Parcel # _____ Reception # _____ approval date_____

CONDITIONAL USE APPLICATION (ARTICLE IV)
SAGUACHE COUNTY LAND USE

PO BOX 326 - SAGUACHE, CO 81149
(719)655-2321 FAX (719)655-2635
landuse@saguachecounty-co.gov

PROPERTY OWNER NAME_____

MAILING ADDRESS_____

CITY, STATE, ZIP_____PHONE_____

PROPERTY ADDRESS_____

LEGAL DESCRIPTION OF PROPERTY_____

TOTAL ACREAGE TO BE USED_____

PRESENT USE OF PROPERTY_____

INTENDED USE OF PROPERTY (use this space to discuss your request)

_____

_____

_____

ROAD ACCESS_____

UTILITIES PROVIDED BY:

ELECTRICITY_____

TELEPHONE_____

ADEQUATE WATER SUPPLIED BY _____ PERMIT#_____

copy of permit required

ADEQUATE SEWAGE DISPOSAL SUPPLIED BY _____ PERMIT #_____

copy of permit required

A LIST OF LANDOWNERS WITHIN 1500 FEET OF PROPERTY WILL BE OBTAINED FROM THE COUNTY ASSESSOR'S OFFICE FOR CERTIFIED MAILINGS (printouts are 25 cents per page). CERTIFIED MAILING FEE MUST BE PAID BEFORE CERTIFIED MAILINGS CAN BE SENT, A STATEMENT WILL BE MAILED TO YOU.

Parcel # _____ Reception # _____ approval date_____

A FEE AS ESTABLISHED BY THE BOCC, $650.00 PLUS $20.00 FOR CERTIFICATE OF TAXES DUE PLUS CERTIFIED MAILING FEES PLUS PUBLIC HEARING COSTS IF NEEDED.
I understand the following:

1. There may be recorded protective covenants that apply to my property. Receiving County approval does not exempt me from meeting any applicable covenants.

2. Before constructing or modifying any access from a State or County road, you must obtain an approved access permit from the appropriate authority.

3. Receiving County approval on this Conditional Use application does not exempt me from the requirements of other applicable County requirements, including building and septic permits, or applicable State requirements including water well, plumbing and electrical permits.

4.**Application and any information to support this application and all supplemental documents must be received in this office a minimum of forty (45) days prior to Planning Commission meeting.**

5. **IF APPLICANT HAS NOT COMPLETED ALL REQUIREMENTS WITHIN ONE YEAR, APPROVAL WILL BECOME VOID.**

Application must be signed by landowner(s) only. An agent for landowner may represent landowner at County meetings, only if the landowner has signed and had the attached form notarized.

I hereby certify that the above information is true and accurate to the best of my knowledge. I further certify that I or we are legal owner(s) of record of the property that is the subject of this Conditional Use Application.

ALL APPLICATION FEES PAID ARE NON-REFUNDABLE

_____ Date _____

Owner(s)

****

FOR OFFICE USE ONLY

The Land Use Office has determined that this property is in a:

_____ Geologic Hazard Area

_____ Critical Wildlife Habitat Area

_____ None of the above

_____ Wildfire Area

_____ Area with possible high groundwater levels

Legal Description

Quarter Section _____ Section _____ Township _____ Range _____

Subdivision _____ Lot(s) _____ Block _____

Application received by:_____ Date _____

Parcel # _____ Reception # _____ approval date _____

MITIGATION CHECKLIST

Please use this list as a guide to make sure you have all of the documentation attached with your application

_____ ACCESS - County Road & Bridge Department or CDOT
_____ ADDRESS - County Assessor
_____ BONDING
_____ BUILDING HEIGHT - County building height limit - 40 feet
_____ BUREAU OF LAND MANAGEMENT
_____ DENSITY, compatible with surrounding area
_____ DEVELOPMENT PLAN
_____ ELECTRICITY - Excel, SLVREC, Gunnison Electric
_____ FIRE DISTRICT/EMS, any emergency services, road grade, access, water source
_____ FLOOD PLAINS
_____ FOREST SERVICE
_____ GEOLOGICAL SURVEY
_____ HAZARDOUS MATERIALS
_____ HISTORICAL SOCIETY
_____ LANDSCAPING
_____ LANDSCAPE HAZARDS
_____ LIGHTING
_____ PARKING
_____ PHASING
_____ PROPANE/NATURAL GAS
_____ RECLAMATION PLAN
_____ ROAD GRADE - for EMS
_____ SETBACKS - see Land Development Code
_____ SEWAGE
_____ SIGNS - Street names, business names (location - placement)
_____ SOIL TYPES - Soil Conservation District
_____ TELEPHONE SERVICES – Centurytel, Columbine, Quest
_____ TOTAL AMOUNT OF RESIDENCES ON PROPERTY
_____ TOTAL AMOUNT OF STRUCTURES ON PROPERTY
_____ TRAFFIC PER DAY
_____ VARIANCES
_____ WATER - permit or letter from Water Division with proof of water availability
_____ WETLANDS - Army Corps of Engineers
_____ WILDLIFE – see Land Development Code

LAND USE STAFF REVIEW DATE: _____ BY: _____

Parcel # _____ Reception # _____ approval date _____

CONDITIONAL USE APPLICATION PROCEDURE

Phase One (Sketch Plan Phase) Optional

Sketch Plan Phase: to be used in the case of unusual applications

a. rough drawings - close to scale
b. rough draft of application
c. conference with Land Use office staff to determine needs and issues to pursue application (a minimum of 15 days before PC meeting date to allow for LU research time)
d. processing fee - $50.00
e. Planning Commission review
f. possible site visit

Phase Two (Preliminary Review Phase) Required

Preliminary Phase

a. proof of ownership and current taxes paid
b. time schedule for construction
c. letter of intention, overview of requested project (include neighbors, who is closest, how many there are and where they are located from your project)
d. complete project drawings to scale with all pertinent features in the vicinity
e. County Road/State Highway access
f. specify mitigation/impact evidence needed - see attached list
g. application fee (based on application type) to include certified mailing fees (a minimum of 30 days prior to PC meeting date to allow for LU research time)
h. 16 copies of all supplemental documentation
i. Planning Commission review
j. possible site visit

Phase Three (Full Application Phase) Required

a. all application requirements must be met
b. survey (Mylar) if required
c. Planning Commission review for recommendation to BOCC
d. BOCC review with possible public hearing. Public hearing costs must be paid before BOCC approved resolution is recorded with County Clerk and Recorder

I, _____ hereby authorize _____,
Property Owner(s) Representative

to represent me and to make commitments consistent with this _____
Application type

application that is before the Saguache County Planning Commissions and Board of County Commissioners. My representative is hereby granted the authority to make binding commitments on my behalf.

_____ _____
Property Owner(s) Date

State of _____)
)
County of _____)

The forgoing was signed before me this _____ day of _____, _____.

By _____.

Witness my hand and seal.

My commission expires: _____

Notary: _____

SEAL

Parcel # _____ Reception # _____ approval date _____

TELEPHONE NUMBERS YOU MAY NEED

Army Corps of Engineers	970-375-9509
Bureau of Land Management	719-655-2547
Centurytel Telephone Company	800-261-7649
Colorado Department of Transportation	719-589-3616
Colorado Division of Minerals & Geology	303-866-3567
Colorado Division of Water Resources	719-589-6683
Gunnison	970-249-6622
Colorado Division of Wildlife	719-655-0245
Gunnison	970-641-7060
Colorado Geological Survey	303-866-2611
Colorado Historical Society	303-866-3682
Colorado State Electrical Inspector	719-589-3010
Colorado State Plumbing and Gas Inspector	719-589-0565
Columbine Telephone Company	719-378-2231
Emergency Services/Fire Departments	719-655-2544
Excel Energy	800-772-7858
Gunnison Electric	970-641-3520
QWest Telephone Company	800-244-1111
Saguache County Assessor	719-655-2521
Saguache County Road & Bridge	719-655-2554
Sangre De Cristo Electric	719-395-2412
San Luis Valley Rural Electric Co-op	719-852-3538
Soil Conservation District	719-754-3400
US Forest Service	719-655-2547

ARTICLE IV
ACTIVITIES OF LOCAL INTEREST

IV.1. General Provisions

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

IV.1.1. Title

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

IV.1.2. Authority

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

IV.1.3. Classification of Districts

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

IV.1.4. Activity Maps

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

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

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

IV.2. District Regulations

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

IV.2.1. Agricultural District (A)

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

IV.2.1.1. Permitted Uses

IV.2.1.1.1. General farming and ranching including raising of grains, fruits, vegetables, grasses, hay, livestock, poultry or other fowl.

IV.2.1.1.2. Non-commercial feedlots; agricultural products; and receiving, storage, warehousing, distribution and/or processing facilities when incidental to another permitted use.

IV.2.1.1.3. Management, production and harvesting of forestry products.

IV.2.1.1.4. Management of natural wildlife habitats and reserves, both public and private.

IV.2.1.1.5. Dwellings, Ranches and Farms.

IV.2.1.1.6. Housing for seasonal farm labor, when incidental to another permitted use.

IV.2.1.1.7. Noncommercial recreational facilities such as parks, playing fields and playgrounds.

IV.2.1.1.8. Accessory buildings and uses; such as barns, equipment repair shops, and equipment storage.

IV.2.1.1.9. Home occupations.

IV.2.1.1.10 Agricultural products; receiving, storage, warehousing, distribution and/or processing facilities.

IV.2.1.2. Conditional Uses:

IV.2.1.2.1. Commercial feedlots.

IV.2.1.2.2. Fish Culture and/or processing

IV.2.1.2.3. Commercial greenhouses.

IV.2.1.2.4. Cemeteries for non-related parties, commercial for profit or non-profit.

IV.2.1.2.5. Contractors' equipment storage.

IV.2.1.2.6. Housing for seasonal farm labor, including labor camps which are not incidental to a permitted use.

IV.2.1.2.7. Public and private schools, hospitals, rest homes, nursing homes and convalescent homes.

IV.2.1.2.8. Utility installations such as electric substations, electric generating stations, sewer lift stations, telephone exchanges, gas regulators, major transmission lines, and irrigation ditch right-of-way (not including utility offices, repair, storage and production facilities).

IV.2.1.2.9. Community sewer disposal, water supply and treatment, solid waste disposal facilities, and non-agricultural pipelines to transport waste materials or water which would extend beyond the parcel of land where the pipeline originates.

IV.2.1.2.10. Public facilities, uses and buildings owned or operated by a public entity, including vocational schools, colleges, universities, reformatories, and so on.

IV.2.1.2.11. Gun clubs and shooting ranges.

IV.2.1.2.12. Kennels and animal hospitals.

IV.2.1.2.13. Commercial Campgrounds.

IV.2.1.2.14. Airports.

IV.2.1.2.15. Extractive industries.

IV.2.1.2.16. Radio, television, telecommunication, microwave transmitting, receiving or relay stations or towers.

IV.2.1.2.17. Drive-in theaters.

IV.2.1.2.18. Commercial outdoor recreational facilities.

IV.2.1.19. Storage of petroleum, chemical or other hazardous products for distribution or resale.

IV.2.1.2.20. Dairies, poultry, swine, egg production, hatcheries, rabbit farms and similar production activities when for commercial purposes.

IV.2.1.2.21. Auction yards with facilities for recurring sales.

IV.2.1.2.22. Hot mix plants, concrete premix plants, rock crushers, gravel screening and similar uses. See VI.6.

IV.2.1.2.23. Sawmills, the labor for which is provided primarily by the owner or owners of the operation, and which do not have more than one sawmill and one planer in operation at any one time.

IV.2.1.2.24. Developments with a proposed dwelling density greater than one (1) residential dwelling per thirty five (35) acre tract. See IV.3 below.

IV.2.1.2.25. Churches, or facilities used for religious purposes.

IV.2.1.2.26. Any type vertical structure over forty (40) feet in height, as measured from the median surface of the contiguous surrounding area. Median surface to be measured from the ground floor to the highest point of the roof of structure.

IV.2.1.2.27. Bed and Breakfast with 4 or more rooms for rent.

IV.2.1.2.28. Other uses not identified as permitted or conditional will be classified through Section 3 of this Article.

IV.2.1.2.29. Mobile Home Parks. See Article XIV.

IV.2.1.2.30. Commercial Recreational Vehicle Parks. See Section IV.4.2

IV.2.1.2.31. Industrial Development. See Section IV.5

IV.2.1.3. Lot Size

IV.2.1.3.1. Minimum lot area for permitted uses: Thirty five (35) acres or as may be determined to be exempt by the Board of County Commissioners as provided in Section 30-28-101(10)(d) of the Colorado Revised Statutes, 1973, or if the tract is defined by a legal description of less than thirty five (35) acres on the date of

the adoption of these Regulations or except on lots identified as an exempt subdivision with a maximum of one (1) unit per lot.

IV.2.1.3.2. Minimum area for conditional uses. As determined by the Board of County Commissioners in conformance with State Regulations.

IV.2.2. Primitive Recreation Classification

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

IV.2.2.1. Permitted Uses

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

IV.2.2.2. Lot Size

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

IV.2.2.3. Other Restrictions

IV.2.2.3.1. Water may not be available on every site and therefore would have to be carried in for domestic use. The Board of County Commissioners will not require proof of availability of water on any sites designated "Primitive Recreational" areas.

IV.2.2.3.2. Sewage disposal will be self-contained and/or removable. Permanent sewage facilities, toilet structures, and so on, will not be permitted for year-round use.

IV.2.2.3.3. Access will be required for every lot designated for this use. The access must be a minimum of 15 feet or 7.5 feet on either side of a property line of adjoining properties. This will insure access to or from a public road or Forest Service or BLM-marked or designated road or trail.

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

removed a minimum of six months during the remaining annual period.

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

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

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

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

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

IV.2.2.4. Plat Preparation

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

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

- Law Enforcement is available _____ road miles from this site.
- Fire Protection and Suppression services may not be available on this site.
- Medical Facilities are available _____ road miles from this site.
- Other public services, including telephone, are available _____ road miles from this site.
- Other restrictions a lot owner must comply with are:
- Warning for a potential wildfire hazard. Lot owners have total liability for fires that originate on their own property and spread to other lands or properties.

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

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

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

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

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

IV.2.2.5. Application Procedures

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

IV.2.2.5.1. Visual Inspection

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

IV.3. ACCESSORY DWELLING UNITS

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

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

- Accessory Dwelling Unit must be either maximum as listed below or 80% of primary, which ever is the smaller dwelling.

- Accessory Dwelling Unit must fit into the characteristics of the property and the surrounding dwellings.

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

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

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

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

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

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

- may only be a maximum of 1400 (fourteen hundred) square feet. If the structure is detached from the primary residence the accessory dwelling must be within 350 (three hundred fifty) feet of the primary residence.

- The applicant may apply to change which is the primary residence; Accessory Dwelling Unit may be constructed prior to the primary residence.

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

IV.4. Recreational Vehicle Parks

IV.4.1. Any parcel of ground, which has been planned, improved or used for simultaneous commercial placement of two (2) or more recreational vehicles or tent camping for human habitation and which furthermore meets all of the following conditions:

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

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

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

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

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

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

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

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

IV.4.2. Recreational Vehicle Park Requirements:

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

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

IV.4.2.3. adequate restroom facilities.

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

IV.4.2.5. adequate trash disposal shall be at a central location and screened with a six (6) foot high privacy fence. Trash shall be removed to an approved solid waste facility as often as necessary to protect the health and safety of the public.

IV.4.2.6. Recreational Vehicle Parks shall be in compliance with Article 20, "Wildlife", of this code.

IV.4.2.7. before approving a Recreational Vehicle Park, the Board of County Commissioners shall hold a public hearing. The applicant shall be required to pay for any cost accrued for all public hearings.

IV.4.2.8. all utilities are required to be placed underground. Outdoor lighting is to be directed downward and shielded. High or low pressure sodium bulbs may be a maximum of 75 watts. Mercury vapor lamps are prohibited. Mast mounted lights must be kept to a minimum number and a maximum height of twenty (20) feet.

IV.4.2.9. no Recreational Vehicle Park may open for business until a County permit is issued.

IV.5. Industrial Development Requirements

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

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

IV.5.2. Application Requirements

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

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

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

IV.5.2.2. noise abatement plan

IV.5.2.3. dust abatement plan for hours of operation and idle time

IV.5.2.4. hours of operation

IV.5.2.5. copy of all water rights and water well permits. A water plan shall be supplied to show how applicant will handle dust abatement. Applicant shall show all ground water levels on proposed property location

IV.5.2.6. sewage disposal plan

IV.5.2.7. specific number of employees proposed

IV.5.2.8. copies of all State of Colorado permit applications, along with any supporting documentation, if applicable

IV.5.2.9. amount of time industrial use will be in existence

IV.5.2.10. specify the amount of average daily business related traffic

IV.5.3. Industrial Use may be required to be operated on a phase basic only. Applicant shall supply a copy of all phase plans along with any proposed reclamation plans for each phase.

IV.5.4. Structure height limit and height for stored materials is limited to forty (40) feet, as per Saguache County Land Development Code Article IV.2.1.2.27.

IV.5.5. Saguache County may require additional Bonding. This will be considered on site-specific basics.

IV.5.6. Applicant has the option of applying for a variance from these regulations as described in Article VIII of this Code.

IV.5.2.2. noise abatement plan

IV.5.2.3. dust abatement plan for hours of operation and idle time

IV.5.2.4. hours of operation

IV.5.2.5. copy of all water rights and water well permits. A water plan shall be supplied to show how applicant will handle dust abatement. Applicant shall show all ground water levels on proposed property location

IV.5.2.6. sewage disposal plan

IV.5.2.7. specific number of employees proposed

IV.5.2.8. copies of all State of Colorado permit applications, along with any supporting documentation, if applicable

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IV.5.3. Industrial Use may be required to be operated on a phase basic only. Applicant shall supply a copy of all phase plans along with any proposed reclamation plans for each phase.

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IV.5.5. Saguache County may require additional Bonding. This will be considered on site-specific basics.

IV.5.6. Applicant has the option of applying for a variance from these regulations as described in Article VIII of this Code.

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

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

IV. 6.1. TLQs are divided and defined in three distinct categories as follows:

IV.6.1.1. (A) Type 1: Small On-site Quarters. These are for 6 workers or less housed at the work location or in the case of oil and gas drilling, on the well pad. These quarters are temporary structures such as manufactured housing or recreational vehicles. These quarters require a Temporary Use Permit pursuant to Sec LDC.

IV.6.1.2. (B) Type 2: Small Central Location Quarters. These quarters are for up to 24 workers and are located away from the work site or well pad. These quarters are temporary structures such as manufactured housing or recreational vehicles. These quarters require a Conditional Use Permit pursuant to Article IV, LDC and may be permitted for up to one year with additional annual extensions by Administrative Review for compliance.

IV.6.1.3. (C) Type 3: Large Central Location Quarters. These quarters are for 25 or more workers, located away from the work site or well pad. These quarters are permanent structures. These quarters require a Conditional Use Permit pursuant to Sec., LDC and may be permitted for multiple years with annual Administrative Reviews for compliance.

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

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

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

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

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

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

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

IV.6.3. Time Limitations.

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

IV.6.3.2. Conditional Use Permits issued for Type 2 TLQs are for a maximum of one year. For good cause shown, a permit may be extended annually by Administrative Review. Applications for extensions must be made on forms provided by the Land Use Department. Approval of annual extensions will be granted for good cause provided the Applicant is in compliance with the terms and conditions of the existing Oil and Gas Operations or Conditional Use Permit as well as in compliance with all rules and regulations in the LDC.

IV.6.3.3. Type 3 TLQs are issued for multiple years and do not require annual extensions. These TLQs require only annual Administrative Reviews

for determination of whether there is compliance with the terms and conditions of the Oil and Gas Operations or Conditional Use Permit and other rules and regulations in the LDC.

IV.6.4. Application Process

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

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

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

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

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

IV.6.4.3.1. Water Systems.

- Water Systems proposed to service TLQs must comply with all applicable state and local laws and regulations.
- For facilities serving under twenty five (25) workers (Type 1 & Type 2 TLQs),
- the Applicant must conduct monthly tests (or quarterly if an on-site disinfection system is installed) of stored potable water samples specific for coli form and maintain records of such tests. Any tests indicating coli form contamination must be disclosed to the Land Use Department.

- Water systems serving twenty five (25) people or more (Type 3 TLQs) must demonstrate conformance to state regulations by obtaining all necessary state permits prior to the scheduling of a TLQ Special Permit public hearing.

- In no case shall unsafe water be used for drinking or used water be discharged on the ground surface.

- Records related to water supply and testing must be maintained for inspection by the Planning Department for the life of the permit.

IV.6.4.3.2. Wastewater Systems.

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

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

- An ISDS system is not feasible due to environmental, topographic or engineering conditions where the TLQ is to be located; and

- A Community Wastewater Facility is not appropriate; and

- Year-round access is available and maintained for safe and regular access for wastewater hauling vehicles.

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

- All wastewater must be disposed of at an approved facility.

- The Applicant must demonstrate an arrangement for hauling wastewater including an appropriate contract with a licensed hauler and a letter of understanding with a back up licensed hauler in the event the primary hauler fails.

- Applicant must provide a detailed emergency response plan that addresses such issues as, equipment failure.

- Applicant must provide a letter from a licensed disposal facility stating the facility has the capacity and willingness to receive and treat Applicant's anticipated wastewater.

- Applicant must maintain all records including but not limited to trip logs and disposal reports for one year after the termination of the TLQ permit.

- All wastewater disposal records must be available to the Land Use Department and/or any other interested third party upon request and must be provided to the Land Use Department as part of any application for a TLQ permit extension.

- In no case shall wastewater be discharged on the ground surface or disposed of at any location other than an approved facility.

IV.6.4.3.3. Fire Protection

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

  - Provisions for giving alarm in case of fire.

  - A duly authorized attendant or caretaker who has the responsibility to inform all tenants about means for summoning fire apparatus, the sheriff's office and resident employees.

  - Open burning is not allowed on any TLQ site.

  - Provisions for location of one or more approved fire extinguishers of a type suitable for flammable liquid or electrical fires (Class B and Class C), carbon dioxide or dry chemical, in one or more open stations so that it will not be necessary to travel more than one hundred (100) feet from any location in the TLQ to reach the nearest fire extinguisher.

  - Sprinkler systems if required by the Land Use Department.

  - A water storage tank if required the Land Use Department.

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

IV.6.4.3.4. Waste Disposal

- Bear-proof refuse containers as recommended by the Colorado Division of Wildlife must be provided for trash. At least one thirty (30) gallon (4 cubic feet) container must be provided for each unit or the equivalent in

a central trash collection facility. These container(s) must be durable, washable, non-absorbent metal or plastic with tight-fitting locking lids.

- For Type 3 TLQs, a central, bear-proof, wire fenced trash storage site with a covered top may be used as an alternative to or in addition to individual containers.

- Trash must be disposed of not less than once weekly.

- Outdoor food storage is prohibited unless facilities that prevent the attraction of animals to the TLQ site are provided.

- Visual screening of trash facilities may be required.

IV.5.4.3.5. Reclamation

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

- Construction debris and waste materials, including, but not limited to structures, concrete, footings, sewage disposal systems and related infrastructure, water storage and related distribution infrastructure, roads, and other sand, plastic, gravel, pipe and cable must be removed.

- All pits, cellars, and other holes must be backfilled and compacted as soon as possible after all equipment is removed to conform to surrounding terrain.

- All access roads to the site and associated facilities must be closed, graded and re-contoured.

- Culverts and any other obstructions that were part of the access road(s) must be removed.

- Upon closure of a TLQ, wastewater tanks and leach fields must be completely pumped out and removed. Any waste material pumped from a wastewater tank or leach field or waste debris from tank and leach field removal must be disposed of at an approved facility that is permitted by Colorado Department of Public Health and Environment (CDPHE) and/or Saguache County to receive said wastes. Materials may not be burned or buried on the premises.
- All areas compacted by TLQs and subsequent operations must be cross-ripped. On crop land, such compaction alleviation operations shall be undertaken when the soil moisture at the time of ripping is below thirty-five percent (35%) of field capacity. Ripping shall be

undertaken to a depth of eighteen (18) inches unless and to the extent bed rock is encountered at a shallower depth.

- All disturbed areas affected by TLQ sites must be reclaimed as nearly as practicable to their original condition and shall be maintained to control dust, weeds and minimize erosion. Reclamation shall occur no later than three (3) months after termination of the TLQ unless the Land Use Department extends the time period because of conditions outside the control of the Applicant.

- For disturbed areas not regulated by the Colorado Oil and Gas Conservation Commission, the following regulations apply:

a. Re-vegetation of crop lands. All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour, and shall be tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be reestablished.

b. Re-vegetation of non-crop lands. All segregated soil horizons original relative positions and contour as near as practicable to achieve erosion control and long-term stability, and shall be tilled adequately in order to establish a proper seedbed. The disturbed area then shall be reseeded in the first favorable season. Reseeding with species consistent with the adjacent plant community is encouraged. In the absence of an agreement between the Applicant and the affected surface owner as to what seed mix should be used, the Applicant shall consult with a representative of the local soil conservation district to determine the proper seed mix to use in re-vegetating the disturbed area.

- During occupation and reclamation operations, all disturbed areas must be kept free of Saguache County and State of Colorado Lists A and B noxious weeds.

- Successful reclamation of the site and access road will be considered accomplished and completed when:

a. On crop land, reclamation has been performed as per this section, and observation by the Land Use Department over two growing seasons confirms no significant unrestored subsidence.

b. On non-crop land, reclamation has been performed as per this Section, and the total cover of live perennial vegetation, excluding

noxious weeds, provides sufficient soils erosion control as confirmed by the Land Use Department by a visual inspection. The Land Use Department shall consider the total cover of live perennial vegetation of adjacent or nearby undisturbed land, having similar soils, slope and aspect of the reclaimed area.

c. A final reclamation inspection has been completed by the Land Use Department and there are no outstanding compliance issues relating to Saguache County rules, regulations, orders or TLQ permit requirements and conditions.

d. The Land Use Department has notified the Applicant that final reclamation has been approved.

IV.6.5. Miscellaneous Provisions

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

- If structures that require Construction Permits under Saguache County Construction Permit Article XIII of the Saguache County LDC are constructed for the commercial, industrial, transportation project or mineral extraction operation related to the TLQ site for which an Oil and Gas Operations Permit or Conditional Use Permit is issued, upon expiration or revocation of the permit, Letters of Occupancy for such structures shall be withheld until the TLQ is removed and the site is restored to the satisfaction of the County Land Use Department.

- TLQ sites must be maintained in a clean, safe and sanitary condition, free of weeds and refuse. Any hazardous or noxious materials that must be stored on site for operational or security reasons must be managed in accordance with all applicable federal, state, county and local laws and regulations.

- Inhabitants of the temporary housing must be Applicant's employees and/or subcontractors, working on the related construction or mineral extraction operation, and not dependents of employees, guests or other family members.

- No animals are allowed at TLQ sites.

- If a permit for TLQ is granted, the Applicant shall notify the County when site construction begins. For Type 1 TLQs not requiring a Construction Permit (recreational vehicles, motor homes and camp trailers) the Applicant shall notify the County when occupancy begins.

- As to Type 3 TLQs, on-site County emergency services and/or law enforcement staff may be required. The cost of such must be borne by the Applicant.

- The Land Use Department or other County designee shall have the right to inspect a TLQ site, without notice, to assess compliance with the TLQ permit. A

determination of noncompliance with any Temporary Living Quarters, Temporary or Conditional Use Permit, or conditioned approval thereof, is grounds for revocation or suspension of said Permit.

- TLQ Permits may include additional requirements as may be necessary to ensure the health, safety and welfare of the public.

IV.6.6. Reporting Requirements

- When the need for a TLQ at a given location is ended and the TLQ facility and associated structures are to be removed, the Applicant will notify the Land Use Department at least 10 days prior to removal.

- Each Applicant must submit an annual summary of TLQ use, January 1 through December 31, including number of persons housed in each TLQ. Reports are due by January 31st of each year.

IV.6.7. Revocation and Penalties

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

IV.7. CONDITIONAL USE REVIEW

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

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

IV.7.1. Purpose

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

IV.7.2. Application Procedure

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

IV.7.2.1. A nonrefundable processing fee shall be submitted with the application. If the Board of County Commissioners decides a public hearing is necessary, an additional nonrefundable processing fee shall be submitted prior to setting the date for the public hearing. The amount of these fees shall be set by the Board of County Commissioners and shall remain in effect until changed.

IV.7.2.2. A plan drawn to appropriate scale showing the major details of the proposed use consisting of the following, if applicable, location of buildings and structures; off street parking area; off street loading areas; service and refuse areas; means of ingress and egress; major landscaping or screening and pedestrian areas, if pertinent.

IV.7.2.3. A time schedule for construction.

IV.7.2.4. Proof of Ownership.

IV.7.2.5. A fee set by the Board of County Commissioners.

IV.7.2.6. Applicant shall notify the Land Use Office within one (1) year of the status of project.

IV.7.2.7. Such other information as the Planning Commission or Board of County Commissioners shall require by written request to the applicant.

IV.7.2.8. Any other information the applicant believes will support his request.

IV.7.2.9. A list of landowners of properties located within fifteen hundred feet (1500) of the proposed conditional use request, along with the current addresses as recorded will be obtained from the Saguache County Assessor for the use of certified mailing notifications.

IV.7.2.10. If property is not located within a Fire Protection or Ambulance Service District a written agreement must be supplied to show coverage for any emergency services that may be needed.

IV.7.2.11. If water and sanitation services are provided by a district written agreement must be supplied with the application.

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

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

IV.8.3. Review Procedure

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

IV.8.3.1. The Land Use Administrator will review the application to determine if it is complete and eligible for consideration by the Planning Commission.

IV.8.3.2. At least thirty five days (35) days prior to the Planning Commission or Board of County Commissioners meeting for which the application is scheduled, the Land Use Office will send notification to the owners listed in the application by first class mail with a certificate of mailing. Such notification shall include information that a conditional use application has been filed and the nature of the conditional use, that such application may be reviewed during regular office hours of the Land Use Department and the time that the Planning Commission or Board of County Commissioners will consider oral or written statements regarding the application. If the property described on the application lies in part or wholly within the Town of Saguache, Center, Moffat, Crestone or Bonanza planning areas as outlined on the activity map, like notice will be sent to these municipalities.

IV.8.3.3. The Planning Commission shall, in a timely manner, either recommend approval of the application in whole or in part, with or without modification and conditions. or recommend denial of the application to the Board of County Commissioners. The recommendation of the Planning Commission shall be transmitted to the Board of County Commissioners and to the applicant.

IV.8.3.4. The Board of County Commissioners may hold a public hearing on any proposed conditional use application in a timely manner after receiving the written report of recommendations from the Planning Commission. A notice of such public hearings shall be published in a newspaper of general circulation within Saguache County at least thirty (30) days prior to the hearing date or in the manner and form required by statute for an activity resolution or amendment. An adequate record of the hearing shall be maintained. If no adverse or negative responses are received a public hearing may not need to be held. The Board of County Commissioners shall make the decision whether or not a public hearing will be held.

IV.8.3.5. The Board of County Commissioners shall, in a timely manner, either grant the application in whole or in part with or without modifications and conditions, or deny the application. The decision of the Board of County Commissioners shall be transmitted in writing to the applicant.

IV.8.3.6. All approved site plans for conditional uses including modifications and conditions, shall be certified by the Board of County Commissioners and kept on file.

IV.8.4. General Criteria, Conditions and Modifications

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

IV.8.4.1. Conditional uses existing at the time of the adoption of these Regulations shall be allowed to continue as conditional uses, unless property ownership changes.

IV.8.4.2. No conditional use shall be approved unless the Board of County Commissioners finds that the application complies with all requirements imposed by Section 3 of this Article and with all applicable laws and regulations and is consistent with all objectives and purposes of these Regulations as declared in Section 3.1 of this Article and in Article I of this Code.

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

IV.6.8.3.1. The compatibility of the proposed use with surrounding land users and uses. Reasonable suggestions and objections from persons in the neighborhood are a measure of compatibility and will be considered.

IV.6.8.3.2. The impact on County Roads, traffic congestion or traffic hazards

IV.6.8.3.3. The impact on the public health, safety, or welfare

IV.6.8.3.4. The impact on soil, noxious weeds, water, air and aesthetics

IV.6.8.4. It will be the policy to accommodate reasonable conditional uses applied for, and conditions and modifications may be offered as a means of mitigating adverse effects of the use should they make it possible to approve the application.

IV.7. Modification Criteria

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

Board of County Commissioners or if only the Board of County Commissioners shall review the request.

IV.7.1 Modification Criteria

IV.7.1.2. No complaints have been received by the Land Use office

IV.7.1.2. No impact increase on the adjacent landowners

IV.7.1.3. Legal or technical changes are requested for a prior approved permit

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