 8402.01.C are satisfied.
8401.04: Condominium Maps and Townhouse Plats

The BOCC has declared subdivisions of land for condominium maps and townhouse plats as subdivision exemptions if the criteria stated in Section 8402.01.D is satisfied. These types of plats must include structures to be subdivided and therefore may not be used simply to create lots for the future construction of condominium or townhouse structures. In order for a condominium map or townhouse plat application to be processed, it must be demonstrated that all structures to be subdivided have been framed and passed the final framing inspection by the Building Department.

8401.05: Correction Plats

The BOCC has declared that corrections to recorded subdivision plats are a subdivision exemption if the criteria in Section 8402.01.E are satisfied.

8401.06: Adjustments and Vacations of Lot Lines or Easements

The BOCC has declared that lot line adjustments are a subdivision exemption if the criteria in Section 8402.01.F are satisfied.

8401.07: Alterations or Elimination of Plat Notes

The BOCC has declared that alterations or elimination of plat notes on recorded plats are a subdivision exemption if the criteria contained in Section 8402.01.G are satisfied.

8402: Review Procedure for Subdivision Exemptions

Subdivision exemptions for condo maps, townhouse plats, duplex lot splits and correction plats shall follow the Class 2 development review process (refer to Section 12000 et seq.). General subdivision exemptions, adjustments and vacations of lot lines or easements or alterations or elimination of plat notes on recorded plats shall follow the Class 6 development review process (refer to Section 12000 et seq.). Lot splits on wells shall follow the Class 5 development review process (refer to Section 12000 et seq.).

8402.01: Criteria for Approval

A. General Exemptions: The following criteria must be met for the BOCC to approve a general subdivision exemption:

1. The division of land created by the subdivision exemption is not within the purposes of the State subdivision statutes (C.R.S. §30-28-133 et seq.).
2. The lots resulting from the subdivision exemption are in compliance with County Zoning Regulations.
3. The subdivision exemption is in compliance with County Subdivision Regulations and standards (Chapter 8).
4. The proposed subdivision exemption is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
5. The applicant has provided evidence that all areas of the proposed subdivision exemption that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
6. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

7. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.

B. **Duplex Subdivisions:** The following criteria must be met for the chairman of the BOCC to approve a duplex subdivision as a subdivision exemption:
   1. The lot in which the duplex is located was approved and platted as part of a subdivision which meets the requirements of the County's Subdivision Regulations (Chapter 8).
   2. Lots created by the subdivision exemption shall be in compliance with the County's Zoning Regulations.
   3. Adequate easements for water, wastewater, utilities and access have been provided.
   4. An acceptable party wall agreement has been provided and is suitable for recordation.
   5. The subdivision exemption is in compliance with the applicable County Subdivision Regulations and standards (Chapter 8).
   6. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.
   7. The public use area fee has been paid for the site.
   8. The applicant has added a plat note stating that the development of the parcels is subject to an overall development plan per the provisions of Sections 3505.14.H and Section 3505.15.A.5, if applicable.
   9. If an updated SPIA is required by the County, the subdivider has signed and submitted an updated SPIA that contains obligations to provide improvements for the subdivision exemption as required by the provisions of this Code, and also obligating the subdivider to provide an adequate financial guarantee for these improvements prior to recordation of the exemption plat.
   10. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
   11. The structures being subdivided have been framed and the final framing inspection has been approved by the Building Department.

C. **Lot Splits on Wells:** The following findings shall be made by the BOCC to approve a subdivision exemption for a lot split served by wells:
   1. The parcel to be subdivided via a subdivision exemption shall be of at least 40 acres in size and said subdivision shall not result in more than two (2) building sites for single-family use.
   2. No previous subdivision exemption for the purpose of creating a lot split has been granted for the property.
   3. The lots resulting from the subdivision exemption are in compliance with County's Zoning Regulations.
   4. The subdivision exemption is in compliance with County Subdivision Regulations and standards.
   5. The proposed subdivision exemption considers the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
   6. The applicant has provided evidence that an adequate water supply, method of wastewater treatment and access is available to each lot created by the subdivision exemption.
   7. The applicant has provided evidence that all areas of the proposed subdivision exemption that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
   8. The applicant has signed and submitted an SIA that contains obligations to provide improvements for the subdivision exemption as required by Section 8109 et seq. of these regulations, and also obligating the applicant to provide an adequate financial guarantee for these improvements prior to recordation of the exemption plat.
   9. The applicant has provided certification from the County Treasurer's office that all ad valorem taxes applicable to the proposed subdivision exemption, for years prior to the year in which approval is under consideration, have been paid.
   10. The exemption plat is drawn in accordance with standards in the Subdivision Regulations and is suitable for recordation.
   11. The public use area fee has been paid for the site.

D. **Condominium Maps and Townhouse Plats:** The following criteria must be met for a condominium map or townhouse plat to be approved.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

1. The proposed map or plat is consistent with the approved subdivision final plat and site plan for the development project.
2. The proposed map or plat is consistent with County Zoning and Subdivision Regulations, and other applicable County regulations, including the Building Code.
3. The map or plat is drawn in accordance with the Subdivision Regulations and standards and is suitable for recordation.
4. If applicable, the condominium or townhouse declaration and bylaws make adequate provision for the maintenance of common area elements and adequate easements have been provided for utilities, access, emergency access, drainage and other provisions of this Code that necessitate easements.
5. If an updated SPIA is required by the County, the applicant has signed and submitted an updated SPIA that contains obligations to provide improvements for the subdivision exemption as required by the provisions of this Code, and also obligating the applicant to provide an adequate financial guarantee for these improvements prior to recordation of the exemption plat.
6. The public use area fee has been paid for the site.
7. The applicant has provided certification from the County Treasurer that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.
8. The lots or property interests resulting from the subdivision exemption have been framed and the final framing inspection has been approved by the Building Department.
9. If the lots or property interests resulting from the subdivision exemption do not meet required density provisions, the project meets the applicable requirements set forth in Section 3505.02.E, and a plat note has been added stating the development of the parcels is subject to an overall development plan.

E. Correction Plats: The following criteria must be met for a correction plat to be approved:
1. The correction is necessary to correct technical or clerical errors in the approved and recorded final plat. Such errors include errors to legal descriptions, acknowledgments, dedication language, plat notes and other items that do not substantively change the plat as previously approved by the BOCC.
2. The correction results in a plat that complies with all applicable requirements of the Summit County Land Use and Development Code.
3. The correction results in a plat that is consistent with the approved preliminary and final plats for the subdivision.
4. The map or plat is drawn in accordance with the Subdivision Regulations and standards and is suitable for recordation.

F. Adjustments and Vacations of Lot Lines or Easements: A request for a lot line adjustment or vacation or an easement vacation shall meet the following criteria to be approved by the BOCC:
1. The adjustment or vacation procedure has not been used to circumvent the intent of the Subdivision Regulations.
2. The lots resulting from the adjustment or vacation are in compliance with the County's Zoning Regulations (Chapters 3-4).
3. Easements necessary for the provision of utilities are not affected or have been relocated to the satisfaction of the utility companies.
4. If the request is for a lot line adjustment, the plat illustrating the lot line adjustment is drawn in accordance with standards in these regulations and is suitable for recordation.
5. If the request is for a lot line vacation, the applicant has provided a restrictive covenant against the property that prohibits the vacated lot(s) from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.
6. The applicant has provided certification from the County Treasurer that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.
7. For lot line vacations, the resolution of approval states the new lot name as one of the previous lot designations.

G. Alterations or Elimination of Plat Notes on Recorded Plats: The following criteria must be met for a plat note to be altered or eliminated:
1. The alteration or elimination of the plat note(s) is justified based on one of the following: (1) changes in the County’s development policy or County goals or objectives (Code policy, master plan policy, etc.); (2) administrative need, changes in the conditions in the vicinity or changes in the Building Code or Fire Code.

2. The alteration or elimination of the plat note(s) do not substantively change the plat as previously approved by the BOCC or in any way deviate from any conditions of approval set forth by the BOCC for such plat.

3. The plat note being altered or eliminated is a regulatory requirement in favor of Summit County.

4. The alteration or elimination of the plat note is consistent with the Subdivision Regulations, Zoning Regulations and the applicable provisions of this Code.

8402.02: Action

A. Lot Splits on Wells Subdivision Exemption: Notwithstanding any of the requirements of the Class 5 development review process, no approval shall be granted for a general subdivision exemption which creates additional building sites unless the BOCC has first received a recommendation on such an application from the Planning Commission.

B. General exemptions, Adjustments and Vacations of Lot Lines or Easements and Alteration or Elimination of Plat Notes: Notwithstanding any of the requirements of the Class 6 development review process, the BOCC shall take action to approve, approve with modifications, or deny a general exemption, adjustments and vacations of lot lines or easements, and alteration or elimination of plat notes.

C. Duplex Subdivisions: Notwithstanding any of the requirements of the Class 2 development review process, the Planning Department shall present the plat to the Chairman of the BOCC for signature subsequent to the Review Authority’s approval of the same. The Planning Department shall not present a duplex subdivision exemption plat to the chairman for signature unless the applicant has: 1) signed and submitted an updated site plan improvements agreement (if so required by the Review Authority); 2) posted an adequate financial guarantee as required by Section 8109 et seq. of these regulations; and 3) paid any required public use area fees. Affixing of the chairman’s signature shall constitute approval of the exemption plat for a duplex subdivision, which subsequently can be recorded in the Office of the Clerk and Recorder.

D. Condominium Plats and Townhouse Plats: Notwithstanding any of the requirements of the Class 2 development review process, the Planning Department shall present the map or plat to the Chairman of the BOCC for signature. The Planning Department shall not present a condominium map or townhouse plat to the chairman for signature unless the applicant has: 1) signed and submitted an updated SPIA (if so required by the Review Authority); 2) posted an adequate financial guarantee as required by Section 8109 et seq. of these regulations; and 3) paid any required public use area fees. Affixing of the chairman's signature shall constitute approval of the condominium map or townhouse plat, which subsequently can be recorded in the Office of the Clerk and Recorder.

E. Correction Plats: Notwithstanding any of the requirements of the Class 2 development review process, the Planning Department shall present the map or plat to the chairman of the BOCC for signature. Affixing of the chairman’s signature shall constitute approval of the correction plat, which subsequently can be recorded in the Office of the Clerk and Recorder.

8420: RURAL LAND USE SUBDIVISION

8421: Purpose and Intent

These regulations provide landowners a voluntary alternative process of splitting properties. Past development in the County has at times created a pattern of large, cookie-cutter lots (i.e., 20 to 40 acre parcels) that cover the countryside. Such a development pattern consumes large amounts of land and leads to fragmentation of habitat areas and ranch holdings. In contrast, these regulations encourage efficient use of land through clustering of development and preservation of ranchland, environmentally sensitive areas, reduction of wildfire hazards, and key open space areas. The regulations provide a land use option that differs from traditional 35-acre divisions of land and also differs from normal County subdivision and subdivision exemption processes. These regulations are intended to achieve the following land use goals:
A. Implement goals of basin master plans and subbasin plans to protect the character of the County’s rural areas.
B. Provide incentives (e.g., simplified development review process, bonus densities) to land owners to choose the program rather than selecting other methods of land division (e.g., 40 acre lot splits, subdivision exemptions, and subdivisions).
C. Foster continued use of lands for ranching and agriculture.
D. Protect environmentally sensitive areas, such as wetlands, streams and critical wildlife habitat.
E. Preserve open space.
F. Avoid disturbance of floodplains, steep slopes and other geologically hazardous areas.
G. Preserve historic sites and structures.
H. Minimize visual impacts as seen from main public roads, when consistent with other goals.
I. Minimize extension of roads and utilities.
J. Reduce exposure of new development to wildfire hazards.

8422: Authority

These regulations are adopted pursuant to C.R.S. §30-28-401 et seq.

8423: Applicability

These regulations may be utilized on all A-1 zoned properties 70 acres or greater in size located in the unincorporated area of the county. Contiguous properties under separate ownership may file a joint application for development utilizing these regulations provided the cumulative property size is 70 acres or greater and provided all property owners are party to the application.

8424: Use Restrictions

Parcels that are created using the rural land use subdivision regulations shall have additional use restrictions as compared to the uses permitted in the A-1 zoning classification. Uses on all parcels except those designated as open space tracts shall be limited to the following uses, provided the underlying zone allows the use and provided all specific requirements of this Code are complied with:

A. Permitted Uses:
   1. Dwelling, one-family.
   2. Manufactured home.
   3. Modular home.
   4. Accessory uses to single-family residences:
      a. Childcare, home.
      b. Community building.
      c. Dish antenna.
      d. Garage.
      e. Greenhouse, private.
      f. Home occupation.
      g. Motor vehicles, storage and parking.
      h. Recreation building.
      i. Recreation vehicle storage.
      j. OWTS/leach fields*.
      k. Storage areas and buildings.
      l. Private athletic facilities.
      m. Private recreation facilities.
   5. Agricultural or Silvicultural operations.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

6. Private lumbering operations shall only be permitted when timber harvest is for resource management purposes (i.e., maintaining forest health) in conjunction with a forest management plan approved by the County or its designees.
7. Animal keeping (see Section 3802).*
8. Barn.
10. Agricultural buildings.
11. Park/Playground accessory to community building.
13. Minor utility facilities.
15. Caretaker unit.
17. On-site employee housing for ranching and farming operations.

B. Conditional Uses:
1. Bed and breakfast.
2. Freestanding park/playground.
3. Dude ranch/resort: small and medium scale.
4. Fish hatchery.
5. Packing and outfitting facilities.
6. Wastewater treatment plant.
7. Major utility facilities.
8. Water treatment plant.
12. Wild game ranches.*
13. Farm/ranch office.
14. Lumbering operations, other than those listed as permitted under subsection A.6 above.*
15. Wood Manufacturing.

C. Temporary Uses:
1. Construction office.
2. Construction staging area.

D. Disturbance and Building Envelopes: All uses listed above shall be confined within the required disturbance and building envelopes for a parcel as specified in Section 8425.03, with the exception that uses with an asterisk (*) may be allowed throughout the parcel.

E. Required Plat Note: A note shall be placed on the rural land use subdivision plat, indicating that uses allowed on parcels are restricted to the uses identified in this section.

Additional use restrictions shall apply to designated open space tracts, as identified in Section 8426.04.

8425: Density, Lot Sizes and Building Envelopes

8425.01: Density

Maximum density achieved through a rural land use subdivision shall be determined by the amount of land from the overall site that is designated as an open space tract. Density shall be determined as follows:
### Amount of Site Designated as Open Space

<table>
<thead>
<tr>
<th>Amount of Site Designated as Open Space</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>66.7 - 74.9%</td>
<td>1 unit/25 acres</td>
</tr>
<tr>
<td>75 – 84.9%</td>
<td>1 unit/20 acres</td>
</tr>
<tr>
<td>85% or greater</td>
<td>1 unit/17.5 acres</td>
</tr>
<tr>
<td>80% or greater with permanent open space restriction (see Section 8426.C.3.)</td>
<td>1 unit/17.5 acres</td>
</tr>
</tbody>
</table>

### 8425.02: Lot Size

There is no maximum or minimum size for lots created under the rural land use subdivision process per this section, provided that other State or County regulations (i.e., County Public Health Department regulations for OWTSs) are met.

### 8425.03: Disturbance Envelopes

Disturbance envelopes not to exceed three (3) acres in size shall be established for each lot created under the rural land use subdivision process subject to the provisions of this section, except that a building envelope is not required for each lot in a rural land use subdivision. The location of disturbance envelopes shall conform to the design criteria of Section 8427 and other applicable requirements of this Code. Driveways are allowed outside disturbance envelopes. Once a rural land use subdivision has been recorded, the location of disturbance envelopes may be changed through a general subdivision exemption process as provided in Section 8400 et seq., provided the design criteria of Section 8427 are met. All areas outside of the disturbance envelopes shall be designated as open space per the provisions of Section 8426.

### 8426: Open Space

#### 8426.01: Open Space Tract

A separate open space tract(s) shall be designated as part of a rural land use subdivision. Areas designated as open space shall meet the design criteria of Section 8427 to the maximum extent possible. The open space tract or tracts may be owned by a single property owner or owned in common interest by multiple property owners in the project.

#### 8426.02: Minimum Size of Open Space Tract

A minimum of two-thirds (66.7%) of the entire rural land use subdivision shall be designated in an open space tract or tracts. The open space tract shall not include any area within the disturbance envelope as required in Section 8425.03. Nor shall any residential uses permitted within such disturbance envelope spill over onto the open space tract or tracts.

#### 8426.03: Open Space Document and Length of Restriction

A. **Open Space Restriction:** A plat note or other restrictive mechanism acceptable to the County shall be required by the Review Authority to restrict use of the open space tract to the uses listed under 8426.04 and the restrictions in Section 8426.02.

B. **Maintenance of Historic Land Uses:** As part of the open space restriction, historic uses of the land (i.e., hay farming) should be encouraged to be maintained. The restriction should also encourage maintaining existing water rights associated with the land to preserve productive agricultural lands.

C. **Length of Open Space Restriction:** An open space tract shall be designated for a minimum of 99 years. Designations of open space tracts in perpetuity are encouraged. Open space tracts that are designated for a time period less than perpetuity (i.e. a 99-year restriction) may, after the time period of the restriction expires, be
developed in accordance with the underlying zoning then in effect, provided density equaling the number of dwelling units requested shall be transferred to the site from a rural location in the County.

8426.04: Permitted Uses in Designated Open Space Tracts

A. Permitted Uses: The following land uses shall be allowed in open space tracts created as part of a rural land use subdivision:

1. Agricultural operations, with the following provision applicable to Timber Harvest:
   a. Timber Harvest shall only be permitted when it is for resource management purposes (i.e. maintaining forest health) in conjunction with a forest management plan approved by the CSFS.
2. Animal keeping (see Section 3802).
3. Existing agricultural buildings and barns.
4. New agricultural buildings and barns, provided the new structures are approved as part of review of the rural land use subdivision or in subsequent administrative review by the Planning Department*, and provided that the cumulative total square footage of building footprints of all structures does not exceed one percent (1%) of the open space designated for the entire project site.
5. Boarding, community and commercial stables, provided that the new structures are approved as part of review of the rural land use subdivision or in subsequent administrative review by the Planning Department* and provided that the cumulative total square footage of building footprints of all structures on the open space tracts does not exceed one percent (1%) of the open space designated for the entire project site.
6. Fences—repair, replacement and new fences when used for agricultural or resource protection purposes (i.e., keeping cattle out of stream), provided the fences shall be constructed to effectively hold livestock while allowing for the passage of wildlife.
7. Minor utilities—maintenance of existing minor utilities and placement of new minor utilities when underground and when the disturbed area is restored and revegetated.
8. Existing public or private roads and the maintenance of the roads. Existing roads shall not be considered part of the open space tract when calculating the amount of open space in the overall project site.
9. New construction of roads only when the roads are constructed for purposes of providing access to agricultural structures or other uses allowed by this section. New roads constructed shall not be considered a part of the open space tract when calculating the amount of open space in the overall project site.
10. New construction of roads accessing homesites in the rural land use subdivision may be allowed to cross open space tracts, provided the design criteria of 8427 are complied with and provided impacts to the open space area are avoided to the maximum extent possible. Any new roads accessing homesites shall not be considered a part of the open space tract when calculating the amount of open space in the overall project site.
11. Benches, tables, shelters and viewing stands for open space users.
12. Stormwater detention facilities for on-site agricultural operations and subdivision drainage.
13. Recreation trails and pathways.
14. Leach fields for OWTS’s provided any ground disturbance is restored.
15. Wellheads/well houses and developed springs.
16. Wetlands, stream and wildlife enhancement projects.
17. Repair and replacement of existing irrigation ditches, headgates, water diversion structures, dikes and construction of new irrigation or water structures for the purposes of reasonable and customary management of irrigation water for agriculture.
18. Other uses as allowed as a part of the rural land use review process. The uses must be consistent with protection of open space values, preserving rural character and other goals of the applicable Master Plans. Such proposed uses shall be referred to the Summit County Open Space Advisory Council for the Council’s review and recommendation on whether the use is consistent with protecting open space values.

*Administrative review by the Planning Department shall include an evaluation of whether the proposed agricultural use complies with Sections 3802.03 and 3802.05. Administrative decisions on uses allowed in open space areas may be appealed to the Planning Commission.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

39

B. **Required Plat Note:** A note shall be placed on the rural land use subdivision plat, indicating that the uses in open space tracts are restricted to the uses listed under this section.

**8427: Design Criteria**

All applications for rural land use subdivisions shall demonstrate that the proposal meets the following design criteria, where applicable. Where site conditions preclude the ability to meet all of the following criteria, then the proposal shall meet as many of the criteria as possible and provide adequate justification for any listed criteria that cannot be met.

A. **Impacts to Agricultural Lands:** Impacts to agricultural lands (i.e., irrigated hay meadows) shall be avoided or minimized to the maximum extent practicable.

B. **Disturbance Envelopes:** Disturbance envelopes shall be free from environmentally sensitive areas (e.g., wetlands, critical wildlife habitat, steep slopes, floodplains and other geologic hazards).

C. **Designation of Agricultural Lands and Sensitive Areas:** Agricultural lands and environmentally sensitive areas shall be designated as open space, whenever practicable.

D. **Minimizing Extension of Infrastructure:** Extension of infrastructure, including roads and utilities, shall be minimized, while still achieving other design criteria of this subsection.

E. **Provision of Wildlife Buffers:** Where feasible, buffers shall be provided to protect critical wildlife habitat areas (e.g., listed species, critical winter range and movement corridors).

F. **Additional Wetland and Streamside Setbacks:** Where practicable, open space tracts shall provide buffers in excess of County setback requirements from wetlands and streams.

G. **Provision of Large Open Space Tracts:** Where practicable, open space should be in contiguous large tracts that best serve protection of open space values unless smaller tracts better protect the open space values of the site.

H. **Criteria for Clustered Lots:**
   1. Wherever feasible, building envelopes created through the rural land use subdivision process shall be clustered together so that minimal disturbance to the overall landscape occurs and so that infrastructure is most efficiently provided. However, an adequate separation should be provided between building envelopes so that lot owners can still experience an attachment to surrounding open spaces.
   2. In some circumstances, it will be more appropriate to cluster lots in several different locations of the project site than in one (1) location to avoid key environmental features and other attributes listed in the design criteria of this subsection.

I. **Minimizing Visual Impacts:** Visual impacts to views from public roads should be avoided or minimized.
   1. Homesites should be located and screened behind trees or topographic features whenever possible so they cannot be viewed from public roads.
   2. Development on prominent ridgelines should be avoided.

J. **Minimizing Disturbance:** Minimize tree cutting and disturbance of the landscape.

K. **Preservation of Historic Features:** Preserve historic features to the extent practicable.

L. **Exterior Materials:** Design buildings to use natural or naturally appearing and non-reflective exterior materials.

M. **Conformance with Other Applicable Subdivision Requirements:** Rural land use subdivisions shall be designed to be consistent with other applicable design requirements of the Subdivision Regulations, however, when there is a conflict between the provisions of the Rural Land Use Subdivision Regulations and the Subdivision Regulations, the provisions of the Rural Land Use Subdivision Regulations shall prevail as determined by the Review Authority.
8428: Development Review Process

8428.01: General

As an alternative process to conventional subdivisions, subdivision exemptions or subdivisions of properties not subject to subdivision review, the rural land use subdivision process is intended to provide for a timely development review, taking both property owner and community interests into account. The process involves: 1) conceptual development review by the Planning Commission; 2) rural land use subdivision review and public hearing by the Planning Commission; and 3) BOCC public hearing and final decision.

8428.02: Conceptual Development Plan

All rural land use subdivision proposals shall include a submittal for conceptual development plan review. Conceptual development plan review is intended to provide early guidance to an applicant concerning the feasibility of the proposal, while minimizing the amount of information that the applicant must provide.

8428.03: Schedule for Review

An applicant shall submit a request for conceptual development plan review and all required submittal materials four (4) weeks prior to the Planning Commission meeting in order for the request to be scheduled on the Planning Commission’s agenda. The Planning Department has the authority to decide, based on the complexity of the request, if additional review time is required. The Planning Department shall notify the applicant additional time is needed no later than two (2) weeks after a request is submitted.

8428.04: Submittal Requirements

The Planning Department and the Open Space and Trails Department shall assist the applicant in preparing the following written and graphic materials, utilizing data available to the Departments. The submittal materials prepared are not intended to be detailed information prepared at great expense by the applicant. The materials are intended to provide enough information for the Planning Commission to complete a preliminary evaluation of the proposal. Specific items may be waived by the Planning Director if deemed unnecessary.

A. Written material:
   1. Application form.
   2. Statement of interest in property; if not property owner, statement from property owner allowing filing of application.
   3. Existing zoning.
   4. Description of the proposal.
   5. Identification of relevant site characteristics:
      a. Description of current agricultural uses on the project site.
      b. Streams, lakes, topography and vegetation.
      c. Wildlife habitat.
      d. Geologic and soils characteristics.
      e. Key open space features.
   6. Estimated acreage of site.
   7. Identification of source of water, wastewater treatment and access.
   8. List of property owner names and addresses within 2,000 feet of the project site.

B. Graphic Material:
   1. Vicinity map.
   2. Existing conditions, structures and improvements.
   3. Existing utility, wastewater and water line connections.
   4. Topography.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

5. Slope analysis.
6. Vegetation and wildfire hazard as provided by the CSFS.
8. Soils, geology and natural hazards.
9. Wildlife habitat categorized by the land cover classifications used on the official Wildlife Habitat Overlay District map adopted pursuant to Section 4203.01 of these regulations.
10. Conceptual plan illustrating the approximate layout of lots, areas reserved in open space, location of roads, drainage and utility lines.

C. Fee as required by resolution of the BOCC.
D. Additional information deemed necessary by the Planning Director.

8428.05: Site Visit

Prior to Planning Commission public review of a conceptual development plan, the site being considered shall be visited in the field by County Planning, Engineering, and Open Space & Trails Staff, representatives from the Open Space Advisory Council (“OSAC”) and, at a minimum, a quorum of members of the Planning Commission. The applicant shall clearly mark in the field the approximate location of proposed building envelopes and open space tracts. The intent of the site visit is to provide Staff and the Planning Commission a better understanding of the site's development constraints and open space characteristics. At the Planning Department’s discretion, should winter conditions preclude the ability to adequately evaluate the site, the application may be continued until such time that more favorable conditions for a site visit prevail.

8428.06: Review Procedures for Conceptual Development Plan

A. Referral Agencies:
The Planning Department shall be responsible for referring conceptual development plans to the agencies listed below, unless determined by the Planning Director as unnecessary:
1. Fire district.
2. Sanitation district.
3. Water district.
4. Utilities.
5. Engineering Department.
6. Open Space & Trails Department.
11. Other agencies deemed necessary by the Planning Director.
As part of the referrals, the Colorado Division of Wildlife shall be consulted on ways to design the development that minimizes wildlife impacts and avoids key wildlife movement corridors.

B. Planning Department Review:
Prior to public review by the Planning Commission of the conceptual development plan, the Planning Department shall prepare an analysis of the proposed plan. The analysis shall at a minimum evaluate the proposal’s conformance with the criteria listed under Section 8428.06.E.

C. Public Notice:
Notice of the Planning Commission’s review of the conceptual development plan shall be provided as identified in Section 13100 et seq.

D. Action:
Conceptual development plans shall be reviewed by the Planning Commission at a regular public meeting. The Planning Commission shall review the proposal to determine that the proposal conforms to the criteria listed under Section 8428.06.E below. The Planning Commission shall receive public comment on the proposal. There is no formal approval or disapproval of the conceptual development plan. However, the Planning
Commission shall determine whether they are in general agreement or disagreement with the conceptual development plan. The Planning Commission shall make findings based on the criteria listed under Section 8428.06.E that explain why it is in general agreement or disagreement with the conceptual development plan. The intent of agreement/disagreement is to provide the applicant with an early indication of the feasibility of their project and to forewarn the applicant of potential issues that they may encounter, should the applicant elect to move forward with the project.

E. Criteria for Planning Commission Review of Conceptual Development Plans:

Conceptual development plans shall be reviewed to determine whether they meet the following criteria:

1. The proposal is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.
2. The proposed rural land use subdivision complies with 1) the design criteria in Section 8427; 2) other provisions of the Rural Land Use Subdivision Regulations and the applicable Subdivision Regulations.
3. Issues raised by referral agencies are adequately addressed.

8428.07: Rural Land Use Subdivision Review

After the Planning Commission has reviewed a conceptual development plan, an applicant may submit for formal rural land use subdivision review by the Planning Commission. Unlike the conceptual development plan, the rural land use subdivision shall contain all technical information necessary for the Planning Commission and BOCC to take action on the proposal.

A. Review Procedure for Rural Land Use Subdivisions:

An applicant seeking a rural land use subdivision shall follow the Class 5 development review process outlined in Section 12000 et seq.

B. Submittal Requirements for Rural Land Use Subdivision:

Applicants requesting a rural land use subdivision shall submit to the Planning Department the same information as required for Class 5 applications unless items are waived by the Planning Director as unnecessary (refer to Section 12000 et seq.). In addition, the following information shall be submitted with any application for a rural land use subdivision, unless specific items are determined to be unnecessary are waived by the Planning Director:

1. Description of current agricultural uses on the project site.
2. Document restricting open space tracts as described in Section 8426.03.
3. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, wastewater collection system, storm drainage facilities and such other utilities as may be required.
4. Homeowner covenants, conditions and restrictions (“CC&Rs”), which at a minimum should include architectural design guidelines that address the use of natural and non-reflective exterior materials.
5. Maintenance plan which identifies:
   a. Party responsible for maintenance of common areas, facilities and open space tracts; and,
   b. Items to be included in maintenance program including but not limited to provisions for snow removal, trash removal, maintenance of pools, hot tubs, recreation facilities, common areas and other amenities.

C. Criteria for Approval:

The Review Authority shall approve a proposed rural land use subdivision only if it finds that it meets all relevant regulations and standards of this Code, and if it finds:

1. The proposed rural land use subdivision is consistent with the Zoning and Subdivision regulations, including the Rural Land Use Subdivision Regulations.
2. The applicant has provided evidence that definite provision has been made for a water supply that is sufficient in terms of quantity, quality and dependability to provide an appropriate supply of water for the type of subdivision proposed.
3. The applicant has provided evidence to establish that, if a public wastewater treatment system is proposed, provision has been made for such system, and if onsite wastewater treatment is proposed, results from soil
testing has been provided which demonstrate that wastewater treatment systems would comply with state and local laws and regulations.
4. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed uses of these areas are compatible with such conditions.
5. The applicant has provided evidence that all lots and parcels created by the subdivision will have access to the County road system and to the State highway system in conformance with the State access code.
6. The proposed rural land use subdivision is in general conformance with the advisory goals, policies and provisions of the Summit County Countywide Comprehensive Plan and any applicable basin or subbasin master plans.

D. Notification of the Office of the State Engineer:
Within 14 calendar days of approval, the BOCC shall notify the Office of the State Engineer of such approval and shall provide the State Engineer a copy of the approved rural land use subdivision. Failure to notify does not invalidate the approval.

8429: Rural Land Use Subdivision Improvements Agreement

8429.01: General

A. Design and Construction of Improvements:
All improvements shall be designed and constructed according to applicable standards approved by Summit County and other regulatory authorities having jurisdiction over the property to be subdivided. The applicant is responsible for financing and constructing all improvements internal or external to the proposed rural land use subdivision required by the criteria established in these regulations, unless suitable evidence is submitted that other public agencies have the responsibility for the construction and the costs of improvements.

B. Timing of Improvements and Financial Guarantee:
Summit County typically requires that all required improvements be completed or guaranteed financially prior to recordation of a plat. Under the rural land use subdivision process, a rural land use subdivision may be recorded prior to improvements or financial guarantees for improvements being put in place. However, the sale or conveyance of individual lots within the rural land use subdivision is contingent upon the improvements or financial guarantees for improvements being completed to fully serve the lot being sold. The intent of this provision is to limit improvements to properties being developed, rather than requiring all improvements to be completed up-front for the entire site. However, where improvements are provided to serve individual lots, the improvements shall be done in such a manner that will not preclude service or eventual hook-up to intervening undeveloped lots.

C. Cost Estimate:
At such time that a lot(s) within the rural land use subdivision is proposed to have ownership sold, conveyed or transferred, the applicant shall provide the County with an itemized estimate of the costs of required improvements for the lot or lots proposed to have ownership transferred. The County Engineer shall determine if this estimate is sufficient and he is authorized to require revisions in the list of improvements and cost estimates prior to posting of a financial guarantee.

D. Required Guarantee:
1. A rural land use subdivision may be filed for recordation without completion of all required improvements or supplying sufficient financial guarantee of performance for the completion of the improvements. However, where improvements have not been completed or financial guarantee has not been supplied, then a note shall be placed on the rural land use subdivision plat and the same note shall be recorded with the property title, stating the following:

   “Per Summit County Land Use and Development Code Section 8429, and as amended from time to time, no individual lot or group of lots within this rural land use subdivision may exchange ownership unless required improvements are completed to fully serve the lot or lots in question or a financial guarantee for those improvements is supplied to the County. An
exception to this requirement for improvements applies to transfers between family members as specified in Section 8429.”

2. The financial guarantee shall be executed by the project owners and a corporate surety authorized to conduct business in the State of Colorado and shall be in a form acceptable to the Planning Department. Acceptable forms of financial guarantee include an irrevocable letter of credit (“LOC”), cash bond or certificate of deposit from one (1) or more financial institutions, subject to regulation by the State or Federal government.

3. The financial guarantee shall meet the following criteria:
   a. Shall be 115% of the total value of improvements, including labor and materials.
   b. Shall provide for payment to Summit County upon demand if the developer has not performed the obligations specified in the rural land use improvements agreement and the issuer has been notified of such default.
   c. Shall specify an expiration date or dates at which time the BOCC may use the funds available to pay for completion of construction of the required improvements.

4. The requirements for improvements for drainage (Section 8106), fire protection (Section 8101), street improvements (Section 8102), water, wastewater treatment and utilities improvements (Section 8105) shall not be required to be completed or financially guaranteed until such time that a lot within a rural land use subdivision has its ownership transferred. At that time, all improvements necessary to fully serve the lot in question must be completed or financially guaranteed.

E. Exception for Property Transfers Between Family Members:
   A property owner may transfer individual properties within a rural land use subdivision to other immediate family members (spouse, children, parents or siblings only) without being required to make the necessary improvements or financially guarantee the improvements to the property in question. Where a property owner opts to enact such a transfer, the family member accepting the property shall sign a waiver that recognizes that improvements to the property may not be completed because of the family property transfer exception of this section. The waiver shall be recorded with the property title prior to actual property transfer.

F. Use of Guarantee:
   If the improvements are not constructed in accordance with all provisions of the rural land use subdivision improvements agreement, the BOCC shall notify the subdivider of the noncompliance and the schedule for correcting the noncompliance. If the BOCC determines that the subdivider will not or cannot construct any or all of the improvements in accordance with all of the specifications, the BOCC shall have the power to withdraw and employ such funds from the financial guarantee as may be necessary to construct the improvement or improvements in accordance with the rural land use subdivision improvements agreements.

G. Release of Guarantee:
   The financial guarantee may be released as provided in Section 8109.06.

8500: RIGHT-OF-WAY DEDICATION PLAT

8501: Review Procedures for Right-of-Way Plats

Right-of-way plats shall follow the Class 6 development review process contained in Section 12000 et seq.

8501.01: Criteria for Approval

A request for a right of way dedication plat shall meet the following criteria to be approved by the BOCC:

A. The rights-of-way depicted on the right-of-way dedication plat are of sufficient size and are aligned to allow construction of a road meeting current County Road Standards (Chapter 5).
B. The applicant has not used the right-of-way platting procedure to circumvent the intent of the County's subdivision regulations.
C. Lots resulting from the right-of-way dedication plat are in compliance with the County's zoning regulations; or if lots affected by the right-of-way dedication are legal nonconforming lots and as a result of the right-of-way
dedication will become more nonconforming, the applicant has demonstrated that it is in the best interest of the public health, safety and welfare to decrease the lot size by dedicating right-of-way.

D. Easements necessary for the provision of water, wastewater or utilities are not affected or have been relocated to the satisfaction of the water, wastewater or utility companies.

E. The right-of-way dedication plat is drawn in accordance with all standards in these regulations and is suitable for recordation.

8600: RESERVED

8700: PLAT STANDARDS

8701: Required Elements of a Final Plat Maps

A. A scaled drawing of the boundary of the land parcel.
B. Recorded and apparent rights-of-way.
C. All dimensions necessary to establish the boundary in the field.
D. A statement by the land surveyor explaining how bearings, if used, were determined.
E. A statement by the land surveyor that the survey was performed by or under the surveyor’s direct responsibility, supervision and checking.
F. A description of all monuments, both found and set, which mark the boundaries of the property and a description of all control monuments used in conducting the survey.
G. A statement of the scale or representative fraction of the drawing, and a bar-type or graphical scale.
H. North arrow.
I. Vicinity map.
J. Title description or reference thereto.
K. Signature and seal of the land surveyor.
L. The exact name of the subdivision.
M. All streets shall be named. Names shall not duplicate any existing or approved street names in the unincorporated area.
N. Sheet size shall be 24 by 36 (24 x 36) inches with a one-half (1/2) inch border on the top, bottom and right hand sides and a one and one-half (1½) inch border on the left hand side. As many sheets as necessary may be submitted for a single plat or filing.
O. The names of abutting subdivisions or, in the case of abutting unplatted property, the notation "unplatted" shall appear.
P. If the area being subdivided is located within more than one (1) section, sufficient information shall be included on the plat so that the location of such section lines may be established.
Q. Lengths of all lines shown on the plat shall be shown to an accuracy of hundredths of a foot and angles and bearings to one (1) second of arc.
R. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field. This curve data shall include the following in tabular form for all circular curves:
   1. Radius of curve.
   2. Central angle.
   3. Arc length.
   4. Chord bearing and length.
   5. Notation of non-tangent curves.
S. Mathematical errors of closure shall be calculated for all parcels, lots, tracts and other figures created by the final plat. Such mathematical closures will meet or exceed a precision ratio of one (1) part in 15,000 parts, expressed as the ratio of the closure error length to the total perimeter length of the figure.
T. Area of land within the boundary of the subdivision shall be shown or the plat to the nearest one-hundredth (1/100) of an acre.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

U. All lands within the boundary of the subdivision shall be accounted for as a lot, tract, parcel, open space, street, right-of-way, green area, alley or excepted parcel and all areas of such lands shall be shown on the plat to the nearest one-hundredth (1/100) of an acre.

V. Excepted parcels within the boundary of the subdivision shall be designated "not included in this subdivision" or "not included in this plat", as appropriate, and boundary information on the plat for such parcels shall be sufficient to locate them in the field.

W. Certificates as required by Section 8703, Section 8704 and Table 8-1 for the type of plat proposed. Text of certificates shall be in accordance with Section 8704.

X. Plat notes may be required as conditions of approval.

Y. Base flood (100-year flood elevation) for any subdivision containing five (5) acres or 50 lots, whichever is less.

Z. For duplex, townhouse, or condominium plats, the outline of the building, eaves, and all other physical structures shall be shown on the plat.

AA. For re-subdivisions of previously platted property, the original plat reception number(s) shall be referenced in the title block of the plat.

8702: Monumentation Standards

A. Permanent monuments shall be set on the external boundary of the subdivision pursuant to C.R.S. § 38-51-105 et seq.

B. Block and lot monuments shall be set pursuant to C.R.S. §38-51-101 et seq.

C. All monuments shall be located and described. Information adequate to locate all monuments shall be noted on the plat.

8703: Certifications and Plat Notes

The certifications required for each type of plat are indicated in Table 8-1. Plat notes may be required when deemed necessary by the Review Authority. Notes may be required for such things as use of floodplain areas, fire restrictions and use of engineered OWTS’s. Notes are intended to be used to notify prospective buyers of requirements placed on a property. Subdivision exemptions for duplex, townhome, or multi-family lots where the new lots do not meet the minimum lots size or density requirements of the underlying zoning district, but which are platted in accordance with Section 8400 shall include the plat note required by that Section.
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

8704: Required Plat Certification Language

The following wording shall be used in plat certificates unless otherwise approved by the Planning Director.

A. Dedication

“Know all persons by these presents: That (printed name of owner), being the owner(s) of the land described as follows: (insert legal description of land being subdivided and include area in acres to two (2) decimal places) in Summit County, Colorado, under the name and style of (complete name of subdivision in capital letters) have laid out, platted, and subdivided same as shown on this plat, and by these presents does (do) hereby dedicate to the County of Summit, State of Colorado, the streets, roads, and other public areas as shown hereon, including but not limited to trails and open space, for use as such and hereby dedicate those portions of land labeled as utility easements to the County of Summit for use by utility companies or other providers of utilities in the installation and maintenance of utility lines and facilities. It is understood that dedication of public rights-of-way for streets and roads does not necessarily result in acceptance of roads constructed therein for maintenance by the County of Summit.

In witness whereof, the said owner (printed name of owner) had caused his or her name to hereunto be subscribed this ____ day of ______________, 20__.”

B. Notarial Certificate

“State of Colorado
County of Summit
The foregoing owner's certificate was acknowledged before me this ___ day of ___________, 20__, by (name as follows):

a. if by natural persons insert name
b. if by person acting in a representative official capacity, then insert the name of said person and said capacity
   c. if by officers of a corporation, then insert names of said officers, title of offices, and name of corporation

Witness my hand and official seal:

(Signature)       (seal)
(printed name of notary)

Notary Public
My commission expires ____________, 20__ (insert date of expiration)”

C. Surveyor’s Certificate

“I (printed name of land surveyor), being a licensed land surveyor in the State of Colorado, do hereby certify that this plat and survey of (name of subdivision in capital letters) was made by me and under my supervision and that both are accurate to the best of my knowledge.

Dated this ___ day of ____________, 20__.

Signature __________________ (Seal)
Colorado Registration #____________________”
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

D. Recorder’s Acceptance

“This plat was accepted for filing in the office of the Summit County Clerk and Recorder on this ___ day of __________, 20__ and filed for record at __________ under reception number __________.

Signature__________________________ (Seal)
Summit County Clerk and Recorder”

E. Title Company Certificate

“_________Title Company does hereby certify that it has examined the title to all lands as shown hereon and title to such lands is in the dedicator free and clear of all liens, taxes, and encumbrances, except as follows:

Dated this ______ day of __________, 20__. 
________________________________
Agent”

F. Board of County Commissioners Approval for Plats Approved at a BOCC Meeting

“The Board of County Commissioners of Summit County, Colorado, does hereby approve this [plat, condominium map, townhouse plat, subdivision exemption plat] at a meeting held on this ___ day of ___, 20__, and hereby accepts dedication of public rights-of-way, utility easements, and other public areas as shown hereon. Acceptance of public rights-of-way for streets or roads does not constitute acceptance for maintenance of roads constructed therein. The procedure for acceptance of roads for maintenance purposes shall be as stated in the Summit County Road & Bridge Design and Construction Standards or such regulations as shall be adopted in lieu of the Summit County Road & Bridge Design and Construction Standards.

__________________________
Chair of the BOCC”

G. Board of County Commissioners Approval for Plats Approved via the Class 2 Administrative Review Process

“The Board of County Commissioners of Summit County, Colorado, does hereby approve this [plat, condominium map, townhouse plat, duplex plat] and hereby accepts dedication of public rights-of-way, utility easements, and other public areas as shown hereon. Acceptance of public rights-of-way for streets or roads does not constitute acceptance from maintenance of roads constructed therein. The procedure for acceptance of roads for maintenance purposes shall be as stated in the Summit County Road & Bridge Design and Construction Standards or such regulations as shall be adopted in lieu of the Summit County Road & Bridge Design and construction Standards.

__________________________       ________________________
Chair of the BOCC         Date”

H. Treasurer’s Certificate

“I the undersigned do hereby certify that the entire amount of taxes and assessments due and payable as of ______, _____ upon all parcels of real estate described on this plat are paid in full.

Dated this __________day of __________, 20__.
Signature ___________________________
Summit County Treasurer”

8800: ENFORCEMENT
SUMMIT COUNTY LAND USE AND DEVELOPMENT CODE
CHAPTER 8: Subdivision Regulations

8801: General

No final plat shall be submitted for recordation or grading or building permits issued until all of the following requirements have been met:

A. Application fees have been paid.
B. Public use area requirements have been met and any required public use area fees have been paid.
C. Cost estimates for improvements have been accepted by the Engineering Department.
D. An SIA has been accepted by the Planning and Engineering departments and a financial guarantee for all required improvements has been posted.
E. Subdivider has provided tax certificate showing property taxes owed on the property to be subdivided have been paid.

8802: Endorsement Required

It is not lawful to record any subdivision or subdivision exemption plat in any public office unless the same bears thereon, by endorsement or otherwise, the approval of the BOCC [C.R.S. § 30-28-110(3)(a) et seq.]. No plat shall be deemed formally approved unless and until such endorsement is affixed thereto.

8803: Recordation Required

Any subdivider or agent of a subdivider who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the BOCC and recorded or filed in the office of the County Clerk and Recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than 1,000 dollars nor less than 500 dollars for each parcel of or interest in subdivided land which is sold. All fines collected under this section shall be credited to the general fund of the County. No person shall be prosecuted, tried or punished under this section unless the indictment, information, complaint or action for the same is instituted prior to the expiration of 18 months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land [C.R.S. § 30-28-110(4)(a) et seq.].

8804: Withholding of Building Permits

No building permits shall be issued for the erection, construction, reconstruction, alteration or use of any building or structure on any parcel or lot created in contravention of State and County Subdivision Regulations.

8805: Payment of Taxes

No plat for subdivided land shall be approved by the BOCC unless at the time of the approval of platting the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid [C.R.S. § 30-28-110(4)(a) et seq.].

Additionally, prior to recordation of all subdivision plats the County Treasurer’s Office shall confirm that all applicable ad valorem taxes due have been paid.
Table 8-1
REQUIRED CERTIFICATIONS FOR SUBDIVISION PLATS

<table>
<thead>
<tr>
<th>TYPE OF PLAT</th>
<th>Dedication</th>
<th>Notarial</th>
<th>Surveyor</th>
<th>Recorder</th>
<th>Title Company</th>
<th>BOCC</th>
<th>Treasurer</th>
</tr>
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<tr>
<td>Subdivision Plat</td>
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<td>X</td>
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<td>Subdivision Exemption</td>
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## DEVELOPMENT CODE REVISIONS
### CHAPTER 15

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</table>

1 The Sections referenced above were the Sections in effect at the time the Development Code was amended. Subsequent amendments to the Development Code may have resulted in section numbers being modified and may no longer be applicable.
### Acronyms and Abbreviations

#### A

<table>
<thead>
<tr>
<th>Acronym</th>
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**SUMMIT COUNTY DEVELOPMENT CODE**  
**CHAPTER 15: Definitions**

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</table>
TABLE OF CONTENTS
CHAPTER 15

15000: GENERAL ..................................................................................................................................................... 16

A.................................................................................................................................................................... 16

A-1 ............................................................................................................................................................ 16
Abandoned Vehicle ........................................................................................................................................ 16
Abutting ........................................................................................................................................................ 16
Access ........................................................................................................................................................... 16
Accessory Apartment .................................................................................................................................. 16
Accessory Building or Use ........................................................................................................................ 16
Acreage, Gross ........................................................................................................................................... 16
Acreage, Net .............................................................................................................................................. 16
Addition ....................................................................................................................................................... 16
Adult Arcade ................................................................................................................................................ 16
Adult Bookstore, Adult Novelty Store or Adult Video Store....................................................................... 16
Adult Cabaret ............................................................................................................................................ 16
Adult Motel ............................................................................................................................................... 16
Adult Motion Picture Theater ..................................................................................................................... 16
Adverse Impact ............................................................................................................................................ 16
Affordable Workforce Housing ................................................................................................................... 16
Agricultural Building .................................................................................................................................. 16
Agricultural Operations ............................................................................................................................. 16
Agriculture .................................................................................................................................................. 16
Air Contaminant ........................................................................................................................................ 16
Airport ....................................................................................................................................................... 16
Alley ............................................................................................................................................................ 16
Alpine Ski Area .......................................................................................................................................... 16
Alteration .................................................................................................................................................... 16
Amortization .............................................................................................................................................. 16
Amusement Facilities ................................................................................................................................. 16
Animal Clinic ............................................................................................................................................. 16
Animal Crematorium .................................................................................................................................. 16
Animal Feedlot .......................................................................................................................................... 16
Animal Hospital ......................................................................................................................................... 16
Animal Keeping ......................................................................................................................................... 16
Animal Pound ........................................................................................................................................... 16
Animal Salesyard ....................................................................................................................................... 16
Antenna ....................................................................................................................................................... 16
Applicant .................................................................................................................................................... 16
Appeal Authority ....................................................................................................................................... 16
Architectural Control.................................................................................................................................... 16
Area Median Income (AMI) ........................................................................................................................ 16
Art Gallery ................................................................................................................................................ 16
Artwork ....................................................................................................................................................... 16
Aspect ........................................................................................................................................................ 16
Asphalt Plant ............................................................................................................................................ 16
Assisted Living Facility .............................................................................................................................. 16
Athletic Facilities ....................................................................................................................................... 16
Atrium ........................................................................................................................................................ 16
Auditorium .................................................................................................................................................. 16
Automobile Body Work, Painting or Restoration ...................................................................................... 16
Automobile Rental ...................................................................................................................................... 16
Automobile Repair ...................................................................................................................................... 16
Automobile Sales ...................................................................................................................................... 16
### CHAPTER 15: Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile Service Station</td>
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<tr>
<td>Barn</td>
<td>22</td>
</tr>
<tr>
<td>Basement</td>
<td>22</td>
</tr>
<tr>
<td>Basin Planning Commission</td>
<td>22</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>22</td>
</tr>
<tr>
<td>Bedroom</td>
<td>22</td>
</tr>
<tr>
<td>Berm</td>
<td>22</td>
</tr>
<tr>
<td>Bicycle</td>
<td>22</td>
</tr>
<tr>
<td>Bicycle facilities</td>
<td>22</td>
</tr>
<tr>
<td>Bicycle Lane or Bike Lane</td>
<td>22</td>
</tr>
<tr>
<td>Bicycle Path or Bike Path</td>
<td>22</td>
</tr>
<tr>
<td>Bicycle Route System or Bike Path System</td>
<td>22</td>
</tr>
<tr>
<td>Bikeway</td>
<td>22</td>
</tr>
<tr>
<td>Block</td>
<td>22</td>
</tr>
<tr>
<td>BOA</td>
<td>22</td>
</tr>
<tr>
<td>BOCC</td>
<td>22</td>
</tr>
<tr>
<td>Board of Adjustment</td>
<td>22</td>
</tr>
<tr>
<td>Board of County Commissioners</td>
<td>22</td>
</tr>
<tr>
<td>Boarding/Rooming House</td>
<td>22</td>
</tr>
<tr>
<td>Boat</td>
<td>22</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>22</td>
</tr>
<tr>
<td>Breeding Farm</td>
<td>22</td>
</tr>
<tr>
<td>Building</td>
<td>22</td>
</tr>
<tr>
<td>Building Code</td>
<td>22</td>
</tr>
<tr>
<td>Building Coverage</td>
<td>22</td>
</tr>
<tr>
<td>Building Department</td>
<td>22</td>
</tr>
<tr>
<td>Building Envelope</td>
<td>22</td>
</tr>
<tr>
<td>Building Height</td>
<td>22</td>
</tr>
<tr>
<td>Building Permit</td>
<td>22</td>
</tr>
<tr>
<td>Bunkhouse or Hired Hand Quarters</td>
<td>22</td>
</tr>
<tr>
<td>Business Day</td>
<td>22</td>
</tr>
<tr>
<td>Business, Retail and Service</td>
<td>22</td>
</tr>
<tr>
<td>Bus Shelter</td>
<td>22</td>
</tr>
<tr>
<td>Bus Terminal</td>
<td>22</td>
</tr>
<tr>
<td>Campground</td>
<td>22</td>
</tr>
<tr>
<td>Canopy</td>
<td>22</td>
</tr>
<tr>
<td>Capital Improvement Expenditures</td>
<td>22</td>
</tr>
<tr>
<td>Caretaker Unit</td>
<td>22</td>
</tr>
<tr>
<td>Cat</td>
<td>22</td>
</tr>
<tr>
<td>Cattle</td>
<td>22</td>
</tr>
<tr>
<td>Cemetery</td>
<td>22</td>
</tr>
<tr>
<td>CG</td>
<td>22</td>
</tr>
<tr>
<td>Child Care, Home</td>
<td>22</td>
</tr>
<tr>
<td>Child Care Center</td>
<td>22</td>
</tr>
<tr>
<td>Church/Synagogue/Temple</td>
<td>22</td>
</tr>
<tr>
<td>Clerk and Recorder</td>
<td>22</td>
</tr>
<tr>
<td>Definition</td>
<td>Page</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Clinic</td>
<td>2323</td>
</tr>
<tr>
<td>Law</td>
<td>2323</td>
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<tr>
<td>Dog</td>
<td>2323</td>
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<td>District or Districts</td>
<td>2323</td>
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<td>Direct Discharge</td>
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<td>Development Right</td>
<td>2323</td>
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<td>Development Review</td>
<td>2323</td>
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<td>Development Project</td>
<td>2323</td>
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<td>Development Code Administrator</td>
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<td>Development Code Administrator</td>
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<td>Development Review</td>
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<td>Development Right</td>
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<td>2323</td>
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<td>Direct Discharge</td>
<td>2323</td>
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<tr>
<td>District or Districts</td>
<td>2323</td>
</tr>
<tr>
<td>Director</td>
<td>2323</td>
</tr>
<tr>
<td>Disturbance Envelope</td>
<td>2323</td>
</tr>
<tr>
<td>Dog</td>
<td>2323</td>
</tr>
</tbody>
</table>
E.

Earth Disturbing Activity .................................................. 282828
Easement ........................................................................... 282828
Effective Date ................................................................. 282828
Electric Transmission Lines ............................................. 282828
Emergency Access .......................................................... 282828
Employee Housing .......................................................... 282828
Engineering Department .................................................. 282828
Enlargement ....................................................................... 282828
Entertainment ................................................................. 292929
Environmental Health Department ................................. 292929
Equines ............................................................................. 292929
Equipment Rental ............................................................ 292929
Equipment Repair ............................................................ 292929
Equipment Sales ............................................................... 292929
Extraction, Gravel and Sand ............................................ 292929
Extraction, Mineral ............................................................ 292929

F.

Fairgrounds ................................................................. 292929
Family .............................................................................. 292929
FAR .................................................................................. 292929
Farm ............................................................................... 292929
Farm or Ranch Office ....................................................... 292929
Federal ............................................................................. 292929
Fence or Wall ................................................................. 293029
Financial Institution ....................................................... 293029
Fire Code ........................................................................... 293029
Fire Station ........................................................................ 293029
Firewood Splitting and Storage ........................................ 293029
Fish Farm .......................................................................... 302929
Fish Hatchery ................................................................. 302929
Floor Area ................................................................. 302929
Floor Area Ratio (“FAR”) .................................................. 313030
Fraternal or Service Club .................................................. 313030
Frontage ........................................................................... 313030
Froth Flotation ................................................................. 313030
Funeral Home ................................................................. 313030
Fur Farm ............................................................................ 313131

G.

Game Arcade ................................................................. 313131
Garage ............................................................................. 313131
General Common Element ............................................. 313131
General Conformance ...................................................... 313131
Goat .................................................................................. 313131
Golf Course ................................................................. 313131
Government Facilities ..................................................... 323131
Grade .............................................................................. 323131
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 15: Definitions

Grading ................................................................. 324324
Greenhouse ......................................................... 324322
Grocery Store .................................................... 324322
Group Home ....................................................... 324322
Growing Season ................................................ 324322

H ............................................................................. 324222
Health Club .......................................................... 324222
Heap Leaching ...................................................... 324222
Height of Structure .............................................. 324222
Heliport ................................................................. 324222
Helistop ................................................................. 332222
Highway ............................................................... 332222
Hired Hand Quarters ............................................ 332222
Home Childcare ................................................. 332222
Home Occupation ............................................... 332222
Home Office ....................................................... 332222
Horse ..................................................................... 332222
Horticulture .......................................................... 332222
Horticultural Products ........................................ 332222
Hospital ............................................................... 332222
Hotel/Motel .......................................................... 332222
HUD ..................................................................... 332222
Hydroelectric Energy System .............................. 332222

I ............................................................................. 333333
I-1 ................................................................. 333333
Illegal Lot ............................................................. 333333
Illegal Structure or Use ...................................... 333333
Impervious Coverage .......................................... 333333
Impound Yard ....................................................... 333333
Industry or Industrial ......................................... 333333
Infrastructure ..................................................... 343333
Institutional Uses ................................................ 343333
Intermittent Stream ............................................ 343444

J ............................................................................. 343444
Junk ................................................................. 343444
Junkyard .............................................................. 343444

K ............................................................................. 343444
Kennel ................................................................. 343444
Kitchen ............................................................... 343444
Kitchenette .......................................................... 343444

L ............................................................................. 343444
Landowner .......................................................... 343444
Landfill ............................................................... 343444
Lanscaping .......................................................... 354444
Library ............................................................... 354444
Licensed premises .............................................. 354444
Licensee ............................................................... 354444
Limited Common Element ................................ 354444
Liquor store .......................................................... 354444
Livestock ............................................................. 355555
Llama ................................................................. 355555
Local Employer .................................................. 355555
Local License ..................................................... 355555
Lock-off Room ..................................................... 355555
Lodge ................................................................. 355555
Lodge Room ........................................................ 355555
CHAPTER 15: Definitions

SUMMIT COUNTY DEVELOPMENT CODE

Nursing Home ............................................................................................................................... 403939
Nursery .......................................................................................................................................... 393939
Nude Entertainment Establishments ............................................................................................. 393939
Lumberyard .................................................................................................................................... 364636

M ................................................................................................................................................... 364636

M-1 .................................................................................................................................................. 364636
Major Development Project ........................................................................................................ 364636
Manager’s Station ....................................................................................................................... 364636
Manufactured Home ..................................................................................................................... 364636
Manufactured Home Park ........................................................................................................... 364636
Manufacturing ............................................................................................................................. 364636
Marijuana .................................................................................................................................. 373636
Market ......................................................................................................................................... 373636
Master Plans ............................................................................................................................... 373636
Maximum Resale Price ................................................................................................................ 373636
Mean Sea Level Elevation ............................................................................................................ 373636
Memory Care Facility: .................................................................................................................. 373636
Metes and Bounds ....................................................................................................................... 373636
MHP ............................................................................................................................................ 373636
Microwave Dish ............................................................................................................................ 373636
Middle School ............................................................................................................................. 373636
Milling ......................................................................................................................................... 373636
Mineral ....................................................................................................................................... 373636
Mining ....................................................................................................................................... 373636
Minning/Milling operation ............................................................................................................. 373636
Mini-warehouse ............................................................................................................................ 373636
Minor Assembly ............................................................................................................................ 373636
Mitigation ................................................................................................................................... 373636
Mixed-use Development .............................................................................................................. 373636
Mobile Home ............................................................................................................................... 373636
Modular Home ............................................................................................................................. 373636
Modular Structure ........................................................................................................................ 373636
Motel ........................................................................................................................................... 373636
Motor Vehicle .............................................................................................................................. 373636
Multi-family Development ......................................................................................................... 373636
Museum ..................................................................................................................................... 373636

N ................................................................................................................................................... 373636

Natural Resource Management .................................................................................................. 373636
Nonconforming Lot, Illegal ........................................................................................................ 373636
Nonconforming Lot, Legal ........................................................................................................... 373636
Nonconforming Structure or Use, Illegal .................................................................................. 373636
Nonconforming Structure or Use, Legal .................................................................................. 373636
Nonresidential Development ..................................................................................................... 373636
Nonresidential Storage ................................................................................................................. 373636
Nordic Ski Center ........................................................................................................................ 373636
Nordic Ski Hut .............................................................................................................................. 373636
NR-2 ........................................................................................................................................... 373636
Nude Entertainment Establishments ............................................................................................ 373636
Nudity ......................................................................................................................................... 373636
Nursery ...................................................................................................................................... 373636
Nursery School ............................................................................................................................ 403939
Nursing Home .............................................................................................................................. 403939
CHAPTER 15: Definitions

SUMMIT COUNTY DEVELOPMENT CODE

O .................................................................................................................................................................... 403939
  Obscene ....................................................................................................................................................... 403939
  Office ......................................................................................................................................................... 404040
  Official Zoning Maps ............................................................................................................................ 414040
  Offsite ...................................................................................................................................................... 414040
  Onsite ...................................................................................................................................................... 414040
  Opaque .................................................................................................................................................... 414040
  Open Space .............................................................................................................................................. 414040
  Outdoor Display of Artwork ..................................................................................................................... 414040
  Outdoor Display of Merchandise ........................................................................................................... 414040
  Outdoor Vendor ..................................................................................................................................... 414040

P .................................................................................................................................................................... 414141
  Packing and Outfitting ............................................................................................................................ 414141
  Parcel ....................................................................................................................................................... 414141
  Park ......................................................................................................................................................... 414141
  Park and Ride ....................................................................................................................................... 414141
  Park Home ............................................................................................................................................ 414141
  Parking Lot ............................................................................................................................................ 424141
  Parking Space ....................................................................................................................................... 424141
  Passive Recreation ................................................................................................................................. 424141
  Patently Offensive ................................................................................................................................. 424141
  Penal Facility .......................................................................................................................................... 424141
  Perennial Stream .................................................................................................................................. 424141
  Permits .................................................................................................................................................... 424141
  Person ...................................................................................................................................................... 424141
  Pipelines .................................................................................................................................................. 424141
  Planning Commission ............................................................................................................................ 424242
  Planning Department ............................................................................................................................. 424242
  Planning Director .................................................................................................................................. 424242
  Platted ..................................................................................................................................................... 424242
  Playground ............................................................................................................................................ 424242
  Police Station ....................................................................................................................................... 424242
  Poultry .................................................................................................................................................... 434242
  Power Plant .......................................................................................................................................... 434242
  Premises .................................................................................................................................................. 434242
  Preschool ................................................................................................................................................ 434242
  Principal Structure ................................................................................................................................. 434242
  Primary Use .......................................................................................................................................... 434242
  Projections ............................................................................................................................................ 434242
  Property Lines ....................................................................................................................................... 434242
  Property Owner .................................................................................................................................... 434242
  Proponent ............................................................................................................................................. 434242
  Public Utility ......................................................................................................................................... 434242
  PUD ......................................................................................................................................................... 434243
  Purchase Price ...................................................................................................................................... 434243

R .................................................................................................................................................................... 434343
  R-1 .......................................................................................................................................................... 434343
  R-2 .......................................................................................................................................................... 434343
  R-4 .......................................................................................................................................................... 434343
  R-6 .......................................................................................................................................................... 434343
  R-25 ....................................................................................................................................................... 434343
  RME ....................................................................................................................................................... 434343
  R-P ......................................................................................................................................................... 444343
  Radio Tower ........................................................................................................................................... 444343
  Rail-Trail ................................................................................................................................................ 444343
  Ranch ..................................................................................................................................................... 444343
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 15: Definitions

RE ................................................................. 444444
Recreation ................................................. 444444
Recreation Building .................................... 444444
Recreation Facilities .................................... 444444
Recreational Pathway or “Recpath” ............... 444444
Recreational Vehicle .................................... 444444
Recreational Vehicle Park ............................ 444444
Regional Planning Commission .................... 454444
Resident ...................................................... 454444
Resident of Summit County ....................... 454444
Residential Outdoor Storage ....................... 454444
Resort or Dude Ranch ................................. 454444
Restaurant .................................................. 454445
Restoration and Stabilization of Historic Structures ........................................................................ 464445
Retail Business .......................................... 464445
Retail Marijuana ........................................ 464445
Retail Marijuana Cultivation Facility .............. 464445
Retail Marijuana Establishment .................... 464445
Retail Marijuana Products ........................... 464445
Retail Marijuana Product Manufacturing Facility ........................................................................... 464445
Retail Marijuana Store ................................. 464445
Retail Marijuana Testing Facility ................. 464445
Retail Sales .................................................. 464445
Retaining Wall ............................................. 464445
Retirement Home ......................................... 464445
Review Authority ......................................... 464446
Right-of-Way (“ROW”) .................................. 464446
Road ........................................................... 464446
Roadway .................................................... 464446
Road & Bridge Department ......................... 464446
Road & Bridge Supervisor ............................ 464446
Road Standards .......................................... 464446
Roommates ................................................ 474446
Roaming house .......................................... 474446
RP ............................................................... 474446
RPC ............................................................ 474446
RU ............................................................... 474446
Rubbish ...................................................... 474446
S ................................................................. 474446
SU-1 .......................................................... 474446
Sanitary Landfill/Solid Waste Disposal ......... 474446
Satellite Dish ............................................... 474446
Sawmill ....................................................... 474446
School ......................................................... 474447
Senior Housing: ......................................... 484447
Service Club .............................................. 484447
Setback ...................................................... 484447
Sewage Treatment Plant ............................ 484447
Shared Roadway ........................................ 484447
Shared Use Path ........................................ 484447
Sheep ......................................................... 484447
Shooting Range .......................................... 484448
Shopping Center ....................................... 484448
Short-term Rental ....................................... 484448
Shoulder .................................................... 494448
Sidewalk ..................................................... 494448
CHAPTER 15: Definitions

SUMMIT COUNTY DEVELOPMENT CODE

Sight Triangle .......................................................... 494848
Signed Shared Roadway (Signed Bike Route) .......................................................... 494848
Sign or Signage .......................................................... 494848
Significant Tree .......................................................... 494848
Silviculture .......................................................... 494848
Single-family Residential .................................................. 494848
Site .......................................................... 494848
Site Area, Gross .................................................. 494848
Site Area, Net .................................................. 494848
Site Coverage .................................................. 494848
Site Specific Development Plan .................................................. 494848
Ski Area .......................................................... 494849
Sludge .......................................................... 494849
Sludge Disposal .......................................................... 494849
Sludge Storage, Temporary .................................................. 494849
Small Incidental Structures .................................................. 494849
Solar Energy System .................................................. 494849
Solid Waste Disposal .................................................. 494849
Special Event .................................................. 494849
Specific Plan Agreement .................................................. 494849
Specified Anatomical Areas .................................................. 494849
Specified Sexual Activities .................................................. 494849
Stable .......................................................... 494849
State .......................................................... 504949
State Licensing Authority .................................................. 515150
Storage .......................................................... 515150
Storage Area .......................................................... 515150
Storage Building .................................................. 515150
Storage Yard .......................................................... 515150
Stream .......................................................... 515150
Street .......................................................... 515150
Structure .......................................................... 515150
Structure Height .......................................................... 515150
Subdivider .......................................................... 515151
Subdivision .......................................................... 515151
Substation .......................................................... 515151
Supermarket/Grocery Store .................................................. 515151
Swine .......................................................... 525151
Switchback .......................................................... 525151
Synagogue .......................................................... 525151

T .......................................................... 525151
Tavern .......................................................... 525151
Tandem Parking .......................................................... 525151
TDR Receiving Area .................................................. 525151
TDR Receiving Site .................................................. 525151
TDR Sending Area .................................................. 525151
TDR Sending Site .................................................. 525151
Telecommute .......................................................... 525151
Temple .......................................................... 525151
Theater .......................................................... 525151
Timber Harvest .................................................. 525151
Topsoil .......................................................... 525151
Townhouse .......................................................... 525152
Townhouse Plat .................................................. 525152
Trade School .......................................................... 525152
Trails .......................................................... 535252
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 15: Definitions

Trailhead ................................................................. 535252
Travel Trailers .......................................................... 535252
Travel Trailer Accommodations ................................. 535252
Traveled Way ............................................................ 535252
Truck Terminal .......................................................... 535252
Tubing Hill ................................................................. 535252
Tundra ......................................................................... 535252

U ................................................................................. 535252
Unpaved or Soft, Path ............................................... 535252
University .................................................................... 535252
Use ............................................................................ 535252
USFS .......................................................................... 535252
Utility ......................................................................... 535252
Utility Facilities ........................................................... 535253
Utility, Public .............................................................. 545253
Utility Storage Area .................................................... 545353
Utility Trailer ............................................................. 545353

V ................................................................................. 545353
Vat Leaching .............................................................. 545353
Vehicle ........................................................................ 545353
Vehicle, Abandoned .................................................... 545353
Vehicle Trip ................................................................. 545353
Vested Property Right .................................................. 545353
Visible ......................................................................... 545353
Visual Obstruction ....................................................... 545353
Vocational School ....................................................... 545353

W ................................................................................. 545353
Wall ............................................................................ 545353
Warehouse ................................................................. 545353
Wastewater Treatment ............................................... 545453
Water Treatment Plant ............................................... 545454
Waterway ................................................................. 545454
Wedding Event ........................................................... 545454
Wet bar ....................................................................... 555454
Wetlands / Wetland areas .............................................. 555454
Wholesale Sales ......................................................... 555454
Wild Game Ranch ....................................................... 555454
Wildlife Rehabilitation ............................................... 555454
Wind Energy System ............................................... 555454
Wood Burning Energy System ................................... 555554
Wood Manufacturing ............................................... 565555
Work of Art ................................................................. 565555

Y ................................................................................. 565555
Yard .......................................................................... 565555

Z ................................................................................. 565555
Zero Lot Line Development ....................................... 565555
Zero-Waste Strategies ................................................. 565555
15000: GENERAL

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this chapter shall have the meaning indicated when used in this Code. Words, phrases and terms not defined in this section, but defined elsewhere in this Code shall be construed as defined in such Chapter. Words, phrases and terms neither defined herein nor elsewhere in this Code shall be given usual and customary meanings except where the context clearly indicates a different meaning. The words “shall” and “will” are mandatory and not permissive; the words “may” and “should” are permissive and not mandatory. Where the terms “include”, “includes”, “including”, and “such as” are used in this Code, such terms are exemplary and not limiting to the potential list.

A

A-1: Abbreviation for the Agricultural Zoning district in this Code (see Section 3301.01).

Abandoned Vehicle: Any motor vehicle which:
   a. Does not have a current license, is inoperable and does not meet minimum requirements for safety pursuant to C.R.S. § 42-4-202 et seq.; or
   b. Does not meet criteria for storage of personal vehicles pursuant to Section 3815.07; or
   c. Is deserted on property which is not owned or occupied by the owner of the vehicle.

Abutting: Parcels of land having property or zoning district lines in common, or where a property line coincides with a right-of-way or easement boundary.

Access: Provision for the passage of vehicles by a public or private street, or by a driveway connected to a public or private street, such that delivery of people, goods and services is possible to individual properties or buildings.

Accessory Apartment: A second, subordinate dwelling unit located on the same lot as a 1-family dwelling unit, where the subordinate unit is incorporated into either the primary unit or a garage serving the primary unit, and the subordinate unit has separate cooking facilities from the primary unit. In order to qualify as an accessory apartment, the subordinate unit shall meet the criteria stated in Section 3809.03 et seq.

Accessory Building or Use: A building or use which:
   a. Is incidental and subordinate to a principal building or principal use, and;
   b. Is subordinate in area, extent or purpose to the principal building or principal use served, and;
   c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use, and;
   d. Is on the same lot as the principal building or principal use, or on a common lot serving such building or use, and;
   e. Is established concurrent with or subsequent to establishment of the principal building or principal use, and;
   f. Is listed as an accessory use in Figure 3-2 of this Code or is determined to be accessory (see Section 3403).

Acreage, Gross: The horizontal area within the property lines of a parcel of land before roads, easements or other areas to be dedicated or reserved for public use are deducted.

Acreage, Net: The horizontal area within the property lines of a parcel of land excluding road easements or rights-of-way and any easements which prohibit surface use of the land.

Addition: Any construction joined to an existing structure, which increases the size of the structure.

Adult Arcade: Any establishment where, for any form of consideration, one (1) or more image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of obscenity.
**Adult Bookstore, Adult Novelty Store or Adult Video Store:** A commercial establishment that devotes at least 50 percent of its stock-in-trade to the sale, rental or viewing (for any form of consideration) of reproduced images characterized by the depiction or description of obscenity, and which are intended to be read, viewed or used outside the premises of the commercial establishment.

**Adult Cabaret:** Nightclub, bar or similar commercial establishment that features: a) persons who appear nude or in a state of nudity or semi-nude: b) live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” or c) films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of obscene acts or performances.

**Adult Motel:** A short-term lodging establishment that: a) offers public accommodations, for any form of consideration, and provides patrons with any form of live or reproduced images characterized by the depiction or description of obscene acts or performances and which advertises the availability of the sexually oriented type of material by means of a sign visible from the public right-of-way or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, and offers a sleeping room for rent for a period of time five (5) hours or less.

**Adult Motion Picture Theater:** Any enclosed building or other structure used for presenting motion picture films, video cassettes, cable television or any other such visual media distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

**Adverse Impact:** An effect causing damage, harm or loss or which is injurious to a person, property or the use of property. For the purposes of this Code, negative impacts which are minimal or trivial in nature shall not be considered adverse impacts.

**Affordable Workforce Housing:** A dwelling unit that is restricted in perpetuity to occupancy by individuals meeting the income limitations and occupancy standards listed in the guidelines in Section 3809.02. Occupancy standards include requirements for primary residency and local employment. In order to qualify as an affordable workforce housing unit, the unit shall meet the criteria in Section 3809.02 et seq.

**Agricultural Building:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other agricultural or horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

**Agricultural Operations:** Operations associated with the growing and harvesting of crops and timber and raising of livestock including such activities as plowing, planting, scarifying soils, construction and cleaning of irrigation ditches, construction of roads, buildings and stock ponds within farm or ranch boundaries. The exemption from grading permits for agricultural operations applies only to land in the County's A-1 Zoning District (see Chapter 6).

**Agriculture:** The science, business and art of cultivating the soil, producing crops and raising livestock.

**Air Contaminant:** Any fume, smoke, particulate matter, vapor, gas or any combination thereof, but not including water vapor or steam.

**Airport:** A facility that provides space for aircraft to take off and land, usually equipped with a control tower, hangars and accommodations for passengers and cargo.

**Alley:** A thoroughfare, which provides a secondary means of vehicular access to a building along its side or rear, but does not provide the primary means of access (see also street).

**Alpine Ski Area:** See ski area.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 15: Definitions

**Alteration:** A physical change in or modification to a structure, including an expansion or change in use.

**Amortization:** The process by which nonconforming uses and structures must be discontinued or made to conform to the requirements of this Code at the end of a specified period of time.

**Amusement Facilities:** See recreation facilities.

**Animal Clinic:** A facility providing for the care of sick or injured animals, which does not include boarding facilities.

**Animal Crematorium:** See crematorium.

**Animal Feedlot:** A commercial establishment where livestock are kept confined in a compound or fenced area in order to be fattened for sale or slaughter. Excludes livestock feeding which is accessory to the operation of a working ranch where animals are also raised on pasture.

**Animal Hospital:** A facility for the care of sick or injured animals. Such facilities may include veterinarians' offices, administrative offices, space for examination, surgery and recovery and for boarding of animals while under treatment. For purposes of this Code, animal hospitals are classified as follows:

a. **Facilities excluding large animal care:** An animal hospital where treatment is limited to dogs, cats, rabbits, birds and other species under 100 pounds in size. Areas where animals are boarded during treatment shall be contained within a building and shall not be outdoors.

b. **Facilities including large animal care:** An animal hospital where treatment is given to dogs, cats, rabbits, birds and livestock without limit on the size of species. Areas where animals are boarded during treatment may include outdoor runs, corrals or pasture, if such areas are fenced.

**Animal Keeping:** Placement of living beings other than human beings on a property either as pets, as a source of meat, milk, eggs, fur, leather or other animal-related products for either home use or commercial sale or for breeding or research purposes (see Section 3802 et seq.).

**Animal Pound:** A facility usually operated by a public agency where licenses for domestic pets are issued and stray animals are housed until claimed by their owners, adopted or euthanized.

**Animal Salesyard:** A commercial establishment consisting of a compound or similar fenced area where animals are kept for sale, auction or trade, usually associated with a commercial feeding operation (see also animal feedlot). Excludes the sale of livestock from a working ranch where the livestock sold have also been raised on the property.

**Antenna:** Any exterior transmitting or receiving device mounted on a building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. Classifications of antennas, and definitions of these classifications are stated in Section 3805 et seq.

**Applicant:** A person submitting an application for rezoning, subdivision or other steps leading to development of a property, who is either the owner of the property to be developed, has written permission from the property owner for submittal of the project proposal, or has authority to condemn the property.

**Appeal Authority:** The appointed official or the body of elected or appointed officials designated to hear an appeal by Section 13200 et seq.

**Architectural Control:** Regulations governing the appearance and/or architectural style of buildings, structures and improvements to property.

**Area Median Income (AMI):** The median annual income for Summit County, Colorado (or such next larger statistical area calculated by the U.S. Department of Housing and Urban Development (HUD) that includes Summit County, Colorado, if HUD does not calculate the area median income for Summit County, Colorado, on a distinct...
basis from other areas), as adjusted for household size, that is calculated and published annually by HUD (or any successor index thereto acceptable to the County). If AMI data pertaining to the date of sale of an affordable workforce housing unit is not yet available as of the date the sale price is calculated, then the most recent data published by HUD shall be used in its place.

**Art Gallery:** A commercial establishment where works of art are displayed and sold (see also museum).

**Artwork:** Includes work of art (see Section 3813 et seq).

**Aspect:** In the case of topography, the direction faced or exposure of a certain landform.

**Asphalt Plant:** An industrial mechanism or process where gravel or sand are combined with a mixture of bitumens to create a substance used for paving, roofing and waterproofing.

**Assisted Living Facility:** State-regulated communities for seniors who require 24-hour assistance with one or more tasks of daily living. Assisted living communities provide aid in such tasks as bathing, dressing, housekeeping, and eating. Medication assistance varies according to state regulations. Assisted living communities also generally offer activities for residents, transportation, and housekeeping services.

**Athletic Facilities:** Fields and facilities used for the playing of sports such as tennis courts, racquetball courts and ballfields. For purposes of this Code, athletic facilities are classified as follows:
   a. **Commercial:** Athletic facilities open to the general public where fees are charged for use of facilities and which are operated in order to provide financial gain to the operator or owner.
   b. **Community:** Athletic facilities owned or operated by a government agency or nonprofit entity which are open to the general public and where fees charged are intended to cover the cost of operation and not to provide financial gain to the operator.
   c. **Private:** Athletic facilities owned or operated by a homeowners association, private entity or membership association for the benefit of members where fees or homeowner’s association dues charged are intended to cover the cost of operation and not provide financial gain. Athletic facilities accessory to a dwelling unit for use by the property owner or tenant residing on the property, family members or guests.

**Atrium:** An opening through two (2) or more floor levels other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and used as an expanded lobby, for indoor plantings, fountains or display of art but not leased or used as working space or for serving customers.

**Auditorium:** A building or portion of a building used to accommodate an audience at public meetings or artistic performances, which usually includes a stage and seating.

**Automobile Body Work, Painting or Restoration:** The use of any building or land for a business involving replacement of vehicle parts, body components, welding, rebuilding or refinishing of automobiles, trucks and other motor vehicles.

**Automobile Rental:** A commercial establishment offering the use of automobiles or trucks in exchange for payment. Such establishments may include office space, parking areas for rental vehicles, parking areas for customers and employees, servicing and repair facilities, but shall not include facilities for body work, painting or restoration.

**Automobile Repair:** The use of any building or land for a business involving the exchange of vehicle parts and vehicle maintenance requiring no open flame or welding. Also, rebuilding or refinishing of automobiles and trucks where these vehicles have a gross vehicle weight of less than 10,000 pounds (see also automobile body work, painting and restoration).

**Automobile Sales:** The use of any building or land for a business involving the sale of new or used motor vehicles and recreational vehicles. Such establishments may include office space, parking lots for the display and storage of.
vehicles available for sale, parking areas for customers and employees, vehicle repair facilities, facilities for body work, painting or restoration and sale of parts.

**Automobile Service Station:** The use of any building or land for a business supplying gasoline, oil, minor auto parts and minor services such as washing windows for motor vehicles. A automobile service station may or may not include repair services (see automobile repair).

**Automobile Wash and Polish:** Any building or premises or portions thereof used for the washing, polishing or detailing of motor vehicles and recreational vehicles.

**Awning:** A roof-like cover that projects from the exterior wall of a building.

**B**

**BC:** Abbreviation for the Backcountry Zoning District in this Code.

**B-1:** Abbreviation for the Highway Business Zoning District in this Code.

**B-3:** Abbreviation for the Village Commercial Zoning District in this Code.

**Bank:** See financial institution.

**Banner(s):** Any temporary sign made of fabric or any non-rigid material with no enclosing framework, excluding pennants and streamers.

**Bar/Cocktail Lounge/Tavern:** A commercial establishment offering alcoholic beverages for sale by the drink.

**Barn:** A large farm or ranch building used for storing agricultural products and equipment, storing feed and for sheltering livestock (see also stable).

**Basement:** A space within a building having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6-1/2) feet.

**Basin Planning Commission:** A part of the Regional Planning Commission, with the roles and responsibilities as provided for by this Code. One of the constituent commissions of the Regional Planning Commission, which represents a defined geographic area of the County as described in Section 2102.01 of this Code (see also, Planning Commission and Regional Planning Commission).

**Bed and Breakfast:** A 1-family dwelling which is owner-occupied where short term lodging is provided through the rental of individual rooms to the general public, with common dining and cooking facilities. In order to qualify as a bed and breakfast, an establishment must meet the criteria stated in Section 3803 et seq. (see also roommates).

**Bedroom:** A habitable space or room in a dwelling unit designed for or with potential for use as a sleeping room. Factors determining this potential use, in addition to the Building Code and amendments as approved by the County, shall include, but not be limited to, a space or room having a floor area of at least 70 square feet with any of the following factors:

- Having walls and doors to separate it from other habitable spaces or rooms, or
- Having a closet or similar provision for clothes storage, or
- Having a full or partial bathroom directly connected or in close proximity to the space or room.

Rooms or floor areas in dwelling units determined under these criteria to be sleeping rooms, regardless of any names, labels or intended uses proposed by the building designer/owner, shall be used to designate the total number of bedrooms for purposes of, including, but not limited to, determining required parking spaces.

**Berm:** An artificially constructed earthen mound intended for, but not limited to, the purpose of visual interest, buffering or screening.
**SUMMIT COUNTY DEVELOPMENT CODE**

**CHAPTER 15: Definitions**

**Bicycle**: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices. The term “bicycle” for this section also includes three (3) and four (4) wheeled, human powered vehicles, but not tricycles for children.

**Bicycle facilities**: See recreational pathways (recpaths).

**Bicycle Lane or Bike Lane**: A portion of roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**Bicycle Path or Bike Path**: See shared use path.

**Bicycle Route System or Bike Path System**: A system of bikeways designated by the jurisdiction having authority with appropriate directional and informational route markers, with or without specific bike route numbers. Bike routes should establish a continuous routing, but may be a combination of any and all types of bikeways.

**Bikeway**: A generic term for any road, street, path or way which in some manner is designated as being available for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

**Block**: A grouping of lots usually bound by streets or by a combination of streets and public land, railroad rights-of-way, water bodies or any other physical barriers to the continuity of development, and not traversed by a through street.

**BOA**: See Board of Adjustment.

**BOCC**: See Board of County Commissioners.

**Board of Adjustment**: Where this term is used in this Code, it is equivalent to the Summit County Board of Adjustment.

**Board of County Commissioners**: Where this term is used in this Code, it is equivalent to the Summit County Board of County Commissioners.

**Boarding/Rooming House**: A structure where lodging and/or meals are offered for a fee, and where the length of residence may continue for an extended period, as distinguished from a motel or hotel.

**Boat**: A vessel for transport by water, constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion. This includes motor and power boats and sailboats (see Section 3815.08).

**Bowling Alley**: A building or room containing long, smooth, level lanes used for bowling. Bowling alleys may also offer food services and sale of bowling equipment and clothing as accessory uses.

**Breeding Farm**: The keeping of large-sized livestock species such as cattle or horses for the purpose of offering stud service or producing offspring for sale, as distinguished from ranching where animals are raised for the products they provide (see also kennel, breeding).

**Building**: Any structure having a roof supported by columns or walls and intended for supporting or sheltering any use or occupancy.

**Building Code**: The applicable building code(s) as adopted by the Summit County Board of County Commissioners.

**Building Coverage**: See coverage, building.
Building Department: Where this term is used in this Code, it is equivalent to the Summit County Department of Codes Administration and Building Safety.

Building Envelope: A delineated area that identifies where all buildings and structures and other certain improvements shall be located on a property (see Section 8104.01.E).

Building Height: The distance measured vertically from any point on a proposed or existing roof or eaves to the natural or finished grade (whichever is more restrictive) located directly below said point of the roof or eaves. Within any building footprint, height shall be measured vertically from any point on a proposed or existing roof (including but not limited to the roofing material) to the natural grade directly below said point on a proposed or existing roof (see Section 3505.06).

Building Permit: A permit issued pursuant to the Building Code to allow for the legal construction of a structure.

Bunkhouse or Hired Hand Quarters: A building providing sleeping quarters for employees working on farm or ranch property where the building is located or working for an active mining/milling operation on the property where the building is located, which may or may not include common kitchen facilities.

Business Day: A complete day that the Summit County Planning Department is open for business, during Monday through Friday, excluding regular holidays where the County is closed for business. e.g.: A deadline of two (2) business days means that there are two (2) complete business days to complete an activity beginning the business day that such deadline began.

Business, Retail and Service: A commercial establishment offering products or services for sale to the general public where such activity causes no extraordinary impacts on adjacent uses. Examples of such businesses include dry cleaners, beauty and barbers shops, appliance repair, stores offering sporting goods, artwork, clothing and jewelry, books, office supplies, paint and wallpaper, but not businesses causing intense glare or heat, smoke, odors, vibration, or storing hazardous or radioactive materials.

Bus Shelter: A small, roofed structure located near a street and designed to provide protection and comfort to bus passengers.

Bus Terminal: A facility that provides space for arrival and departure of busses offering transportation to the public, usually equipped with accommodations for passengers and for fueling and servicing of busses.

Campground: An outdoor area providing space for vacationers to live on a temporary basis in either tents, tent trailers or recreational vehicles. A campground may also include an area with rental cabins, but its primary function is to accommodate visitors providing their own shelter (excludes camping on parcels of 20 or more acres in the A-1 Zoning District where the number of campers does not exceed the limits on guests established for small resorts).

Canopy: A roof-like cover that either projects from a building over a door, entrance or window; or a freestanding or projecting roof-like cover above an outdoor service area, such as at a gasoline service station.

Capital Improvement Expenditures: Expenditures to improve or increase the overall value of a dwelling unit or a property, such as expenditures to add a garage, install upgraded counter tops, or make improvements to the property landscaping.

Caretaker Unit: A dwelling unit for use by a person or persons hired to look after or take charge of goods, property or a person. In order to qualify as a caretaker unit, a unit shall meet the criteria in Section 3809.04.F et seq.

Cat: A carnivorous mammal, Felis catus or Felis domesticus, domesticated since early times as a catcher of rats and mice and as a pet.
Cattle: Animals of the domesticated species **Bos taurus** raised for hides, meat and dairy products.

Cemetery: A place for burying the dead.

CG: Abbreviation for the General Commercial Zoning District (see Section 3301.02).

Chicken: the common domestic fowl (Gallus gallus domesticus) or its young. As used herein, chickens are distinct from poultry as referred to in Figure 3-8 and under Section 3802.02.C et al.

Child Care, Home: The use of a residence for the care of nine (9) or fewer children other than the occupant's own children for periods of less than 24 hours per day. Home child care is considered a home occupation (see Section 3810).

Child Care Center: A facility for the care and supervision of more than nine (9) children for periods of less than 24 hours per day, and which is licensed and approved by the Colorado Department of Health. Also includes preschools and nursery schools (see also child care, home).

Church/Synagogue/Temple: A structure, or group of structures, which is intended for the conducting of organized religious services and associated activities such as religious classes, child care during services and committee and office work. For purposes of this Code, references to churches include all of these facilities.

Clerk and Recorder: Where this term is used in this Code, it is equivalent to the Summit County Clerk and Recorder.

Clinic: A facility providing health services, medical or surgical care for patients where overnight stays are on an emergency basis only (see also hospital).

CN: Abbreviation for the Neighborhood Commercial Zoning District (see Section 3301.03).

Cocktail Lounge: See bar.

Code: Where this term is used in this Code, it is equivalent to the Summit County Land Use and Development Code, unless otherwise stated in a specific chapter or section.

Code Administrator: Where this term is used in this Code, it is equivalent to the Development Code Administrator. The office of the Development Code Administrator is established in Section 14001.

Code Enforcement Officer: A person designated by the Community Development Director to seek compliance with the Code and other adopted ordinances and resolutions in the areas of planning, zoning, community nuisance, property maintenance, housing, signs, and related areas.

College: See school.

Colorado Retail Marijuana Code: Title 12, Article 43.4 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.

Commercial, Retail and Service: See business, retail and service.

Commercial Center: An area zoned for commercial development, which includes one (1) or more acres of land. A development project containing space for retail and service businesses, and may include restaurants and offices, which occupies or will occupy at completion more than one (1) acre.

Common Area: Land, facilities or improvements such as open space, a clubhouse, tennis court or swimming pool, or roads, driveways and parking areas which are located within a development and in which the owners of the
development have an undivided interest and a common responsibility for maintenance and repair.

**Communications Tower:** Any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and other similar structures. This term also includes any antenna or antenna array attached to the tower structure. Classifications of communications towers and definitions of these classifications are stated in Section 3805 et seq.

**Community Building:** A facility owned by a homeowners association containing recreational or athletic facilities, meeting rooms or office space for use by members of the association and their guests.

**Community Center:** A facility owned or leased by a public agency or nonprofit organization offering space and facilities for community events and activities such as use by the boy scouts or girl scouts, meetings of community groups and musical and theatrical productions by amateur or nonprofit organizations. Community centers may also include recreational or athletic facilities. The facility may be offered for rent to groups, but its primary function is to provide space for community activities (see also community building).

**Community Facilities or Community Facility:** Facilities providing general services to the community, such as water and sewer treatment plants, libraries, schools, police and fire stations, community centers, community gardens, and public health facilities.

**Community Garden:** A Community Garden is a shared land area which is planned, designed, built and maintained by community members, governmental entities, or other non-profit entities for individual or community use and enjoyment. Community Gardens may be solely used to raise food for gardeners and/or the surrounding community, or may be a decorative formal garden, an educational facility, or a rehabilitative facility. Community Gardens may consist of one community plot, multiple plots, individual plots, and greenhouses. The intent of a Community Garden is to provide fresh food to those caring for and participating in the garden and to the immediately surrounding community. Neither medical marijuana nor recreational/retail marijuana may be grown in a community garden.

**Concert Hall:** A building or portion of a building used to accommodate an audience for artistic performances, which usually includes a stage and seating.

**Concrete Batch Plant:** An industrial establishment for the manufacture of a building material made from sand, pebbles and/or crushed stone held together by a mass of cement or mortar, and may include sales to contractors but usually not to the general public.

**Condominium:** A form of ownership of real estate in which exclusive title is given to space within a project such as a residence or office along with an undivided interest in the project's common elements.

**Condominium Hotel:** A building containing rooms or suites which have been sold as condominiums to individual owners, but which is operated as a hotel in that transient lodging is offered to the general public, on-site check-in/check-out staffing and daily housekeeping is provided (also referred to as condo-hotel).

**Condominium Map:** A graphic representation of a separate estate in an individual air space unit of a building together with an undivided interest in common area or common elements as defined by C.R.S. § 38-33-102 et seq. and C.R.S. § 38-33-103 et seq. Such map shall consist of all areas and uses of the building and grounds, plans illustrating the interior division of the buildings and the horizontal and vertical boundaries of all units and a final condominium plat per the standards of Section 8700 of the Development Code.

**Conference Center:** A facility used for business or professional conferences and seminars, and often including lodging, food service and recreational facilities.

**Construction Staging Area:** An area used for the storage of construction materials and equipment, parking of vehicles and storage of fuel supplies, placement of trailers used for temporary offices and storage of supplies and
tools during the duration of a construction project located on the same parcel with the construction project.

**Construction Trailer:** See office, construction.

**Convalescent Home:** A facility licensed by the Colorado Department of Health, which provides bed and ambulatory care for patients with postoperative convalescent, chronic illness or dietary problems and for persons unable to care for themselves, but does not include treatment of alcoholics, drug addicts or persons with mental or contagious diseases. Includes nursing homes.

**Convenience Market:** A commercial establishment, containing not more than 5,000 square feet, selling food and other convenience items, where the food is usually packaged, but not a full service supermarket or grocery store (see also supermarket).

**Convention Center:** A large scale facility designed to accommodate 300 or more people in assembly, providing space for business or professional conventions, conferences, and seminars, trade fairs or merchandise marts, product displays, entertainment and athletic events and usually including food service.

**Corner Lot:** A lot located at the intersection of two (2) or more streets having an angle of intersection of not more than 135 degrees.

**County:** Where this term is used in this Code and is capitalized, it is equivalent to Summit County as a local government or political subdivision of the State of Colorado. Where this term is used and is not capitalized, it is equivalent to Summit County as a geographic unit.

**County Engineer:** Where this term is used in this Code, it is equivalent to the Director of the Summit County Engineering Department or an authorized designee.

**County Manager:** The chief administrative officer of the Summit County Government or an authorized designee.

**Countywide Master Plan:** Where this term is used in this Code, it is equivalent to the Summit County Master Plan.

**Countywide Planning Commission:** A part of the Regional Planning Commission, with the roles and responsibilities as provided for by this Code (see also Basin Planning Commission, Planning Commission and Regional Planning Commission).

**Covenant:** A legal restriction on the use of land, contained in the deed to the property or in a separate instrument recorded against the property.

**Coverage:** For purposes of this Code, coverage is classified as follows:

- **Building:** The amount of land permitted to be covered by a building or buildings, measured in terms of percentage of lot area in the case of single-family and duplex residential districts, and in terms of percentage of site area in the case of multi-family residential and nonresidential districts. Building site coverage is the horizontal floor area measured within the outside of the exterior walls of the ground floor of all buildings on a lot or development site, whichever situation applies (see Section 3505.15).
- **Impervious:** The amount of land permitted to be covered by buildings, structures, paving, gravel surfacing or any other material which makes the underlying ground impervious to or substantially resistant to the penetration of water, measured in terms of percentage of lot area in the case of single-family and duplex residential districts, and in terms of percentage of site area in the case of multi-family residential and nonresidential districts (see Section 3505.15).
- **Pervious:** Land area that is not impervious.

**Crematorium:** A commercial establishment for the burning of corpses to ashes. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics. For the purposes of this Code, crematoriums are classified as follows:
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 15: Definitions


C.R.S.: Abbreviation for Colorado Revised Statutes as amended from time to time.

CSFS: Abbreviation for Colorado State Forest Service.

CUP: Abbreviation for conditional use permit.

D

Density: The degree or intensity to which land can be utilized based on zoning. Such degree or intensity as identified by the zoning code may be further restricted by: application of master plan goals or policies, subdivision regulations, development standards, other provisions in the Code, or any other applicable laws, rules or regulations.

Developer: Any person, firm, partnership, joint venture, association or corporation participating as owner, promoter agent or real estate professional in the planning, platting, development, promotion sale or lease of a development project.

Development: All activities involving: 1) substantial earth disturbance; 2) all construction activities regarding any structure, roads, driveways, other means of access, the placement of pavement, drainage improvements, or utilities; 3) the subdivision or reconfiguration of a parcel or parcels of land; 4) any mining/milling or excavation; 5) the establishment or modification of any use of land or a structure thereon; 6) any other activities which are directly or indirectly addressed by any specific provision of this Code.

Development Agreement: A negotiated contract between the property owner or his designated representative and the BOCC, which agreement meets the requirements of Section 12800 et seq. and is signed by both parties, that assures for a specified time period a property owner's right to proceed with an approved development proposal (see Section 12800 et seq.).

Development Code: Where this term is used in this Code, it is equivalent to the Summit County Land Use and Development Code, unless otherwise stated in a specific chapter or section (see also definition of Code).

Development Code Administrator: The Director of the Summit County Planning Department, authorized designee or such other official as shall be designated by the Board of County Commissioners.

Development Constraint: Areas of land that have natural features that typically preclude development, including but not limited to wetlands, steep slopes 30% or greater, floodplains and areas subject to geotechnical hazards (rockfall, mudslide, avalanche, etc.).

Development Project: Any activities proposed or undertaken involving the development or use of land.

Development Review: The planning process that any given development application must follow in accordance with the requirements of this Code.

Development Right: The potential for improvement or development of a parcel of real property, which is typically expressed in terms of density allowed under existing zoning and other applicable development standards. For example, one development right may equal one single-family residential or duplex dwelling unit, or one development right may equal a specific number of square feet of commercial or industrial gross floor area.

Development Right, Transferable: For the purposes of the TDR Program Regulations, development rights are set forth and defined in Section 3506 et seq. of this Code. The section identifies how development rights can be used in conjunction with County approvals and properties that qualify to send, receive or retire development rights. Per Section 3205.02.E, the following standards shall be equal to one (1) development right:
  a. One (1) single-family residential or duplex dwelling unit not to exceed 4,356 square feet of floor area;
b. One (1) multi-family dwelling unit not to exceed 1,400 square feet of floor area (i.e. townhouses and condominiums); or not to exceed an average per dwelling unit of 1,400 square feet of floor area;

c. Three (3) lock-off or lodge rooms (no kitchen), not to exceed an average per building of 467 square feet of floor area each; or,

d. One thousand (1,000) square feet of non-residential gross floor area (e.g., commercial, industrial, etc.).

**Dish Antenna**: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources. For purposes of this Code, dish antenna are categorized as follows:

a. **Commercial**: Dish antennas used either by broadcasting stations or for the purpose of receiving transmissions useful in the promotion or operation of a business.

b. **Private**: Dish antennas used for receiving transmission for private use.

**Direct Discharge**: A flow of water into a lake or stream from an impervious surface or detention facility which has not passed through 100 feet of grassed waterway or through a device designed to percolate the flow into the subsurface (see Chapter 6).

**District or Districts**: The boundaries of a zoning district or districts.

**Director**: See Planning Director.

**Disturbance Envelope**: A delineated area that identifies the location within which all grading, clearing, excavation and development shall be located on a property as determined by the Review Authority, including but not limited to any septic systems, wells, dwellings, storage buildings or other structures or improvements, except as provided for in Section 8104.01.E.

**Dog**: A domesticated carnivorous mammal, *Canis familiaris*, used for herding, hunting and kept as pets.

**Domestic Water and Wastewater Treatment System**: A water supply system, water treatment plant, or wastewater treatment plant.

a. “Water supply system” means the system of wells, diversions, pipes, structures and facilities, including impoundments and their associated structures, through which a water supply is obtained, stored and sold or distributed for domestic uses; or the system of wells, diversions, pipes, structures and facilities, including impoundments, through which a water supply is obtained which will be used directly or by trade, substitution, augmentation or exchange, for water which will be used for human consumption or household use. In determining whether a project is a domestic water supply system, the BOCC will consider water rights decrees, pending water rights applications, intergovernmental agreements, water supply contracts and any other evidence of the ultimate use of the water.

b. “Water treatment plant” means the facilities within the water supply system that regulate the physical, chemical or bacteriological quality of the water.

c. “Wastewater treatment plant” means the facility or group of units, including any system of pipes, structures and facilities through which wastewater is collected for treatment, that is used for treatment of industrial or domestic wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units discharges into state waters.

**Dormitory**: A building or portion of a building providing sleeping quarters for a number of persons as an accessory use to a college, university, boarding school, orphanage, convent, monastery or other similar institutional use. A building providing employee housing as an accessory use to a resort. Dormitories may or may not have common cooking and eating facilities.

**Dredge Spoils**: Mud, gravel or mineral material removed from a river channel or body of water with a dredging machine (commonly on a boat) during dredging (see Section 3812.09 Exemptions).

**Drinking and Dancing Establishment**: A bar or restaurant with a bar where either live or recorded music is played on one (1) or more days of the week and which includes space for dancing (see also restaurant).
Driveway: An access way for vehicles providing a connection from a public or private roadway to either 1) individual single-family or duplex dwellings; or 2) a parking lot serving multi-family dwellings, commercial development, industrial development, and other nonresidential development. Driveways may serve no more than four (4) 1-family dwellings, or two (2) duplex dwellings (4 dwelling units in 2 duplex dwellings). If an access way serves more than four (4) individual single-family residences, it shall be classified as a roadway rather than a driveway and must meet the County’s standards and requirements for road construction.

Dude Ranch: See resort.

Dumpster: A container, usually made of metal, used for the collection of trash in large quantities.

Duplex: See dwelling unit, two-family.

Dwelling Unit: Any building or portion of a building, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, intended for occupancy by not more than one (1) family and which has no more than one (1) kitchen. A dwelling unit must be in a continuous enclosure and not have any physical separation, such as but not limited to attachment via an open or enclosed breezeway or a detached freestanding bedroom or studio. Bedrooms, as defined by the International Residential Code (“IRC”) or by the Building Code currently in effect, are prohibited over detached garages unless permitted in association with an approved accessory apartment. The definition of dwelling unit excludes lodging rooms. For purposes of this Code, dwellings are categorized as follows:

a. Dwelling, one-family or single-family: A freestanding building in a continuous enclosure containing one (1) dwelling unit.

b. Dwelling, two-family or duplex: A building in a continuous enclosure containing two (2) independent dwelling units connected by a common wall of at least 20 linear feet shared by the units or by garages accessory to the units, provided that only one (1) duplex may be constructed per parcel.

c. Dwelling, multifamily: A building in a continuous enclosure containing three (3) or more dwelling units.

Earth Disturbing Activity: Disturbance or removal of any rock, natural soil, fill or any combination thereof, the placement or stockpiling of fill or the clearing of trees and vegetation for the purpose of constructing roads, extensive tree clearing, commercial timber harvesting, site improvements or structures, installing utility lines or making use of the land in other than its natural state (see Chapter 6).

Easement: A right given by the owner of land to another party for specific limited use of that land, contained in the deed to the property or in a separate instrument recorded against the property.

Effective Date: The date the BOCC adopts or amends any provision of the Code.

Electric Transmission Lines: A system of lines including support structures used to transmit electric energy in amounts of 115 KV and greater.

Emergency Access: Emergency access is provided if at least two (2) different routes for vehicular access (ingress and egress) is available from the County highway system to a specific structure. The County highway system consists of the arterial and collector street system.

Employee Housing: A dwelling that meets the applicable criteria in Section 3809.04 et seq.

Engineering Department: Where this term is used in this Code, it is equivalent to the Summit County Engineering Department.

Enlargement: An addition to a structure or the expansion of a use such that the use occupies more area or materials needed to conduct the use are stored in greater quantities.
Entertainment: See recreation.

Environmental Health Department: Where this term is used in this Code, it is equivalent to the Summit County Environmental Health Department.

Equines: Animals of the family Equidae which have been domesticated for riding and for drawing or carrying loads, including horses, ponies, mules, donkeys and burros.

Equipment Rental: The use of a building or land for the purpose of providing machinery or gear to individuals or businesses on a rental basis.

Equipment Repair: The restoration of machinery or gear to proper and useful condition after damage or injury.

Equipment Sales: The sale of machinery or gear such as air compressors, chain saws, welding equipment, concrete mixers, power tools, hardware, tractors and front end loaders to the general public or to businesses, excluding motor vehicle and recreational vehicle sales.

Extraction, Gravel and Sand: The removal of rock from natural or historical deposits through mechanical means and stockpiling of it for the purpose of crushing it into gravel or sand, but excluding any crushing operation (see also crushing).

Extraction, Mineral: See mining.

Fairgrounds: An open area for temporary exhibition or display of goods often accompanied by amusements and entertainment, contests of skill and usually conducted as a community event.

Family: One (1) or more persons related by blood, marriage or adoption, living and cooking together as a single housekeeping unit, exclusive of household servants. Persons not related by blood, marriage or adoption shall be deemed to constitute a family where they are living and cooking together as a single housekeeping unit, and the number of people does not exceed one (1) person for each 300 square feet contained in the dwelling unit.

FAR: See floor area ratio.

Farm: A parcel of land that is used to produce agricultural products that originate from the land's productivity for the primary purpose of obtaining a monetary profit.

Farm or Ranch Office: See office.

Federal: Of or pertaining to a department, agency, officer or regulation of the United States Government.

Fence or Wall: A structure that serves as an enclosure, screen, buffer or barrier (see Section 3505.17).

Financial Institution: A business engaged in monetary transactions including banks and savings and loan, thrift and lending institutions. For purposes of this Code, references to banks include all types of financial institutions.

Fire Code: The Fire Code as adopted by the BOCC.

Fire Station: A facility used for the storage of fire trucks and emergency medical vehicles and also containing office space and living quarters for fire fighting personnel.

Firewood Splitting and Storage: An operation in which timber is delivered to an open area or yard to be split into firewood and stored. For purposes of this Code, firewood splitting and storage is classified as follows:
a. **Commercial**: An operation in which firewood is split and stored in order to offer the firewood for sale to wholesalers, retailers or the general public and involves the transport of the firewood off the premises where it is cut.

b. **Private**: An operation in which firewood is split and stored for consumption on the premises where it is cut or for personal use by the person owning the timber from which it is cut.

**Fish Farm**: See fish hatchery.

**Fish Hatchery**: A commercial establishment where fish eggs are hatched and fish raised and sold for use in stocking streams and lakes or for food.

**Floor Area**: Floor area is defined as follows based on the type of land use proposed:

a. **Single-family and duplex development and associated uses**: The sum of all area(s) within the interior walls of a building or portion thereof, measured from the interior faces of the exterior walls, excluding the area within attached or detached garages and attics or crawl spaces provided that such areas meet the floor area exclusions contained in subsection d below.

b. **Multi-family (per the provisions of Section 3505.02)**: The sum of all areas contained within the actual dwelling units of a multi-family dwelling building, which is calculated by taking the total floor area of a multi-family building and subtracting out any common spaces (general and limited common elements), including but not limited to hallways, stairwells, enclosed garages, elevator shafts, attic spaces. If a common element is proposed to be enclosed by a wall, roof or other enclosure that makes such floor area available for use within a unit, such area shall be calculated into the net floor area and the density limits as established by Section 3505.02.

c. **Commercial, industrial and other non-residential development**: The sum of all area(s) within the interior walls of a building or portion thereof, measured from the interior faces of the exterior walls, excluding:

   i. The area within attached or detached garages and attics or crawl spaces provided that such area meet the floor area exclusions contained in subsection d below.

   ii. Areas used to house common mechanical, electrical, telephone, heating, ventilating, air conditioning and other such common building operating equipment.

   iii. Common stairwells, elevators, vertical shafts, rated corridors and other such building common areas.

   iv. Common atriums, ground floor and elevator lobbies and other such building common areas.

d. **Floor area exclusions for attic areas and crawlspace areas and stairways**: The following attic areas, crawl space areas and stairways shall be excluded from the floor area calculation where this subsection is referenced in the definition above:

   i. Attic areas shall have a ceiling height of five (5) feet or less, as measured from the topside of the structural members of the floor to the underside of the structural members of the roof directly above.

   ii. Attic Areas With Trusses: Attic areas created by construction of a roof with structural truss type members, provided the trusses are spaced no greater than 30 inches apart.

   iii. Attic Areas With Nontruss System: Attic areas created by construction of a roof structure utilizing a nontruss system, with spaces greater than five (5) feet in height, if all of the following criteria are met:

      a. The area cannot be accessed directly from a habitable area within the same building level; and,

      b. The area shall have only the minimum access required by the Building Code from the level below; and,

      c. The attic space shall not have a structural floor capable of supporting a "live load" greater than 40 pounds per square foot and the "floor" of the attic space shall not be improved with decking.

   iv. Crawl Spaces: Crawl spaces accessible through an opening not greater than twelve (12) square feet in area, with five (5) feet or less of ceiling height, as measured from the surface of the earth to the underside of structural floor members of the floor/ceiling assembly above. Crawl spaces created by a "stepped foundation", hazard mitigation or other similar engineering requirement that has a total height in excess of five (5) feet may be excluded from Floor Area calculations at the discretion of the Planning Department.
v. Stairways: Stairs within each single family, duplex and multifamily dwelling unit shall only be counted on every other level.

Floor Area Ratio (“FAR”): The ratio of floor area permitted on a site to the net site area. The floor area ratio is calculated by dividing the floor area by the net site area.

Fraternal or Service Club: A facility used by an organization of persons joined together by a common purpose or interest.

Frontage: The distance along which a property line of a lot adjoins a public or private road.

Froth Flotation: A method of mineral separation in which certain minerals float and others sink in a mixture of water, finely crushed minerals, reagents and gas or air (does not include Heap Leaching or Vat Leaching).

Funeral Home: A commercial establishment where human corpses are prepared for burial or cremation and ceremonies are held in connection with burial or cremation of the dead. Excludes a facility with a crematorium. (see also crematorium).

Fur Farm: A commercial establishment where animals are raised for their pelts, which are sold for use in clothing or where they are bred for this purpose.

G

Game Arcade: A commercial establishment containing six (6) or more video, pinball, pool tables or other games, or a business with more than one (1) game per five hundred (500) square feet of gross floor area.

Garage: A building or portion of building in which motor vehicles are stored or kept. For purposes of this Code, garages are categorized as follows:
   a. Garage, private: A garage which is associated with a single-family or duplex dwelling unit where motor vehicles and/or other items belonging to residents or their guests are stored or kept, and where space is not available to the general public. A garage associated with a multi-family residential development where motor vehicles and/or other items belonging to residents or their guests are stored or kept, or a garage associated with a community or institutional facility for the storage of vehicles associated with the activities of a public agency or an institution are stored or kept, and where space is not available to the general public. More specific standards for garages are found in Section 3505.18.
   b. Garage, public: A garage, other than a private garage in which motor vehicles are stored or kept.
      i. Accessory: A parking garage associated with a business or group of businesses that is primarily for the use of the customers of the business or businesses.
      ii. Primary: A public garage which is not associated with a particular business but is operated as an enterprise in and of itself, and is available for parking to the general public for a fee.

General Common Element: Means all portions of a condominium, planned community, common interest community, cooperative or townhouse property, except for the area in the actual units of individual ownership or limited common elements.

General Conformance: When a development application is evaluated regarding its general conformance with applicable master plans, the Review Authority shall evaluate the application against the entirety of the goals, polices and actions contained in the master plans and need not require compliance with every provision contained therein. Nonetheless, the Review Authority may require that an applicant satisfy any particular goal, action or policy if such compliance is deemed necessary to attain general conformance.

Goat: Animals of the domesticated species Capra hircus raised for their wool, meat or milk.

Golf Course: A large tract of land developed for the game of golf, and may include a clubhouse containing locker rooms, food services and sale of clothing and sporting goods associated with golf.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 15: Definitions

**Government Facilities**: Facilities owned and/or operated by a government agency needed for the operation of government functions. For purposes of this Code, government facilities are classified as administrative offices and as other facilities such as equipment yards, garages for vehicle storage and repair or impound yards (see office, administrative).

**Grade**: Grade is classified as follows:
- **Natural Grade**: Natural grade is defined as the ground surface unaltered by artificial means. On land where grading was conducted prior to January 1, 1988 or grading was conducted under the provisions of a grading permit issued between January 1, 1988 and May 24, 1999, existing grade shall be considered natural grade. Where unauthorized soil disturbance is in evidence, the Planning Director shall determine natural grade through the interpolation of historic grade. Applicants may be responsible for providing materials depicting historic grade, at the discretion of the Planning Director.
- **Existing Grade**: See definition of natural grade.
- **Finished Grade**: The final ground level elevation of development as such grade is approved by the County as set forth in an official plan(s).

**Grading**: The moving of soil, rock or other natural materials to reshape the natural grade, or other earth disturbing activity.

**Greenhouse**: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants. For purposes of this Code, greenhouses are classified as follows:
- **Commercial**: A greenhouse where plants are cultivated for subsequent sale to wholesalers, retailers or to the general public.
- **Private**: A greenhouse that is an accessory use where plants are cultivated for personal enjoyment or to enhance the aesthetics of a residence or a nonresidential facility, and not for commercial sale.

**Grocery Store**: See supermarket.

**Group Home**: A dwelling unit located in a residential district used as follows:
- **For developmentally disabled persons**: For no more than eight (8) developmentally disabled persons. Developmentally disabled means those persons having cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy.
- **For persons 60 years of age or older**: For no more than eight (8) persons 60 years of age or older where this unit is not located within 750 feet of another group home for persons 60 years of age or older.

**Growing Season**: June 1st through September 15th.

**H**

**Health Club**: A commercial facility providing instruction or equipment designed to promote or improve the health of clients.

**Heap Leaching**: A technique for extracting metals by percolating leaching solutions through heaps of ore, tailings or other mined waster piles. Heap leaching shall not be construed to include the process or techniques of vat leaching.

**Height of Structure**: The height of any structure measured in the same manner as building height (see Section 3505.06/see building height).

**Heliport**: An area, either at ground level or elevated on a structure, licensed and approved for the landing and takeoff of helicopters, and any appurtenant buildings or facilities which may include parking, waiting room, refueling, maintenance, repair or storage facilities.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 15: Definitions

**Helistop**: An area, either at ground level or elevated on a structure approved for the landing and takeoff of helicopters, but which does not include refueling, maintenance, repair or storage facilities.

**Highway**: A general term denoting a public way for the purposes of public travel, including the entire area within the right-of-way or pathway, including but not limited to the definition of a highway in C.R.S. § 43-2-201 et seq.

**Hired Hand Quarters**: See bunkhouse.

**Home Childcare**: See child care, home.

**Home Occupation**: A commercial activity which is conducted by a person on the same lot as where the person resides, where this activity meets the criteria and requirements in Section 3810 et seq. of this Code.

**Home Office**: See Office, home and Section 3810.

**Horse**: See equine.

**Horticulture**: The cultivation of a garden or orchard for commercial gain.

**Horticultural Products**: Consists of products typically associated with a retail nursery, including but not limited to soil, sod, mulch, fertilizer, irrigation supplies, greenhouse building supplies, tools, timers, containers, lighting equipment, water feature equipment, stone, and other similar products.

**Hospital**: A facility that provides medical or surgical care and treatment for the sick and the injured, where overnight stays are routine, and including, as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities (see also clinic).

**Hotel/Motel**: A facility offering transient lodging accommodations to the general public with a central check in facility located within such facility. A hotel/motel may provide additional services such as restaurants, meeting rooms and recreation facilities. Such facilities shall be limited to short-term or seasonal rental, and shall not be subject to any fractional ownership mechanism and shall not be subdivided by a condominium map or other mechanism.

**HUD**: the U.S. Department of Housing and Urban Development.

**Hydroelectric Energy System**: A facility in which electricity is generated by the conversion of the energy of running water. For purposes of this Code, hydroelectric energy systems are classified as follows:

a. **Small Scale**: Small scale hydroelectric energy systems shall be used primarily for on-site purposes. Excess power may be sold back to a utility company, but is not the primary purpose of the system.

b. **Large Scale**: Large scale hydroelectric energy systems generate power primarily to be sold for use off-site.

I

**I-1**: Abbreviation for the Industrial Zoning District (see Section 3301.04).

**Illegal Lot**: A lot that did not comply with the provisions of law or regulations in effect at the time it was created (see also legal nonconforming lot).

**Illegal Structure or Use**: A structure or use that did not comply with the provisions of law or regulations in effect at the time it was constructed or established (see also legal nonconforming structure or use).

**Impervious Coverage**: See coverage, impervious.

**Impound Yard**: A fenced area used for the storage of vehicles retrieved by a towing company or by police personnel until reclaimed by their owners, or disposed of as abandoned.
Industry or Industrial: Businesses involved in the extraction and processing of raw materials, the manufacture, fabrication, assembly, construction and invention of products and the provision of services to commercial or manufacturing establishments where such services usually involve the use of machinery and equipment.
   a. Heavy: Businesses involved in the manufacture of products rather than offering of services where the operation does not meet the industrial/commercial performance standards in Section 3512 of this Code.
   b. Light: Businesses involved in the manufacture of products rather than offering of services where the operation meets the industrial/commercial performance standards in Section 3512 of this Code.
   c. Service: Businesses whose primary purpose is to provide a service, as opposed to a product, to commercial or manufacturing establishments where such services usually involve the use of machinery and equipment and where the operation meets the industrial/commercial performance standards in Section 3512 of this Code. Examples including tooling, machining, printing, testing and repairing of equipment.

Infrastructure: Transportation systems, facilities and services, including but not limited to water and sewer services, emergency services (fire, police, ambulance, etc.), road systems, trail systems and telecommunication systems.

Institutional Uses: A nonprofit, public or quasi-public use, such as a church, library, public or private school, hospital including associated medical office facilities, or government-owned or operated structure or land used for public purpose, along with customary accessory uses.

Intermittent Stream: See stream.

J

Junk: Old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles or automobile parts or appliances or appliance parts.

Junkyard: Any establishment or place of business that is maintained, operated or used for storing, keeping, buying or selling junk. This definition also includes scrap metal processors, auto-wrecking yards, salvage and scrap yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business has such materials located on the premises on a customary basis.

K

Kennel: A shelter where care for dogs or cats is provided for a fee. Any facility where dogs or cats are kept in excess of the numbers allowed by Section 3802 et seq. of this Code regardless of whether or not shelter is provided for a fee. For purposes of this Code, kennels are classified as follows:
   a. Boarding: A kennel where boarding, training or grooming services are offered, but no breeding of animals is conducted.
   b. Breeding: A kennel where pedigreed cats or dogs are kept for the purpose of offering stud service or producing offspring for sale.

Kitchen: A room or portion of a room available for the preparation or cooking of food, to be distinguished from a kitchenette.

Kitchenette: An area within a hotel/motel room used for the storage, preparation and serving of food or drink to guests that is limited to (but not required to install): 1) a sink, 2) a refrigerator of no more than six (6) cubic feet in size, 3) a cabinet area not exceeding (6) six cubic feet, and a counter area not exceeding six (6) square feet.

L

Landowner: See property owner.

Landfill: See sanitary landfill.
Landscaping: shall mean the modification or finishing of a site for aesthetic or functional purposes, including but not limited to: 1) the installation of trees, grass, shrubs, flowers or other plants; 2) completing the finished grade of a site; 3) installing patios, walkways or other hardscape; 4) installing irrigation systems; and 5) the installation of fences, berms and other types of buffers or screens.

Library: A facility, operated by a public agency or nonprofit organization, used to keep literary and artistic materials, such as books, periodicals, newspapers, pamphlets and prints, for reading, reference or borrowing.

Licensed premises: The premises specified in an application for a license under Section 3804 et seq., which is owned by or in possession of the licensee and within which the licensee is authorized to distribute or sell marijuana or marijuana products in accordance with state and local law.

Licensee: The person or entity to whom a license has been issued pursuant to Section 3804 et seq.

Limited Common Element: Means a portion of the common elements legally allocated by the declaration or by operation as provided for in State Statutes for the exclusive use of one (1) or more units but fewer than all of the units.

Liquor Store: A commercial establishment selling alcohol beverages which are packaged and not by the drink (see also bar).

Livestock: Domestic animals, such as cattle or horses, raised for personal use, food, draft or for profit. For purposes of this Code, livestock shall include but not be limited to: cattle, equines, goats, llamas, poultry, sheep and swine.

Llama: A South American mammal, *Lama peruana*, related to the camel and raised for its wool and for carrying loads.

Local Employer: A person, business or institution that hires employees or workers, and provides wages or a salary in exchange for labor performed within Summit County. Local employers range from individuals hiring a babysitter to governments and businesses, which may hire thousands of employees.

Local License: The license granted by the local licensing authority for a Medical Marijuana Center, an Optional Premises Cultivation Operation, a Medical Marijuana Infused Products Manufacturing Facility, a Marijuana Store, a Marijuana Cultivation Facility, a Marijuana Products Manufacturing Facility or a Marijuana Testing Facility.

Lock-off Room: A room in a multifamily dwelling unit that may be rented or occupied as separate short-term accommodation and divided through locking an intervening door. A lock-off room shall have a bathroom, sleeping area and entrance separate from the principal dwelling unit, and may contain a kitchenette. The method of determining the density of a lock-off room is provided in detail in Section 3505.02. A lock-off is not intended for permanent residency, and shall not be subject to any fractional ownership mechanism or subdivided into an individual condominium unit.

Lodge: See hotel/motel.

Lodge Room: A room in a lodge or hotel/motel that provides short-term accommodation or lodging use. A lodge room shall have a bathroom and may contain a kitchenette. The method of determining the density of a lodge room is provided in detail in Section 3505.02. A lodge room is not intended for permanent residency, and shall not be subject to any fractional ownership mechanism or subdivided into an individual condominium unit.

Long-term Lodging: See long-term rental.

Long-term Rental: The offering or reservation of a dwelling unit, either by a rental contract or other arrangement, for a period of six (6) months or more.
Lot: A singular parcel of land with a continuous boundary where the boundaries of the parcel are established by a subdivision plat recorded in the Office of the County Clerk and Recorder (see also parcel).

Lot Area: The area contained within the legal boundaries of a lot excluding any road easements or rights-of-way, whether public or private, and any easements which prohibit surface use of the property.

Lot Coverage: See coverage, lot.

Lot lines: The legal boundaries of a parcel of land established by a recorded subdivision plat. Lot lines are classified as either front, side or rear as follows:
   a. Front: The property line separating a lot from the street except, where a lot is bordered by more than one (1) street, the property owner shall determine which side of the lot having street frontage is to be considered the front for setback purposes. Each lot proposed for development shall have at least one (1) property line designated as the front lot line.
   b. Rear: The property line opposite to and furthest away from the front property line except, where a lot is irregular in shape, the Planning Department shall determine which property line is to be designated as the rear property line for setback purposes. Each lot proposed for development shall have at least one (1) property line designated as the rear lot line.
   c. Side: Any property line bounding a lot that is not designated as either a front or rear property line.

Low Power Wireless Communications: Structures and antennas necessary to broadcast telecommunications for voice, data or video with emitted power levels less than 36dBm (or such other levels as may be authorized by the Federal Communications Commission to be low power telecommunications) with total surface areas of all antennas not exceeding ten (10) square feet for any single parcel.

Lumberyard: The use of land or buildings for the sale of building materials and construction supplies that includes outdoor storage of materials or supplies.

M

M-1: Abbreviation for the Mining Zoning District in this Code (see Section 3301.05).

Major Development Project: See Section 3504.02.B.

Manager’s Station: A required area or areas, not exceeding thirty two (32) square feet of floor area, that provides an unobstructed view, by direct line of sight, of each area of the premises to which any patron is permitted, excluding restrooms.

Manufactured Home: A structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) or more body feet in width or 40 or more body feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Every transportable section of the home shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards and, in addition, every assembled home shall have a data plate and heating certificate (in accordance with Federal standards) stating compliance with structural zone, wind zone and outdoor winter design temperature zone specified for Colorado in the Federal standards (see Section 3505.08 and also definition of mobile home, minor assembly and modular home).

Manufactured Home Park: A parcel (or contiguous parcels) of land divided into two (2) or more spaces for the installation of manufactured homes, where such homes are to be used as dwelling units on a continuous basis and where connections to utilities are provided.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, fabricating of products and the blending of
materials such as lubricating oils, plastics, resins or liquors. For purposes of this Code, manufacturing is classified as follows:

a. **Heavy**: An manufacturing operation that does not meet the industrial/commercial performance standards in Section 3512 of this Code.

b. **Light**: An manufacturing operation that meets the industrial/commercial performance standards in Section 3512 of this Code.

**Marijuana**: All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. *Marijuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

**Market**: See convenience market or supermarket.

**Master Plans**: Documents that provide guidelines for the development of an area that recognize the physical, economic, social, environmental, aesthetic and related factors of the community involved. Master plans include the Countywide Comprehensive Plan, basin plans, subbasin plans, community plans and neighborhood plans, as adopted by the Countywide Planning Commission or Basin Planning Commissions.

**Maximum Resale Price**: The maximum purchase price that shall be paid by any purchaser of an affordable workforce housing unit, other than the initial purchaser, that is determined in accordance with the Summit County Affordable Workforce Housing Deed Restriction Guidelines referenced in Section 3809.02.B of this Code. The maximum resale price is not a guaranteed price, but merely the highest price an owner may obtain for the sale of an affordable workforce housing unit.

**Mean Sea Level Elevation**: The vertical distance from mean sea level to a point or object on the earth’s surface as measured in United States Geological Survey topography.

**Memory Care Facility**: A facility that provides specialized care for persons unable to communicate or in need of assistance with daily activities due to dementia or other memory loss. The facility provides a safe and physically secured environment while helping residents cope with their disease through various classes, programs, and activities.

**Metes and Bounds**: A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets or, in rural areas, a tree or a permanent feature.

**MHP**: Abbreviation for the Manufactured Home Park Zoning District (see Section 3301.06).

**Microwave Dish**: A receiver for ultra-high frequency electromagnetic waves.

**Middle School**: See school.

**Milling**: An operation, as distinguished from mining, in which minerals, rock and gravel are processed or extracted through methods including but not limited to the grinding, crushing or screening of such materials, or potential reagents for processing (see also Dredge Spoils).

**Mineral**: An inanimate constituent of the earth in a solid, liquid or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form as a metal, metallic compound, chemical, energy source or as a raw material for manufacturing or construction material.

**Mining**: The process of extracting minerals, ore, sand, gravel or rock from the earth, but excluding any milling operation. Mining operations may also include associated activities such as: disturbance of rock, overburden or
tailing piles; transport or stockpiling of raw material; and construction and use of associated structures or support facilities (see also Dredge Spoils).

**Mining/Milling operation:** The development or extraction of a mineral from its natural occurrences on affected land. The term “mining operation” includes, but is not limited to, open mining, in situ mining, in situ leach mining, surface operations, the disposal of refuse from mining, transportation, concentrating, milling, and other mineral processing activities. The active or inactive status of mining/milling operations that are subject to the Colorado Mined Land Reclamation Act, C.R.S. §34-32-101 et seq. shall be governed by the provisions of C.R.S §34-32-103(6)(a) and regulations enacted there under. All other mines shall be considered active unless the associated operations has ceased for a year or more. Cessation of activities due to seasonal weather shall not constitute an abandonment of active status.

**Mini-warehouse:** A commercial establishment providing individual storage bays for rent by the general public.

**Minor Assembly:** Minor assembly includes placement of a manufactured or modular home on a foundation, connection to utilities and fastening together of preassembled sections. Minor assembly excludes reconstruction, modification or alteration of a factory built home for the purposes of meeting the standards or requirements of this section, or in order to qualify as a manufactured or modular home (see Section 3505.08).

**Mitigation:** An action that will have one (1) or more of the following effects:

a. Avoiding, reducing or eliminating a manmade or natural hazard on a property such that use of the property will occur with a reasonable expectation of safety.

b. Reducing impacts from development on a property's natural features.

c. Preventing impacts from development having an adverse effect on either a property's natural features or on the use and enjoyment of neighboring properties.

d. Counterbalancing detrimental effects of development on natural features by: (1) rehabilitating areas that have experienced degradation from previous development, and (2) improving or enhancing existing plant and animal habitat and creation of new habitat.

e. Undertaking development in a manner that maintains the vitality of the ecosystem.

**Mixed-use Development:** Any project that contains more than one (1) of the following types of uses: commercial, residential, industrial or institutional.

**Mobile Home:** See manufactured home.

**Modular Home:** A modular structure designed to be used as a dwelling unit and built to the "Factory-Built Housing Construction Code of the State of Colorado" as it applies to all factory-built housing (except manufactured homes). Each structure shall bear a permanently affixed insignia issued by the Colorado Division of Housing certifying compliance with the Factory-Built Housing Construction Certification Regulations (see Section 3505.08).

**Modular Structure:** A structure which is wholly or substantially made, fabricated, formed or assembled in a manufacturing facility for the installation, or assembly and installation, on a permanent foundation (see Section 3505.08).

**Motel:** See hotel/motel.

**Motor Vehicle:** A vehicle which is used to transport passengers and goods which is less than 33 feet in length and 15,000 gross vehicle weight, and is not designed for use as living quarters on either a temporary, seasonal or permanent basis, including but not limited to automobiles, pickup trucks and vans. Excludes recreational vehicles and park homes.

**Multi-family Development:** A development containing multi-family dwellings or a development that consists of a mixture of dwelling unit types located on the same lot, including but not limited to a mix of single-family, duplex, and townhouse units, as provided for by this Code or a Planned Unit Development ("PUD"). Such development may utilize either the condominium map or townhouse platting process and shall be designed and constructed to
meet all of the multi-family requirements of this Code including without limitation, site plan review requirements, access requirements (grade, common parking area, necessary easements), parking requirements, density limits (and associated floor area limits) and design requirements; and, if applicable, a PUD designation. This definition excludes single-family and duplex development where the underlying zoning permits single-family and duplex dwellings, and no more than one (1) single-family dwelling unit or one (1) duplex building is constructed upon one (1) lot.

**Museum**: A facility, operated by a public agency or nonprofit organization, where works of artistic, historical, and scientific value are cared for and exhibited, and which may include incidental sales for the purpose of supporting the museum operation.

**Natural Resource Management**: Actions to protect, enhance or mitigate impacts to open space values including, but not limited to, property maintenance, weed or vegetation management, trail construction, wetland or wildlife habitat improvements, reclamation and environmental remediation/management activities, fencing or other access barriers and signage.

**Nonconforming Lot, Illegal**: See illegal lot.

**Nonconforming Lot, Legal**: A lot which was lawful when created but which does not comply with the provisions of law or regulations passed at a later date in that it fails to meet requirements regarding area, width or other characteristics of the zoning district in which it is located.

**Nonconforming Structure or Use, Illegal**: See illegal structure or use.

**Nonconforming Structure or Use, Legal**: A structure or use which was lawful when established but which does not comply with the provisions of law or regulations passed at a later date.

**Nonresidential Development**: Development of commercial, industrial and other types of land uses that do not typically contain residential development, except for limited employee housing associated with a nonresidential use.

**Nonresidential Storage**: The keeping of materials or other items which are not incidental to normal residential use of property including but not limited to merchandise, goods, supplies and equipment related to a business or other nonresidential use (see Section 3815).

**Nordic Ski Center**: A facility offering access to trails for nordic skiing, which may also include skiing instruction, equipment and clothing sales, equipment repair, food service and other related services and facilities for users of the nordic center.

**Nordic Ski Hut**: A building offering shelter for nordic skiers, which may include overnight accommodations, cooking and sanitary facilities. Nordic ski huts may also be used by hikers during the summer season.

**NR-2**: Abbreviation for the Natural Resource Zoning District (see Section 3301.07).

**Nude Entertainment Establishments**: Establishments open to the public in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishments and motion picture theaters that show, present or display adult oriented movies and/or films for the patrons therein.

**Nudity**: A person appears in a “state of nudity” when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals of any person.

**Nursery**: Land or structures, including greenhouses, used to raise flowers or plants for sale, excluding marijuana related businesses. For purposes of this Code, nurseries are classified as follows:
a. **Nursery, retail**: A nursery where flowers, plants, and horticultural products are available for sale to the general public, and which may include the outdoor storage of plants and planting materials.

b. **Nursery, wholesale**: A nursery where flowers and plants grown or raised on the premises are available for sale to landscape contractors and retailers rather than to the general public. In the A-1 Zoning District, all of the products sold must be grown, raised or manufactured from products grown or raised on site.

**Nursery School**: See child care center.

**Nursing Home**: A state-licensed residential facility intended for persons requiring 24-hour nursing or health care, either long-term or short-term. Nursing homes offer a comfortable community, private or shared rooms, and around-the-clock medical staff, including registered nurses, licensed practical nurses and nurses' aides. Includes long and short term disability care. See convalescent home.

**Obscene**: For the purpose of this Code, “obscene” will describe an act or performance that meets the following criteria:

a. The average person, applying contemporary community standards, would find that when taken as a whole, the act or performance appeals to the prurient interest in sex; and

b. Depicts:
   i. Patently offensive representations of ultimate sex acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy and sexual bestiality; or
   ii. Patently offensive representations of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal or covered male genitals in a discernibly turgid state; and

c. When taken as a whole, lacks serious literary, artistic, political or scientific value.

**Office**: A building or portion of a building used for conducting the affairs of a business, profession, service, enterprise or government, but not for use as a residence. For purposes of this Code, offices are classified as follows:

a. **Administrative/business/professional**: An office where activities related to the administrative, clerical, personnel or financial functions for a particular enterprise are conducted, or the activities of a recognized profession are conducted such as offices for architects, doctors, lawyers, accountants, investment counselors, insurance agents, real estate brokers, government agencies and secretarial services but excluding the display of merchandise or sale of products to the general public.

b. **Construction**: An office located on a project site for use in managing construction activity, and for the conduct of clerical, personnel or financial functions associated with construction operations.

c. **Farm or ranch**: An office located on a farm or ranch where accounts are kept and business conducted having to do with the production and sale of products from the farm or ranch where the office is located or from other farm or ranch property owned by the same person.

d. **Government**: See offices, administrative/business/professional.

e. **Property management**: An office located within a multi-family residential or commercial development project where individuals responsible for the maintenance and supervision of the project conduct business and necessary records are kept.

f. **Real estate sales**: An office where sales of real estate or of time shares in real estate are conducted or arrangements for such sales are made. Real estate sales offices consist of two (2) kinds:
   i. **Regular**: Offices established on more-or-less permanent basis in an office or commercial development project, where the applicable zoning regulations allow business offices.
   ii. **Temporary**: Offices meeting the criteria in Section 3817 which are established for a limited period of time on a property where a residential or nonresidential project is planned, under construction, or just completed for the purpose of selling units or space in the project, but where the applicable zoning regulations do not allow business offices on a permanent basis.

g. **Rental**: An office located within a multi-family residential or commercial development project where units or space are offered for rental to the public, and where the activities associated with administering
rental contracts is conducted and necessary records are kept.
h. **Home**: An office located within a dwelling unit per the home occupation requirements contained in Section 3810 et seq.

**Official Zoning Maps**: The official zoning district boundary maps approved by the BOCC and signed by the Chairman of the BOCC that designate the zone district boundaries in unincorporated Summit County, subject to modification from time-to-time as provided for by this Code.

**Offsite**: Located outside the boundaries of a property, which is subject to a development application.

**Onsite**: Located within the boundaries of a property or properties that are subject to a development application.

**Opaque**: Not transmitting light; neither transparent nor translucent. For purposes of this Code, the following shall be considered opaque:

- A fence or wall preventing the transmission of 75% of the available light during hours of daylight.
- Landscape materials preventing, within three (3) years of planting, the transmission of: (1) 75% of the available light during hours of daylight in summer, and (2) 60% of the available light during hours of daylight in winter.

**Open Space**: Open space areas facilitate numerous community benefits such as providing extensions to existing undeveloped open space lands, buffers to developed areas, view corridors, access to trails, trailheads, water bodies, National Forest areas, passive recreation uses including trails, unique ecological habitats and historic sites.

**Outdoor Display of Artwork**: See Section 3813.

**Outdoor Display of Merchandise**: See Section 3814.

**Outdoor Vendor**: A person engaging in the sale of goods or services from an open stand, push cart, vehicle or an outdoor site but not from a permanent building (see Section 3816).

**P**

**Packing and Outfitting**: Offering of guide services and such provisions as equipment, food supplies and pack animals for a fee to the general public for trips into the backcountry.

**Parcel**: A contiguous area of land except for intervening easements and rights-of-way with a continuous boundary established either by a subdivision plat recorded in the Office of the County Clerk and Recorder or legally established by one of the following methods (Also see lot):

- An aliquot part of a section.
- A metes and bounds description.
- A book and page or reception number reference.
- Any so-called "assessor's tract".
- A description which calls only for the owner's or adjoiner's name.

**Park**: A tract of land designed for and used by the public for active or passive recreation, which may include buildings containing athletic facilities, cooking facilities and restrooms (see also playground).

**Park and Ride**: A parking lot located at a transit stop where persons desiring to use the transit system may leave their cars.

**Park Home**: A vehicle having similar characteristics to a recreational vehicle as defined in Section 3815.01, except it is 33 or more feet in length and, unlike other types of recreational vehicles, is often placed on a permanent or semi-permanent basis for extended periods of time in the same location for use as a second home rather than used for travel purposes. Park homes are similar in appearance and function to a manufactured home but do not meet the required length of 40 feet to qualify as a manufactured home (see Section 3815).
Parking Lot: An area used for parking of motor vehicles that includes but is not limited to surface parking lots and parking garages. For purposes of this Code, parking lots include:
   a. Accessory: A parking lot associated with a multi-family residential development which is primarily for the use of residents living in the development or their guests. A parking lot associated with a nonresidential development such as a business or group of businesses, or community or institutional facility which is primarily for the use of the customers of the business or businesses.
   b. Primary: A parking lot which is not associated either with a particular residential or nonresidential development but is made available for parking by the general public for a fee.

Parking Space: An off-street space available for the parking of motor vehicles associated with a permitted, conditional or temporary use allowed per the underlying zoning, located on-site, and conforming to the requirements of this Code.

Passive Recreation: Recreational activities that require no facilities or improvements other than trails.

Patently Offensive: So offensive on its face as to affront current community standards of tolerance.

Penal Facility: A facility used for the incarceration of criminals.

Perennial Stream: See stream.

Permits: Permits required by the provisions of the Code or as otherwise provided for by law (also see definition of Building Permit).

Person: An individual, partnership, firm, association, joint venture, public or corporation, trust, estate, commission, board, public or institution, utility, cooperative, municipality or any other political subdivision of the state, or any interstate body or any other legal entity.

Pipelines: A system of tubes or hollow cylinders of ten (10) inches in diameter or larger designed for, or capable of, transporting natural gas or other petroleum derivatives which creates a hoop stress of 20% or more at their specified minimum yield strength (approximately 400 PSIG or greater), and any appurtenant facilities.

Planning Commission: As used in this Code, this term refers either to the Summit County Regional Planning Commission, to one of its constituent Basin Planning Commissions or to the Countywide Planning Commission, with the appropriate choice depending on the context where the term appears (see Regional Planning Commission and Countywide Planning Commission).

Planning Department: Where this term is used in this Code, it is equivalent to the Summit County Planning Department.

Planning Director: Where this term is used in this Code, it is equivalent to the director of the Summit County Planning Department or an authorized designee.

Platted: A subdivision has been “platted” if a map and any supporting materials for certain described land has been reviewed and approved by Summit County in accordance with duly adopted subdivision laws and regulations in effect for Summit County.

Playground: A tract of land developed with equipment and facilities designed to provide recreational activity for young children (see also park).

Police Station: A facility used for administration of police operations, the dispatch of police personnel and vehicles, and the incarceration of criminals.

Poultry: Domestic fowls, such as chickens, turkeys, ducks, quail, or geese raised for meat, eggs or down. Excludes
chickens permitted under section 3802.02.C et al.

**Power Plant**: Any electrical generating facility operated by a public utility, or operated by a person where the plant generates 500 or more kilowatts, and any appurtenant facilities, or any expansion, extension or enlargement of any electrical generating facility increasing the existing design capacity to 500 kilowatts or by 500 kilowatts or more.

**Premises**: A parcel of land and any buildings or structures located within the parcel's boundaries.

**Preschool**: See child care center.

**Principal Structure**: The main structure or structure containing the primary use of land as distinguished from an accessory structure (see accessory structure or use).

**Primary Use**: The principal use of land or structures as distinguished from a secondary or accessory use, such as, but not limited to a single-family dwelling is a primary use of a parcel (see definition of accessory structure or use).

**Projections**: Minor architectural features of a building such as building eaves, overhangs, chimneys and standpipes.

**Property Lines**: The boundaries of a tract of land established either by a recorded subdivision plat or by written, recorded conveyance. Includes lot and parcel lines.

**Property Owner**: A person or persons holding legal title to a parcel of property. Includes landowner.

**Proponent**: The person proposing development of a property, who is either the owner of the property to be developed or has written permission from the property owner for submittal of the project proposal (see also applicant, developer).

**Public Utility**: Any firm, partnership, association, cooperative, company, corporation, governmental agency, special or metropolitan district or other such entity and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing electric, rural electric, telephone, telegraph, communications, cable television, gas pipeline carrier, water, sewerage or pipeline facilities and services.

**PUD**: Abbreviation for the Planned Unit Development Zoning District.

**Purchase Price**: All consideration paid by a purchaser to a seller for an affordable workforce housing unit. The purchase price excludes any proration amounts, taxes, costs and expenses of obtaining financing, cost of furnishings or personal property, lenders fees, title insurance fees, closing costs, inspection fees, real estate purchase and/or sales commission(s) or other fees and costs related to the purchase of the unit but not paid directly to the seller.

**R**

**R-1**: Abbreviation for the single-family residential district in this Code which densities are limited to one (1) dwelling unit per 40,000 square feet of land.

**R-2**: Abbreviation for the single-family residential district in this Code which densities are limited to one (1) dwelling unit per 20,000 square feet of land.

**R-4**: Abbreviation for the single-family residential district in this Code which densities are limited to one (1) dwelling unit per 10,000 square feet of land.

**R-6**: Abbreviation for the single-family/duplex residential zoning district in this Code which densities are limited to one (1) dwelling unit per 6,000 square feet of land.

**R-25**: Abbreviation for this typically multi-family zoning district in this Code which densities are limited to 25 dwelling units per acre.

R-P: Abbreviation for the Residential with Plan Zoning District as provided for by this Code.

Radio Tower: See communications tower.

Rail-Trail: A shared use path built within the right-of-way or recreational pathway easement of an existing or former railroad that is either paved or unpaved.

Ranch: A parcel of land that is used for grazing livestock for the primary purpose of obtaining a monetary profit or other agricultural uses or agricultural operations.

RE: Abbreviation for the Rural Estate Residential Zoning District.

Recreation: An activity intended to provide refreshment or relaxation by means of some pastime, agreeable exercise, entertainment or amusement.

Recreation Building: See community building.

Recreation Facilities: Land, buildings, structures or equipment used in recreational activities such as sports, games, arts, crafts, picnicking, kite flying, sauntering, strolling and meditating. For purposes of this Code, recreation facilities are classified as follows:

a. Commercial:
   i. Indoor: A commercial business offering amusements, recreational or entertainment activities such as a bowling alley, pool hall, game arcade and amusement rides where such activities are contained within a building.
   ii. Outdoor: A commercial business offering amusements, recreational or entertainment activities such as batting cages, miniature golf, grand prix miniature race cars, water slide, alpine slide and amusement rides where part or all of such activities are outdoors.

b. Community: Recreation facilities owned or operated by a government agency or nonprofit entity which are open to the general public and where fees charged are intended to cover the cost of operation and not to provide financial gain to the operator.

c. Private: Recreation facilities owned or operated by a homeowners association, private entity or membership association for the benefit of members where fees or dues charged are intended to cover the cost of operation and not to provide financial gain. Recreation facilities accessory to a dwelling unit for use by the property owner or tenant residing on the property, family members or guests.

Recreational Pathway or “Recpath”: Paved multi-use recreational pathways under the ownership or operation of Summit County or other governmental or quasi-governmental agency or other entity as may be approved by the County.

Recreational Vehicle: A vehicle, which is:

a. Built on a single chassis.

b. 400 square feet or less when measured at the largest horizontal projections.

c. Self-propelled or designed to be towed.

d. Less than 33 feet in length.

e. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational vehicles include motor homes, travel trailers, camper trailers and truck campers. For the purpose of this Code recreational vehicles shall not include park homes or manufactured homes (see Section 3815).

Recreational Vehicle Park: A facility designed to accommodate recreational vehicles by providing parking spaces and either individual utility hookups or a common water supply and sanitary facilities. A facility designed to accommodate park homes by providing hard surfaced pads for installation of each home and individual utility
hookups. A recreational vehicle park may also include recreational amenities such as a clubhouse, playground and athletic facilities for use by persons staying in the park, but not available to the general public.

**Regional Planning Commission:** Where this term or the term “Planning Commission” or “Commission” is used in this Code, it is equivalent to the Summit County Regional Planning Commission. Includes the Countywide Planning Commission and Basin Planning Commissions (see definition of Planning Commission).

**Resident:** For the purposes of the Affordable Workforce Housing Regulations in Section 3809.02, a resident is defined as a person and his or her dependents, if any, who (i) earns his or her living from a business operating in and serving Summit County, by working at such business an average of at least 30 hours per week on an annual basis, or (ii) is a person who is approved, in writing by the County, which approval shall be based upon criteria including, but not limited to, total income, percent of income earned within Summit County, place of voter registration, place of automobile registration, driver’s license address and other qualifications established by the County from time to time. (Compliance with each of these criteria is not necessary; in certifying Residents, the Summit Combined Housing Authority or the County shall consider the criteria cumulatively as they relate to the intent and purpose of the restrictions set forth in Section 3809.02 of this Code). A person over 65 years of age shall remain a Resident regardless of his or her working status, so long as he or she has owned and occupied their particular affordable workforce housing unit for a time period of not less than seven (7) years.

**Resident of Summit County:** A person who maintains their official residence within Summit County, as evidenced by the address listed on their driver’s license, where they are registered to vote and where their vehicle(s) are registered.

**Residential Outdoor Storage:** (see Section 3815.01.G).

**Resort or Dude Ranch:** A centrally managed facility which provides full service lodging, dining or cooking facilities, and onsite recreational activities for overnight guests or members. A resort or dude ranch shall include an organized program of activities such as hunting, fishing, nature study, arts and crafts, nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking and pack trips. A resort or dude ranch may also include corporate or religious retreats or meeting rooms. Activities shall be provided onsite to the extent possible. Adjacent public lands and waterways may be used to supplement onsite activities, but shall not be the point of origin or primary location for such activities. Motels and hotels are not considered resorts or dude ranches. Guest lodging within a resort or dude ranch shall not be used for long term residency beyond three (3) months. Resorts and dude ranches are of three types:

a. **Large scale:** A resort or dude ranch located on a parcel of at least 20 acres where the number of guests exceeds 0.5 people/acre, or where the resort development includes uses other than lodging and recreational facilities.

b. **Medium scale:** A resort or dude ranch meeting the criteria in Section 3808 for medium scale resorts.

c. **Small scale:** A resort or dude ranch meeting the criteria in Section 3808 for small scale resorts.

**Restaurant:** A commercial establishment where meals are prepared and served to the public. For purposes of this Code, restaurants are classified as follows:

a. **Carry-out:** A restaurant offering specialty food items or pre-prepared foods, such as pizza, ice cream, donuts or deli sandwiches, where the majority of the business involves consumption of food off the premises, only ancillary seating facilities are provided, and consumption of food on the premises is discouraged.

b. **Fast food:** A relatively high volume restaurant whose principal business is the sale of pre-prepared or rapidly prepared food, such as hamburgers, tacos or chicken, in disposable containers directly to customers for consumption either within the restaurant or off premises.

c. **Standard:** A restaurant providing seating facilities, which may include a bar or lounge as an accessory use, where food is prepared to order and served on dishes rather than in disposable containers (see also drinking and dancing establishment).

d. **Drive thru:** A restaurant where patrons are served through a window while remaining in their vehicle, such as a fast food type of restaurant with a drive through window.
Restoration and Stabilization of Historic Structures: Any structure designated by the County as a structure of “Local Historical Significance” may be stabilized or restored where such efforts do not expand the square footage of the structure and all improvements are designed to promote the historic character of the structure.

Retail Business: See business, retail and service.

Retail Marijuana: Marijuana that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment.

Retail Marijuana Cultivation Facility: An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Retail Marijuana Establishment: A marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility or a marijuana testing facility.

Retail Marijuana Products: Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients that are intended for use or consumption, including without limitation edible products, ointments and tinctures.

Retail Marijuana Product Manufacturing Facility: An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to marijuana stores, but not to consumers.

Retail Marijuana Store: An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Retail Marijuana Testing Facility: An entity licensed to analyze and certify the safety and potency of marijuana.

Retail Sales: Sales of goods or services to the general public.

Retaining Wall: See Section 3505.17.D.

Retirement Home: A facility which provides living quarters for persons of 55 years or older with common dining and cooking facilities and/or individual kitchens in each living unit. A retirement home may include limited nursing care, but is not intended to be a convalescent or nursing home.

Review Authority: The designated, appointed or elected official or body of designated, appointed or elected officials responsible for reviewing and/or rendering a decision upon a development review application, including without limitation, a master plan, zoning amendment, subdivision, conditional use permit, temporary use permit, 1041 permit or site plan. Includes but is not limited to the Board of County Commissioners, a Planning Commission, the Board of Adjustment and the Planning Department Staff.

Right-of-Way (“ROW”): A general term denoting a right of use, access and/or travel.

Road: All property located within a highway or dedicated right-of-way or easement that functions as a right-of-way for a public or private road, street, alley, highway or freeway.

Roadway: The portion of the highway or road, including shoulders, for vehicle use.

Road & Bridge Department: Where this term is used in this Code, it is equivalent to the Summit County Road and Bridge Department.

Road & Bridge Supervisor: The director of the Road & Bridge Department or an authorized designee.
Road Standards: Where this term is used in this Code, it is equivalent to the Summit County Road & Bridge Design and Construction Standards.

Roommates: Two (2) or more persons not related by blood or marriage residing in a single dwelling unit where cooking facilities are shared and living expenses are divided on a more or less proportionate basis (see also bed and breakfast).

Rooming house: See boarding house.

RP: Abbreviation for the zoning district denoted as Residential with Plan.

RPC: Abbreviation for the Summit County Regional Planning Commission.

RU: Abbreviation for the Rural Residential Zoning District.

Rubbish: Any trash, garbage, refuse, waste, debris, litter or discarded material of any kind including, discarded furniture and household articles, abandoned vehicles, vehicle parts, dead animal carcasses, animal waste, construction materials which are stored in a disorderly manner or stored on a site where no construction is taking place and industrial wastes.

S

SU-1: An abbreviation of the Special Use Zoning District.

Sanitary Landfill/Solid Waste Disposal: Disposal of refuse on land without creating a nuisance or hazard to public health and safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

Satellite Dish: See dish antenna.

Sawmill: A mill where lumber is cut into boards or other processed wood products. For purposes of this Code, sawmills are classified as follows:

a. Commercial: A sawmill where timber, either harvested on property or brought to the property, is processed into lumber in order to offer it for sale to wholesalers, retailers or the general public and involves the transport of lumber off the premises where it is sawn.

b. Private: A sawmill where timber, either harvested on property or brought to the property, is processed into lumber for the use on the site where the sawmill is located.

School: An institution for instruction. For purposes of this Code, schools are classified as either public or private and by the type of instruction provided and the age of the students. A public school is an institution providing instruction which secures the major part of its funding from taxes or from government agencies. A private school is an institution providing instruction which secures the major part of its funding from sources such as tuition and donations, and not from taxes or government agencies.

a. College/university: A school providing higher education beyond grade 12, which offers either a two (2) year or four (4) year degree in specific disciplines.

b. Elementary school: A school, which meets State standards for providing primary instruction for students in kindergarten and grades 1-6.

c. High school: A school, which meets State standards for providing secondary education for students in grades 9-12.

d. Middle school: A school which meets State standards for providing intermediate instruction for students in grades 7-8, and may include students in grade 6.

e. Trade or vocational: A school providing instruction in specialized skills or a craft such as welding, carpentry, or auto repair to prepare students for a specific occupation.
**Senior Housing:** Dwelling units that are deed restricted under expressed terms authorized by Summit County and that are either: a.) specifically designed for and occupied by elderly persons under a Federal, State or local government program, or b.) occupied solely by persons who are 62 years of age or older; or c.) house at least one person who is 55 years of age or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 years of age or older.

**Service Club:** See fraternal or service club.

**Setback:** An open area of fixed width within a parcel along the front, side or rear property line which shall remain free of any development, except as provided in this Code. The minimum distance, which shall be maintained between a parcel’s boundaries and any structure built within that parcel. For purposes of this Code, setbacks are classified as follows:

a. **Front:** An area extending the full width of a parcel, located along the front property line, and having a depth measured perpendicular to the front property line, which meets the minimum requirement for the front setback as specified in this Code.

b. **Side:** An area located along any side property line, having a depth measured perpendicular to the side property line, which meets the minimum requirement for the side setback as specified in this Code. Side setbacks shall extend from the front setback line to the rear setback line or, where a parcel is formed by more than four (4) sides, to the point of intersection with an adjacent side setback line.

c. **Rear:** An area extending the full width of a parcel, located along the rear property line, and having a depth measured perpendicular to the rear property line which meets the minimum requirement for the rear setback as specified in this Code.

**Sewage Treatment Plant:** A facility designed to process and treat waste matter collected through a system of pipes, and the operation of the facility complies with State and Federal standards.

**Shared Roadway:** A roadway which is not officially designated and marked as a bicycle route, but which is open to both bicycle and motor vehicle travel as provided for by law. This may be an existing roadway, street with wide curb lanes or a road with paved shoulders.

**Shared Use Path:** A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way or recreational pathway easement. Shared use paths will also be used by pedestrians, skaters, wheelchairs, joggers and other non-motorized users.

**Sheep:** Animals of the domesticated species *Ovis aries* raised for its wool, edible flesh or skin.

**Shooting Range:** A facility designed to provide practice in the use of firearms under controlled conditions so public health and safety are protected. Shooting ranges may include the sale of firearms, associated equipment or supplies, food and sanitary facilities. For purposes of this Code, shooting ranges are classified as follows:

a. **Public:** A shooting range which is open to the general public or to public safety personnel, and where a fee may or may not charged for its use.
   
   i. **Indoor:** A shooting range, which is contained within an enclosed building such that noise caused by shooting activity is not detectable from outside the building, and materials used to construct the building are capable of preventing the escape of any bullets.
   
   ii. **Outdoor:** A shooting range where part or all of the area used for firing practice is located outdoors.

b. **Private:** A shooting range, which is for the personal use of the property owner or tenant residing on the property, family members or guests.

**Shopping Center:** See commercial center.

**Short-term Rental:** The offering or reservation of a dwelling unit or lock-off or lodge room, either by a rental contract or other arrangement, for a period of less than six (6) months.
**SUMMIT COUNTY DEVELOPMENT CODE**  
CHAPTER 15: Definitions

**Shoulder:** The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and for the lateral support of sub-base, base and surface courses.

**Sidewalk:** The portion of the street or highway right-of-way or recreational pathway easement designated for preferential or exclusive use by pedestrians.

**Sight Triangle:** See Section 5106.03.

**Signed Shared Roadway (Signed Bike Route):** A shared roadway that has been designated by signing as a preferred route for bicycle use.

**Sign or Signage:** Refer to the definitions contained in Chapter 9.

**Significant Tree:** Coniferous trees with a caliper of eight (8) inches or greater and deciduous trees with a caliper of four (4) inches or greater.

**Silviculture:** The science and practice of controlling the establishment, growth, composition, health, and quality of forests and woodlands to meet the diverse needs and values of landowners and society on a sustainable basis.

**Single-family Residential:** A development containing single-family or duplex dwellings. A zoning district allowing the development of single-family or duplex dwellings. See also single-family dwelling and duplex dwelling.

**Site:** A parcel or combination of parcels of land for which a project proposal is submitted which presents a coordinated approach to the design and development of the project, or a parcel or combination of parcels where a coordinated project has been developed, where the requirements in Chapter 3 for qualification as a site applicable to the situation have been met.

**Site Area, Gross:** The total area of a site located within lot or parcel lines.

**Site Area, Net:** The gross site area contained within a parcel less any road easements, whether public or private.

**Site Coverage:** See coverage, site.

**Site Specific Development Plan:** For all developments, the final approval step, irrespective of its title, which occurs prior to an application for a grading permit, or prior to an application for building permit if no grading permit is required provided the applicant has provided a notice of intent as required by Section 12702 and the provisions of Section 12700 et seq. are met (see Section 12700 et seq.).

**Ski Area:** An area of land developed for the sport of alpine skiing, snowriding or snowboarding which may include lifts, groomed trails, lodging, food service, lockers and restrooms, sale of clothing and sporting goods, instruction and equipment rental. Ski areas may also include other facilities and activities such as an athletic club, nordic center, ice skating, sleigh rides and child care as accessory uses (see also nordic ski center).

**Sludge:** Solids removed from sewage during waste water treatment and then disposed of by incineration, dumping or burial.

**Sludge Disposal:** For purposes of this Code, sludge disposal is defined as follows:

a. **Land application or beneficial use:** Placement of sludge on the land at agronomic rates so as to use the nutrients and/or moisture in the sludge as a soil conditioner or low-grade fertilizer for the promotion of vegetative growth.

b. **Placement in a dedicated disposal site:** Placement of sludge in a landfill facility, which has received permits from the State of Colorado for sludge disposal.

**Sludge Storage, Temporary:** Placement of sludge in a temporary storage facility during the winter season, with
winter season being from October to April, until disposal through either land application or placement in a dedicated disposal site.

**Small Incidental Structures:** Structures that do not exceed 200 square feet and are incidental and accessory to the principal use.

**Solar Energy System:** A system that converts the sun’s radiant energy into thermal or electrical energy. For purposes of this Code, solar energy systems are classified as follows:
   a. **Small Scale:** Small scale solar energy systems shall be used primarily for on-site purposes. Excess power may be sold back to a utility company, but is not the primary purpose of the system.
   b. **Large Scale:** Large scale solar energy systems generate power primarily to be sold for use off-site.

**Solid Waste Disposal:** See sanitary landfill.

**Special Event:** A special event is an organized event or a group activity including, but not limited to a performance, live music, broadcast music, commercial entertainment, assembly, contest, exhibit, ceremony, athletic competition, reading, or other similar gatherings where anything of value is exchanged in return for attendance or entry into the event. Special events do not include wedding events. Special events governed under this section are commercial in nature.

**Specific Plan Agreement:** An agreement signed by a property owner or his designated representative which specifies the terms and conditions of a property owner's or his designated representative's responsibility for the development of a site specific development plan, and which identifies the aspects of the plan vested by approval of the plan, commitments for improvements to be made by the property owner or his designated representative and the length of the vesting (see Section 12700 et seq.).

**Specified Anatomical Areas:** Any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals of any person.

**Specified Sexual Activities:**
   a. Human genitals in a state of sexual stimulation or arousal;
   b. Acts of human masturbation, sexual intercourse, oral sexual contact or sodomy;
   c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**Stable:** A facility where horses and other equines are kept either within a building or in corrals, which may also include an indoor or outdoor exercise area, and storage for tack, grooming supplies and feed (see also barn). For purposes of this Code, stables are classified as follows:
   a. **Boarding:** A stable where space is offered to the general public for keeping of horses and other equines for payment of a fee.
   b. **Commercial (boarding/instruction/rental):** A stable where space is offered for keeping of horses and other equines for payment of a fee, and where the general public may receive riding instruction and/or may rent horses for riding on an hourly, daily or weekly basis. Commercial stables may also have training facilities for schooling horses stabled at or trailers to the facility.
   c. **Community:** A stable owned by a homeowner’s association where space is provided for the keeping of horses and other equines owned by members of the association, and space is not offered to the general public. A stable owned by a group of property owners within the same subdivision or within filings of a subdivision, where space is provided for the keeping of horses and other equines owned by property owners or residents in the subdivision, and space is not offered to the general public.
   d. **Private:** A stable where space is provided for the keeping of horses owned by or under the care of the owner or occupant of the property where the stable is located, and where the number of horses owned by people other than the owner or occupant of the property does not equal or exceed the number owned by the owner or occupant.

**State:** Of or pertaining to a department, agency, officer or regulation of the Colorado State Government.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 15: Definitions

**State Licensing Authority:** The authority created by the Colorado Department of Revenue for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale and testing of marijuana in the State of Colorado pursuant to C.R.S. § 12-43.4-201.

**Storage:** The keeping of machinery, equipment, vehicles including recreational vehicles, parts, materials or other goods at the same location for a period of time in excess of 72 hours. For purpose of this Code, storage is classified as nonresidential, residential, motor vehicle and recreational vehicle storage and these classifications are defined in Section 3815.

**Storage Area:** An area of land used for keeping of possessions, belongings, goods, materials or other items. Includes storage yards.

**Storage Building:** An enclosed building used for the keeping of possessions, belongings, goods, materials or other items where the items are screened from view.

**Storage Yard:** An outdoor area used for keeping of possessions, belongings, goods, materials or other items where the items are screened from view in accordance with this Code. For purposes of this Code, storage yards are classified as follows:
- a. **Equipment:** A storage yard associated with a business or made available to the general public for the keeping of equipment or machinery, but not for the storage of vehicles.
- b. **Motor vehicle:** A storage yard made available to the general public usually for a fee for the keeping of vehicles other than recreational vehicles, where the vehicles may be operable or inoperable.
- c. **Nonresidential storage:** An outdoor area on a residential lot used for the storage of nonresidential items where the items are screened from view in accordance with Section 3815.
- d. **Recreational vehicle:** (1) Commercial: A storage yard made available to the public usually for a fee for the storage of recreational vehicles. (2) Private: A storage yard associated with a multifamily residential development or manufactured home park for use by owners or residents for storage of recreational vehicles belonging to them.

**Stream:** For purposes of this Code, streams are classified as follows:
- a. **Intermittent stream:** A natural drainageway that does not flow continually but drains at least 20 or more acres.
- b. **Perennial stream or stream:** A natural drainageway that flows continually.

**Street:** A public or private thoroughfare for vehicular and/or pedestrian traffic other than an alley or driveway (includes highways and roads).

**Structure:** Anything constructed or erected requiring a fixed location on the ground or attached to something having a fixed location on the ground, an edifice or building of any kind, or any piece of work built or composed of parts joined together in some definite manner.

**Structure Height:** The distance measured vertically from the highest point on a structure to the natural or finished grade (whichever is more restrictive) located directly below said point of the structure.

**Subdivider:** Any person, firm, partnership, joint venture, association or corporation participating as owner, promoter or developer in the planning, platting, development, promotion sale or lease of a subdivision.

**Subdivision:** See Chapter 8.

**Substation:** Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity, which has an incoming or outgoing power line in amounts of 115 kilovolts and above, and any appurtenant facilities.

**Supermarket/Grocery Store:** A self-service retail store of more than 5,000 square feet selling raw, processed and packaged foods and other household goods.
**Swine**: Animals of the family *Suidae*, which have been domesticated and are used for meat including pigs and hogs.

**Switchback**: A curve in a driveway, roadway or other accessway with a delta greater than 120 degrees and a radius less than 100 feet (see Chapter 5).

**Synagogue**: See church/synagogue/temple.

**T**

**Tavern**: See bar/cocktail lounge/tavern.

**Tandem Parking**: The parking of one (1) motor vehicle behind another motor vehicle.

**TDR Receiving Area**: All real property identified as an acceptable receiving area, either on the “TDR Sending/Receiving Areas Map”, or as otherwise kept on file by the Planning Department.

**TDR Receiving Site**: Any real property located within a receiving area that is determined eligible by the County to receive development rights.

**TDR Sending Area**: All real property identified as an acceptable receiving area, either on the “TDR Sending/Receiving Areas Map”, or as otherwise kept on file by the Planning Department.

**TDR Sending Site**: Any real property in the Upper Blue Basin located within a TDR sending area or real property in the Snake River Basin found eligible by the County to transfer development rights to a receiving site.

**Telecommute**: The action of working from home for a business located at another location, and communicating via phone, fax, computer or other electronic means.

**Temple**: See church/synagogue/temple.

**Theater**: A building, room, or outdoor area for the presentation of plays, motion pictures, or other dramatic performances. For purposes of this Code, theaters are classified as follows:
   a. **Indoor**: A theater contained entirely within a building.
   b. **Outdoor**: A theater located partially or entirely outdoors, within a roofed structure having sides open to the outdoors, or within a tent.

**Timber Harvest**: The harvesting of timber for use as a building material, as firewood or for other purposes, or for the clearing of land. For purposes of this Code, timber harvesting is classified as follows:
   a. **Commercial**: An operation in which timber is harvested in order to offer it for sale to wholesalers, retailers or the general public, and involves the transport of the timber off the premises where it is cut.
   b. **Private**: An operation in which timber is harvested for consumption on the premises where it is cut, and for personal use by the person owning the timber.

**Topsoil**: Surface soil, or the top soil horizon or layer.

**Townhouse**: Attached, structurally independent multi-family dwellings that are constructed to R-3 standards per the requirements of the Building Code.

**Townhouse Plat**: A graphic representation of a separate estate in an individual lot that illustrates the division of multi-family townhouse dwelling units into individual lots, together with an undivided interest in common area, if applicable, as illustrated by a final plat per the standards of Section 8700 of the Development Code.

**Trade School**: See school.
SUMMIT COUNTY DEVELOPMENT CODE
CHAPTER 15: Definitions

**Trails:** A linear travelway for purposes of travel by vehicles 50 inches in width or less, pack animals, or people.

**Trailhead:** The parking, signing, or other facilities available at the beginning of a trail specifically for trail users including access from a public roadway.

**Transferable Development Rights (TDR) Program:** Regulations governing the utilization of the TDR program, applicability, exemptions, mapping and designation of Sending, Receiving, Neutral and Optional Areas, amendment to the Official TDR maps, development right values, TDR banks and sales price, utilization of development rights, recordation of transfers, interbasin transfers and alternative measures of compliance are provided in Section 3506 et seq. Official Transferable Development Rights Maps for respective basins are included as part of this Code by reference.

**Travel Trailers:** See recreational vehicles.

**Travel Trailer Accommodations:** See recreational vehicle park.

**Traveled Way:** The portion of the highway or roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.

**Truck Terminal:** Businesses providing a location where goods carried by motor transport can be received, transferred from one vehicle to another, or shipped, where the primary purpose is not storage of goods but the provision for a point of transfer of goods.

**Tubing Hill:** A sloped tract of land which has been cleared, and in some cases groomed, and made available to the public for the purpose of sliding in inner tubes, sleds or toboggans in return for payment of a fee.

**Tundra:** An area above the treeline.

**U**

**Unpaved or Soft, Path:** Paths not surfaced with asphalt or concrete.

**University:** See school.

**Use:** The purpose or activity, for which a parcel of land, a building or structure is designed, arranged or intended, or for which it is occupied or maintained.

**USFS:** Abbreviation for United States Forest Service.

**Utility:** Any firm, partnership, association, cooperative, company, corporation, governmental agency, special or metropolitan district, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing electric, rural electric, telephone, telegraph, communications, cable television, gas pipeline carrier, water, sewerage or pipeline facilities and services (see also utility, public).

**Utility Facilities:**

a. **Major:** Electric transmission lines, power plants, substations of electrical utilities, wastewater treatment plants, water treatment plants, water storage tanks, noncommercial communication towers over 35 feet in height, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives and more than two (2) microwave dishes in one (1) location, including any extensions, expansions or enlargements of such facilities.

b. **Minor:** Water, sewer and gas mains, electric and telephone distribution lines, gas regulator stations, public lift or pumping stations for domestic water and sewer service, noncommercial communication towers not more than 35 feet in height, and no more than two (2) microwave dishes in one (1) location with the diameter of any microwave dish limited to ten (10) feet or less.
Utility, Public: A utility regulated by the Colorado Public Utilities Commission.

Utility Storage Area: Any facility designed to store 50 million cubic feet or more of natural gas or 35,000 barrels or more of petroleum derivatives, including any extensions, expansions or enlargements of such facilities.

Utility Trailer: A vehicle or structure standing on wheels which can be towed or hauled by another vehicle and used for carrying goods, materials, or other items. Includes horse trailers but does not include temporary office trailers (see Section 3815).

Vat Leaching: Vat leaching employs a similar technique to heap leaching with the exception that it is performed in a contained, impermeable vat or structure.

Vehicle: A means of carrying or transporting something (also see definition of motor vehicle).

Vehicle, Abandoned: Any motor vehicle which:
   a. Does not have a current license, is inoperable and does not meet minimum requirements for safety pursuant to C.R.S. § 42-4-202 et seq.; or
   b. Does not meet criteria for storage of personal vehicles pursuant to Section 3815.07; or
   c. Is abandoned on property, which is not owned or occupied by the owner of the vehicle.

Vehicle Trip: A single or one-direction movement of a motor vehicle moving from a point of origin to a point of destination.

Vested Property Right: The right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan (see Section 12700) or development agreement (see Section 12800) approved by the BOCC.

Visible: Capable of being seen without visual aid by a person of normal visual acuity as viewed from a standard sized automobile, or from an adjacent property.

Visual Obstruction: Any fence, structure, wall, tree, hedge or shrub or combination thereof, which limits visibility.

Vocational School: See school.

W

Wall: See fence.

Warehouse: A building used for the storage of goods, materials and merchandise.

Wastewater Treatment: A system or facility for collecting, storing, treating, neutralizing, stabilizing or disposing of sewage, which has a design flow less than 2,000 gallons per day.

Water Treatment Plant: A facility for the treatment of water to insure health standards are met prior to its distribution for human use, such that the operation of the facility complies with State and Federal standards.

Waterway: A river or stream containing water which flows on a more-or-less continuing basis, although flow may be interrupted during the summer months if fed by snow melt.

Wedding Event: A gathering of ten or more persons at a property for the purpose of celebrating a wedding or civil union and associated activities, which events include but are not limited to the wedding or civil union ceremony itself, a wedding or civil union reception celebration, a wedding or civil union rehearsal dinner and/or a bachelor or
bachelorette party.

a. **Family Wedding Event:** A wedding event where the property where the wedding event is to take place is owned by one of the persons to be wed, or by a family member of one of the persons to be wed.

b. **Commercial Wedding Event:** A wedding event that takes place on a property that is rented for that purpose.

**Wet bar:** An area of a common room (living room, great room, dining room, entertainment room, etc.) used for the storage, preparation and serving of food or drink to persons residing in the dwelling unit or to guests that is limited to (but not required to install): 1) a sink, 2) a refrigerator of no more than six (6) cubic feet in size (does not limit beer or wine refrigerators), 3) a maximum cabinet area of six (6) cubic feet in size unless otherwise permitted by the Planning Department in consultation with the Building Department, and 4) other associated improvements as may be permitted by the Planning Department in consultation with the Building Department (see also kitchen). A wet bar may not be located above a detached garage.

**Wetlands / Wetland areas:** Wetlands are defined to be those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Examples of different wetland types include swamps, marshes, bogs, seeps, fens, willow carrs, sloughs, wet meadows and similar areas. Agricultural areas that can be proven to be supported solely by irrigation will not be considered wetlands under this definition. Wetlands do not need to have a connection to waters of the United States, as defined by 33 Code of Federal Regulations (CFR) parts 328 and 329 (as amended) or U.S. Environmental Protection Agency 40 CFR part 230 to fall under County jurisdiction.

**Wholesale Sales:** Sales of goods in large quantities for resale by retailers. For wholesale sales on property in the A-1 Zoning District, agricultural products sold must be grown or produced on the property where the wholesale operation is located.

**Wildfire Mitigation:** The implementation of various measures designed to minimize the destructive effects a wildfire has on property. Some measures are designed to modify the forest environment surrounding a structure that puts the structure at risk from destruction by a wildfire.

**Wild Game Ranch:** A tract of land used for raising herbivorous wildlife species in order to offer hunting opportunities or to produce meat or hides for sale.

**Wildland Urban Interface Zone (“WUI”):** The Wildland Urban Interface or WUI is defined as the line, area, or zone where structures and other human development meet or intermingle with undeveloped lands or vegetative fuels or as otherwise defined in the County Wildfire Protection Plan.

**Wildlife Rehabilitation:** The provision of nursing care to sick or injured wildlife prior to returning them to the wild.

**Wind Energy System:** A turbine powered by blades or vanes that are rotated by the wind and used to produce electric power. Turbines can either have a horizontal axis, where the blades or vanes rotate around a horizontal axis, or a vertical axis, where the blades or vanes rotate around a vertical axis. For purposes of this Code, wind turbines are classified as follows:

a. **Small Scale:** Small scale wind energy systems shall be used primarily for on-site purposes. Excess power may be sold back to a utility company, but is not the primary purpose of the turbine.

b. **Large Scale:** Large Scale wind energy systems generate power primarily to be sold for use off-site.

**Wood Burning Energy System:** A system that through the burning of wood generates either thermal or electrical energy. For purposes of this Code, solar energy systems are classified as follows:

a. **Small Scale:** Small scale wood burning energy systems shall be used primarily for on-site purposes.

b. **Large Scale:** Large Scale wood burning energy systems generate power primarily to be sold for use off-site.
Wood Manufacturing: a wood manufacturing process which involves peeling, slicing, sawing, or chemically altering hardwoods and softwoods to form finished products such as boards or veneer; particles or chips for making paper, particle, or fiber products; and fuel.

Work of Art: See artwork.

Y

Yard: An open area contained on the same lot with a building or buildings lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections and specific minor uses or structures allowed in such area by this Code (also see setback). For purposes of this Code, yards are classified as follows:

a. Front: A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building to the front lot line.

b. Side: A yard on the same lot as a building and situated between the side lot line and a line parallel thereto and passing through the nearest point of the building to the side lot line, and extending from the front yard to the rear yard or, where a lot is formed by more than four (4) sides, to its intersection with an adjacent side yard.

c. Rear: A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building to the rear lot line.

Z

Zero Lot Line Development: A single-family or duplex residential development in which each dwelling is placed within its lot such that one (1) side of the dwelling is sited on a side lot line and the area reserved for the side setbacks is combined on one (1) side of the lot.

Zero-Waste Strategies: Zero Waste is a design principle for the 21st Century that seeks to redesign the way resources and materials flow through society. Zero Waste requires eliminating subsidies for raw material extraction and waste disposal, and holding producers responsible for their products and packaging “from cradle to grave”. The goal is to promote clean production, prevent pollution, and create communities in which all products are designed to be cycled safely back into the economy or environment.
<table>
<thead>
<tr>
<th><strong>ANIMAL - RELATED USES</strong></th>
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<tbody>
<tr>
<td><strong>Agricultural Operations</strong></td>
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<tr>
<td><strong>Bunkhouse</strong></td>
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<td><strong>Fish Farm</strong></td>
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<td><strong>Fish Hatchery</strong></td>
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<td><strong>Fur Farm</strong></td>
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<td><strong>Greenhouse</strong></td>
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<td><strong>Commercial</strong></td>
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<td><strong>Nursery</strong></td>
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<td><strong>Office, farm/ranch</strong></td>
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<td><strong>Stable/Barn</strong></td>
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<td><strong>Animal Keeping</strong></td>
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<td>2. common facility</td>
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<td><strong>Animal Care</strong></td>
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<td><strong>Animal Hospital</strong></td>
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<td><strong>Animal Pound</strong></td>
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<td><strong>Animal Salesyard</strong></td>
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<td><strong>Fish Farm</strong></td>
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<tr>
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<tr>
<td><strong>Fur Farm</strong></td>
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<td><strong>Kennel</strong></td>
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<td>1. breeding</td>
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<td><strong>Wild Game Ranches</strong></td>
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<td><strong>Wildlife Refuge</strong></td>
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<tr>
<td><strong>Art Gallery</strong></td>
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<td><strong>Auto Body Work/Paint</strong></td>
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<td><strong>Auto Rental</strong></td>
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<td><strong>Auto Repair</strong></td>
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<tr>
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<tr>
<td><strong>Auto Service Station</strong></td>
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<td>2. without auto repair</td>
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<tr>
<td><strong>Auto Wash/Polish</strong></td>
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<tr>
<td><strong>Bank</strong></td>
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<td><strong>Bar/Tavern</strong></td>
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<tr>
<td><strong>Business, Retail</strong></td>
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<tr>
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<tr>
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<tr>
<td><strong>Equipment Rental</strong></td>
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<td><strong>Equipment Repair</strong></td>
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**FIGURE 3-2**  
**LAND USE MATRIX (17)**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>A</th>
<th>Accessory</th>
<th>C</th>
<th>Conditional</th>
<th>T</th>
<th>Temporary</th>
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**NOTES**

1. Permitted in accordance with Section 3804 et.al. Permitted only on properties with a commercial designation in PUDs.
2. See footnotes #5 and #19.
3. See Section 3806 (subject to a class 2 review).
4. See footnotes #4, #19, and Section 3816.
5. See Section 3817.
6. See footnotes #8, #19, and Section 3818.
7. See footnotes #6 and #19.
8. See Section 3804 et.al. Permitted only on properties with a commercial designation in PUDs.
9. See footnotes #5 and #19.
10. See footnotes #5 and #19.

**Sections**

- Section 3804 et.al.
- Section 3816
- Section 3817
- Section 3818
- Section 3819
- Section 3806
- Section 3804 et.al.
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<tr>
<th>LAND USE MATRIX (17)</th>
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<tbody>
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<td><strong>FIGURE 3-2</strong></td>
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<td>Natural Resources</td>
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<td>- Coastal, Gravel/Rock</td>
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<tr>
<td>- Firewood Splitting/Storage</td>
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<td>- Timber Harvest</td>
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NOTES

1. college/university/high school

2. elem/secondary, private

3. elem/secondary, public

4. middle school

5. trade/vocational

6. auto body/paint

7. concrete batch plant

8. asphalt plant

9. wood manufacturing

10. bed and breakfast

11. boarding house/rooming house

12. campground

13. condo-hotel

14. conference facilities

15. hotel/motel

16. recreational vehicle park

17. wedding events

18. outdoor display

19. natural resources

20. special conditional use permit

21. non-conforming use

See footnotes #19 and #20.
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<th></th>
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<td>NA</td>
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<tr>
<td>Amusement Facilities</td>
<td>(see recreation facilities under recreation)</td>
<td>See footnote #20</td>
</tr>
<tr>
<td>Athletic Facilities</td>
<td>(see recreation facilities under recreation)</td>
<td>See footnote #19</td>
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<td>1. commercial</td>
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<td>2. community</td>
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<td>Bowling Alley</td>
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<td>(see community building under accessory uses)</td>
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</tr>
<tr>
<td>Golf Course</td>
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<tr>
<td>Nordic Ski Center</td>
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<td>C</td>
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<td>Nordic Ski Huts</td>
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<td>(see packing/cutting under tourl services)</td>
<td>See footnote #20</td>
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<tr>
<td>Park/Playground</td>
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<td>Recreation Building</td>
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<td>1. indoor</td>
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<td>Trailhead</td>
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**FIGURE 3.2**

**LAND USE MATRIX (17)**

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**NOTES**

- See footnote #19
- See Section 3514.02.C: Permitted if on 35 acres or more and conditional if on less than 35 acres
- See Section 3812.02B: Where Conditional Use Permits are required, they will be subject to a Class 4 review.
- See Section 3811.02: Permitted on 35 or more acres, conditional on less than 35 acres
- See Section 3812.02B: Within the BC Zoning District, nordic ski center uses shall be limited to groomed and un-groomed nordic trails, trailheads, signage, toilets and warming huts. Such uses shall be designed in a manner that is consistent with the backcountry character. A trailhead shall be evaluated and/or approved through a conditional use permit, and shall comply with the standards set forth in the BC Zoning District regulations (e.g., road standards and operational considerations).
- See Section 3814.02.B: Accessory to residential development, parks/playgrounds. Conditional as stand alone facilities.
- See Section 8424: Permitted if on 35 acres or more and Conditional if on less than 35 acres
- Subject to a class 2 review and only in conjunction with an onsite active mining operation.
- Permitted if a G/E Permit is required.
### FIGURE 3-2
**LAND USE MATRIX (17)**

<table>
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<th>TYPES OF UNITS</th>
<th>RESIDENTIAL USES</th>
<th>SUBSIDIARY DWELLINGS</th>
<th>ACCESSORY USES</th>
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#### RESIDENTIAL USES

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#### SUBSIDIARY DWELLINGS

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<th>PUD</th>
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<th>R</th>
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#### ACCESSORY USES

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### NOTES

- Accessory to dude ranch/resort, See footnote #19
- See footnote #14; M1: See footnote #9; RC5000, RC40000: See Section 3620. Recreational vehicles are subject to a Class 2 review.
- See footnote #13; M1: See footnote #9; RC5000, RC40000: See Section 3620.
- See Section 3820. Recreational vehicles are subject to a Class 2 review.
- Accessory to residential development
- See Section 8420.
- See Section 3514.02.B
- See Section 3505.08, See Section 3514.02.B
- See Section 3505.08, See Section 3514.02.B
- See footnote #14; M1: See footnote #9; RC5000, RC40000: See Section 3620. Recreational vehicles are subject to a Class 2 review.

**TERMINOLOGY**

- P-Permitted
- C-Conditional
- T-Temporary
- A1 BC CG CN I1 M1 MHP NR2
- OS PUD2 RU RE R1 R2 R3 R4 R6 RC 5000 RC 40000
- NA-Not Allowed

**FOOTNOTES**

1. See Section 3505.08 for definition of Class 2 review.
2. See Section 3820 for definition of Class 4 review.
3. Permitted on 35 or more acres, NA on less than 35 acres, M1: Conditional upon the establishment of an active mining operation, subject to a Class 2 review. See footnotes #9, #10, and #14.
4. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
5. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
6. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
7. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
8. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
9. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
10. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
11. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
12. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
13. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
14. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
15. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
16. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
17. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
18. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
19. Permit the establishment of an active mining operation and subject to a Class 2 review. See footnotes #9, #10, and #14.
| A | B | C | CN | I1 | M1 | MHP | NR2 | OS | PUD | RU | RE | R1 | R2 | R3 | R4 | R6 | RC | 5000 | RC | 40000 |
|---|---|---|----|----|----|-----|-----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|
| Residential Cultivation of Medical Marijuana | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |

Permitted as an accessory use to a residential dwelling unit in accordance with Section 3804 et al.

### STORAGE AND DISPOSAL USES

#### Construction Staging Area

1. on site:  
   - A1: BC: See Section 3514.05.B.3

2. off site:  
   - A1: BC: See Section 3514.05.B.3

#### Crematorium, Animal

- A1: BC: See Section 3514.05.B.3

#### Crematorium, Human

- A1: BC: See Section 3514.05.B.3

#### Garage

- A1: BC: See Section 3514.05.B.3

#### Landfill

- A1: BC: See Section 3514.05.B.3

#### Storage Buildings

- A1: BC: See Section 3514.05.B.3

#### Storage Yards

- A1: BC: See Section 3514.05.B.3

#### Storage Areas

- A1: BC: See Section 3514.05.B.3

#### Storage Yards

- A1: BC: See Section 3514.05.B.3

#### Transportation USE

#### Utilities

### FIGURE 3.2

LAND USE MATRIX (17)

### NOTES

- Permitted if 35' or less, conditional if over 35', see Section 3805, see footnote #19
- Permitted if 35' or less, conditional if over 35', see Section 3805, see footnote #19
FIGURE 3-2
LAND USE MATRIX (17)

<table>
<thead>
<tr>
<th>Type</th>
<th>Permitted</th>
<th>Accessory</th>
<th>Temporary</th>
<th>Na</th>
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<td>1. commercial</td>
<td>P</td>
<td>A</td>
<td>C</td>
<td>T</td>
<td>NA</td>
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<tr>
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<td>A</td>
<td>C</td>
<td>T</td>
<td>NA</td>
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<td>3. residential</td>
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<td>A</td>
<td>C</td>
<td>T</td>
<td>NA</td>
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<td>4. Institutional</td>
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<td>C</td>
<td>T</td>
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<td>5. Industrial</td>
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<td>6. Resource-based</td>
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<td>7. Resource-based accessory</td>
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<td>A</td>
<td>C</td>
<td>T</td>
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</tbody>
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NOTES
- See Section 3805.02.C
- See Section 3805.02.D
- See Section 3805.03.E

FOOTNOTES:
1. Uses shall be permitted as specified in the State or Federal approved RUP designation.
2. Uses shall be permitted as specified in a County approved RUP designation.
3. The keeping of livestock animals in the R-1 and RC-5000 zoning district is a conditional use; construction of a barndominium is also a conditional use, and requires the concurrent approval of a CUP for the keeping of livestock.
4. Only the sale of products produced on the property is allowed. The sale of products produced offsite is not allowed. Regulations on outdoor vendors are stated in Section 3816 et seq.
5. The wholesale sales of products produced on the property, and as a part of a wholesale nursery operation are allowed on property zoned A-1. In the A-1 Zoning District, a wholesale nursery may only sell products grown, raised or manufactured from products grown or raised on site.
6. Only industrial or manufacturing businesses, meeting the performance standards in Section 3512 et seq., are permitted.
7. The outdoor display of merchandise in residential zoning districts is limited to garage sales. See Section 3814 et seq.
8. The provision for certain types of residential subdivisions does not preclude subdivisions for other types of development, provided such subdivisions comply with County Subdivision Regulations (Chapter 8).
9. Recreational vehicles may be used as a residence for the caretaker or mine operator on a seasonal basis where an active mining operation is underway, provided the recreational vehicle is in compliance with Section 3809.04.F et seq. and is subject to a Class 2 review.
10. A recreational vehicle may be used as a residence for a caretaker on parcels of 35 acres or more. The recreational vehicle is in compliance with Section 3809.04.F et seq.
11. In the R-1 and RC-5000 zoning districts, affordable workforce housing cannot be located on the ground floor level, and the amount of floor area for affordable workforce housing cannot exceed the total commercial floor area on the property.
12. Recreational vehicles may only be established as a residence for the caretaker or mine operator on a seasonal basis where an active mining operation is underway, provided the recreational vehicle is in compliance with Section 3809.04.F et seq.
13. Home businesses in the RP zoning district are restricted to areas at densities of six or less dwelling units per acre. See Section 3810 et seq.
14. Allows for the establishment of areas for the storage of equipment associated with farming, ranching, or an active mining operation. Such areas are not required to be screened except as required by Section 3512, 3815.11.
15. Bed and breakfasts may only be established in single family dwellings. They may not be established in duplex or multifamily dwellings. See Section 3853 et seq.
16. Any activity or structure subject to a 1041 permit is exempt from any requirement for a Conditional Use Permit pursuant to Figure 3-2.
17. Figure 3-2 is designated as the County Land Use Matrix. Figure 3-3 lists land uses allowed by zoning district and is included in this Code for informational purposes only. It is the intent of this Code that Figures 3-2 and 3-3 be consistent. Where an inconsistency occurs, Figure 3-2 shall govern.
18. In the RC-5000 zone these accessory uses are allowed on a lot, or lots, within 500 feet, or directly across a local access or lot volume road, from the lot where the primary use is located. In such cases the lot, or lots, where the accessory use is located shall be deed restricted or tied to the primary lot in such a way that sale separate from the primary lot is prohibited, except that the accessory lot, or lots, may be transferred to the owner of an adjacent lot with a primary use. If the accessory lot is transferred, the same deed restriction and covenant requirements shall apply.
19. Parcels created through the rural land use subdivision process may have additional restrictions on use. Please refer to Section 8424 to determine use restrictions that may apply.
20. These uses shall only be allowed in a PUD where a rezoning has been approved that allows for such use.
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<td>Bunkhouses or hired hand quarters for temporary, seasonal harvesting crews; Permitted on 35 acres or more when accessory to farm or ranch operations; Conditional on less than 35 acres when accessory to a farm or ranch operations; See Section 3809.04.B.2.c.; See footnote #2</td>
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**FIGURE 3-3 LAND USE BY DISTRICT**

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<td>See Section 3514.02.A  Conditional Use permits are subject to a Class 4 review</td>
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<td>BC: Within the BC Zoning District, nordic ski center uses shall be limited to groomed and un-groomed nordic trails, trailheads, signage, toilets and warming huts. Such uses shall be designed in a manner that is consistent with backcountry character. A trailhead shall be evaluated and/or approved through a conditional use permit, and shall comply with standards set forth in the BC Zoning District regulations (e.g., road standards and operational considerations).</td>
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FIGURE 3-3 LAND USE BY DISTRICT 1,13
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<th>CONDITIONAL</th>
<th>ACCESSORY</th>
<th>TEMPORARY</th>
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<td>Permitted if 35' or less; Conditional if over 35'; See Section 3805</td>
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<td>See Section 3809.02. Affordable workforce housing units cannot be located on the ground floor level, and the amount of floor area for affordable workforce housing cannot exceed the total commercial floor area on the property.</td>
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### FIGURE 3-3 LAND USE BY DISTRICT

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<td>See Section 3809.04.B.2.a. Employee housing unit can be either incorporated into a commercial/industrial building or located in a separate, freestanding structure on the same property as the commercial/industrial business.</td>
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<td>On-site employee housing for commercial/industrial business</td>
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### FIGURE 3-3 LAND USE BY DISTRICT

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## FIGURE 3-3 LAND USE BY DISTRICT

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## FIGURE 3-3 LAND USE BY DISTRICT

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### NR-2: NATURAL RESOURCES
Uses permitted as specified in the State or Federal approved authorizations.

| Communication Antennas                        |           |             |            |           |                                                                       |
| 1. commercial                                | x         |             |            |           |                                                                       |
| 2. commercial, accessory                     | x         |             |            |           |                                                                       |
| 3. noncommercial                             | x         |             |            |           |                                                                       |
| 4. private                                   | x         |             |            |           |                                                                       |

| Communication Tower                          |           |             |            |           |                                                                       |
| 1. commercial                                | x         |             |            |           |                                                                       |
| 2. noncommercial                             | x         |             |            |           |                                                                       |

| Community Garden                             | x         |             |            |           | See Section 3801                                                     |

| Utilities                                    | x         |             |            |           |                                                                       |

| Natural Resource Management                   | x         |             |            |           |                                                                       |

| Open Space                                   | x         |             |            |           |                                                                       |

| Packing and Outfitting                       | x         |             |            |           |                                                                       |

| Restoration & Stabilization of Historic Structures | x   |             |            |           |                                                                       |

| Recpaths                                     | x         |             |            |           | Including construction and operation                                 |

| Renewable Energy Systems                      |           |             |            |           |                                                                       |
| 1. Solar Energy Systems                      |           |             |            |           |                                                                       |
| a. small scale                               | x         |             |            |           | Accessory to a primary use                                           |
| 2. Wind Energy Systems                       |           |             |            |           |                                                                       |
| a. small scale                               | x         |             |            |           | Accessory to a primary use                                           |
| 3. Hydroelectric Energy Systems              |           |             |            |           |                                                                       |
| a. small scale                               | x         |             |            |           | Accessory to a primary use                                           |
| 4. Wood Burning Energy Systems               |           |             |            |           |                                                                       |
| a. small scale                               | x         |             |            |           | Accessory to a primary use                                           |
### FIGURE 3-3 LAND USE BY DISTRICT

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<thead>
<tr>
<th>LAND USE</th>
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<th>TEMPORARY</th>
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**PUD: PLANNED UNIT DEVELOPMENT**

Uses permitted as specified in County approved PUD designation:

- **Communication Antennas**
  - 1. commercial x See Section 3805
  - 2. commercial, accessory x See Section 3805.02.C
  - 3. noncommercial x See Section 3805.02.D
  - 4. private x See Section 3805.02.E

- **Communication Tower**
  - 1. commercial x See Section 3805
  - 2. noncommercial x See Section 3805
    - Permitted if 35' or less, Conditional if over 35'; See Section 3805

- **Community Garden**
  - x x See Section 3801

- **Greenhouse, Private**
  - x Accessory to a residential unit

- **Home Occupation**
  - x x See Section 3810

- **Medical Marijuana Center**
  - x See Section 3804

- **Medical Marijuana Infused Products Manufacturing Facility**
  - x See Section 3804

- **Medical Marijuana Optional Premise Cultivation Operation**
  - x See Section 3804

- **Renewable Energy Systems**
  - 1. Solar Energy Systems
    - a. small scale x Accessory to a primary use See Section 3507.01
  - 2. Wind Energy Systems
    - a. small scale x Accessory to a primary use See Section 3507.02
  - 3. Hydroelectric Energy Systems
    - a. small scale x Accessory to a primary use See Section 3507.03
  - 4. Wood Burning Energy Systems
    - a. small scale x Accessory to a primary use See Section 3507.04

- **Residential Cultivation of Marijuana**
  - x Permitted as an accessory use to a residential dwelling unit in accordance with Section 3804 et.al.

- **Retail Marijuana Stores, Retail Marijuana Cultivation Facilities, Retail Marijuana Products Manufacturing Facilities, and Retail Marijuana Testing Facilities**
  - x See Section 3804. Permitted only on properties with a commercial designation in PUDs.

- **Wedding Events**
  - 1. Family x

**RU: RURAL RESIDENTIAL**

- **Agricultural Operations** x

- **Athletic Facilities**
  - 1. community x Accessory to residential development and parks/playgrounds
  - 2. private x Accessory to residential development

- **Bed and Breakfast** x

- **Bus Shelter** x

- **Child Care Center** x

- **Child Care, Home** x See Section 3810

- **Church** x

- **Communication Antennas**
  - 1. commercial x See Section 3805.02.C
  - 2. commercial, accessory x See Section 3805.02.C
  - 3. noncommercial x See Section 3805.02.D
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<tr>
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**Notes:**

- See Section 3815
- See Section 3805
- See Section 3805.02.C
- See Section 3805.02.D
- See Section 3805.02.E
- See Section 3810
- See Section 3818
- See Section 3806
## FIGURE 3-3 LAND USE BY DISTRICT

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<thead>
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<th>TEMPORARY</th>
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### R-1: RESIDENTIAL

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**R-2 AND R-3 RESIDENTIAL**

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## FIGURE 3-3 LAND USE BY DISTRICT

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### FIGURE 3-3 LAND USE BY DISTRICT

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### R-6: RESIDENTIAL

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**RC-5000: RURAL COMMUNITY/RC-40000: RURAL COMMUNITY**

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<td>Residential Cultivation of Marijuana</td>
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<td>Permitted as an accessory use to a residential dwelling unit in accordance with Section 3804 et.al.</td>
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<td>See Section 3815. In RC-5000, See Footnote #20 on Figure 3-2.</td>
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**FIGURE 3-3 LAND USE BY DISTRICT**

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<th>LAND USE</th>
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<th>CONDITIONAL ACCESSORY</th>
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<th>NOTES</th>
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</table>

**FOOTNOTES**

1. Figure 3-2 is designated as the County Land Use Matrix. Figure 3-3 lists land uses allowed by zoning district and is included in this Code for information purposes only. It is the intent of this Code that Figures 3-2 and 3-3 be consistent. Where an inconsistency occurs, Figure 3-2 shall govern.

2. Parcels created through the rural land use subdivision process may have additional restrictions on use. Please refer to Section 8424 to determine use restrictions that may apply.

3. A recreational vehicle may be used as a residence for a caretaker on parcels of 35 or more acres if the recreational vehicle is in compliance with Section 3809.04.F et seq.

4. Only the sale of products produced on the property is allowed. The sale of products produced offsite is not allowed. Regulations on outdoor vendors are stated in Section 3816 et seq.

5. Allows for the establishment of areas for the storage of equipment associated with farming, ranching, or an active mining operation. Such areas are not required to be screened except as required by Section 3505.11.

6. The wholesale retail sales of products produced on the property, and as a part of a wholesale nursery operation are allowed on property zoned A-1. In the A-1 Zoning District, a wholesale nursery may only sell products grown, raised or manufactured from products grown or raised on site.

7. Only industrial or manufacturing businesses meeting the performance standards in Section 3512 et seq. are permitted.

8. Allows for the establishment of an owner's residence as a conditional use to an active mining operation.

9. A recreational vehicle may be used as a residence for a caretaker or mine operator on a seasonal basis where an active mining operation is underway, if the recreational vehicle is in compliance with Section 3809.04.F et seq.

10. Outdoor display of merchandise in residential districts is limited to garage sales. See Section 3814 et seq.

11. A bed and breakfast may only be established in single family dwellings. They may not be established in duplex or multifamily dwellings. See Section 3803 et seq.

12. The keeping of livestock animals in the R-1 zoning district is a conditional use; the construction of a barn/stable is also a conditional use, and requires concurrent approval of a CUP for keeping livestock.

13. Wildfire Mitigation is allowed in all zoning districts. If a G/E Permit is required, a Fire Mitigation/Forest Management plan will also need to be submitted and approved in conjunction with the permit unless waived by the Review Authority.
RESOLUTION NO. 2018 - ___

BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO

A RESOLUTION APPROVING PLANNING CASE #PLN14-058, AMENDMENTS TO CHAPTERS 2, 3, 8 AND 15 OF THE SUMMIT COUNTY LAND USE & DEVELOPMENT CODE TO IMPROVE INTEGRATION OF WILDFIRE HAZARD REDUCTION WITH LAND USE PLANNING;

WHEREAS, The Summit County Planning Department has prepared and submitted draft amendments to Chapters 2, 3, and 8 of the Summit County Land Use & Development Code to improve integration of wildfire hazard reduction with land use planning to the Board Of County Commissioners; and,

WHEREAS, the Countywide Planning Commission has reviewed the application at their October 5, 2015 meeting and recommended that the draft code amendments be adopted by the Board; and,

WHEREAS, the Board of County Commissioners has reviewed the draft amendments at a public hearing held on January 9, 2018 with public notice as required by law and considered the evidence and testimony presented at the hearing; and,

WHEREAS, the Board of County Commissioners finds as follows:

1. Given the inevitability of wildfires occurring in the future in Summit County, the proposed amendments to the Code are intended to establish an improved framework to integrate our efforts at wildfire hazard reduction with land use planning. Such efforts will significantly contribute to the protection, promotion and enhancement of the public health and safety in balance with legitimate environmental concerns.

2. Although different in their scope, the Countywide Comprehensive and basin master plans each promote resilient, sustainable communities and avoidance or mitigation of natural hazards such as wildfires. The package of proposed Code amendments is intended to improve the upfront integration of wildfire hazard reduction and land use planning in the unincorporated portion of Summit County to ensure that our communities are as resilient and defensible as possible to the threat of future wildfires that are an inevitable element of our forest ecology.

3. Title 30, Article 28 of the Colorado Revised Statutes (C.R.S.) grants the Board of County Commissioners the authority to adopt and enforce reasonable and necessary land use regulations. In addition, under C.R.S. §29-20-102, the Colorado General Assembly provides the Board with broad authority and discretion to plan for and regulate the use of land within its jurisdiction. As the proposed package of Code amendments is intended to improve integration of wildfire hazard reduction and land use planning to ensure that our communities are as resilient and defensible against future wildfires as possible, such amendments are fully consent with these provisions of State law.
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT Amendments to Chapters 2, 3,
and 8 of the Summit County Land Use & Development Code to improve integration of wildfire hazard
reduction/land use planning are hereby adopted.

ADOPTED THIS 9TH DAY OF JANUARY 2018.

COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS

___________________________________
Dan Gibbs, Chair

ATTEST:

_______________________________
Kathleen Neel, Clerk & Recorder
**Wall and Fence Design:**
For all new construction (except for A-1 parcels greater than 35 acres) and/or additions in excess of 25% of the value of the existing structure, permissible fencing materials shall include a section of five (5) lineal feet of non-combustible material within 10-feet of any structure. Compliance shall be verified as part of any required defensible space inspection.

**Firewood Storage:**
Firewood shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eves, canopies, or other projections or overhangs from May 1st until November 1st of each year without being covered by a certified flame-retardant covering. Unenclosed/uncovered storage of firewood shall be located a minimum of 30-feet from any structure between May 1st and November 1st of each year.

**Landscape Requirements:**
- For existing single family development, any proposed exterior improvement requiring a building permit shall be required to implement full defensible space requirements unless waived when the specific conditions and individual circumstances of a given project do not warrant imposition of this standard.
- Shredded rubber, pine needles and shredded western red cedar are prohibited within five (5) feet of any structure and discouraged from being used within Zone 1 defensible space as mulch due to their higher level of combustibility. Composted wood chips and single layer wood chips are allowed within five (5) feet of a structure due to their low combustibility level. Non-living landscaping materials such as gravel, pavers, or bricks are encouraged within five-feet of any structure.
- Trees are allowed within Zone 1 provided that the horizontal distance between tree crowns at maturity and any other trees, structures, chimneys, and/or overhead utility lines is no less than 10-feet. When a conflict between these minimum planting requirements and applicable defensible space requirements cannot be avoided due to the physical constraints of the project site, alternatives such as integration of bioswales, xeriscaping, and preservation of significant trees as part of the required landscape plan may be allowed so long as such alternatives are determined by the Review Authority to meet the design standards set forth under the Code.
- All landscaping installed after the final certificate of occupancy/certificate of completion is issued, or after the warranty period is over, shall meet the defensible space requirements. Where there is a conflict between a HOA regulation and the County’s Land Use and Development Code (“Code”), the Code shall prevail. Landscaping installed after completion of construction in conflict with defensible space requirements shall be considered a zoning violation.
**LIQUOR LICENSE REVIEW**

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<th>Sullivan Ventures, Inc. (dba Loveland Pass Liquors)</th>
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<td>Physical Address:</td>
<td>101 Mountain View Plaza, Keystone, CO 80435</td>
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<tr>
<td>Applicant Name:</td>
<td>Paul Sullivan</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>P.O. Box 1925, Dillon, CO 80435</td>
</tr>
<tr>
<td>Date of Application:</td>
<td>October 13, 2017</td>
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</table>

- [ ] INDIVIDUAL  [ ] PARTNERSHIP  [ X ] CORP  [ ] LLC
- [ X ] RENEWAL  [ ] NEW  [ ] TRANSFER  [ ] MODIFICATION

- [ ] HOTEL AND RESTAURANT
- [ ] TAVERN
- [ ] BREW PUB
- [ ] BEER AND WINE
- [ ] OPTIONAL PREMISE
- [ X ] RETAIL LIQUOR STORE

- [ ] 3.2% BEER
- [ ] BED AND BREAKFAST PERMIT
- [ ] SPECIAL EVENT PERMIT
- [ ] MANAGER REGISTRATION
- [ ] CORPORATE CHANGE
- [ ] TRADE NAME CHANGE

**Sheriff’s Office Comments:** See attached letter of disapproval and attached Case Report for 2017-14402 describing and incident that took place on October 9, 2017.

**Clerk and Recorder Comments:** Complete application and proper fees submitted. This matter is being continued from December 12, 2017 and is pending a stipulation agreement being signed via County Attorney’s Office.

**BOARD OF COUNTY COMMISSIONERS DECISION – JANUARY 9, 2018**

| [ ] APPROVAL | [ ] DENIAL |

**COMMENTS:** ___________________________________________________________
STAFF REPORT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: STACEY CAMPBELL, CHIEF DEPUTY CLERK, CLERK & RECORDER

SUBJECT: CONSIDERATION OF RENEWAL and REQUEST FOR FORMAL PUBLIC HEARING

DATE: JANUARY 9, 2018

APPLICANT: PAUL SULLIVAN, OWNER
SULLIVAN VENTURES INC. (DBA LOVELAND PASS LIQUORS)

REQUEST: Consideration of Renewal of Liquor Store License for Loveland Pass Liquors at 101 Mountain View Plaza Keystone CO, 80435

BACKGROUND:


On Tuesday, October 17, 2017 Sergeant Robert Pearce of the Investigations Division of the Summit County Sheriff’s Office notified the Office of the Clerk & Recorder of an incident that occurred on October 9, 2017, numbered SO Case#: 2017-14402 coded as a Burglary. This incident occurred at the Applicant’s Licensed Premises, Loveland Pass Liquors, in Keystone. Enclosed in the materials is the case report received from the Summit County Sheriff’s Office Records Division on October 20, 2017. As a result of this incident, the Summit County Sheriff’s Office has recommended disapproval of the liquor license renewal.

Due to the nature of the incident and the concerns of the Sheriff’s Office, Staff set this matter for a public hearing for consideration of the renewal and request for formal public hearing. Notice of a public hearing on the application was properly published in the Summit Count
Journal on December 1, 2017. The information provided by the Applicant in the subject liquor license renewal application (DR8400 form enclosed in materials) is complete and has been thoroughly investigated by the Clerk & Recorder. Notice of the public hearing for consideration of renewal and request for formal public hearing, was provided to the Applicant in person on December 1, 2017 by Chief Deputy Clerk Stacey Campbell. This notice is included in the enclosed materials. The premises of Loveland Pass Liquors was posted by Chief Deputy Clerk Stacey Campbell on December 1, 2017. Pictures of this posting are also included in the enclosed materials.

Responding Deputy with the Sheriff’s Office Patrol Division, Lieutenant Thomas Whelan is requested to appear again before the BOCC January 9, 2018 should the BOCC have any further questions regarding the incident.

**STAFF REPORT:**

Pursuant to C.R.S. §12-47-901(g) it is unlawful for any person to sell, or possess for sale, any alcoholic beverage unless licensed to do so and unless all licenses required are in full force and effect. Pursuant to C.R.S. §12-47-103(17) the Board of County Commissioners of Summit County, Colorado (“BOCC”) is the local licensing authority for the sale and service of alcoholic beverages in unincorporated Summit County, Colorado. For purposes of approving an application for a Retail Liquor Store License in accordance with the Colorado Liquor Code, §12-47-101, et seq., the BOCC must make the following findings:

**Whether or not the Applicant is entitled to renewal of their Summit County Government issued Liquor License**

Pursuant to C.R.S. §12-47-302 regarding license renewal, “[t]he local licensing authority may cause a hearing on the application for renewal to be held.”

**STAFF RECOMMENDATION:**

Based on the above information and enclosed materials, staff recommends that the BOCC consider in detail whether or not to grant the Applicant’s renewal application made to the Clerk & Recorder’s Office on October 13, 2017. The Applicant’s Liquor License expired December 31, 2017, but is current with filing for renewal with the Local Licensing Authority and will not experience and late fees or penalties.
IN THE MATTER OF THE RETAIL LIQUOR STORE )
LIQUOR LICENSE OF SULLIVAN VENTURES, INC. FOR )
THE LICENSED PREMISES LOCATED AT 101 )
MOUNTAIN VIEW PLAZA, KEYSTONE )
COLORADO )

NOTICE OF HEARING ON RENEWAL APPLICATION
AND ORDER TO SHOW CAUSE

TO: SULLIVAN VENTURES, INC., Licensee

1. Name and address of Licensed Premises: Loveland Pass Liquors, 101 Mountain View Plaza, Keystone, Colorado 80435

2. Name and last known address of Licensee: Sullivan Ventures, Inc., 101 Mountain View Plaza, Keystone, Colorado 80435

NOTICE IS HEREBY GIVEN that on Tuesday, January 9, 2018, at 1:30 P.M., or as soon thereafter as the matter may be heard, the Summit County Liquor Licensing Authority ("Authority") will hold a hearing on your request to renew your liquor license for the above described Licensed Premises. The hearing will be held at the County Commissioner Chambers, 208 East Lincoln Avenue, Breckenridge, Colorado 80424. You are ordered to appear before the Authority on such date and time to show cause, if any you have, why the renewal of your liquor license for the above described licensed premises should not be denied. YOUR FAILURE TO APPEAR MAY RESULT IN THE NON-RENEWAL OF YOUR LIQUOR LICENSE WITHOUT FURTHER NOTICE. You may be represented by an attorney at the hearing if you so desire, at your own expense.

The following is an explanation of why the hearing has been scheduled:

1. Section 12-47-302(1), C.R.S., which is part of the Colorado Liquor Code, provides that the Authority may refuse to renew your liquor license for "good cause." Section 12-47-103(9), C.R.S., which is also a part of the Colorado Liquor Code, defines "good cause" for the non-renewal of a liquor license to include, in pertinent part, proof that:

   a. The licensee or applicant has violated, or does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Liquor Code or any rules and regulations promulgated pursuant to the Colorado Liquor Code.

2. Liquor Regulation 47-900(A) promulgated by the Liquor Enforcement Division of the Colorado Department of Revenue provides as follows:
"Each person licensed under ... Article 47 ... of Title 12 [the Colorado Liquor Code], and any employee or agent of such licensee shall conduct the licensed premises in a decent, orderly and respectable manner ... "

3. The purpose of the hearing is for the Authority to hear and consider evidence concerning incidents that allegedly occurred at the Licensed Premises, or the area outside of the Licensed Premises, on or about October 9, 2017 involving an intoxicated employee working at the Licensed Premises. If one or more of the incidents is determined to have occurred as alleged, then the Authority will determine whether such incident(s) constitutes good cause to deny your request to renew your liquor license.

4. At the hearing, you should be prepared to address, by the presentation of appropriate evidence and legal argument: (1) the alleged incidents described above, and, (2) if such incident(s) are proven to have occurred, whether such incident(s) would constitute good cause for the Authority to deny your request to renew your liquor license.

5. The Authority will be considering any proposed Stipulation between the parties at the hearing.

GIVEN BY ORDER OF THE SUMMIT COUNTY LIQUOR LICENSING AUTHORITY.

Dated: December 21, 2017

SUMMIT COUNTY CLERK AND RECORDER

Kathleen Neel, Clerk & Recorder
Posting of Premises
Loveland Pass Liquors
Keystone, Colorado
December 29, 2017

Posted on front door (entrance) into Loveland Pass Liquors Liquor Store
I, Meg Boyer, do solemnly swear that I am Publisher of the Summit County Journal, that the same weekly newspaper printed, in whole or in part and published in the County of Summit, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Summit for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as a periodical under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 insertion; and that the first publication of said notice was in the issue of said newspaper dated 12/29/2017 and that the last publication of said notice was dated 12/29/2017 in the issue of said newspaper.

In witness whereof, I have here unto set my hand this day, 1/2/2018.

M. Boyer, Publisher

Subscribed and sworn to before me, a notary public in and for the County of Summit, State of Colorado this day 1/2/2018.

Jehlynn Medina, Notary Public
My Commission Expires: August 3, 2020
RETAIL LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

LOVELAND PASS LIQUORS
PO BOX 1925
DILLON CO 80435-1925

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

<table>
<thead>
<tr>
<th>Licensee Name</th>
<th>DBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>SULLIVAN VENTURES INC</td>
<td>LOVELAND PASS LIQUORS</td>
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<table>
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<tr>
<th>Liquor License #</th>
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<tr>
<td>401634700000</td>
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<tr>
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<tr>
<td>Liquor Store (county)</td>
<td>12/21/2017</td>
<td>11/06/2017</td>
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<table>
<thead>
<tr>
<th>Operating Manager</th>
<th>Home Address</th>
<th></th>
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<tbody>
<tr>
<td>PAUL SULLIVAN</td>
<td>420 WOODWARD, SILVER PLUME, CO 80470</td>
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<table>
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<tr>
<th>Manager Phone Number</th>
<th>Email Address</th>
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<tbody>
<tr>
<td>970 389 7724</td>
<td><a href="mailto:kidp309@aim.com">kidp309@aim.com</a></td>
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<table>
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<th>Street Address</th>
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<tbody>
<tr>
<td>101 MOUNTAIN VIEW PLAZA KEYSTONE CO 80435</td>
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<th>Mailing Address</th>
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<tr>
<td>PO BOX 1925 DILLON CO 80435-1925</td>
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</table>

1. Do you have legal possession of the premises at the street address above? □ YES □ NO
   Is the premises owned or rented? □ Owned □ Rented* "If rented, expiration date of lease_05/01/19"

4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. □ YES □ NO

NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.

3. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. □ YES □ NO

4. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. □ YES □ NO

5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. □ YES □ NO

AFFIRMATION & CONSENT
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business: PAUL J. SULLIVAN
Title: PRESIDENT
Signature: [Signature]
Date: 10/11/17

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For
Date

Signature
Title
Attest
OFFICE OF THE SUMMIT COUNTY SHERIFF

DATE: October, 20, 2017
TO: Office of the Clerk & Recorder
RE: Establishment Application for Liquor License

The Summit County Sheriff’s Office has completed a background check on:

Applicant: Sullivan Ventures, Inc
DBA: Loveland Pass Liquors
License Type: Liquor Store
22010 U.S. Hwy 6
Keystone, CO 80435

Regarding the above establishment, please consider the Case 2017-14402 attached as a potential disqualifier for renewal.

The Summit County Sheriff’s Office recommendation is:

__ No reason found to disapprove this establishment at this time.

X Disapproval.

Chelsea Sidener
Records Supervisor

Joel Cochran
Lesley Mumford
Acting Commander in his absence

"Professionally Serving Our Community Since 1861"
Case Report

Summary

郡午餐梁被洗联业

Print Date/Time: 10/20/2017 06:54
Login ID: summit911@sidener
Case Number: 2017-00014402

Case Number: 2017-00014402
Location: 22869 US HWY 6 Keyston, CO 80435
Reporting Officer ID: 2129 - Whelan

Incident Type: BURGC
Occurred From: 10/09/2017 21:00
Occurred Thru: 10/09/2017 21:00
Disposition: Warrant Issued
Disposition Date: 10/18/2017
Reported Date: 10/12/2017 10:47 Thursday

Offenses

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<th>No.</th>
<th>Group/ORI</th>
<th>Crime Code</th>
<th>Statute</th>
<th>Description</th>
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<tr>
<td>1</td>
<td>State</td>
<td>23H</td>
<td>18-4-401(1)(c)(d)</td>
<td>Theft - $300 - $750</td>
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<tr>
<td>2</td>
<td>State</td>
<td>90F</td>
<td>18-6-401(1)(a)</td>
<td>Child Abuse</td>
<td>1</td>
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<tr>
<td>3</td>
<td>State</td>
<td>99</td>
<td>18-2-201</td>
<td>Conspiracy to commit crime</td>
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<td>4</td>
<td>State</td>
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<td>18-6-701</td>
<td>Contributing to the delinquency of a minor</td>
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<td>18-4-204(1)</td>
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Subjects

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<td>Whelan, Tom</td>
<td>501 N PARK AVE Brockenridge, CO 80424</td>
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<td>Officer</td>
<td>2</td>
<td>Elthorp, David L</td>
<td>1 MAIN ST Frisco, CO 80443</td>
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<td>Other</td>
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<td>Wheelock, Todd Stuart</td>
<td>227 RASOR DR Keystone, CO 80435</td>
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<td>23110 HWY 6 5013 Keystone, CO 80435</td>
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<td>6215 MONTEZUMA RD Summit County, CO</td>
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<td></td>
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<td>White</td>
<td>Female</td>
<td>11/25/1955</td>
</tr>
</tbody>
</table>

Arrests
other female, who is wearing the black hoodie, watches. After the money is taken all three leave out the front door.

All this occurs while Dena is on the floor passed out. At about 2130 hours, Matthew Brennan, who works next door at Dos Locos, comes into the market to purchase something and finds Dena passed out on the floor. Matthew helps Dena up and calls another employee of the liquor store, Todd Wheelock. Todd arrives with Casey Keen, who also works at Dos Locos, to assist with locking up the store and assisting Dena.

I asked Paul what exactly was stolen from the store and the value amount of each item. Paul provided me a written statement which has been attached to the case file.

1 bottle 750ml of Buchanan’s Scotch Whiskey $39.99
1 bottle 750ml of McCormick Vodka $7.99
1 bottle 1.75 L of Smirnoff Vodka $25.99
4 pack of Red Bull $11.99
2-4 pack of cigarettes at $7.19/each = $14.38 - 28.76

I asked Paul how much money he opens the cash register with at the beginning of each day. Paul stated a total of $300.00 including the change. Paul stated Todd counted the money which was left in the register and stated there was only $92.87 dollars left in the register, this included the change and dollar bills. Paul provided me with a print out of the cash the business had tended that day. The print out showed the business had made a total of $387.87 in cash making the total cash in the drawer $687.87. This means that $595.00 in cash was stolen from the store’s cash register.

Paul provided me with a Kingston Data Traveler 2GB flash drive with the video described above. I completed a Property Evidence form and booked the flash drive in as evidence. I also burned the video onto a CD for our case file. Paul advised the time stamp on the video is off by an hour. Video shows a time of 2000 hours, when it is actually 2100 hours.

Paul advised he wanted to pursue criminal charges against all three parties.

Paul also advised his girlfriend, Rhonda was speaking with another business owner about what had happened to them and asked if they recognized anyone in the video. Rhonda showed the video to Dawn Bossert on her phone. Dawn stated she was unable to recognize anyone due to it being on her phone. Dawn then looked at the video on a computer and was able to recognize the female wearing the black hoodie as Brandi Castle. Dawn stated Brandi was an ex-employee of hers. Dawn completed a voluntary witness statement form which has been added to the case file.

I reviewed the video surveillance with Paul and recognized all parties involved as we had just dealt with the male, identified as [redacted] and the female in the pink hoodie, identified as Mercedes Castillo. On October 12, of 2017 at about 0715 hours, Deputy Travis Jelitz and I were dispatched to Alpine Slopes Lodge located at 22859 US Highway 6 in Keystone in Summit County.
correct that Brandi, __________ and Mercedes had burglarized the liquor store and all three would eventually be arrested. Norma agreed that Brandi and __________ should be arrested for what they did. Norma also stated she would contact Summit County Communications Center (Dispatch) if she knew Brandi was in Summit County.

Brandi is the mother of __________ Brandi did not try to stop from stealing the bottle of Crown Royal, Red Bull, cigarettes or the money from the register, instead Brandi just watched and was an accomplice to the crime.

Mercedes stole a bottle of vodka and cash from the register. Mercedes too did not stop or Brandi from stealing items from the liquor store.

On October 18, of 2017 at about 1000 hours, I went to Loveland Liquors to get additional video from the burglary which had occurred on October 9, of 2017 at about 2100 hours. The video I received shows a camera angel from the market's back hallway looking towards the cash register and cigarettes. In the video it shows Dena drinking behind the counter and later falling down. You then see __________ behind the counter and nudge Dena who is still on the ground. __________ is then seen taking a couple packs of cigarettes.

I also received new footage from the liquor store that shows __________ walking to the Scotch / Whiskey area and taking a bottle of Buchanan's Whiskey off the second shelf. Paul advised the bottle of Buchanan costs $39.99. This video showing __________ taking the box/bottle is looking towards the back room.

The green Lexar flash drive containing the above mentioned video was book in for evidence.

End of report.
Wagner Supplement

Detective Scott Wagner: 2017-14402

Case Summary:

On October 12, of 2017 at about 1230 hours, Sgt Tom Whelan was dispatched to a cold theft at Loveland Pass Liquors, located at 22869 US Highway 6 in Keystone, Summit County, Colorado. The reporting party was Paul Sullivan, owner of Loveland Pass Liquors.

On scene Sgt Whelan contacted Paul who told me the following.

On Monday October 9, of 2017 at about 2100 hours, his business had been burglarized by three individuals during business hours. Paul stated he owns Loveland Pass Liquors and Market, which are directly next door to one another. The two businesses are separated by an open doorway which allows employees to work both sides of the business.

On this night his employee, Dena Rodell, was working both business and was highly intoxicated, to the point where she is seen on video surveillance from the liquor store consuming "shots" of liquor with a customer. Dena becomes so intoxicated that she has trouble standing and maintaining her balance, to the point that she falls and is on the ground for several minutes. Dena is seen falling to the ground at about 2041 hours on the video footage.

While Dena is on the ground a female enters the liquor store at about 2044 hours, by herself, wearing a black hoodie and tan pants, taking a bottle of alcohol. This female then walks up to the counter to pay and sees Dena lying on the floor. The female then places an unknown amount of money on the counter next to the cash register and walks out.

At about 2059 hours the same female as before returns, this time along with a male wearing a black hoodie and either gray or white sweatpants and another female wearing a pink hoodie with black pants. On the video footage the male is seen going behind the counter while the two females stay on the other side. While the male is behind the counter he is seen taking between 2 packs of cigarettes from the back room, behind the cash register, and places them in either his back pocket or in the back of his pants. The female in the pink hoodie goes and grabs a 1.75 L bottle of Smirnoff vodka. The two females then stand at the counter and the one in the pink hoodie appears to reach in the area where the tip jar would be, but doesn't appear to take anything. The female in the black hoodie appears to pick up the unknown amount of money she originally left on the counter for a brief moment, but then places the money back towards the center of the counter. The two females then go to the door and one in the black hoodie exits and the one in the pink hoodie waits at the door, holding it open. The male then grabs a bottle of liquor and walks towards the exit. The male then places the bottle of liquor on a cooler near the front door, then walks back to the counter and looks at the female wearing the pink hoodie, appearing say something to her. As the male walks out he then comes back in and grabs a four pack of Red Bull. All three parties then leave the business.

At about 2116 hours, all three parties return to the liquor store but this time the female who was wearing the pink hoodie has changed and is now wearing a white hoodie. The male is seen wearing a black glove on his right hand and nothing on his left hand. The male walks directly to the cash register and opens it. The male and the female wearing the white hoodie take the cash out of the register while the other female, wearing the black hoodie, watches. After the money is taken all three subjects leave out the front door.

All this occurs while Dena is on the floor passed out. At about 2130 hours, Matthew Brennan, who works next door at Dos Locos, comes into the market to purchase something and finds Dena passed out on the floor. Matthew helps Dena up and calls another employee of the liquor store, Todd Wheelock. Todd arrives with Casey Keen, who also works at Dos Locos, to assist with locking up the store and assisting Dena.

Sgt Whelan asked Paul what exactly was stolen from the store and the value amount of each item. Paul provided Sgt Whelan a written statement which has been attached to the case file.

Sgt Whelan asked Paul how much money he opens the cash register with at the beginning of each day. Paul stated a total of $300.00 including the change. Paul stated Todd counted the money which was left in the register and stated there was only $92.87 dollars left in the register, this included the change and dollar bills. Paul provided Sgt Whelan with a print out
1 bottle 750ml of Buchanan's Scotch Whiskey $39.99
1 bottle 1.75 L of Smirnoff Vodka $25.99
4 pack of Red Bull $11.99
2 packs of cigarettes at $7.19/each = $14.38

Follow-up Investigation:

On October 17, 2017 I was assigned as lead investigator for this case.

On October 19, 2017 I drafted arrest warrants for Brandie Castle, [REDACTED] and Mercedes Castillo, which were later signed by Judge Thompson.

Case Status:

This case is being cleared, arrest warrants issued.
SUMMIT COUNTY SHERIFF'S OFFICE
WITNESS STATEMENT

Deputy: Shelan
Subject: C. Burg
Location: Loveland Pass Liquors
Date Of Offense: 10/9/17

I make the following statement of my own free will, with no force or threats used against me, and no promises have been made or implied to induce me to make this statement.

Name: KEVIN ADAMSON
Home Phone: [REDACTED]
P.O. Box/City: [REDACTED]
Business Phone: SAME
Physical Address: [REDACTED]
Business Name: [REDACTED]
City: Dillon
Business Address: [REDACTED]
State: CO
Social Security #: [REDACTED]
Date of Birth: 5/1/68
Driver's License #: [REDACTED]
Age: 49
Driver's License State: CO

STATEMENT

ON FRIDAY THE 13th OF OCTOBER, AT APPROX
3:15 PM, I REVIEWED FOOTAGE FROM OUR SECURITY SYSTEM
FROM MONDAY, OCTOBER 9th. THE FOOTAGE WAS FROM APPROX.
8:50 PM, WHICH ON OUR FOOTAGE IS APPROXIMATELY
2 HOURS BEHIND ON THE TIME STAMP. I OBSERVED 3
INDIVIDUALS ON THE 2ND FLOOR, WHICH I IDENTIFIED AS THE PEOPLE I KNOW AS BRANDY (OUR
HELPER FOR LAUNDRY), AMANDA (AMANDA MCCOY'S GIRLFRIEND), AND MARCOSS,

Signature: [REDACTED]
Date: 10/13/17 Time: 3:55 PM

Pg 1 of 1
SUMMIT COUNTY SHERIFF'S OFFICE
WITNESS STATEMENT

Deputy: Whelan                     Location: Loveland Liquors
Subject: Cold Burg                 Date Of Offense: 10/9/17

I make the following statement of my own free will, with no force or threats used against me, and no promises have been made or implied to induce me to make this statement.

Name: PAUL SULLIVAN
P.O. Box/City:
Physical Address:
City: State: Zip: Date of Birth: Age:
Driver's License #: Driver's License State

Home Phone: Business Phone: Business Name:
Business Address:
Social Security #: 

STATEMENT
AS OWNER OF LOVELAND PASS LIQUORS, I DO WISH TO PURSUE CRIMINAL CHARGES FOR THE THEFT OF CASH AND LIQUOR THAT OCCURRED ON MONDAY 10/9/17.

Signature: Date: 10/12/17 Time: 11:52 AM
Pg. 1 of 1
IN THE MATTER OF THE RETAIL LIQUOR STORE
LIQUOR LICENSE OF SULLIVAN VENTURES, INC.
FOR THE LICENSED PREMISES LOCATED AT 101 MOUNTAIN VIEW PLAZA, KEYSTONE, COLORADO

STIPULATION

The Summit County Clerk and Recorder’s Office, the Summit County Sheriff’s Office and Sullivan Venters, Inc., d/b/a Loveland Pass Liquor (the “Licensee”), stipulate and agree as follows:

1. The Summit County Liquor Licensing Authority (“Authority”) has jurisdiction over the Licensee and the subject matter herein pursuant to the applicable provisions of the Article 47 of Title 12, C.R.S. (the “Colorado Liquor Code”).

2. The terms and conditions of this Stipulation are subject to final approval by the Authority.

3. It is the intent of the parties to provide for settlement of all matters set forth regarding the Licensee’s Renewal Application, without the necessity of a formal administrative hearing that is currently scheduled for January 9, 2018. This Stipulation constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, express or implied, that modify, interpret, construe, or affect this Stipulation.

4. The Licensee acknowledges receipt of sufficient notice of these proceedings and wishes to resolve all issues pertaining to the license renewal.

5. The Licensee holds a Liquor Store License (the “License”) for the premises located 101 Mountain View Plaza, Keystone, Colorado, which is located within Summit County, Colorado (the “Licensed Premises”).

6. The Licensee filed an application with the Authority to renew its License for the Licensed Premises.

7. The Authority set a hearing to consider the Licensee’s application to renew its License as authorized by Section 12-47-302(1), C.R.S. The Authority caused a notice of hearing to be posted conspicuously on the Licensed Premises for a period of ten days and notice of the hearing was provided to the Licensee at least ten (10) days prior to the hearing.

8. Section 12-47-302(1), C.R.S., provides that the Authority may refuse to renew a liquor license for “good cause.” Section 12-47-103(9)(a), C.R.S., defines “good cause” for the non-renewal of a liquor license to include, in pertinent part, proof that:

The licensee . . . has violated, or does not meet, or has failed to comply with any of the terms, conditions, or provisions of the [Colorado Liquor Code] or any rules and regulations promulgated pursuant to the [Colorado Liquor Code].
9. The parties stipulate to the following set of facts:

A. On October 9, 2017 an employee of the Licensed Premises became intoxicated to the point of being incapacitated. As a result, the Licensed Premises was burglarized by three individuals, two of the individuals were under the legal drinking age. If proved, this incident could be a violation of Liquor Regulations 47-900(A) (Conduct of Establishment) and 47-910 (Consumption Prohibited) promulgated by the Liquor Enforcement Division of the Colorado Department of Revenue.

B. In order to expediently resolve the factual allegations and violations described above without the necessity of further proceedings, the Licensee admits that violations of Liquor Regulations 47-900(A) (Conduct of Establishment) and 47-910 (Consumption Prohibited) promulgated by the Liquor Enforcement Division of the Colorado Department of Revenue occurred at the Licensed Premises.

10. The Licensee’s Retail Liquor Store License for the Licensed Premise shall be renewed on the condition that the Licensee complies with the terms and conditions of this Stipulation.

A. The License shall be renewed for a probationary period of six (6) months.

B. After the probationary period, if there are no further incidents of an employee(s) drinking at the Licensed Premise, or a failure to supervise the Licensed Premise the License will be deemed fully renewed.

C. If during the probationary period, there are any incidents of an employee(s) drinking at the Licensed Premises or a failure to supervise the License Premises the Authority may proceed with suspension, revocation and/or fines pursuant to C.R.S. 12-47-601.

11. In addition, the Licensee shall do the following:

A. Complete background checks on employees

B. Maintain video monitoring system in good working order.

12. Licensee acknowledges that any violation of this Stipulation shall constitute a violation of the Colorado Liquor Code and may subject the Licensee to discipline pursuant to Section 12-47-601, C.R.S. If the Authority has reasonable ground to believe that the Licensee has violated this Stipulation, the Authority may seek any legal remedy available to it.

13. Licensee acknowledges that the terms of this Stipulation were mutually negotiated and agreed upon.

14. The Licensee understands and acknowledges the following:

A. Licensee has the right to be represented by an attorney of Licensee’s choice;

B. Licensee has the right to a formal license renewal hearing pursuant to Section 12-47-302(1), C.R.S.;
C. By entering into this Stipulation, Licensee is knowingly and voluntarily giving up the right to a hearing; does not contest the facts that are admitted in this Stipulation; and relieves the Clerk and Recorder of its burden of proving such facts;

D. Licensee is knowingly and voluntarily giving up the right to present a defense by oral and written evidence, and to cross-examine witnesses who would testify on behalf of the Clerk and Recorder; and

E. Licensee is knowingly and voluntarily waiving the right to seek judicial review of this Stipulation and the Order approving this Stipulation

15. Licensee acknowledges that it understands the legal consequences of this Stipulation, and enters into this Stipulation voluntarily.

16. This Stipulation shall be effective on the date approved and ordered by the Authority.

Dated: January _____, 2018

This Stipulation is entered and agreed to by and between:

SUMMIT COUNTY
CLERK AND RECORDER

_______________________________  _______________________________
Kathleen Neel, Clerk & Recorder   Jaime FitzSimons, Sheriff
Joel Cochran, Undersheriff

SUMMIT COUNTY
SHERIFF’S OFFICE

SULLIVAN VENTURES, INC.

By: _____________________________
Title: ____________________________