

CHAPTER 8: SPECIAL REVIEW USE PERMITS

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CHAPTER 8: SPECIAL REVIEW USE PERMITS

Section 8.1

Section 8.1

PURPOSE

Special Review Uses are those uses of a special nature that make it impractical to predetermine whether they are appropriate as permitted uses (uses-by-right) in a zone district. Based upon individual review of the location, design, density and intensity of such a use, however, and the imposition of appropriate conditions to ensure its compatibility at a particular location with surrounding land uses, such a use may be determined to be compatible with the other uses permitted in the zone district. If a Special Review Use Permit application cannot meet the requirements of *Chapter 8* for the use at the site proposed, it is the intent of these Regulations that the location is inappropriate for the proposed use.

All Special Review Uses must meet the Standards set forth in *Section 8.2.D*, and any special standards that may apply to the specific use.

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Section 8.2

RULES OF GENERAL APPLICABILITY

- A. **Categories of Permits.** Teller County recognizes three categories of Special Review Use Permits:
1. **Administrative Review Uses.** A small group of uses, entirely subordinate to the primary use and causing little or no impact (see *Chapter 2 Zoning*). All Administrative Review Uses must strictly meet the requirements for the proposed use or they will be considered as Conditional Uses.
 - a. **Approval Authority.** The Teller County Planning Director gives final administrative approval, approval with conditions, or disapproval of all Administrative Review Use Permits.
 2. **Conditional Uses.** A broad category of uses generally considered to be more impacting than uses-by-right but less impacting than most Heavy Services uses as defined in *Chapter 12 General Definitions*, or industrial uses, or substantial commercial uses.
 - a. **Approval Authority.** The Teller County Planning Commission gives final approval, approval with conditions, or disapproval of all Conditional Use Permits.
 3. **Special Uses.** Intense or heavily impacting uses, including certain Heavy Services uses.

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- a. **Approval Authority.** The Teller County Board of County Commissioners, after recommendation from the Teller County Planning Commission, gives final approval, approval with conditions, or disapproval of all Special Use Permits.

B. Submittal Requirements. The application for approval of a Special Review Use Permit shall contain the materials specified in *Section 3.2 Minimum Contents of Applications*, and the following:

1. **Written Description.** A written description of the specific Special Review Use proposal, in sufficient detail to describe (a) the nature of the proposed use; (b) how it will be operated; (c) how its impacts on public facilities, public infrastructure, and surrounding properties will be minimized and mitigated; and (d) how it otherwise conforms to the Standards of *Section 8.2.D*.
- a. **All Uses Identified.** Applicant shall also include a list of all *Chapter 2 Zoning* uses presently existing or contemplated in the future for the site under its zone district whether permitted by right or otherwise.
2. **Site Plan.** A site plan prepared in accordance with *Section 7.4 Site Plans for Applications Other than Building Permit* to be recorded as part of the Permit.
3. **Infrastructure Standards.** Written and/or graphic information sufficient to demonstrate that the requirements of *Chapter 4 Infrastructure* of these Regulations are or can be met, including any specific materials as may be additionally required pursuant to the Pre-Submittal Meeting (by way of example **only** a traffic study. (See *Section 3.4.B* of these Regulations.)
4. **Site Development Standards.** Written and/or graphic information sufficient to demonstrate that the requirements of *Chapter 5 Site Development* of these Regulations are or can be met.
5. **Critical Areas Standards.** An Environmental Description according to *Section 6.2 Environmental Description*. According to the nature, intensity, and location of the use proposed, specific *Chapter 6 Critical Areas* or other environmental impact information may be additionally required pursuant to the Pre-Submittal Meeting (by way of example **only**: a floodplain study, wildlife study, wildfire hazard analysis, or geologic hazards analysis).
6. **Other Materials.** As may be identified during the Pre-Submittal Meeting, such other materials necessary to fully evaluate

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compliance of the proposed Special Review Use with these Regulations (by way of example **only**: an air quality analysis or visual impact analysis).

7. **Special Review Use Requirements.** The information specific to the Special Review Use requested (by way of example **only**: Co-location documentation for a Communication Facility, or the special requirements for Mining or Mobile Home Park applications).

C. **Review of Applications.** The submission of an application for approval of a Special Review Use Permit, determination of its sufficiency, Staff review of, and notice and scheduling of any required public hearing shall comply with the procedures and requirements of *Section 3.4 Common Procedure for Review of Applications.*

D. **Special Review Use Standards.** The issuance of a Special Review Use Permit is dependent upon finding that there is evidence from competent authority that the proposed use, as may be conditioned, complies with all Standards of this *Section 8.2.D, Section 8.3* for the particular use, and these Regulations. The decision-making body may attach conditions to (1) ensure compliance with these Standards and Regulations including conformity to a specific site plan; (2) require improvements to public infrastructure and/or facilities necessary to serve the Special Review Use; (3) limit the operating characteristics of the use; and/or (4) specify the location or duration of the Special Review Use Permit.

1. **Consistent with Master Plan.** The proposed Special Review Use is appropriate for its proposed location, and is consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s).

2. **Compatibility.** The proposed Special Review Use is appropriate for its proposed location and compatible with the character of surrounding land uses, and does not create a nuisance.

3. **Zone District and Use Standards.** The proposed Special Review Use complies with the Standards of the zone district in which it is located and any Standards applicable to the particular use. Where the Standards are different, the more stringent applies.

4. **Design Minimizes Adverse Impact.** The design of the proposed Special Review Use minimizes adverse impacts to adjoining and/or adjacent and surrounding lands, water and air resources, wildlife habitat, scenic and other natural resources, and existing infrastructure.

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5. **Development Standards.** The proposed Special Review Use

complies with the appropriate Standards in *Chapter 4 Infrastructure, Chapter 5 Site Development, and Chapter 6 Critical Areas* of these Regulations.

- E. Audit of Special Review Use Permits.** Special Review Use Permits may be audited annually to insure compliance with the conditions imposed, or, if no conditions were imposed, to determine that the activities undertaken are as presented in the original Special Review Use Permit request. The permits to be audited will be chosen at random for an on-site inspection.
- F. Improvements Agreement.** A collateralized Improvements Agreement pursuant to *Section 3.5.B Improvement Agreement (IA) or Subdivision Improvement Agreement (SIA)* may be required to guarantee completion of any necessary public improvements.
- G. Time Limits**
- 1. Duration.** Unless otherwise specified for the particular application, Special Review Use Permits are issued for the term of the use and run with the land. Teller County is authorized to set limits on the length of any Special Review Use Permit that it issues, in which case the length of its approval is valid only for the time period specified in the Permit.
 - 2. Abandonment.** An approved Special Review Use Permit is deemed abandoned, and of no further force and effect, if the use for which the Permit was granted has not been substantially implemented within two years of the issuance of the Permit, or within any different time period specified in the Permit. An approved Special Review Use Permit is also deemed abandoned and of no further force and effect when, if implemented, the use for which the Permit was granted has been discontinued for a period of two consecutive years. For purposes of this provision *Adiscontinued@* means that the use has not been actively and regularly conducted on the approved Special Review Use Permit site.
 - a. Extension.** Prior to the expiration of a Permit, an extension not to exceed one additional year may be granted administratively by the Planning Director, upon written request and for good cause shown. It is in the discretion of the Planning Director to determine whether or not good cause has been shown.
 - b. Previously Issued Permits.** All Special Review Use Permits issued two or more years prior to the effective date of these Regulations (January 1, 2008) shall, for the sole purpose of computing time to determine whether or not the use has been

abandoned, be deemed to have been issued as of their date of approval by the decision-making body.

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H. Amendments to an Approved Permit. Except for the Minor Deviations set forth below, an amendment to an approved Special Review Use Permit is subject to review according to the requirements for a new Permit under these Regulations.

1. Minor Deviations. Minor deviations from a Special Review Use Permit may be approved by the Planning Director. Authorized minor deviations are those that appear necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process, as long as they comply with the Standards of these Regulations. Minor deviations include small changes in the building footprint or location of infrastructure (roads and water or sewage lines) so long as the relocation complies with the conditions of the Permit and these Regulations. Minor deviations shall not include such changes as changes in the amount of approved parking, open space, square footage, wildlife habitat protection, buffering or required mitigations.

Section 8.3

Section 8.3

DEFINITIONS, ADDITIONAL REQUIREMENTS, AND CONDITIONS FOR SPECIFIC USES

In addition to the general requirements for all Special Review Use Permits, the following additional requirements apply to the following specific uses, which are defined as necessary:

A. Animal Hospital / Veterinary Clinic. A place where animals are given medical care and boarding limited to short-term care incidental to the hospital stay. Commonly known as a veterinarian clinic or hospital, or small and/or large animal hospital. Structures, including the hospital building and all outdoor animal containment areas, if any, shall not be less than 100 feet from any residential zone district. Adequate buffering and/or screening protection shall be provided. Where allowed, an Animal Hospital/Veterinary Clinic may be considered a Permitted Use (Ause-by-right@) on a lot, parcel or tract of land 35 acres or greater in certain zone districts, and not a Special Review Use. An animal hospital may or may not have related surgery or cremation facilities, or separate kennel facilities for which a Conditional Use Permit may be required. See *Chapter 2 Zoning* for the A-1 Agricultural and C-1 Commercial Zone Districts.

B. Batch Plant (Concrete or Asphalt). No equipment shall be located closer than 200 feet from the lot line of any adjoining residentially zoned

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property, nor within any zone district setback.

1. **Batch Plants in A-1 Zone District.** A concrete or asphalt batch plant is allowed in the A-1 Zone District only when it is located within the permit boundaries of a mining operation with a County-approved mining permit.
2. **Submittal Requirements.** In addition to the requirements of *Section 8.2.B Submittal Requirements*, Applicant shall provide the following:
 - a. **Visual Mitigation.** A detailed Landscaping Plan in conformance with the requirements of *Section 5.4 Landscaping*. The Landscaping Plan shall also consider treatment of any stockpiled materials, including the means and measures for weed and dust control as necessary. A Fugitive Dust Control plan may be required.
 - b. **Permits.** Evidence that all required Federal, State, and Local permits, are, or will be, available prior to commencement of the operation.
 - c. **Equipment.** A list and complete description of all equipment to be used. Equipment to be used shall be the Best Available Technology (BAT) to control pollution emissions, including the use of baghouses, surge storage, vapor condensers on oil tanks, line power (no genset), and clean burning fuels.
 - d. **Imported Processing Materials.** For all processing materials to be imported to the site, a written description of the source, type and quantity of each material to be imported, as well as a description of the method of transport and graphic depiction of the route or routes to be used to import such materials.
 - e. **Operations Plan.** A complete Operations Plan that includes the overall estimated period of operation; description of the proposed seasons, days, and times of operations; necessary equipment and vehicle types; and anticipated vehicle trips per day.
3. **Temporary Concrete/Asphalt Batch Plants.** A permit for a Concrete/Asphalt Batch Plant for temporary use solely in conjunction with a specific street, road, or highway paving project may be issued for a period of six months from the date of start-up. In addition to any other terms of the Temporary Permit, the following apply: (a) The permit may be issued for a site that is not

a County-approved mining operation; and (b) equipment must be removed at expiration of the permit

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- C. Bed and Breakfast.** A Bed and Breakfast may have no more than five guest rooms, and the owner or operator must reside in the premises housing the bed and breakfast. Maximum size of signage is four square feet and same may not be lighted.
- D. Livestock Boarding Facility.** A Livestock Boarding Facility is a for-profit facility (not a registered non-profit 501(c)(3) Corporation) that includes structures such as barns, stalls, pens, arenas, corrals, and fenced grazing areas for the feeding, housing, exercising, or other care of domestic hoofed livestock (including horses, cattle, mules, donkeys, sheep, goats, llamas, and swine) not owned by the owner of the premises, and for which the owner receives compensation. The following apply:
- 1. Zoning and Parcel Size.** Where allowed, a Livestock Boarding Facility may be considered a Permitted Use (use-by-right) on a lot, parcel or tract of land of 35 acres or greater in certain zone districts, and not a Special Review Use. See *Chapter 2 Zoning* for the A-1 Agricultural and C-1 Commercial Zone Districts.
 - 2. Setbacks.** All new animal containment structures (including barns, stalls, pens, arenas, and corrals) must be at least 50 feet from any property line, watercourse, or residential structure not located on the same lot, parcel, or tract of land as the facility.
 - 3. Animal Management Plan.** The boarding of animals will not be allowed to become unsightly or a public nuisance or create health or environmental hazards for surrounding properties. In addition to the submittal requirements of *Section 8.2.B*, Applicant shall submit an Animal Management Plan that clearly states how Applicant will address the following:
 - a. Animal waste disposal.
 - b. Groundwater contamination.
 - c. Erosion and sediment control.
 - d. Overgrazing.
 - e. Boundary fence maintenance.
 - f. Flies and insects.
 - g. Emergency evacuation of animals.

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4. **Agricultural Exemption.** Consistent with Resolution 08-12-99(47) of the Board of County Commissioners, recorded August 12, 1999 at Reception No. 495473 in the public records of Teller County, and stating certain policies of Teller County promoting farming and ranching, agricultural operations that are Historical, Traditional, Legitimate, and Reasonable agricultural operations, including those with grazing leases, are exempt from the definition of Livestock Boarding Facility.

E. **Breweries and Distilleries.** All such operations must comply with applicable County, State and Federal health and alcohol permits and regulations. Demonstration of compliance shall be submitted with the Permit application.

1. **Brew Pubs.** A Brew Pub is a brewing or distilling operation that manufactures not more than 51,666.67 barrels (70,406.165 hectoliters) of malt liquor on its premises each year, and that is specifically attached to and an explicit part of a restaurant or other on-site food sales operation. Sales and distribution is limited to patrons of the restaurant and the general public, including wholesale to licensed retailers in an amount up to 8,333.33 barrels (11,355.83 hectoliters) per year.

2. **Craft (Micro) Breweries.** A Craft or Micro Brewery is a specialty brewing operation with production less than 15,000 barrels (17,600 hectoliters) of malt liquor per year. Sales and distribution is primarily, although not exclusively, through wholesale to licensed retailers

3. **Regional Brewery.** A Regional Brewery is a brewery with the capacity to produce between 15,000 and 500,000 barrels (17,500 and 586,700 hectoliters) of malt liquor per year. For the purposes of these Regulations, Aregional@ refers only to the brewery=s size.

4. **Large Brewery.** A Large Brewery is a company with one or more brewing facilities and with sales of more than 500,000 barrels (586,700 hectoliters) per year.

F. **Campground / Recreational Vehicle Park.** Except for those pre-existing, legally non-conforming campgrounds previously approved in the obsolete Campground (CG) Zone District, a campground is not permitted except by Special Use Permit. (See *Chapter 2, Section 2.10.1 Campground Zone District (CG).*) The following apply:

1. **Definitions**

a. **Campground.** A campground provides overnight or short-term sites for two or more tents or camper vehicles.

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- a. One outlet per every 25 sites.
- b. Easily accessible water supply outlets for filling water storage tanks.

5. **Service Building (ABath House@) for Non-Self-Contained**

Units. A central Service Building with parking spaces must be provided in a Recreational Vehicle Park or Campground for units without the necessary sanitary facilities. The Service Building should be located conveniently and provide the necessary facilities compatible with the type of Recreational Vehicle Park or Campground proposed.

6. **Supervision**

- a. **Owner Equally Answerable.** The park or campground owner(s) and operator(s), in addition to the individual camper or vehicle owner(s) and tenant(s) or user(s), are each liable for any violation of these Regulations.
- b. **Refuse Handling.** The storage, collection and disposal of refuse in a park or campground shall be so arranged so as not to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Bear-proof containers shall be used, and all refuse shall be collected and removed for disposal at an approved waste deposit site a minimum of once per week.
- c. **Pest Control.** Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Teller County Environmental Health Department and the Colorado Department of Public Health and Environment.
- d. **Pet Control.** The owner(s) or manager(s) of a park or campground, or the owner(s) and/or person(s) in charge of any dog, cat, or other pet animal shall keep such animal on a leash no longer than 10 feet, or shall confine such animal within the unit space or designated areas within the park or campground. No such animal shall be allowed to be a nuisance.

- G. **Cemetery.** A place designated for the burial or keeping of the remains of the dead, whether human or animal (excluding animals buried on the owner=s property as permitted by law), including crematories, mausoleums, columbarium and funeral activities operated within the

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boundaries of the cemetery. Except as otherwise provided in the Colorado Revised Statutes, all applications for cemeteries must demonstrate compliance with all County, State, and Federal health and other such regulations applicable to the use.

H. Chemical Manufacturing and Storage. No chemical manufacturing and/or storage operation is allowed except in demonstration of full compliance with all applicable County, State, and Federal regulations governing the use, including those governing toxic and hazardous waste materials, environmental contamination or degradation, odors, and other negative external effects as defined in these Regulations.

I. Communication Facility. A facility providing for communications between users that includes antennae, cell phone towers, personal wireless services, and any and all other types of facilities existing or hereafter existing, including those further defined and specifically conditioned as follows:

1. Facility Type Definitions

- a. Accessory Equipment for Low Power.** Equipment, including buildings and cabinets, used to protect and enable operation of radio switching equipment, back-up power and other devices, but not including antennas, that is necessary for the operation of a low power communication facility. Accessory equipment is to be grouped as closely together as technically possible within a total footprint coverage area not larger than 350 square feet, per provider. No structure shall exceed 15 feet in height. Design, materials, and colors of all structures shall be compatible with structures and vegetation on the same parcel and adjoining and/or adjacent parcels, and not reduce the required parking or landscaped area for other principal uses on the parcel.
- b. Building Roof Mounted.** A primary low power communication facility that is supported entirely on the roof of a legally existing building or structure other than a building or structure accessory to a communication facility.
- c. Building Wall Mounted.** A primary low power communication facility that is supported entirely on the wall of a legally existing building or structure other than a building or structure accessory to a communication facility.
- d. Commercial Mobile Radio Service (CMRS).** An unmanned telecommunication facility, also known as a Low Power Facility.

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- e. **Freestanding Communication.** A primary low power communication facility that consists of a stand-alone support structure, antennas, and accessory equipment.
 - f. **Low Power.** An unmanned facility, also known as a Commercial Mobile Radio Services (CMRS) facility as defined by the Federal Communications Commission, consisting of equipment for the reception, switching or receiving of wireless communications operating at 1,000 watts or less effective radiated power, and utilizing frequencies authorized by the Federal Communications Commission for cellular, paging, enhanced specialized mobile radio, personal communications systems telecommunication services, point-to-point microwave signals, signals through FM radio transmitters, and signals through FM boosters under 10 watts effective radiated power.
 - g. **Micro-cell.** A low power communication facility used to provide increased capacity in areas of high communication demand or to improve coverage in areas of weak coverage. The facility communicates with the primary switch of a provider's service area via fiber optic cable, copper, T1, microwave, or other media.
 - h. **Public Safety.** A facility owned and/or operated by a governmental agency or a volunteer public safety agency officially sanctioned by a government agency for that purpose, primarily utilized for the transmission and reception of information for public safety communication uses. Any Appeals of a Planning Commission disapproval shall be in accordance with CRS ' 30-28-110.
 - i. **Repeater.** A low power communication facility that extends coverage to areas not covered by the originating primary facility.
2. **Antenna Type Definitions.** An antenna is defined as a transmitting and/or receiving device used in communications that transmits and/or captures radio signals.
- a. **Microwave Antenna.** A dish type antenna used to link communication sites together by wireless signal or data transmission.
 - b. **Monopole.** A structure composed of a single pole used to support communications antennas.
 - c. **Panel Antennas.** An array of antennas, rectangular in shape,

used singularly or in arrays to transmit and receive communication signals.

- d. **Whip Antenna.** A single antenna that is cylindrical in shape, three inches or less in diameter, and transmits or receives communications signals in a 360 degree pattern.

Section 8.3.I.3

- 3. **Co-location.** Co-location is defined as two or more low power communication service providers having joint use of sites and/or facilities. Applicants for new facilities must provide written documentation of attempts to contact all telecommunication facilities within one mile of the proposed site for the purpose of co-location. New sites will be approved only when written documentation demonstrates that co-location is not possible.

If co-location on an existing approved site is not possible, the Applicant shall submit an evaluation of whether the proposed site is capable of accommodating more than one communication service provider. The Applicant's written evaluation is to include an analysis of available space, access, power, telephone, willingness of landowner, and relative visual/environmental impacts.

A facility owner, lessee, or employee thereof shall cooperate in good faith to achieve co-location of antennae with other providers.

- 4. **Building and Site Design.** In all cases, design, materials, colors and location of an attached communication facility shall be compatible with the building it is mounted on, and minimize adverse visual impacts.
 - a. **Wall Mounted.** Wall mounted facilities shall be as flush to the building wall as technically possible and not extend above the roof line of the building. A facility mounted on the wall of a legally existing building or structure may encroach into the zone district setback a maximum of 2.5 feet, but shall not extend over any property line. Maximum area of panel antennas per building face shall not exceed 32 square feet per facility or an aggregate total of 100 square feet for all facilities per parcel.
 - b. **Roof Mounted.** Roof mounted facilities shall not exceed the maximum structure height of the zone district, or extend more than five feet above the highest point of the building, unless a height variance pursuant to these Regulations is approved by the Planning Commission. A maximum of four whip antennas are allowed.
 - c. **Freestanding**

Section 8.3.I.4.c(3)

- (1) **Height.** Structure height shall not exceed the maximum structure height of the zone district unless a height variance pursuant to these Regulations is approved by the Planning Commission.
 - (2) **Setbacks.** Structure setbacks are the **greater** of: (1) the zone district setback for a structure; or (2) the facility height, including antennas.
 - (3) **Screening.** Existing land forms, vegetation, and structures shall be used to screen the facility from view, or blend it in with the surrounding built and natural environment. Design, materials, and colors of antennas, and their support structures, shall be compatible with the surrounding environment, and, wherever technically appropriate, monopole support structures shall taper from the base to the tip.
5. **FCC Compliance.** Verification that the facility complies at all times with the Federal Communications Commission (FCC) standards for cumulative field measurements or radio frequency power densities and electromagnetic fields and that the facility complies at all times with the FCC regulations prohibiting localized interference with reception of television and radio broadcasts.
6. **Abandonment.** If a communication facility ceases operating for six consecutive months, the facility owner or operator shall remove it within 180 days, and any Conditional Use Permit approving the communication facility shall expire. At the discretion of the Planning Director, under extenuating circumstances this time period may be extended. Extenuating circumstances include weather conditions, difficult accessibility, and parts availability. At any time, the Planning Director may request a letter from the Applicant certifying that the facility is in use and the use has not been discontinued for six consecutive months. If the facility is not removed within 180 days or extension thereof, a letter will be sent to the land owner and/or the communication company providing 60 day notice that a lien will be filed on the property equal to the cost of removing the facility and associated clean up. Appeal of the Planning Director=s determination may be made to the Board of Adjustment at any time within the 60 day notice period.
- J. **Construction Equipment Business.** A construction equipment business is any business with the primary purpose of leasing, selling, or servicing vehicles, machinery, equipment, and equipment attachments used in construction, mining, agricultural, and related industries. Same includes air compressors, backhoes, bobcats, combines, compactors, cranes, dump

trucks, excavation equipment, fork lifts, generators, graders, loaders, scrapers, skidders, tractors, transport trailers, and water wagons.

1. **Screening.** A Landscape Plan pursuant to *Section 5.4 Landscaping* is required.

K. Freight Yard. See Storage Yard.

L. Fuel Storage and Bulk Sales

1. **Lot Size.** Any lot, parcel, or tract of land proposed for the storage or bulk sale of any fuel, including propane gas, must be a minimum of five acres.

2. **Setbacks.** The storage site shall be at least 1,000 feet from any occupied structure or any residential zone district, whichever is greater; and at least 1,000 feet from any well (other than an on-site well).

3. **Safety Standards.** All specific local, State, and Federal requirements for fuel storage, including fire safety standards, shall be met.

M. Guest House. A detached structure of habitable space, without cooking facilities but with or without bathroom facilities, used solely as a sleeping area for non-paying guests or family members. (A Guest House is not a Dwelling. See *Chapter 12 General Definitions: Dwelling.*) In the A-1 Zone District, a guest house in addition to the maximum number of permitted accessory dwelling units is not permitted; however a legally existing guest house may be converted to an accessory dwelling unit provided it complies with all requirements of these Regulations and the Teller County Building Code.

N. Home Business - No Impact. See *Chapter 12 General Definitions - Home Business - No Impact.* Any business activity conducted in a private residence that does not meet the standards for a Home Business - No Impact, is considered a Home Occupation (see *Section 8.3.O* below). **No Special Review Use Permit is necessary for a Home Business - No Impact.**

O. Home Occupation. Any business that is not a Home Business - No Impact conducted out of a private residence. Such uses shall be nonintrusive and not detract from the residential use and character of the property and neighborhood. A Home Occupation is an activity which meets the following standards:

1. The use is conducted by the occupants of the dwelling and not more than one outside employee.

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2. The use is conducted entirely within the principal building and is clearly incidental and secondary to the residential use of the dwelling. The use of detached garages and/or outbuildings for Home Occupations while not prohibited is discouraged, and justification for the use of detached garages or outbuildings must be provided with the development permit application. During review of the application, particular attention will be directed at the use of detached garages and/or outbuildings to insure that the proposed use does not detract from the character of the neighborhood.
3. The floor area used for the Home Occupation does not exceed 30% of the total floor area of the dwelling unit.
4. There is no exterior evidence of the presence of a home occupation except as hereinafter provided, nor does the presence of the home occupation change the exterior character of the dwelling.
5. There are no salesrooms or display windows. Any materials, supplies, storage, or equipment are entirely contained within the building housing the home occupation, except as permitted by *Section 8.3.O.11* below.
6. Any identification sign does not exceed four square feet, is unlighted, and is attached to the dwelling. No off-premise or directional sign is allowed.
7. Adequate off-street parking is provided. In addition to personal vehicles, one vehicle with a gross weight rating (GVWR) of 10,000 pounds or less and labeled to identify the business, may be parked on site.
8. Receipt or delivery of materials or supplies to the site is limited to the United States mail, similar parcel delivery services, or private vehicle with a gross weight rating (GVWR) of 10,000 pounds or less.
9. Client visits and deliveries may be limited as a condition of approval based on site-specific considerations, and road classification as determined by the Teller County Department of Transportation.
10. No equipment is used which creates noise, glare, fumes, odors, or electrical interference detectable to the normal senses off the property.
11. There is no outside storage or use of construction equipment, heavy equipment or construction materials unless the property is an A-1

zoned property of 35 acres or more and under the following conditions: storage or equipment is totally screened from adjoining and/or adjacent and surrounding properties and roadways, and all storage and/or equipment is located a minimum of 50 feet from the property lines.

12. Waivers of the above standards may be granted, based upon specific site considerations.

A Home Occupation shall not include any of the following: (a) activities which include work on automobiles, recreational vehicles or heavy equipment on the property, other than any personally owned by the Permittee and used in the Home Occupation, including repair, painting, cleaning or any other activity involving the use of this type of vehicle or equipment on the property; (b) any activity using or storing hazardous or flammable materials in excess of amounts requiring a permit in the Teller County Fire Code or other such fire code as may be properly adopted by the Fire Protection District in which the proposed Home Occupation is located. Application for a kennel Home Occupation must additionally meet all requirements of *Section 8.3.S Kennel* of these Regulations.

P. Hospitals. All buildings shall be located at least 100 feet from the lot line of any adjoining residentially zoned property.

Q. Human Care Services. The term Human Care Services@ covers a broad range of services provided in residential and specially constructed facilities. Such services range from occasional child care or home hospice care for which no special licensing or Permit under these Regulations is required, to high-impact group care facilities. These Regulations distinguish those Human Care Services requiring an Administrative Use Permit (primarily no impact care for a limited number of clients in a single-family or multi-family residential unit), Conditional Use Permit (primarily no or low impact care for a limited number clients in a residence or specially constructed facility) and those requiring a Special Use Permit (primarily high impact 24-hour care in a specially constructed facility).

1. Definitions. The following definitions are adapted from the Colorado Revised Statutes. In the event of a conflict between the definition in these Regulations and any controlling Colorado Revised Statutes, the definition in statute shall prevail.

- a. **Adult Day Care Facility.** A State certified facility providing less than 24-hour care health and social services for adults. [CRS ' 26-4-603(1)]
- b. **Alternative Care Facility** (as distinguished from a Nursing Home). A 24-hour State certified care facility for personal

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care and homemaker services or protective oversight; does not require the services of a registered nurse or doctor. Also known as a type of Assisted living facility. [CRS ' 26-4-603(3)-(4)]

- c. **Assisted Living Residence.** (Formerly known as a Personal Care Boarding Home.) A regularly supervised 24-hour residential facility that makes available to three or more adults not related to the owner, operator, or manager of the facility, either directly or indirectly through an agreement with the resident, room and board and at least the following services as defined by CRS: Personal services; protective oversight; social care due to impaired capacity to live independently. The term does not include any facility licensed for medical or nursing care, or any residential care facility for individuals with developmental disabilities, or any individual residential support services that are excluded from licensure requirements of the State of Colorado Department of Public Health and Environment. [CRS 25-27-101 *et seq*]

- d. **Child Care Center** (as distinguished from Family Child Care Home, Foster Care Home, or kindergarten or pre-school under a program with at least six grade levels). A State licensed facility for five or more children age 18 or less and not related to the owner, operator, or manager of the facility, with or without compensation. Child Care Centers are also:
 - (1) Day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps; centers for developmentally disabled children. Such facilities may offer EITHER all- or part-day care, OR 24-hour care; and may or may not have a stated educational purpose.
 - (2) 24-hour care facilities for children, including children under age six, with stated educational purposes and operated in conjunction with a public, private, or parochial college or private or parochial school. [CRS ' 26-6-102(1.5)]

- e. **Child Care Facility.** A generic term applying to any facility required to be licensed. Includes a Child Care Center, child placement agency, Family Child Care Home, Foster Care Home, Homeless Youth Shelter, Residential [Child] Care Facility, Secure Residential Treatment Center. [CRS ' 26-6-303(2)]

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- f. **Community Residential Home**. A State licensed group living environment for the eight or fewer developmentally disabled as defined in CRS ' 27-10.5-102(11). [CRS ' 30-28-115, 30-28-115(2)(c), and 27-10.5-102(4)]
- g. **Day Treatment Center** (as distinguished from a public or private school special education program or Child Care Center). A structured less than 24-hour care program of various types of psychosocial behavioral treatment for five or more children EITHER over age five and less than age 18, OR under 21 and placed by court order before the 18th birthday, to prevent or reduce need for placement out of the home or community. [CRS ' 26-6-102(2.5)]
- h. **Developmental Disability**. A disability manifested before a person reaches age 22 which constitutes a substantial disability to the affected individual, and is attributable to mental retardation or related conditions including cerebral palsy, epilepsy, autism, or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation. Unless otherwise specifically stated, the Federal definition of "developmental disability" found in 42 U.S.C. sec.15001 *et seq.* does not apply. "Person with a developmental disability" means a person determined by a community centered board to have a developmental disability, and includes a child with a developmental delay. "Child with a developmental delay" means: (1) A person less than age five with delayed development as defined by the Colorado Department of Human Services; or (2) A person less than age five who is at risk of having a developmental disability as defined by the Colorado Department of Human Services. [CRS ' 27-10.5-102(11)]
- i. **Elderly or Disabled Low-income Residential Facility**. A State licensed facility for the low income elderly or disabled as defined in CRS 39-3-112 which provides 24-hour residential health care with resident managerial personnel. [CRS ' 39-3-112(1)(a.5)]
- j. **Family Child Care Home** (as distinguished from a Child Care Center. Includes infant-toddler child care homes, large child care homes, experienced provider child care homes). Less than 24-hour in-residence child care pursuant to State board regulations [CRS ' 26-6-106(2)] for children under age 18 not related to the head of such a home. [CRS ' 26-6-102(4)]

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- k. **Family Service Facility.** A State licensed 24-hour residential facility and Child Care Center, with resident managerial personnel, for single-parent families. Includes counseling in such areas as career development, parenting skills, and financial budgeting. [CRS ' 39-3-112(1)(b)]
- l. **Foster Care Home.** County-certified or State licensed in-residence 24-hour care for children under age 18 not related to the head of such a home, except for relative care; and placed by the county or state. Includes so-called Areceiving home@ and Akinship care home.@
- m. **Group Home For The Aged** (as distinguished from Nursing Facility and Life Care Institution). Group home for eight or fewer clients age 60 years or older who do not require a Nursing Facility or nursing services and elect to live in normal residential surroundings. [CRS ' 30-28-115(2)(b)(II) and (c)]
- n. **Group Home for the Mentally Ill.** A State approved and licensed group home for eight or fewer clients, implemented by the Department of Public Health and Environment concerning residential treatment facilities for the mentally ill. Serves the mentally ill as defined in CRS ' 27-10-102 (including the non-violent, and non-violent felons), who are screened by a professional person. [CRS ' 30-28-115(2)(b.5) and (c), and 31-23-301(4)]
- o. **Home Health Services/Home Health Care.** As needed in-home nursing; health aide; medical supplies, equipment, appliances; therapies provided through a certified home health agency. [CRS ' 26-4-103(6)]
- p. **Homeless Youth Shelter.** A State licensed facility providing three days or more of miscellaneous services and mass temporary shelter for children age 15 to 18 and otherwise defined as homeless, having: (1) no fixed, regular, and adequate nighttime residence; or (2) a primary nighttime residence that is: (a) a supervised shelter for temporary living; or (b) a place not designed for, nor ordinarily used as, regular sleeping accommodations for human beings. The term Ahomeless@ does **not** include someone imprisoned or detained under act of congress or State law. [CRS ' 26-6-102(5.1)]
- q. **Homemaker Agency/Services.** A State certified in-home provider of general household activities needed to maintain a healthy and safe home environment. [CRS ' 26-4-603(10)-

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- r. **Hospice Care.** In-home services provided for those with a life expectancy of six months or less in lieu of other medical benefits available under CRS Article 26. [CRS ' 24-4-103(7)].
- s. **Independent Residential Support Services** (state licensing not required). An in-home community living service and support situation defined by the Colorado Department of Human Services for up to three developmentally disabled persons as defined in CRS ' 27-10.5-102(11). [CRS ' 27-10.5-102(19)]
- t. **Intermediate Nursing Facility: Mentally Retarded.** A state-administered facility for the mentally retarded or those with developmental disabilities as defined by CRS ' 27-10.5-102(11). Provides room and board above the level available only through institutional facilities; includes moderate assistance, therapy; occasional direction, supervision, therapy; moderate assistance, therapy for loss of mobility; routine, nonskilled nursing services; monitoring of drugs. [CRS ' 26-4-103(8)]
- u. **Life Care Institution.** A facility providing contractual life-care services for those age 62 and above. Services include health care, medical services, board, lodging, or other necessities. [CRS ' 12-13-101(5)]
- v. **Low-Income Household Residential Facility.** A residential facility for low-income households as defined by CRS ' 39-3-112(1)(b.5). [CRS ' 39-3-112(1)(b.5)]
- w. **Mentally Ill Person.** A person with a substantial disorder of the cognitive, volitional, or emotional processes that grossly impairs judgment or capacity to recognize reality or to control behavior; mental retardation is insufficient to either justify or exclude a finding of mental illness within the provisions of statute. [CRS ' 27-10-102(7)]
- x. **Nursing Facility** (as distinguished from Group Home for the Aged and Life Care Institution). A State licensed nursing home primarily for the care and treatment of inpatients under direction of physician. Supportive, therapeutic, or compensating services with licensed nurse for observation/treatment on 24-hour basis. May include terminal care; extensive assistance or therapy for loss of mobility; proprietary intermediate nursing facility for

mentally retarded or developmentally disabled. [CRS ' 26-4-103(11)]

- y. **Personal Care Agency/Services.** A State certified **agency** providing in-home physical requirements or functional need services not requiring a nurse=s supervision. [CRS ' 26-4-603(16)-(17)]
- z. **Regional Center: Developmentally Disabled.** A state-operated **facility or program** providing one or more of the following for persons with developmental disabilities, and/or their families: enabling and enhancing education, training, independent or supported living assistance, therapies, identification of natural supports, other activities. [CRS ' 27-10.5-102(27) and 27-10.5-102(30)]
- aa. **Residential [Child] Care Facility.** A State licensed facility for 24-hour group care and treatment of five or more children under age 18; may include mentally ill as defined by CRS ' 27-10-102(7); may include an on-site school. [CRS ' 26-6-102(8)]
- bb. **Respite Care Provider/Services.** A State certified **facility or agency** that provides short-term in-home or in-facility relief from family care and maintenance; may include room & board, maintenance, personal care, and related services. [CRS ' 26-4-603(18)-(19)]
- cc. **Secure Residential Treatment Center.** A State licensed facility for 24-hour group care and treatment of five or more children under age 18, or persons up to age 21 over whom the juvenile court retains jurisdiction, in a secure setting for those convicted of a delinquent act, or convicted and sentenced as an adult. [CRS ' 26-6-102(9)]
- dd. **Specialized Group Facility** (includes specialized group homes, specialized group centers). A State licensed 24-hour care facility for between five and 12 children of **either** age three but less than 18, **or** under 21 placed by court order before 18th birthday, with special needs best met by a small group environment. Requires sponsorship and supervision by county or licensed child placement agency. [CRS ' 26-6-102(10)]
- ee. **Transitional Housing Facility.** A residential facility for homeless single individuals or families, or both, who have resided within the past six months in a shelter for the homeless, or who have been abused, and with incomes as

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defined by CRS ' 39-3-112. Stays may extend up to 24 months to facilitate achievement of independent living; counseling in such areas as career development, parenting skills, and financial budgeting either on-site or off-site is provided. [CRS ' 39-3-112(1)(c)]

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2. General Provisions. The following applies to all Human Care Services:

a. Evidence of Licensing. Applicant must submit evidence of all proper Federal, State, or local licensing, permitting, certification, or authorization as is required for the proposed use and considering the number of persons proposed to be served.

(1) Licensing Current. For any Administrative, Conditional, or Special Use Permit issued, evidence of current licensing must be submitted annually to Teller County.

b. Setbacks. Except as otherwise noted, for all Human Care Services not provided in an existing single-family home, all buildings are to be located at least 100 feet from the lot line of any adjoining residentially zoned property when 13 or more clients are served

c. Signs. No sign in the A-1 or any Residential zone district shall be larger than four square feet, nor shall any sign be lighted.

3. Peripatetic Services. Assistance or services provided solely within a single-family residence by peripatetic individuals or agencies on a temporary or occasional basis are exempt from the provisions of these Regulations. Such peripatetic services include: Home Health Services/Home Health Care, Homemaker Agency/Services, Hospice Care, Independent Residential Support Services, Personal Care Agency/Services, and in-home Respite Care Provider/Services; services provided by such organizations as Visiting Nurses Association (VNA) and similar health care providers.

4. Family Child Care Home, and Foster Care Home: Five or Fewer Children. Exempt from the provisions of these Regulations.

5. Child Care Center: Four or Fewer Children. Exempt from the provisions of these Regulations.

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6. **Administrative Review Use Permits.** The following, as conditioned, are subject to an Administrative Review Use Permit:
- a. Family Child Care Home and Foster Care Home for six to 12 children, subject to adequate provisions for: access, drop-off and pick-up, and staff parking; adequate water, sanitary sewage disposal, and provisions for trash disposal.
 - b. Community Residential Home or Assisted Living Residence for eight or fewer, subject to compliance with all zone district dimensional limitations; an architectural character compatible with the surrounding neighborhood; the provision of services or treatments substantially consistent with activities otherwise permitted by zoning; the convenient availability of off-site services and facilities such as stores, commercial services, transportation, and public recreation reasonably related to the requirements of the particular home; and evidence of adequate water, sanitary sewage disposal, and provisions for trash disposal. Ministerial activities of any private or public organization or agency are not allowed.
 - c. Group Home for the Aged for eight or fewer, subject to compliance with all zone district dimensional limitations; an architectural character compatible with the surrounding neighborhood; the provision of services or treatments substantially consistent with activities otherwise permitted by zoning; the convenient availability of off-site services and facilities such as stores, commercial services, transportation, and public recreation reasonably related to the requirements of the particular home; and evidence of adequate water, sanitary sewage disposal, and provisions for trash disposal. Ministerial activities of any private or public organization or agency are not allowed, and no group home shall be located within 750 feet of another such group home.
 - d. Group Home for the Mentally Ill for eight or fewer, subject to compliance with all zone district dimensional limitations; an architectural character compatible with the surrounding neighborhood; the provision of services or treatments substantially consistent with activities otherwise permitted by zoning; the convenient availability of off-site services and facilities such as stores, commercial services, transportation, and public recreation reasonably related to the requirements of the particular home; and evidence of adequate water, sanitary sewage disposal, and provisions for trash disposal. Ministerial activities of any private or public organization or agency are not allowed, and no group home shall be located within 750 feet of another such group home.

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7. **Conditional Use Permits.** The following are subject to Conditional Use Permit review:
 - a. Community Residential Home, Assisted Living Residence, and Group Home for the Aged for nine or more clients.
 - b. Family Child Care Home and Foster Care Home for 13 or more children.
 - c. Group Home for the Mentally Ill for nine or more clients.
 - d. Adult Day Care Facility, Alternative Care Facility, Child Care Center (five or more), Intermediate Nursing Facility: Mentally Retarded, Life Care Institution, Nursing Facility, Respite Care Provider/Services (facility).

8. **Special Use Permits.** The following are subject to Special Use Permit review:
 - a. Day Treatment Center, Elderly or Disabled Low-Income Residential Facility, Family Service Facility, Homeless Youth Shelter, Low-Income Household Residential Facility, Regional Center (Facility): Developmentally Disabled, Residential [Child] Care Facility, Secure Residential Treatment Center, Specialized Group Facility [Child], Transitional Housing Facility.

9. **Human Care Service Use Not Listed.** The Planning Director shall determine, in writing and subject to Appeal to the Board of Adjustment, whether a proposed Human Care Service use not listed in these Regulations will be allowed by right, not be allowed, or be allowed subject to an Administrative Review Permit, Conditional Use Permit, or Special Use Permit in one or more zone districts. In making this determination, the Planning Director shall **consider** the following in addition to the considerations of *Section 2.1.D Determination of Similar Use.*
 - a. **Number and Nature of Clients Served.** Whether the number of clients proposed to be served is compatible with the zone district in which it is to be located. Whether the proposed use assists clients with records of violent, criminal, or other anti-social behaviors; or whether clients may need special supervision, specialized supplemental services, or proximity to off-site services and facilities such as stores, commercial services, transportation, and public recreation.

 - b. **Duration of Care and Stay.** Whether the proposed use is

24-hour care or less than 24-hour care; whether client residency may be considered permanent (as in a nursing facility) or transient (as in day care).

c. **Nature of Facility Required.** Whether the proposed use is (1) accomplished by peripatetic providers; (2) conducted in a normal single-family residential environment under normal conditions and is incidental to the normal residential use; or (3) whether a special facility is proposed to be constructed, or a legally existing structure adapted for the use.

d. **Site-Specific Considerations and Impacts.** Whether the proposed site to be used, and the zone district in general, has adequate water, sanitary sewage disposal, trash disposal, parking areas, loading and unloading areas, access, and proximity to emergency services to serve not only the clients but also staff and visitors. Whether the use will generate noise and lighting requirements that may negatively impact surrounding land uses. Whether the proposed site to be used, and the average lot size within the zone district as a whole, is sufficiently large to accommodate all aspects of the use as well as on-site mitigation of any potentially adverse impacts to surrounding land uses. Whether the proposed site to be used, and the zone district as a whole, is located in whole or in part in a *Chapter 6 Critical Areas* geologic hazard area, wildfire hazard area, or flood hazard area.

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10. **Ministerial Activities.** For the purposes of these Regulations and *Section 8.3.Q*, Ministerial activities include those on- or off-premises activities that in some way (a) promote, proselytize, instruct or solicit for a secular or non-secular, public or private, group, organization or agency; (b) create on-premises offices from which such activities are organized, directed, conducted, or dispersed; or (c) establish on-premises meeting places for the purpose of convening or conducting such activities.

R. **Junk Yard.** A building, structure, parcel of land or portion thereof used for the collecting, storage, or sale of junk, waste paper, rags, scrap metal, discarded material, or two or more junk vehicles; or a building, structure, parcel of land or portion thereof used for the collecting, dismantling, storage, salvaging, processing or demolition of vehicles, machinery or other metals and materials and including the sale of whole or parts thereof.

1. **Screening.** Submittal of a Landscape Plan pursuant to *Section 5.4 Landscaping* is required. The use shall be fully screened from view from any adjoining, adjoining and/or adjacent, neighboring, surrounding and nearby residential property that may be visually

impacted; and from any specifically identified Scenic or Wildlife Viewing Roadway (*Section 4.5.G* of these Regulations). Screening is to be accomplished by either (1) enclosure entirely within a building structure; (2) existing vegetation if sufficient to meet the screening intent; (3) topography; (4) wall or fencing at least six feet high; (5) densely planted landscaping and fencing; (6) berms at least 10 feet high; or (7) a combination of the above. Where densely planted landscaping and fencing is used, the fencing shall be six-foot high solid fencing, and the landscaping shall include trees that, at the time of planting, are at least one-half the height of the equipment or materials to be screened. The number of such trees shall be one tree for every 20 linear feet of required fencing. Any salvage or other parts or any materials shall not be stored or kept in said yards at a level higher than any surrounding screening, and said screening shall be kept in good maintenance and repair at all times.

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- S. Kennel.** A kennel is a pound, shelter, place, premises, facility, company or organization, for profit or non-profit, whether private or public, that cares for overnight, boards, trains or breeds dogs or other animals for personal, public, private, recreation or business purposes. As used in these Regulations, the term kennel incorporates the definitions in C.R.S., and includes breeding facilities, boarding facilities, and/or rescuing or sheltering facilities, rehabilitation facilities, wildlife park or education facilities, whether for domestic or non-domestic animals or both. A Conditional Use Permit is required for any kennel with six but less than 30, cats, or dogs as defined in the Teller County Animal Control Ordinance (Ordinance 14, recorded August 26, 2005 at Reception Number 584364 in the public records of Teller County), over four months of age. Application for a Kennel Permit for 30 or more dogs requires a Special Use Permit and not a Conditional Use Permit. All Kennel Special Review Use Permits shall specify the maximum number of animals for which it is issued.
- 1. Exemptions.** Exempt from the requirement for a Kennel Special Review Use Permit are: facilities of a legally existing animal hospital pursuant to *Section 8.3.A* as regulated and holding all permits required by these Regulations; and the Teller County Animal Control Center as described and designated pursuant to Ordinance 14.
 - 2. Specific Submittal Requirements**
 - a. Written Description.** The Written Description of *Section 8.2.B.1* shall include the following additional information:
 - (1) Purpose Statement.** A statement regarding the specific purpose or purposes of the proposed kennel

facility, including the specific category or categories of animal facility designated by the rules and regulations of the Colorado Pet Animal Care Facilities Act (CRS 35-80-101 *et seq.*, the Colorado Division of Wildlife, and/or the U.S. Department of Agriculture.

(2) **Type and Number of Animals.** A statement regarding the type(s) and number(s) of animals for which the Kennel Permit is requested.

b. **Required State and/or Federal and/or Other Licenses.** Evidence of application for all applicable license(s), if any, required by the Colorado Department of Agriculture, the Colorado Division of Wildlife, and/or the U.S. Department of Agriculture, and/or others under applicable statutes and rules for the type of kennel proposed.

c. **Animal Management Plan.** Kennels will not be allowed to become unsightly or a public nuisance or create health or environmental hazards for surrounding properties. The Animal Management Plan shall clearly state how Applicant will address the following:

- (1) Animal waste and wastewater disposal.
- (2) Potential for groundwater contamination.
- (3) Flies and insects.
- (4) Emergency evacuation of animals.
- (5) Isolation of sick, injured, or aggressive animals, or females in season (estrus).
- (6) Noise mitigation.
- (7) Odor mitigation.
- (8) Escape prevention.
- (9) On-site supervision.
- (10) Veterinary services.
- (11) Record keeping.

d. **Additional Site Plan Requirements.** Facilities are to be shown on the site plan, and meet all facility standards of the

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appropriate State and/or Federal license category/categories, if any. No facility is to be located closer than 50 feet from any domestic well, property line, or residential structure not located on the same lot, parcel, or tract of land as the facility.

3. **Standards.** In addition to the general criteria of *Section 8.2.D. Special Review Use Standards*, the following apply:

- a. **Facilities Design.** The facilities have been designed to minimize impacts to adjoining and/or adjacent property owners and uses, including number of animals, noise, and odor, and are in compliance with these Regulations and state or federal facility requirements, if any.
- b. **Environmental Health.** Animal waste and wastewater are properly disposed of; potential disease vectors are controlled, and requirements of state or federal licensure, if any, are met.
- c. **Supervision and Record Keeping.** The facilities will be adequately supervised, and records kept in accordance with all local, state and federal ordinances, laws, and rules and regulations.
- d. **Animal Welfare.** Proper attention has been paid to animal welfare, including isolation as necessary, veterinary services, escape prevention, emergency evacuation, and state or federal animal protection licensing requirements, if any.
- e. **Licensure.** Applicant has properly applied for, or received, all required state and/or federal and/or other required licenses, if any.

4. **Separate Permit Not Required.** When a kennel is an approved component of another use for which a Special Review Use Permit is approved (by way of example only: Home Occupation, Recreational Facilities, Animal Hospital/Veterinary Clinic), and provided the submittal requirements and Standards of *Section 8.3.S.3* are otherwise met, it may be applied for as a component of that use and a separate Kennel Special Review Use Permit is not therefore required.

T. **Manufacturing: Large- or Small-scale (Hazardous Materials Use).** Adequate evidence shall be submitted to demonstrate compliance with all local, State and Federal Hazardous Waste regulations.

U. **Mining.** Includes all aspects of minerals or other earth resources extraction and processing operations, including gold, gemstone, peat, and aggregate mining, and including the uses listed in *Section 8.3.U.1 Mining*

Section 8.3.S.3.e

Related Uses below. The term Mining does not include the extraction and use, exclusive of processing, of materials within a construction project area owned or controlled by the same person, individual, firm, corporation, partnership, agency, or other entity, in accordance with these Regulations. Examples of such exempt extraction and use include (1) land leveling or sand and gravel excavation opened solely for the landowner's own use on the landowner's own property or for construction purposes on the landowner's own property pursuant to a County-approved development permit; and (2) foundation excavation in accordance with a County-approved Building Permit.

Teller County recognizes that State and Federal agencies have programs in place to permit, inspect, and enforce requirements at mining operations to assure protection of the environmental resources associated with such mining operations. It is an intent of Teller County to assure that the local land use planning and zoning requirements are addressed without unnecessary duplication of, or in contradiction with, the pertinent State and Federal requirements.¹ However, Teller County reserves the right to assume the functions of these external agencies involved with mineral extraction, including bonding for reclamation, if such agencies are eliminated or their operations are curtailed, and proper enabling legislation exists or has occurred.

Section 8.3.U.1.b

1. Mining-Related Uses. Mining related uses include:

- a. Drilling and blasting; excavating, extracting, whether by hand or through the use of mechanized equipment.
- b. The grading, loading, hauling or conveying, dumping, placing, storing, and otherwise moving and managing of earth materials and associated materials such as lime, cement, asphalt, process bacteria, beneficiation and process chemicals.
- c. Crushing, grinding screening, blending; mineral beneficiation or processing, leaching, chemical extraction, heating, roasting, bacterial treatment.
- d. Maintenance of on-site equipment associated with mining and accessory operations such as those used in the preparation of concrete and asphalt.
- e. Construction and use of mining-related structures such as those used for testing, equipment and supply storage, byproduct and product storage, drilling and blasting supply storage, offices and laboratories, laydown areas, warehousing, recycling, loading and transportation serving mining operations; concrete and asphalt batch plants. (See

also: *Section 8.3.B Batch Plant.*)

2. **Prospecting or Exploration.** Prospecting or exploration includes the following which are not to be used for production: sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts, bulk sampling for metallurgical testing, 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; small scale surface excavation. No prospecting shall leave a permanent scar upon the land, and all prospecting, including its reclamation, shall be conducted in accordance with the provisions and requirements of CRS ' 34-32-113, CRS ' 34-32.5-113, and/or other applicable provisions of the CRS.
3. **Concurrent Permit Application Submittal.** At the time application is made to any State or Federal agency for a permit or license relative to any aspect of a mining operation other than a Notice of Intent for prospecting or exploration, a copy of the full and complete application, including all required plans, shall concurrently be submitted to Teller County for review and comment, as necessary, to the particular agency. Such applications include applications for air quality permits and stormwater discharge permits. In all instances Teller County shall be notified when permit authorizations are received or denied.
4. **Teller County Special Review Use Permit Application.** In addition to the general Special Review Use application requirements of *Section 8.2.B Submittal Requirements* as certain ones may be modified below, the following also applies:
 - a. **Duplication of Information Not Required.** Where Information required to be submitted under *Section 8.3.U.4* duplicates information required to be submitted with Applicant=s State or Federal permit or license applications, including State of Colorado Division of Reclamation, Mining, and Safety Mined Land Reclamation (DRMS) permits and air or water quality permits, the State or Federal application, including any amendments and supplemental information provided after initial submittal, may be used to meet the requirements of submittal information for the Special Review Use Permit. The Special Review Use Permit application must, however, contain the explicit page or section reference to the DRMS or other State or Federal permit or application. For example:

Section 8.3.U.4.a

County Submittal Requirement	Location in DRMS (or other) Application

(1) **Third Party Review.** Where a specialized study or report is required by these Regulations to be submitted by Applicant, as may be necessary the Planning Director has the discretion to require the hiring of an independent contractor to conduct a Third Party Review of such submittal. The Applicant and Planning Director shall agree upon the selection of the contractor, cost, scope of work (to include the duties to be performed and estimated hours necessary to perform them), and schedule. Scope of work is limited to checking for (1) compliance with applicable laws and regulations and applicable state, Federal, national or professional codes or standards of practice for the accuracy of any calculations (*i.e.*, good engineering practice); and (2) the adequacy and completeness of the study or report and any conclusions that may be contained therein. Completion of the review and recommendation to the Planning Director shall be performed in a timely manner. All agreed upon costs of the Third Party Review shall be paid by the Applicant. Third party review will not be required if analyses are part of State or Federal applications reviewed by State and Federal agencies. Third party review will be limited to analyses that are beyond the expertise of the County.

Section 8.3.U.4.b

- b. **Concurrent Reclamation.** Reclamation to establish the post-mining land use, including grading, and topsoiling and seeding as appropriate, shall occur concurrently with mineral extraction in each area of a phased permit to the extent practicable. Maintenance thereafter shall be on-going through final reclamation of the site.
- c. **Compatibility and Compliance.** Reclamation plans shall demonstrate that the post mining land use(s) are not incompatible with adjoining and/or adjacent land uses or with zoning of the site, and are in compliance with all applicable legislatively adopted Teller County master plan(s) or map(s) and these Regulations.
- d. **Written Consent**
 - (1) **Lands Not Under Federal Patent.** Written consent

from all land owners within the proposed mining area stating that Applicant has a legal right to enter and to mine on the land affected by the application.

- (2) **Lands Under Federal Patent**. Written evidence of the basis for the legal right to enter the site for the purpose of conducting mining and reclamation. Such evidence includes a copy of an access lease, deed, abstract of title, current tax receipt, or signed and notarized statement by the land owner asserting that Applicant has the legal right to enter.

- e. **Written Description**. The written description required pursuant to *Section 8.2.B.1 Written Description* shall include both written and graphic information, and cover all aspects of the overall mining operation including site preparation, vegetation and soil removal, mining methods, all aspects of recovery and processing, tailing or overburden management, ore management, storage and stockpiling of materials, hauling and conveying, dust control, reclamation, and the following:

- (1) The overall estimated period of operation, including a phasing schedule for any phased operation.
- (2) The seasons, days and times of operations for specified activities including blasting, hauling, crushing, or screening.
- (3) The maximum number of employees and/or contractors and independent haulers estimated to be on site during various phases of operations.
- (4) A list and description, to include height and color of all major equipment to be present on-site for each phase of mining.
- (5) Description of environmental monitoring conducted on or off the site to comply with regulatory requirements, and any Spill Containment Plan required to be submitted in partial or full fulfillment of any State or Federal mining-related application or permit.
- (6) Description of procedures to log and address complaints related to the operation and any applicable Teller County Land Use Regulations.

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8.3.U.4.e(4)**

- (7) A description of the mined land reclamation plan in conformance with the requirements of the State of Colorado for a mined land reclamation permit, describing how the post mining land use(s) is or are not incompatible with adjoining and/or adjacent land uses or with current zoning of the site, and are in compliance with all applicable legislatively adopted Teller County master plan(s) or map(s) and these Regulations.
- (8) As applicable, any calculations related to water balance addressing beneficiation or process solution containment facilities.

f. **Site Plan.** The site plan required pursuant to *Section 8.2.B.2 Site Plan* shall include a full legal description and boundary survey of the proposed permit area prepared by a State of Colorado Licensed Professional Land Surveyor, supplemented by a reasonably accurate topographic map of the proposed permit area depicting the locations of areas of activity, haul roads, utilities, improvements, and major equipment by mining phase insofar as possible. As appropriate, the site plan shall also include an overlay, on stable drafting material, at the same scale and specifications as a Final Plat, showing all mining and placer claims, patents and mineral rights, and their ownership by name and mineral survey or mining entry number. Multiple sheets may be necessary to adequately describe a complicated or multi-phase operation.

g. **Infrastructure Standards.** The written and/or graphic information required pursuant to *Section 8.2.B.3 Infrastructure Standards* shall include the following:

- (1) **Fire Protection and Emergency Services Information.** (*Chapter 4 Infrastructure: Section 4.3 and Section 4.7*) Applicant shall provide evidence that fire protection and emergency response services are adequate and available for the number of employees and visitors on site at most times. Applicant shall develop and submit an application-specific Fire Protection Plan and an Emergency Response Plan for review and comment by the Teller County Sheriff or his or her designated representative. The Fire Protection Plan and Emergency Response Plan may be satisfied in whole or in part by the Emergency Response Plan required by the DRMS. Such Plans are

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8.3.U.4.g(1)**

to include the following:

- (a) A list of all commercially-supplied Section 313 (EPCRA; 42 U.S.C. 11023) chemicals meeting Federal threshold quantities anticipated to be delivered to the site along transportation routes within Teller County, and all Section 313 chemicals, meeting Federal threshold quantities, stored or used on site. The on-site location(s) of chemicals, other hazardous materials, and fuels storage facilities shall be identified; contingencies for control of such substances shall be addressed.
- (b) A Spill Containment Plan for all fuels, chemicals, and other hazardous materials.
- (c) A description of the standards for placement of signs fencing, and other appropriate measures undertaken to protect, warn or preclude access by the general public to the site.
- (d) Any other specific matters relating to the project, including physical hazards that are necessary for the safety of those responding to emergencies or otherwise necessary for the provision of emergency services.

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8.3.U.4.g(2)**

- (2) **Roads.** (*Chapter 4 Infrastructure: Section 4.5*) All Teller County roadways used on a regular basis to access the property shall be identified on a map clearly showing existing and proposed topography. Applicant shall also provide a description of each road=s functional classification, capacity, condition, and maintenance responsibility, as available from Teller County. Consideration shall be given to traffic, noise and dust-related impacts, and plans to mitigate any vehicular and pedestrian traffic impacts caused by any traffic increase from the mining. A traffic study, prepared by a qualified traffic study specialist, shall be submitted if a preliminary analysis of new traffic shows that increases in traffic will exceed the thresholds of *Section 4.5.A.1.b Traffic Study*. Traffic generation shall be described and depicted by average and maximum hourly, daily and monthly vehicle mix by specific vehicle type, including the off-site equipment maintenance schedule, and address resultant changes in demand the proposal will create. The following use

categories shall be denoted on the map: (1) Employee commutes to and from the site; (2) delivery of operating supplies; (3) delivery, mobilization, demobilization for major component construction; (4) off-site movement of mining or other major equipment during operations to include the moving of equipment off-site for the purposes of maintenance; (5) visitors; and (6) transport of mined materials or other products.

If Teller County roads do not have the capacity for the projected increase in use, Applicant shall prepare and submit a plan acceptable to the Teller County Department of Transportation and consistent with the Teller County Roadway Design and Construction Standards to show how the road infrastructure will be made to have adequate capacity and safety.

If State highways within Teller County are to be affected in a manner requiring CDOT permit or approval, or changes to an existing CDOT permit or approval are anticipated, copies of all permit or permit modification applications shall be submitted and the anticipated date of authorization shall be stated. Teller County shall be notified when authorizations are received or denied.

- (3) **Water Supply.** (*Chapter 4 Infrastructure: Section 4.9*) If water is proposed to be used for the mining operation itself, Applicant shall provide either the required evidence described for an Existing Water Provider or for a Water Resources Report, as applicable.

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8.3.U.4.h(1)**

- h. Site Development.** The written and/or graphic information required pursuant to *Section 8.2.B.4 Site Development Standards* shall include the following:

- (1) **Building Design.** The Site Plan shall show the location of all existing and proposed buildings visible from beyond the boundaries of the site and from public roads. For any proposed new building, Applicant shall submit elevations, color descriptions (*e.g.*, earth tones), identification of the materials proposed for external construction, and a description of the measures proposed to reduce contrast for buildings, or otherwise make the building compatible with the area. Materials and colors shall blend with the natural surrounding environment; blank walls visible to the public shall be

avoided or mitigated; retaining walls, if any, shall consist of materials compatible with the architectural design of the building. Mechanical equipment mounted on the building including vents, flues and flashing shall be painted to blend or be compatible with the color of the roof or building, or be screened with material compatible with the architectural design of the building.

- (a) Buildings approved under a prior County process may be increased in exterior dimensions by no more than 25% without further review under these Regulations; however the character of such expansions shall be in keeping with the existing building.

(2) **Grading, Drainage, and Erosion and Sediment**

Control. (*Chapter 5 Site Development: Section 5.1*)

Plans submitted for evaluation and control of **off-site** drainage effects shall be prepared according to the requirements of *Section 5.1.C Drainage Study and Report* and *Section 5.1.D Erosion and Sediment Control Plan* and further include: (1) map(s) showing the location of existing and proposed mine facilities; (2) a map showing ground water monitoring wells incorporated into the DRMS Permit, if any; and (3) copies of applicable water quality discharge permits previously issued, if any. Plans prepared for **on-site** grading, drainage and erosion and sediment control submitted, or to be submitted, to any State or Federal agency in full or partial fulfillment of any State or Federal permit requirement and concurrently submitted to Teller County shall be compatible with those plans submitted for evaluation of off-site drainage effects. As appropriate, any such plans may also be used to meet the off-site grading, drainage, and erosion and sediment control requirements of *Section 5.1.C* and *Section 5.1.D*.

- (a) **Ground Water.** Any new or updated ground water analysis and ground water management control plans submitted to State or Federal agencies in full or partial fulfillment of any permit or application and concurrently submitted to Teller County, shall also include previously submitted reports on projections or evaluations of the area-wide ground water quality.

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- (b) **Surface Water.** Applications for any proposed new releases of surface water from the proposed mining operations submitted, or to be submitted, to any State or Federal agency in full or partial fulfillment of any State or Federal permit requirement and concurrently submitted to Teller County shall also locate on a map any existing or proposed water discharge points and monitoring station(s) used to provide monitoring data to the State or Federal agencies with regulatory authority over the proposed operations. A copy of any existing surface water permits, if any, shall also be submitted.

- (3) **External Effects.** In lieu of *Chapter 5 Site Development, Section 5.3*, Applicant may be required to provide one or more of the following pursuant to the Pre-Submittal Meeting (see *Section 3.4.B* of these Regulations):

 - (a) **Noise.** When required, and as based on a noise modeling study conducted by a qualified professional, a noise evaluation, prepared by a qualified professional shall be submitted that includes: (1) data on the maximum existing background noise levels on the site perimeter; (2) the projected maximum noise levels at the same points; (3) the method(s) to be used for sound control of noise-generating equipment that, without controls, would exceed levels referenced in *Section 5.3.E.1 Volume of Sound*; and (4) a suitable sound monitoring program with applicable equipment installation locations identified, if the modeling study demonstrates that noise may exceed allowable standards.

 - (b) **Vibration and Blasting.** A copy of all existing blasting permits, if any shall be submitted. Any new application for blasting submitted, or to be submitted, to any State or Federal agency in full or partial fulfillment of any State or Federal permit requirement, shall be submitted concurrently to Teller County. Any new application shall also include an overview of the approximate number of blasts to occur on a daily and weekly basis, and the approximate times at which such blasting is expected to occur.

(c) **Air Quality.** A copy of all existing air quality permits, and new air quality permit applications and permits issued, if any, shall be submitted.

(4) **Lighting.** When required, a Lighting Plan in lieu of the *Chapter 5 Site Development, Section 5.5.A Lighting Plan* shall be submitted. Applicant's lighting plan shall depict the location of all new or existing stationary lights (e.g., external lights on buildings and light poles), state the purpose of each light (e.g., "work area safety" or "public safety"), and provide a description, photograph or drawing of each type of light fixture with the mechanism that reduces or limits glare and directs the light downward. Light fixtures shall be those best-equipped for the site-specific conditions to manage, reduce, control, or limit to the extent possible, lighting directed onto or at other than the working surfaces that should be illuminated. The height restriction Standard of *Section 5.5.B.1 Height* shall not apply.

(5) **Visual Impacts.** In lieu of *Chapter 5 Site Development, Section 5.10*, Applicant shall propose visual mitigation as appropriate or necessary for visual impact from major road corridors, Teller County Scenic and Wildlife Viewing Roadways, and adjoining and/or adjacent or otherwise impacted residential or commercial development. Such visual mitigation may include landscaping using *Section 5.4 Landscaping* of these Regulations as a guideline. In order to more fully assess the long-term visual impacts of the mining operation, Applicant should submit before, during and after reclamation depictions of the site for each phase of mining, and from representative viewpoints as determined by the Planning Director in consultation with the Applicant. Should any requirement of this Section conflict with any State or Federal requirement, the State or Federal requirement shall supersede. Teller County, however, may require visual mitigation conditions of approval for any mining, or other, Special Review Use Permit as may be necessary.

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5. **Requirement to Submit Annual Report and Map.** Applicant shall annually submit to the Teller County Planning Department a copy of the annual report and map required by the DRMS. Failure to annually submit to Teller County the the DRMS annual report and map shall be considered grounds for enforcement pursuant to

Section 1.15.C Permit Violations of these Regulations.

6. **Change in Mining Circumstances.** Once approved by Teller County and the State of Colorado, any proposed substantive change to a mined land reclamation plan or permit and/or to a County Special Review Use Permit, including a proposed revision or exchange of lands to be reclaimed or other substantive amendment of the approved reclamation plan, extension of mining into areas not previously approved for mining, extension of leaching areas, substantive increase in heights above previous approvals, or expansion of overburden storage areas, may be subject to separate review and approval by Teller County as determined by the Planning Director. A new or amended Special Review Use Permit may be required. Minor changes in mining circumstances that do not affect off-site impacts or required mitigations, or that do not substantially modify conditions of approval of the Teller County Special Review Use Permit, as determined by the Planning Director, shall not be considered a substantive change requiring an amendment or new Special Review Use Permit.
7. **Cripple Creek Mining Overlay District.** See *Appendix A Cripple Creek Mining Overlay District.*

V. **Mobile Home Park.** A Mobile Home Park is any lot or parcel used for the storage or living purposes of more than three mobile homes as defined in these Regulations. No new Mobile Home Park shall be created in Teller County, nor shall any expansion, alteration, or addition to legally existing parks, including those legally existing non-conforming Exempt Mobile Home Parks enumerated in *Chapter 2 Zoning* of these Regulations, except by Special Use Permit.

1. **Application.** In addition to the requirements of *Section 8.2.B Submittal Requirements*, development permit applications for a Mobile Home Park Special Use Permit shall contain the following additional information:
 - a. **Landscaping Plan.** A landscaping plan prepared in accordance with the requirements of *Section 5.4 Landscaping*. Said plan shall provide for the adequate screening of the Mobile Home Park.
 - b. **Lighting Plan.** A lighting plan prepared in accordance with the requirements of *Section 5.5.A Lighting Plan*. Between dusk and dawn, all service roads and walkways within a Mobile Home Park must be appropriately illuminated. Appropriate illumination includes either: (a) a minimum illumination of at least 0.6 foot candles; or (b) 25 watt lamps

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spaced at intervals of not more than 100 feet.

c. **Site Plan Design.** The proposed site plan shall include the specifications for all mobile home spaces, buildings, utilities and other improvements, constructed or to be constructed within the Mobile Home Park. Except as set forth below, Mobile Home Parks shall meet the requirements of *Chapter 5 Site Development* of these Regulations.

(1) **Open Space.** Ten percent (10%) of the total site area shall be set aside for usable open space as defined in *Section 5.6 Open Space* these Regulations.

(2) **Siting.** The Mobile Home Park shall be located on a well-drained site, and so located that its drainage will not endanger any water supply. Park sites shall be in areas free from marshes, swamps, or other potential breeding places for insects or rodents. Park sites shall not be subject to flooding, fire, or safety hazards, and shall not be exposed to chronic nuisances, including noise, smoke, fumes, or odors.

(3) **Mobile Home Spaces.** Each mobile home shall be situated on a defined and dimensioned improved mobile home space engineered to provide a base for the adequate support, placement and tie-down of the mobile home. The base shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure.

(a) **Minimum Space Size.** Single-wide spaces shall contain a minimum usable area of 3,800 square feet; double-wide or multi-wide spaces shall contain a minimum usable area of 5,000 square feet. Calculation of individual space areas is exclusive of any common areas, including Mobile Home Park driveways or roadways.

(b) **Setbacks.** The minimum setbacks for mobile home units from each mobile home space line are:

Front: 20 feet from the front space line
Side: 20 feet between mobile homes
Rear: Five feet from the rear space line

The minimum setbacks for mobile home spaces

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from the property boundaries are:

Front: 50 feet
Side: 20 feet
Rear: 20 feet

Porches, cabanas, or awnings, open in the front and on at least one side, may be added to mobile homes; however, enclosed additions are considered a part of the mobile home in measuring required setback distance. No enclosed addition shall be built onto, or become a part of any mobile home, without a properly authorized Teller County Building Permit.

- (c) **Parking.** Two parking spaces shall be provided for each mobile home space. On-street parking spaces can not be used to fulfill this requirement

At least one additional parking space shall be provided for each five mobile home spaces in order to accommodate motor boats, recreational vehicles, motorcycles, trailers, and snow-mobiles. This shall be a separate and self-contained fenced security area located within park boundaries.

- (d) **Access and Driveways.** Unless in conflict with the requirements of the Teller County Roadway Design and Construction Standards, in which case the most restrictive provision shall apply, the site shall have direct legal access to a public street or highway at least 50 feet wide and 100 feet long to permit easy entrance and exit from the Mobile Home Park. Service roads and driveways shall be provided to each mobile home space. Each service road shall be hard-surfaced, provide for continuous forward movement, connect with a street or highway, and have a minimum clear width of 25 feet. All mobile home spaces shall be designed so that driveway cuts will meet the requirements of the Teller County Roadway Design and Construction Standards.

- (e) **Evidence of Utility Service to Each Space.** Applicant shall provide letters from all appropriate utility service providers including

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electrical providers and communications providers that services are available to each mobile home space, and Applicant shall provide and install such services. All plans for such services require the approval of the responsible utility prior to County approval of the Mobile Home Park plans.

(4) **Fire Protection.** Every Mobile Home Park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and location within the Park as prescribed by the Fire Protection District in which the development is located, or, where the proposed park lies outside of any District boundaries, by the Teller County Fire Marshall or his or her designated representative.

d. **Service Building Plans.** Applicant shall submit preliminary floor plans and vertical and horizontal elevations, prepared by a Registered Professional Architect or Engineer, licensed in the State of Colorado, for all permanent service buildings, recreation buildings, and other community service facilities such as management offices, repair shops, storage units, sanitary facilities, laundry facilities, indoor recreation areas, and any other Mobile Home Park facility. Such structures have the following minimum requirements:

- (1) A location 30 feet or more from any mobile home space.
- (2) Lighting pursuant to all applicable Federal, State and local statutes, laws, codes, resolutions, ordinances, and regulations and these Regulations.
- (3) Construction as permanent structures pursuant to all applicable Federal, State and local statutes, laws, codes, resolutions, ordinances, and regulations.

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e. **Supervision and Maintenance Plan.** Applicant shall at all times provide adequate supervision and maintenance of the proposed Mobile Home Park and shall prepare and submit for Teller County review and approval a written and detailed plan for all supervisory and maintenance operations, including those for emergency services. The park and its facilities and equipment shall at all times be kept in a clean, orderly and sanitary condition.

f. **Owner Equally Liable.** The park owner(s) and operator(s),

in addition to the individual unit owner(s) and tenant(s), are each liable for any violation of these Regulations.

- g. **Park Documents.** Applicant shall provide copies of all proposed park documents, including covenants and rules and regulations.

2. **Building Permit and Code Requirements.** Under no circumstances shall any mobile home be installed in any manner or modified in any way except under a Building Permit issued through the Teller County Building Department, and in strict conformance with the Teller County Building Code, and any other applicable health and safety code.

- a. **Skirting.** Skirting of mobile homes is permissible, but such skirting shall not provide a harborage for rodents, or create a fire hazard. Where skirting is provided, readily operable doors or access panels shall be installed to permit convenient access to water, sanitary sewer, and utility connections.

3. **Other**

- a. **Refuse Handling.** The storage, collection and disposal of refuse in a Mobile Home Park shall be so arranged so as not to create health hazards, rodent harborage, animal attraction, insect breeding areas, accidents or fire hazards, or air pollution. Bear-proof containers shall be used, and all refuse shall be properly and legally disposed of a minimum of once per week.

- b. **Pest Control.** Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Teller County Environmental Health Department and the Colorado Department of Public Health and Environment.

- c. **Pet Control.** The owner(s) or manager(s) of a Mobile Home Park, and/or the owner(s) or person(s) in charge of any dog, cat, or other pet animal shall keep such animal on a leash no longer than 10 feet, or shall confine such animal within the mobile home space or designated areas within the park. Animals are restricted to household pets only.

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W **Parking - Commercial.** A lot, parcel, tract of land, mining claim, or defined land area which is used, on a paying basis, by the public for the

parking of vehicles. Such a facility may provide an office for the management, including restrooms and waiting area for the patrons. No other uses are allowed.

1. **Parking and Loading Standards.** The Parking and Loading Standards of *Section 5.7.D* of these Regulations, including those for landscaping, apply.

- X. Recreational Facilities (Public/Private).** For the purposes of these Regulations, a Recreational Facility, whether public or private, is considered as an area or facility constructed on a lot, parcel, or tract of land primarily for periodic and short-term sports or personal leisure activities. Such facilities include such physical improvements, singly or in combination, as tennis, badminton, or volleyball courts, swimming pools, ice rinks, golf courses, playground equipment, par courses, Apocket@ or neighborhood parks, zoos or wildlife sanctuaries, or community gardens, shooting ranges, and ball fields. Such facilities may or may not be wholly or partially indoors or outdoors, and may or may not include a pergola, gazebo, clubhouse, or other structure catering to users of the facilities for shelter, eating, meeting, or other purposes exclusive of overnight and other resort-like accommodations (see *Section 8.3.Y Resorts*).

1. **Setbacks.** The following setbacks shall be observed:

A-1 Zone District: Principal structure not less than 100 feet from any residential zone district.

RR Zone District: All structures not less than 50 feet from any property line.

R-2 Zone District: All structures not less than 100 feet from any property line.

2. **Landscaping.** A Landscaping Plan pursuant to *Section 5.4 Landscaping* is required.

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- Y. Resort.** Lots, parcels, or tracts of land improved with buildings (or other habitations) and sanitary facilities, generally used for short term or extended occupancy chiefly for extended rest or recreation, and often provided with lodges with dining rooms and/or accessory shops. The term "lodges" when used in connection with Resorts means a hotel or similar establishment providing sleeping rooms or apartments in a main building, or cabins, or other sleeping or living accommodations. The term "Resort" also includes Aretreat@ or Acounseling@ centers, Asummer camps,@ Arecreation camps,@ Asports camps@ and other similar uses where permanent facilities are used and occupied for short term or extended periods. The term does not include Campgrounds or Recreational

Vehicle Parks as otherwise defined in these Regulations.

Z. Sawmill. A sawmill is solely a mill where logs are cut into lumber. The term excludes the further processing of such lumber on-site into either fully constructed structures or structures temporarily constructed for dismantling and reassembling elsewhere. Sawmills shall be surrounded by A-1 zoned tracts, accessible to a public road, a minimum of 35 acres in size, and located in the approximate center of the tract or an otherwise sufficient buffering distance from adjoining and/or adjacent properties.

AA. Storage Yard. In all instances, submittal of a Landscape Plan pursuant to the requirements of *Section 5.4 Landscaping* is required. The use shall be fully screened from view from any adjoining, adjacent, neighboring, surrounding and nearby residential property that may be visually impacted; and from any specifically identified Scenic or Wildlife Viewing Roadway (*Section 4.5.C* of these Regulations). Screening shall be accomplished by either (1) enclosure entirely within a building structure; (2) existing vegetation if sufficient to meet the screening intent; (3) topography; (4) wall or fencing at least six feet high; (5) densely planted landscaping and fencing; (6) berms at least 10 feet high; or (7) a combination of the above. Where densely planted landscaping and fencing is used, the fencing shall be six-foot high solid fencing, and the landscaping shall include trees that, at the time of planting, are at least one-half the height of the equipment or materials to be screened. The number of such trees shall be one tree for every 20 linear feet of required fencing. Any salvage or other parts or any materials shall not be stored or kept in said yards at a level higher than any surrounding screening, and said screening shall be kept in good maintenance and repair at all times.

1. Dismantling Yard. The dismantling area shall be an impervious surface.

2. Construction [Contractor=s] or Construction Equipment Storage Yard. A heavy equipment and/or materials storage area for an establishment engaged in the business of constructing or demolishing buildings, site improvements, site features, roads, and/or other types of infrastructure. This includes the maintenance and repair of heavy equipment stored at the site, when such equipment is owned by the business establishment.

3. Rental Storage Yard. See Construction [Contractor=s] or Construction Equipment Storage Yard.

4. Rental Storage Yard – Moving Equipment. A premise used for the rental, storage and parking of moving equipment, limited to light trucks, heavy-duty trucks, rental trailers,(e.g. cargo trailers, utility trailers, and car trailers) and associated support rental moving equipment (e.g. moving blankets, appliance dollies, utility dollies,

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furniture dollies) to the general public. The light truck, heavy duty trucks, trailers and associated support rental moving equipment shall not have a gross vehicle weight exceeding 18,000 pounds and/or individual linear lengths not to exceed 36 feet.

5. **Vehicle Towing and Storage Yard.** Any site specifically or incidentally used to store, or tow to and store, any number of operative or inoperative vehicles for more than 24 hours. Does not apply to incidental retention of a vehicle undergoing repair at a specific motor vehicle body repair shop or motor vehicle operating systems maintenance and repair shop, with or without and independent of a gasoline service station. No part of the operation, other than the access drive, shall be less than 200 feet from the lot line of any adjoining residentially zoned property.

BB. Temporary Construction Office Trailer. A Temporary Construction Office Trailer is a movable structure installed temporarily on the site of a commercial, residential, or other development project solely for the purpose of housing centralized construction management operations. It is not a dwelling unit, nor shall it be used for living purposes at any time. The following apply:

1. **Mobile Home Permit.** A Mobile Home permit, issued by the Teller County Building Department, is required prior to issuance of the Special Review Use Permit.
 - a. **Setbacks.** The Temporary Construction Office Trailer shall meet all zone district setback requirements.
2. **Sanitary Sewage Disposal.** At a minimum, on-site sanitary sewage disposal approved by the Teller County Environmental Health Department shall be in place prior to issuance of the Special Review Use Permit.
3. **Other.** A valid Teller County Building Permit, Subdivision Improvements Agreement, or other explicit pre-construction approval shall be in place prior to issuance of the Special Review Use Permit.
4. **Duration of Permit.** The Special Review Use Permit shall be initially issued for a term not to exceed six months. The Permit may be administratively extended for successive six month periods provided the following are demonstrated:
 - a. Continuous and substantial progress towards completion of the development has taken place since issuance of the original Permit and any prior extension thereof.

b. A realistic completion date has been set.

5. **Removal.** Within 30 days of completion of construction, the Temporary Office Construction Trailer shall be removed.

CC. **Waste-Related Uses**

1. **Definitions** See also *Section 8.3.R Junk Yard*.

a. **Garbage Service Companies.** A company providing for the removal of residential and/or commercial organic and/or inorganic waste materials, junk and rubbish as defined in these Regulations.

b. **Recycling Center.** A centralized collection location where commonly designated recyclable materials, including glass, plastics, metals, and paper products, are dropped off, sorted and temporarily stored. Does not include the further processing or marketing of materials, or facilities where automobile or other mechanical parts, or scrap metal or worn out metal, are salvaged and re-sold or recycled.

c. **Solid Waste.** Useless, unwanted, or discarded material with insufficient liquid content to be free flowing. Solid waste may be generated by a variety of land uses including agricultural, commercial, industrial, residential, *etc.* uses, and includes solid waste such as lumber, bricks, concrete, sheetrock and similar materials, that result from the construction or demolition of a building or structure.

d. **Solid Waste Disposal Site.** Includes dumps, landfills, and incinerators.

e. **Waste Transfer Facility.** A facility at which refuse, awaiting transportation to a permanent disposal site, is transferred from one type of containerized collection receptacle to another, or is processed for compaction.

2. **Building and Site Design** All waste-related uses shall comply with the requirements of applicable State and Federal regulations, including requirements to buffer the use, and the following:

a. **Location: Solid Waste Disposal Sites.** Solid waste disposal sites and facilities shall be located away from developed areas so as to reduce nuisance, have abundant soil available to cover disposed material with nonpermeable soil or material, be a well drained area with no free standing water, and not contaminate groundwater.

Section 8.3.CC.1.a

- b. **Setbacks: Waste Transfer Facilities.** No part of the use, other than the access drive, utilities, and required open space, shall be located within the setbacks for the zone district.
- c. **Screening: All Sites.** Submittal of a Landscape Plan pursuant to the requirements of *Section 5.4 Landscaping* is required. At a minimum, the use shall be fully screened from view from any adjoining, adjacent, neighboring, surrounding and nearby residential property that may be visually impacted; and from any specifically identified Scenic or Wildlife Viewing Roadway (*Section 4.5.C* of these Regulations). Screening shall be accomplished by either (1) enclosure entirely within a building structure; (2) existing vegetation if sufficient to meet the screening intent; (3) topography; (4) wall or fencing at least six feet high; (5) densely planted landscaping and fencing; (6) berms at least 10 feet high; or (7) a combination of the above. Where densely planted landscaping and fencing is used, the fencing shall be six-foot high solid fencing, and the landscaping shall include trees that, at the time of planting, are at least one-half the height of the equipment or materials to be screened. The number of such trees shall be one tree for every 20 linear feet of required fencing. Any salvage or other parts or any materials shall not be stored or kept in said yards at a level higher than any surrounding screening, and said screening shall be kept in good maintenance and repair at all times.
 - (1) **Waste Transfer Facility.** The foregoing general screening provisions notwithstanding, the waste materials of a Waste Transfer Facility within 200 feet of the lot line of any adjoining residentially zoned property shall be contained in a fully enclosed building. A trash compactor is not a fully enclosed building.

DD. Wild Game Packaging. Wild Game Packaging is the skinning, cutting up, packaging, and freezing as required of hunted wild game, fish, birds, or mammals, specifically excluding the slaughtering of any such game, fish, birds, or mammals. The following apply:

- 1. **Zoning and Parcel Size.** The use is allowed only in the A-1 Zone District on parcels of 35 acres or greater.
- 2. **Setbacks.** All structures, or areas within which any component of the use are to take place, shall be at least 100 feet from any residence on an adjoining property, any domestic well, or any watercourse.

Section 8.3.DD.5

3. **Waste Disposal.** Written evidence in the form of a binding contract or agreement with an authorized waste disposal company to remove skins and other waste body parts shall be submitted with the development permit application. Bear-proof containers shall be used, and all refuse shall be collected and removed for disposal at an approved waste deposit site a minimum of once per week.
4. **Additional Permits.** Applicant shall submit evidence that all other required Federal, State, and Local permits, including health permits as required, are, or will be, available prior to commencement of operation.
5. **Parking.** Applicant shall submit a parking plan demonstrating that there are adequate off-road parking spaces to accommodate peak-hour customers. At no time will customer parking on any public road or right-of-way be allowed.

Section 8.4

**Section 8.4
LOCATION AND EXTENT**

Pursuant to CRS ' 30-28-110(1)(a) and (d), A... no road, park, or other public way, ground, or space, no public building or structure, or no public utility, whether publically or privately owned, shall be constructed or authorized in the unincorporated territory of the county until and unless the proposed location and extent thereof has been submitted to and approved by ... [the] county ... planning commission@; and AThe acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, or sale or lease of or acquisition of land for any road, park, or other public way, ground, place, property, or structure shall be subject to similar submission and approval ...@

- A. **When Required.** A Location and Extent approval is required for any of the above uses. Depending on the development proposal, other County review procedures including those for a Special Review Use Permit or rezoning may additionally be required. Routine extensions of previously permitted public utility lines and minor modifications to legally existing uses or facilities are not subject to the Location and Extent procedure.
- B. **Submittal Requirements.** The application for approval of a Location and Extent shall submit, in addition to the general submittal requirements for all development permit applications pursuant to *Section 3.2 Minimum Contents of Applications* of these Regulations, the following information:
 1. **Legal Description and Survey.** A complete and accurate legal description and boundary survey of the site, prepared by a State of Colorado Licensed Professional Land Surveyor.

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2. **Site Plan.** A site plan prepared in accordance with *Section 7.4 Site Plans for Applications Other than Building Permit.*
3. **Other.** Depending on the complexity of the project, its location and extent, and its impact to the site and surrounding area, Applicant may be required to submit such other information as is required pursuant to *Chapter 4 Infrastructure, Chapter 5 Site Development, and Chapter 6 Critical Areas.*
4. **Improvements Agreement.** Depending on the complexity of the project, its location and extent, and its impact to the site and surrounding area, an Improvements Agreement pursuant to *Section 3.5.B Improvement Agreement (IA) or Subdivision Improvement Agreement (SIA)* may be required.
5. **Duplication of Materials.** It is not necessary for Applicant to duplicate materials submitted for any separately required County development permit review procedure, but any such shall be identified in the application

C. Application Review Procedure

1. **Review.** *Section 3.4 Common Procedures for Review of Applications* apply. However, no Location and Extent hearing shall be scheduled prior to the date of official submission of the development permit application. The failure of the Planning Commission to act within 30 days after the date of official submission shall be deemed approval, unless a longer period is granted by the submitting board, body, or official.
 - a. **When A Related Special Review Use Permit Is Additionally Required.** In order that the separate development permit applications for Location and Extent and a related Special Review Use Permit, if any, may proceed together, thereby creating efficiency in consideration and avoiding possible inconsistent separate decisions, the board, body, or official making development permit application, by making such development permit applications, automatically agrees that the 30 day time limit imposed for Location and Extent shall be extended to conform to the time limits for the related Special Review Use Permit.
2. **Agency Review.** At the discretion of the Planning Director, review and comment from appropriate referral agencies may be solicited.
3. **Staff Report.** After review of the development permit application and its materials, and considering any comments from referral agencies, a Staff Report and recommendation shall be prepared and

distributed to the Planning Commission and Applicant in accordance with *Section 3.4.E* of these Regulations.

4. **Action by the Planning Commission.** Approval, approval with conditions, or disapproval of the Location and Extent shall be pursuant to *Section 3.4.F.1.a Planning Commission Decision* and the Standards of *Section 8.4.D Location and Extent Standards*.
 - a. **Approval.** The Planning Commission's determination is final.
 - b. **Disapproval.** In the case of Planning Commission disapproval, appeal of the decision shall be to the body having authority pursuant to CRS ' 30-28-110(1)(b) or (c) as the case may be.

Section 8.4.D

D. Location and Extent Standards. The Location and Extent use shall comply with the following Standards:

1. **Consistent with Master Plans.** The proposed Location and Extent use is appropriate for its proposed location and is consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s), and is not detrimental to the health, safety, and welfare of the inhabitants of Teller County.
2. **Compatibility With Surrounding Land Uses.** The proposed Location and Extent use is compatible with the character of surrounding land uses in the area and does not adversely affect adjoining and/or adjacent land uses.
3. **Is Properly Planned.** The proposed Location and Extent use has been properly planned, and fulfills the applicable Site Design and Critical Areas Standards of these Regulations, including adequate access, water, and wastewater/sanitary sewage disposal.
4. **Advantages Outweigh Disadvantages.** The advantages of the proposed Location and Extent use outweigh the disadvantages.
5. **Demonstrated Need.** There is a demonstrated community need for the proposal.

Section 8.5

**Section 8.5
TITLE 32 DISTRICTS AND OTHER ENTITIES**

- A. **Title 32 Districts.** For the purposes of these Regulations, ATitle 32 Districts@ are those entities to be formed pursuant to CRS Title 32 (CRS

' 32-1-101 *et seq*) in the unincorporated areas of Teller County, including ambulance districts, fire protection districts, health service districts, park and recreation districts, water districts, sanitation districts, water and sanitation districts; and multi-purpose metropolitan districts.

Section 8.5.A.1.b

1. **General Submittal Requirements.** Persons or entities proposing to organize a Title 32 District shall initially submit for review by Teller County the information required under Title 32 for the type of District proposed, and the following items if not otherwise included:
 - a. **Service Plan and Maps.** A proposed service plan complying with all statutory requirements for the type of district proposed, including a survey map or maps with legal description of the boundaries of the Title 32 District and its service area.
 - b. **Property Owners Names and Addresses.** The names and addresses of all property owners within the proposed Title 32 District compiled using the most recent County *ad valorem* tax rolls. Adjoining and/or adjacent property owners= names and addresses may also be required as necessary to meet statutory requirements for public notice.
 - c. **Mineral Interest Owners List.** Evidence of conformance with the requirements of CRS ' 24-65.5-103 on a form provided by Teller County.
 - d. **List of Interested Parties.** The names and addresses of all entities such as other taxing districts that could be affected by the formation of the proposed Title 32 District.
 - e. **Review Fees.** Payment of such review fees as are established by Teller County in accordance with the fee schedule established by Resolution of the Board of County Commissioners not to exceed the limits established by CRS.
2. **Review Procedure**
 - a. **Scheduling.** Upon receipt of the Title 32 District submittal and any supporting materials, a public hearing shall be scheduled before the Teller County Planning Commission on the earliest date that shall be in compliance with CRS for the type of Title 32 District proposed, and that also meets the statutory requirements for public notice.
 - b. **Public Notice.** Public Notice, including that to be given by Applicant, shall be given pursuant to the requirements of

Section 8.5.A.2.e

CRS for the type of Title 32 District proposed.

- c. **Agency Review.** At the discretion of the Planning Director, review and comment from Interested Parties and appropriate referral agencies may be solicited.
- d. **Staff Report.** After review of the submittal materials, and considering any comments from referral agencies, a Staff Report and recommendation shall be prepared in accordance with *Section 3.4.E* of these Regulations.
- e. **Planning Commission Hearing.** The Planning Commission shall, as authorized by the Title 32, Article 1 A Special District Act, @ within 30 days following filing of a Title 32, Article 1 Special District service plan with the Teller County Clerk and Recorder, evaluate the service plan, and consider the relevant support materials, the Staff Report, referral responses, and the testimony of the public or others given at the public hearing, and shall recommend in writing to the Board of County Commissioners approval, approval with conditions or disapproval of the proposed service plan making written findings according to the standards, criteria or other findings necessary under the Title 32, Article 1 Special District Act for that type of Title 32 Special District. If a proposed service plan is recommended for disapproval, recommendations shall be made, if possible, whereby approval might have been recommended.

The Planning Commission shall, as authorized in Title 32, or elsewhere, within 30 days following filing of a District service plan under Title 32 Articles **other than** Article 1, evaluate the service plan, consider the relevant support materials, the Staff Report, referral responses, and the testimony of the public or others given at the public hearing, and shall recommend to the Board of County Commissioners as provided in the other Articles of Title 32, or elsewhere.

- f. **Board of County Commissioners Hearing.** The Board of County Commissioners shall approve, approve with conditions, or disapprove the proposed service plan, making written findings according to the standards, criteria or other findings necessary under the Title 32, Article 1 A Special District Act, @ or in other Articles of Title 32 or elsewhere, for that type of Title 32 District, and subsequently formalize any approval of a proposed service plan by Resolution of the Board.
- g. **Standards.** The standards, criteria, or other findings

necessary for approval, approval with conditions, or disapproval of any district service plan, shall be those established pursuant to CRS for that type of district.

Section 8.5.A.3.d

- 3. Material Modifications of An Existing Service Plan.** Teller County considers Material Modifications of an existing service plan that require re-review of the service plan by the Planning Commission and Board of County Commissioners pursuant to the requirements for its original approval to include the following:
- a. The addition of new types of services.
 - b. Change in any service or facilities to be provided.
 - c. A decrease in the financial ability of the district to discharge existing or proposed indebtedness.
 - d. A decrease in existing or projected need for organized service in the area.
 - e. Inclusion of any additional property into the district.
 - f. Exclusion of any property from the district.
 - g. Change in the maximum mill levy.
 - h. Consolidation with any other district.
 - i. Except for assumed changes in conversion from constant dollars to current dollars, material changes in cost estimates provided.
 - j. Change in the dissolution date.
 - k. Change in the revenue source(s) for bonded indebtedness.
 - l. Failure to provide annual reports or other information required by CRS or the Service Plan to be provided to Teller County.
 - m. Reduction in any bond ratings or the failure of any credit enhancement technique.
 - n. Issuance of debt in any amount or type or at any time not authorized by the approved service plan.
 - o. Default in any of the terms and/or conditions of any Facilities Funding, Construction and Operations Agreement (FFCOA),

or any proposed or actual termination thereof, or any material alteration thereof.

- p. Other such changes that may constitute a change in the basic or essential nature of the original service plan.

B. Non-Title 32 Entities. Certain entities are exempt from Title 32 requirements, including those authorized under CRS Article 20, Title 30 County Government (including Public Projects, Local Improvement Districts, Recreation Districts, Cemetery Districts) and those authorized under CRS Title 7 Corporations and Associations, including Special Purpose Corporations such as Ditch and Reservoir Companies (CRS ' 7-42-101 *et seq.*) and Water Users= Associations (CRS ' 7-44-101 *et seq.*).

Section 8.5.B.1

1. **Submittal and Review Procedure.** When required by CRS, any person, individual, firm, corporation, partnership, or other entity, proposing to organize **other than** a Title 32 District in the unincorporated areas of Teller County shall submit for review by Teller County the information required for the type of district or entity proposed. Review by Teller County, if any as required under CRS, shall be in accordance with CRS for the type of district or entity proposed.
2. **Teller County An Interested Person or Party.** For the purposes of formation of other types of districts or entities as set forth in *Section 8.6.B*, Teller County shall be considered an interested party or interested person with all the rights and privileges thereof under statute.

ENDNOTE:

1. *Section 8.3.V. Mining.* Such agencies include the Colorado Department of Natural Resources, Colorado Division of Reclamation, Mining and Safety; Colorado Department of Natural Resources, Mined Land Reclamation Board; Colorado Department of Public Health and Environment - Water Quality Control Division; Colorado Department of Public Health and Environment - Air Pollution Control Division; Colorado Department of Public Health and Environment - Waste Management Division; Office of the State Engineer - Division of Water Resources; Colorado Water Rights Court; US Environmental Protection Agency; US Army Corps of Engineers; US Department of Alcohol, Tobacco, and Firearms; US Mine Safety and Health Administration; US Occupational Safety and Health Administration, and others.