

Chaffee County Land Use Code Rewrite

Module 1 Final BOCC Adoption Draft

NEW APPLICATION PROCEDURES: SITE PLAN REVIEW PROCESS

General Notes:

This section proposes a new process for Site Plan Review to provide a process that is primarily administrative with review by the Planning Commission for applications that meet a certain threshold.

4.2.5 Minor Site Plan Review Process. Applications for land use change subject to Minor Site Plan Review as identified in **Table 2.2, Use Table**, shall be reviewed by the Planning Department as follows.

A. Decision by Planning Director. Within fifteen (15) calendar days from the determination of completeness by staff (**Section 4.1.3 C**), the Planning Director or their designee shall review the application per **Section 4.1.3 E**, and shall approve, approve with conditions or deny the land use change application. The decision shall be based upon compliance of the proposed use with the applicable standards set forth in this code and **Article 7**.

- 1. Written Notice of Decision.** The Planning Director shall inform the applicant of the approval, conditions of approval or basis for denial in writing within seven (7) calendar days of the date of decision. Notice of the decision shall also be provided to the Board of County Commissioners.
- 2. Appeal of Decision or Call-up by Planning Commission.** The applicant may request reconsideration of the Planning Department's decision by the Planning Commission, or the Planning Commission may also decide to reconsider the decision using the process outlined in **Section 4.1.3 G**.

4.2.6 Major Site Plan Review Process. Applications for land use change subject to Major Site Plan Review as identified in **Table 2.2, Use Table**, shall be subject to the following review process, which requires Planning Commission approval.

A. Application Review. A Major Site Plan Review application shall only be submitted following a Pre-Application Conference as described in **Section 4.1.3 A**.

- 1. Review by Referral Agency.** The Planning Director or designee shall submit the application to the appropriate referral agencies in accordance with **Sections 4.1.3 D**. Referral agencies will be identified by staff at the Pre-Application Meeting.
- 2. Evaluation and Staff Review (Section 4.1.3 E).** The evaluation of the application shall incorporate comments by referral agencies.
- 3. Schedule Meeting with Planning Commission.** Once all comments from staff review have been satisfactorily addressed by the applicant, the Planning Department shall schedule the application for consideration by the Planning Commission.

- a. The application shall be scheduled for the next available Planning Commission meeting.
- b. The application does not require a public hearing.
- c. Notice of the meeting shall be made pursuant to **Section 1.3.5**.

B. Decision by Planning Commission. An application for land use change subject to Major Site Plan Review shall be considered by the Planning Commission at a public meeting. The Planning Commission shall approve, approve with conditions or deny the application per **Section 1.3.6**, based upon compliance with this code and the applicable standards set forth in **Article 7**.

- 1. **Written Notice of Decision.** The Planning Director or their designee shall inform the applicant of the approval, conditions of approval or basis for denial in writing within seven (7) calendar days of the date of the Planning Commission’s decision. Notice of the Planning Commission’s decision shall also be provided to the Board of County Commissioners.
- 2. **Appeal of Decision or Call-up by Board of County Commissioners.** The applicant may request reconsideration of the Planning Commission’s decision by the Board of County Commissioners, or the Board of County Commissioners may also decide to reconsider the decision using the process outlined in **Section 4.1.3 G**.

C. Amendments to an Approved Site Plan. Any proposal to change a site plan approved under these Regulations shall require application to the Planning Department for Amendment of an Approved Site Plan. The Planning Department shall review the application to determine whether the proposed change constitutes a substantial modification to the approved plan.

- 1. **Evaluation and Staff Review.** Upon determination of completeness by staff (**Section 4.1.3 C**), the Planning Department shall evaluate the application to determine if the proposed amendment(s) constitutes substantial modification to the approved site plan. A staff report shall be prepared pursuant to **Section 4.1.3 E**.
- 2. **Decision by Planning Department.** Within fifteen (15) calendar days of the date of determination of completeness, the Planning Director or designee shall make a determination as to whether the proposed change(s) constitutes a substantial modification to the approved plan per the following:
- 3. **No Substantial Modification.** If the change does not constitute a substantial modification to the approved site plan, the Planning Director or designee shall approve the proposed amendment to the site plan.
- 4. **Substantial Modification.** If the change constitutes a substantial modification, the site plan shall be considered a new site plan subject to full review under the applicable review process for the land use change application.
- 5. **Written Notice of Decision.** The Planning Director or designee shall inform the applicant and adjacent property owners of the determination in

writing within seven (7) calendar days of the date of decision. Notice of the decision shall also be provided to the Board of County Commissioners.

- 6. Appeal of Decision or Call-up by Board of County Commissioners.** The applicant may request reconsideration of the decision by the Board of County Commissioners, or the Board of County Commissioners may also decide to reconsider the decision using the process outlined in **Section 4.1.3 G.**

SPECIAL EVENT PERMITS

General Notes:

This section proposes to streamline and clarify the existing Special Events ordinance. In addition to this ordinance, it is recommended to create a new use for wedding / event venue in order to better address the needs of that specific use and determine what areas are most appropriate.

4.2.7 Special Event Permits.

- A. Purpose.** This Section provides for the regulation and permitting of Special Events as defined in **Section 4.2.7.C.** to ensure the orderly, compatible, and safe use of property for special events by requiring adequate provision of parking, sanitary facilities, utilities, telecommunications, County roadway management, and safety services in order to protect the health, safety, and welfare of the people of Chaffee County.
- B. Applicability.** This section shall apply to special events as defined in **Section 4.2.7.C.** Special Events Permits shall be applicable on public or private lands as well as for events that impact any County right-of-way, regardless of whether or not a temporary road closure (partial or full) is required.
- C. Definition.** Special Events are temporary uses of land, buildings, or structures, or a combination thereof, for a gathering of persons. Special Events are open to the public, whether by general access or through ticketed access, and may occur on public or private land and may be held for a commercial or nonprofit purpose. Examples of Special Events include but are not limited to: bicycle or vehicle races or rides; foot races or walks; carnivals; circuses; concerts, music festivals, shows, plays, or similar types of events; and gatherings of groups for fundraising or other activities. Events that exceed the parameters of the definition herein shall be associated with a Special Event Facility per Table 2.2, Use Matrix and associated standards.
- D. Attendees Defined.** For the purposes of this section calculations in Table 4.2.7.1 "attendees" shall mean the maximum anticipated number of participants and spectators of any single day of an event. Staff and/or volunteers shall not count toward the total number of attendees, unless the amount of such staff and/or volunteers would, in the determination of the Planning Director or designee, substantially alter the size and impact of the event.
- E. Eligibility.** A property, location or site may host no more than five (5) permitted special events in a calendar year.
- F. Exemptions.** The following Events are exempt from the requirements of obtaining a Special Event Permit:
 - 1. **Event Uses a Special Event Facility Approved for Special Events.** If an event is to be conducted in a permanent facility that was constructed and approved for such events, or on a site approved as a Special Event Facility use per Section 7.8.35, and the operation of the event complies with the conditions of the approval of the Special Event Facility.
 - 2. **Private Events.** An event that is reasonably considered to be a private social event (such as a graduation party, holiday family gathering,

wedding, funeral, picnic, or similar), has fewer than one hundred fifty (150) attendees, and maintains amplified sound at or below the levels defined in Section 4.2.7.L 2 below.

- G. Special Event Scoring Matrix.** Special Events application review shall follow the scoring matrix in Table 4.2.7.1. Events scoring two (2) points or more require a Special Events Permit.

Table 4.2.7.1

Event Feature	Points
149 or fewer attendees	0
150-249 attendees	1
250-999 attendees	2
1,000-4,999 attendees	3
5,000 or more attendees	4
On-site camping	1
Acquisition of a liquor license	1
Impacts to County roads including substantially increased traffic loads or need for traffic control	2
Multi-day event	2
Amplified sound (in excess of state statute)	3
Road closure request (partial or full)	3
Multi-year event permit change	4
Initial application for multi-year event	5

- H. Procedure.** Special Events procedures are per the below table (Table 4.2.7.2) and are based on the event score in the Special Event Scoring Matrix Table (Table 4.2.7.1).

Table 4.2.7.2

Event Score	Approval Body	Appeal Authority
0-1	No permit required	N/A
2-3	Administrative Review	BOCC
4	Administrative Review + Confirmation	BOCC
5 or more	Board of County Commissioners	LUC Section 1.3.7

- I. Special Events Permit Application.** The minimum application requirements and fees shall be as adopted by the Board of County Commissioners. Applications for administrative review shall be submitted a minimum of forty-five (45) calendar days prior to the event. Applications for Board of County Commissioner review shall be submitted a minimum of ninety (90) calendar days prior to the event. The County reserves the right to deny applications that are not submitted within the minimum timeframe.
- J. Application Review.** The Planning Department will review the application for completeness and determine if additional information is needed. The Planning Department shall have the ability to approve applications for special events administratively as per Table 4.2.7.2.
- 1. Review and Coordination with Referral Agencies.** When the application is for a Special Event that may have some impact on municipal services, the County will refer the application to the municipality for

comment and coordination. The County shall also refer the application to other referral agencies that may be impacted by the Special Event.

2. **Administrative Approval.** If the event score results in two to three (2-3) points per Table 4.2.7.2, a designated Planning Department staff member shall process the application within the department. The Planning Director, at their sole discretion, may require a public hearing at the Board of County Commissioners if they determine that the application impacts neighboring properties due to excessive noise, access and road closures, or other impacts as defined in this section.
3. **Administrative Review + Confirmation.** If the event score results in four (4) points per Table 4.2.7.2, two designated members of the Planning Department shall review the application independently and the Planning Director or designee shall coordinate approval or denial of the application.
4. **Board of County Commissioners Review.** If the event score results in five (5) or more points per Table 4.2.7.2, the application shall be considered by the Board of County Commissioners. Any application heard by the Board of County Commissioners shall be pursuant to a public hearing advertised per Section 1.3.5.
5. **Action on Application.** The Planning Department or Board of County Commissioners, as applicable, shall consider the following criteria, and shall either approve, approve with conditions, or deny the application. The Planning Director shall inform the applicant of the approval, conditions of approval or basis for denial in writing within seven (7) calendar days of the date of decision. Notice of the decision shall also be provided to the affected municipalities, referral agencies, departments, and approval bodies, as appropriate.
6. The following criteria must be met for Permit approval:
 - a. The event meets the criteria to be considered a Special Event.
 - b. The event is consistent with the public health, safety, and welfare requirements of the County. Specifically, the event will not be unduly hazardous to participants or County residents and visitors and there are sufficient resources to manage County road impacts, traffic patterns, detours, traffic control, and emergency services. Any adverse impacts to on-site and off-site properties, County infrastructure and emergency service providers have been adequately mitigated.
 - c. The event will not substantially interfere with any construction or maintenance work scheduled to take place on or near any affected public right-of-way.
 - d. The event does not conflict with an application approved prior to the subject application.
 - e. The event is capable of complying with applicable regulations.
 - f. Referral agencies have reviewed the application and the applicant is able to comply with the standards required for the event by each referral agency.
 - g. If another jurisdiction has superior jurisdiction with respect to the event, that jurisdiction has first issued its permit.
 - h. Standards of operation have been or will be met.

- i. All submittals have been provided and all fees have been paid. Information contained in such submittals appears to be substantially complete and accurate.

7. Appeal of Decision or Call-up by Board of County Commissioners.

The applicant may request reconsideration of an administrative decision by the Board of County Commissioners, or the Board of County Commissioners may also decide to consider the decision using the process outlined in **Section 4.1.3 G**, explaining the issues being appealed and the reason the administrative action is believed to necessitate review.

K. Permit Conditions. If permit application approval is granted, the County may impose such conditions as it reasonably deems to be necessary to provide that the Special Event shall comply with the representations set forth in the application, standards of operation, applicable regulations, and does not significantly negatively impact on-site or off-site properties, County infrastructure, emergency service providers, or public health, safety and welfare, including (without limitation) the following:

- 1. Bond and Clean-up Deposit.** Provision for a bond and damage or clean-up deposit, or other financial guarantee to provide that the site is restored to its condition prior to the event and any damages are repaired.
- 2. Referral Agency Fees.** Provision for a bond or other financial guarantee to referral agencies as required to cover the cost of providing service and/or mitigate impacts of the event.
- 3. Operational Limitations.** Operational limitations, including but not limited to, limits on the maximum daily attendance and the event's hours of operation, and limitations on exterior lighting, noise and parking.
- 4. Non-Transferable.** Permits may be transferred to another party only with the written consent of the approval authority.

L. Duration of Permit. A Special Event Permit shall be valid for the duration of the event function for which the application was approved, but in no case shall the permit be valid for more than a consecutive 10-day event period (including setup and takedown) unless specifically approved in advance of the event by the Planning Department or the Board of County Commissioners, as applicable.

- 1. Permit Extension.** An applicant may request that the duration of the permit be extended by submitting a letter of request to the Planning Department, who shall process the request in the same manner as the original application.
- 2. Permit Revocation.** Prior to or during the Special Event, if the applicant fails to comply with required permit conditions, operational standards or representations by the applicant that affect the health safety or welfare of the public, the Special Event Permit may be revoked by the Planning Director. The Sheriff or their designee has the right to halt any Special Event due to an emergency situation affecting public safety such as fires, floods, or similar events.
- 3. Multi-Year Permits.** A permit may be administratively renewed for an annual event with acknowledgement by referral agencies. The renewal of such permit shall be subject to the following criteria:
 - a. The event takes place no more than once per calendar year where

the duration of the event is no more than ten consecutive (10) days (including setup and takedown) unless specifically approved in the original permit.

- b. The event is consistent in size, scope, impact, and operations as stated within the original approved permit. The Planning Department shall have the ability to require a new application and review should the event change markedly in the size, scope, impact, or operations or the permittee fails to comply with permit requirements.
- c. Conditions and/or circumstances within the County and/or affected municipalities have not markedly changed such that the event's expected impacts to the community may be substantially different than at the time of original permit issuance.

M. Standards of Operation. An applicant for a Special Event Permit shall demonstrate that the event will comply with all applicable local and State regulations. Unless otherwise specified in the Permit, all events shall comply with the following:

1. **Temporary Structures.** Event tents and other temporary structures shall meet the requirements of the applicable fire protection district and shall meet the accessory use setback requirements in this Land Use Code. All grandstands, bleachers, scaffolding and platforms and other structures shall be constructed pursuant to requirements of the Chaffee County Building Department, when applicable. When determined necessary by the Building Inspector, plans showing structural details shall be submitted for review before construction begins.
2. **Amplified Sound and Noise Parameters.** Any event shall comply with all State noise regulations unless specifically approved otherwise by the Special Event Permit issuing entity.
3. **Parking Plan.** Vehicles shall not be parked in any manner that would create a hazard as determined either by the Sheriff's Department or the Road and Bridge Department. Parking along a County Road is not allowed unless specifically requested in the application and approved by the County within the permit.
4. **Electrical Connections.** Any temporary electrical hookups shall obtain inspections and permits as required by the County and comply with the requirements of the power provider.
5. **Overnight Camping.** If an event includes overnight camping, it must be on-site and meet all other requirements of this Section with regards to sanitation facilities, refuse management, noise limitations, and similar requirements.
6. **Sanitation Facilities.** Enclosed toilets meeting all state and local specifications, as determined by the Chaffee County Department of Public Health and Environmental Health, shall be conveniently located throughout the event, sufficient to provide healthful facilities for the maximum number of event attendees anticipated at any single time.. Sanitation facilities shall comply with the federal Americans with Disabilities Act accessibility guidelines, which require that five percent (5%) of the total number, and no less than one (1) toilet facility per each

cluster of toilet facilities, must be accessible to attendees with disabilities.

7. **Refuse Management.** All solid waste, litter and recyclable materials shall be removed from the site within 24 hours following conclusion of the event. For multiple-day events and events with on-site camping, the grounds shall be maintained during each day of the event with no accumulations on- or offsite that would create a nuisance or pose a health hazard. The applicant must comply with the approved litter containment and refuse management plan as well as comply with waste reduction strategies contained within the County's Sustainably Development Plan.
8. **Amusement Rides.** All mechanical equipment associated with amusement rides shall conform to the applicable requirements of U.S. Consumer Product Safety Commission. All applicable licenses or certifications shall be provided to the Planning Department as a condition of permit issuance. The County reserves the right to require an inspection by a qualified professional engineer licensed in the State of Colorado at the applicant's expense in addition to any inspections required by the Safety Commission.
9. **Emergency Services Operational Standards.** Identification of the operational standards will be determined by the County based on the projected number of attendees, the location and duration of the event, access to the event, and the nature of the event.
 - a. **Traffic, Parking, and Public Safety.** In consultation with the Chaffee County Sheriff, the applicable fire protection district, the Emergency Services (EMS) Director, the Emergency Management Director, and the Road and Bridge Department, the applicant may be required to develop and submit a plan for traffic circulation and control, including requirements for parking and for emergency service vehicle access, dust control, and general event signage. The adequacy of the plans shall be determined by the consulted agencies, and agencies shall provide a written estimated cost figure to the Planning Department for any services required from their departments. The estimated cost of such plan shall be paid by the applicant at the time the permit is issued. Any required service agreements shall also be executed at the time the permit is issued.
 - b. **Sheriff's Personnel.** Upon receiving a special events referral from the Planning Department, the Sheriff's Department shall have the authority to determine if additional law enforcement personnel will be needed to regulate traffic, crowd control, and public safety needs associated with the event, and shall provide a written estimated cost figure to the Planning Department. The estimated cost of such activity shall be paid by the applicant at the time the permit is issued. Any required service agreements shall also be executed at the time the permit is issued.
 - c. **Emergency Management and EMS Personnel.** The County's offices of Emergency Management (EM) and EMS, upon receiving a referral of an application for a Special Events application from the Planning Department, shall have the authority to determine if additional emergency services personnel and ambulances and similar equipment will be needed on standby at the event, EM and EMS and shall provide a written estimated cost figure to the Planning Department. The estimated cost of such activity shall be

paid by the applicant at the time the permit is issued. Any required service agreements shall also be executed at the time the permit is issued.

10. **Hours of Operation.** Hours during which the normal activity of a Special Event may take place shall be between 7 a.m. and 10 p.m. unless otherwise specified in the Special Event Permit. Hours of operation may be extended up to one hour due to a weather event that causes delay.
11. **Animal Control.** All domestic and exotic animals associated with the event shall comply with local and State regulations and be controlled on the parcel on which the Special Event is permitted unless otherwise specified in the Special Event Permit.
12. **Noxious Weed Mitigation.** If the Special Event involves construction activities or other activities that may contribute to the spread of noxious weeds, it shall comply with the Chaffee County weed management plan, State law, and direction of the County Weed Supervisor.

RIGHT OF WAY VACATION

General Notes:

This section proposes additional criteria for the review and consideration of right-of-way vacations.

5.2.3 Additional Types of Subdivision Exemptions. The Board of County Commissioners has established the following additional types of subdivision exemptions.

- H. Road and Alley Vacations.** Vacations of public roads are subdivision exemptions. A resolution of the Board of County Commissioners is required. If the Road or street is within a platted Townsite or subdivision, the plat shall be designated as a replat of a portion of the Townsite or subdivision, and the portions of the road or alley vacated shall be incorporated into the adjacent lots. Criteria specific to road or alley vacations are established in CRS 43-2-303 and shall meet the following criteria:
1. The vacation will not create a land-locked parcel without direct access onto a public road or an established public or private access easement connecting said parcel with an established public road;
 2. The vacation is consistent with the Comprehensive Plan and other adopted County policies and plans, including any adopted Transportation Plan, Sub-Area Plan, Trails Master Plan, or streets/roadway plan;
 3. The vacation will comply with applicable zone district standards and all dimensional, design and development standards in this Land Use Code;
 4. The right-of-way is not being used for any governmental purpose;
 5. All portions of the right-of-way are within the County and not within the limits of any city or town;
 6. None of the right-of-way to be vacated constitutes a boundary line between two jurisdictions of the County;
 7. The land to be vacated is no longer necessary for current or future public use and convenience;

8. The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of public facilities or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service; and
9. Rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, telecommunications, and similar lines and appurtenances.

WILDLAND URBAN INTERFACE

General Notes:

This is a new section that defines the Wildland Urban Interface and basic development standards to ensure protection of life and structure in this vulnerable development area.

7.1.10 Wildland Urban Interface

- A. Definition.** The Wildland Urban Interface (WUI) is that geographical area where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.
- B. Intent.** The intent and purpose of these design standards are to require that certain wildfire mitigation improvements are completed prior to the issuance of permits for all principal structures on properties within the WUI. Implementation of these improvements will reduce wildfire hazards to landowners, their property, and homes, as well as providing safe areas for firefighters to conduct fire suppression activities as well as prevent the spread of wildfire and threat to community assets such as drinking water supply.
- C. Applicability.** All development within the Wildland Urban Interface as defined by the Chaffee County Community Wildfire Protection Plan, as amended, shall conform to the current International Wildland Urban Interface Code (IWUIC) as amended.
- D. Secondary Access.** Properties larger than ten (10) acres in size shall have an alternate access road (fire-trail or two-track) in addition to their primary access road/driveway that is reviewed and approved by the local fire protection district. Where steep slopes or narrow lots prohibit compliance with this standard, the property owner shall work with the fire protection district to develop an alternative plan.
- E. Driveways.** All driveways shall maintain a minimum clear width and vertical clearance of fourteen (14) feet.
 1. The average driveway slope shall not exceed eight percent (8%) unless an alternate approach has been approved by the appropriate fire protection district, which could include internal sprinklers for habitable space.
 2. Driveways over one hundred fifty (150) feet in length shall provide a turnaround for emergency vehicles.

3. Driveways over four hundred (400) feet in length shall provide turnouts every four hundred (400) feet in addition to the turnaround required in 7.1.10.E.2.

F. Address Markers. All developed properties shall have a permanently posted, reflective, address sign with minimum four inch (4") letters that is placed at each driveway entrance above snow-line and visible from both directions of travel along the road that intersects with the driveway. For the purpose of emergency response, in all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter by the property owner.

G. Defensible Space. All subdivisions in the WUI shall be designed to accommodate defensible space for each dwelling unit. A mitigation plan for vegetative management and defensible space/fire safety shall be submitted with building permit for principal building construction and reviewed by the Planning Department for compliance with the Colorado State Forest Service defensible space standards.

H. Building Materials. Building materials shall be in conformance with IWUI standards, Colorado State Forest Service wildfire mitigation standards, and local building code to include the following:

1. Class A, ignition resistant roof materials;
2. Ignition resistant siding, including but not limited to, six inch (6") diameter log construction, fiber cement board, 3-stage stucco, masonry, brick, manufactured stone, or similar, located a minimum of six (6) inches above the ground;
3. Vent screens shall be one eighth inch (1/8") screen or otherwise specifically designed to prevent intrusion of fire embers;
4. Spark-arrestors must be installed on all wood or pellet burning stoves;
5. Non-combustible decking;
6. Tempered glass windows with a minimum of two (2) panes; and
7. Gutters shall be constructed of ignition resistant materials.

I. Building Additions. Building additions shall be in conformance with the requirements of this section. Existing buildings or portions of buildings not affected by an addition or alteration shall be exempt from upgrading to the building material standards in Section 7.1.10.H above.

ACCESSORY DWELLING UNITS

General Notes:

This section proposes to better define Accessory Dwelling units, the number allowed per property, and occupancy restrictions to ensure they are able encouraged as a long term housing option.

Table 2.2 – Use Table

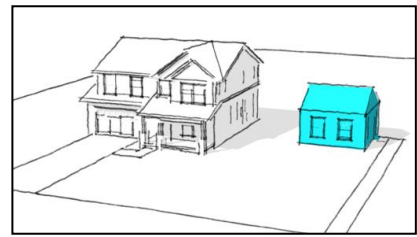
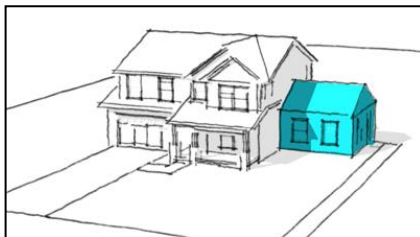
P = Permitted subject to Certificate of Zoning Compliance (Section 4.2.1) A=Administrative Review (Section 4.2.2) L = Limited Impact Review (Section 4.2.3) M= Major Impact Review (Section 4.2.4) NP = Not Permitted USE	ZONE DISTRICT						
	RECREATIONAL REC	RURAL RUR	RESIDENTIAL RES	RURAL COMMERCIAL RECREATIONAL RCR	COMMERCIAL COM	INDUSTRIAL IND	USE SPECIFIC STANDARD
Accessory Dwelling Unit, Attached	L	P	P	P	P	P	7.8.1
Accessory Dwelling Unit, Detached	NP	A	A	A	NP	NP	7.8.1

7.8.1 Accessory Dwelling Unit (ADU).

A. Definition. As defined in Chapter 15 of this Land Use Code.



Integrated ADUs



Detached ADU

- B. Density Limitations.** ADUs shall comply with all density limitations of the associated zone district.
- C. Dimensional Limitations.** An ADU shall conform to all setback, height, and other dimensional limitations of the associated zone district.
- D. Location with Respect to Principal Structure.** An ADU may be either attached or detached from the structure housing the principal use. Detached ADUs located in the Wildland Urban Interface as defined in Section 7.1.10 shall be located within fifty (50) feet of the principal structure and meet all defensible space standards between the structures.
- E. Maximum Floor Area.** Each ADU shall not exceed the maximum size per Table 2.2.1 below:

Table 2.2.1

Zone District	Maximum Individual Unit Size	Maximum Cumulative ADU Size
RES, RCR, COM, & IND	1,000 square feet or 75% of the principal	2,000 square feet

	structure, whichever is smaller	
REC & RUR	1,500 square feet or 75% of the principal structure, whichever is smaller	3,000 square feet

F. Adequate Utilities Required. Each ADU shall include adequate water supply and wastewater sanitation facilities in conformance with Colorado Department of Public Health and Environment (CDPHE), Colorado Division of Water Resources (CDWR), and Chaffee County Onsite Wastewater Treatment System (OWTS) standards. Applicant shall provide verification of CDPHE, CDWR, and OWST approval of water and wastewater sanitation facilities at time of Building Permit Application.

Additionally:

1. ADUs to be connected to public water and sewer services shall provide will serve letter(s) from the local utility provider(s).
2. ADUS to be connected to well and septic shall meet the following standards:
 - a. The septic system shall meet capacity requirements of Chaffee County OWTS standards and CDPHE for number of dwelling units.
 - b. Where existing septic capacity does not support the additional dwelling unit, the existing septic system shall be expanded or a new dedicated septic system installed to serve the ADU per Chaffee County OWTS standards and CDPHE.
 - c. For properties of thirty five (35) acres or more, connected to a domestic use well, one ADU shall be permitted with a letter of well use compliance from the CDWR.
 - d. For properties on less than thirty five (35) acres one ADU shall be permitted only if a CDWR permit is submitted allowing one (1) additional dwelling unit.
 - e. A certificate of augmentation shall be acquired from UAWCD where an existing well is being augmented to accommodate the additional dwelling unit.
3. Water resource studies at the time of subdivision application must include the potential for maximum number of ADUs as a measure of potential water usage.

G. Parking. Each ADU shall provide for at least one (1) off-street parking space.

H. Multiple ADUs. One (1) ADU may be allowed per property within zone districts where ADUs are allowed and per requirements of this Section. An additional ADU, up to a maximum of two (2) ADUs, may be allowed per property if connected to public water and sewer services and if density requirements can be met.

- I. Existing principal dwellings may become accessory to a new principal dwelling if the existing dwelling is 1,000 square feet in size or smaller and both dwellings can meet the requirements of Table 2.2.1.

AGRITOURISM

General Notes:
This section proposes a new definition for agritourism and proposes minimal use standards.

Table 2.2 – Use Table

P = Permitted subject to Certificate of Zoning Compliance (Section 4.2.1) A=Administrative Review (Section 4.2.2) L = Limited Impact Review (Section 4.2.3) M= Major Impact Review (Section 4.2.4) NP = Not Permitted USE	ZONE DISTRICT						
	RECREATIONAL REC	RURAL RUR	RESIDENTIAL RES	RURAL COMMERCIAL RECREATIONAL RCR	COMMERCIAL COM	INDUSTRIAL IND	USE SPECIFIC STANDARD
Agritourism, agritainment	P	P	L	P	P	P	7.8.2

7.8.2 Agritourism, agritainment

- A. **Definition.** Any activity carried out on a farm or ranch that allows members of the general public to view or enjoy rural activities including, but not limited to, farming, ranching, historic or cultural activities, on-site educational programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, bed and breakfast accommodations, dude ranch accommodations, horseback riding, hunting, fishing, picking fruit or vegetables, feeding animals, learning about production of farm products, and camping. An activity is an agritourism activity whether or not the participant paid to participate in the activity.
- B. **Applicability.** This use is applicable to land that qualifies for the Agricultural Tax Status as verified with the County Assessor records. Activities and/or events that exceed the exemptions for a Special Event per Section 4.2.6.E shall apply for a special event permit.
- C. **Parking.** Regardless of the on-farm activity, all guest parking shall be on-site and meet the dimensional requirements of Article 7.4.
- D. **Overnight Accommodations.** Overnight accommodations may be allowed as approved by applicable permits, licenses, and approvals for the associated use.

SHORT TERM RENTALS

General Notes:
This section incorporates the existing ordinance adopted in 2021 and any relevant changes or additions based on the assessment of the existing ordinance.

Table 2.2 – Use Table

P = Permitted subject to Certificate of Zoning Compliance	ZONE DISTRICT
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(Section 4.2.1) A=Administrative Review (Section 4.2.2) L = Limited Impact Review (Section 4.2.3) M= Major Impact Review (Section 4.2.4) NP = Not Permitted USE	RECREATIONAL REC	RURAL RUR	RESIDENTIAL RES	RURAL COMMERCIAL RECREATIONAL RCR	COMMERCIAL COM	INDUSTRIAL IND	USE SPECIFIC STANDARD
Short-Term Rental	A	A	A	A	A	NP	7.8.34

7.8.34 Short Term Rentals. The following standards shall apply to all short-term rentals:

A. Definitions. The following definitions shall apply to this section:

Chaffee County Resident Owner means a natural person who intends to lease or leases the property or a portion thereof as a short-term rental unit and has their primary residence in either the incorporated or unincorporated portions of Chaffee County and whose name appears on the deed of the property. For the purpose of determining full-time residency the property owner must show legal proof of primary residence; such requirements will be established by staff but should include documentation of a current tax return (redacted) showing residency within Chaffee County and two of the following items: a current and valid voter registration card, current and valid vehicle registration, or a current and valid Colorado identification card, reflecting a physical address located within Chaffee County.

Chaffee County Resident Owner Entity means an owner of a property that is either an entity registered with the Colorado Secretary of State (such as an LLC, LLP corporation or similar) or a trust, within the unincorporated portions of Chaffee County who intends to lease or leases the property or a portion thereof as a short-term rental unit and is one hundred (100) percent owned by a Chaffee County Resident Owner or, for the purposes of a trust, the beneficiary of the trust is a natural person that is a Chaffee County Resident Owner and who shall show proof of full-time residency as required for a Chaffee County Resident Owner. Chaffee County Resident Owner Entity’s name must appear on the deed of the property seeking a short-term rental license.

Local agent means a management company or a full-time resident who is identified by an applicant as the responsible agent in the application for a short-term rental license and who is physically based in Chaffee County. The local agent may be the owner of the short term short-term rental unit or a property manager and must have access to the short-term rental unit, authority to assume management of the short-term rental unit, and the ability to take remedial measures as necessary.

Long-Term Rental means the rental or leasing of properties for thirty (30) or more consecutive calendar days to a single renter or lessee.

Owner means the owner of a property within the unincorporated portions of Chaffee County who intends to lease or leases the property or a portion thereof as a short-term rental unit.

Renter means the party to a written lease or rental agreement that has obtained the temporary right to use and occupy a short-term rental unit or a portion thereof for a term of thirty (30) consecutive calendar days or less.

Short-term rental means rental or lease of all or a portion of a residential structure for less than thirty (30) consecutive calendar days. .

- B. Applicability.** This section does not apply to hotels, motels, lodges, hostels, bed-and-breakfast establishments, long-term rental units, guest ranches, agritourism, or campgrounds as a primary use. Historic vacation rental sites that can verify that they have been operating as short-term rentals for more than fifty (50) years prior to the year 2022 are exempt from the permit issuance requirement and shall not count against the maximum number of licenses available as set forth herein but shall still be required meet the use standards or receive applicable exemptions.

This section does not supersede any PUDs with approved short-term rentals, private covenants, or restrictions prohibiting short-term rental units. This section shall not regulate a short-term rental unit during periods when the property is not being used as a short-term rental unit and is instead being used solely for personal use by the owner of such property. .

- C. Maximum Number of Licenses Per Year.** There shall be a maximum of three hundred ten (310) short-term rental licenses available per year (February 1st through January 31st).

- D. Eligibility.** The short-term rental property shall either be owned by a local resident or rented long term to the local workforce for a period of three (3) years prior to eligibility for application for a short-term rental license.

1. Where a property contains both principal and accessory dwelling units on-site, only one dwelling shall be eligible for a short-term rental license.

- E. Use Standards.** All short-term rentals shall comply with the following standards in addition to the licensing requirements in this section:

1. Quiet Hours. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m.
2. Nuisance. No short-term rental shall be operated in such a way as to constitute a nuisance.
3. Occupancy. The maximum number of occupants permitted in a short-term rental shall be established at the time of initial unit licensing and shall be determined by the Planning Department based on factors including, but not limited to, unit size, number of bedrooms, water adequacy, and septic capacity.
4. Events, such as concerts and wedding events, are prohibited.

- F. Licenses Required.** It is unlawful for an Owner to lease or rent, advertise for lease or rent, or permit the leasing or renting of any short-term rental unit within the County without a valid license issued by the County pursuant to this section. During the term of the license, license holder shall include the specific

license number for the short-term rental unit on any and all rental advertisement listings.

1. It shall be a violation of the Land Use Code for an Owner without a valid license to rent or lease a property as a Long-Term Rental with the intent for the occupancy of the renter or lessee to resemble that of a Short-Term Rental.

G. Application Requirements. A complete application for a short-term rental license must be submitted to the County. The application shall be in writing on forms provided and approved by the County or submitted through any on-line application process approved by the County. In addition to any other requirements in the Land Use Code, the following documents and information must be included with the application for the application to be considered complete:

1. The name, address, and contact information of the local agent for the proposed short-term rental unit;
2. Any requirements of the Land Use Code, including but not limited to:
 - a. Sales and lodging tax license;
 - b. A site plan showing the location of the buildings on the property including off-street parking spaces;
 - c. A scaled floor plan noting the location of necessary egress windows, fire extinguishers, smoke alarms, and carbon monoxide detectors;
 - d. Verification of adequate wastewater treatment system that is adequately sized for the maximum possible number of renters for the short-term rental unit as stated in the application;
 - e. Fire safety inspection if required by the fire protection district; and
 - g. If necessary for a Chaffee County Resident Owner or Chaffee County Resident Owner Entity, proof of primary residence within Chaffee County.
 - i. License fee payment.

H. License Fee. All fees as set forth by the Board of County Commissioners by resolution as may be amended from time to time, which shall be due at the time of short-term rental unit license application.

I. Application Approval. Short-term rental license applications shall be administratively reviewed and approved by the County's designee(s), following the process outlined in herein and in Section 4 of this Land Use Code. The County's designee(s) shall not approve an application for a short-term rental license or issue a short-term rental license unless:

1. Applicant has submitted a complete application, including payment of all applicable fees;

2. Applicant has provided proof of a current filing of a Personal Property Declaration with the Chaffee County Assessor's Office detailing all personal property in the short-term rental unit;
3. Applicant has provided proof the short-term rental unit is currently up to date on all assessed property taxes;
4. The proposed short-term rental unit does not exceed the maximum number of licenses available per year, as stated and enumerated herein; and
5. The proposed short-term rental unit is in compliance with all applicable County codes and ordinances.

J. Term of License.

1. **Term.** All short-term rental licenses shall be effective from February 1st through January 31st each year regardless of issuance date. Applicants shall be responsible for paying the entire fee, regardless of when applicant applies or is issued a short-term rental license. County staff shall process all timely received applications by January 30th. Afterwards staff will process any applications received up to the maximum number of licenses as set forth herein.
2. **Renewal.** All short-term rental licenses must be renewed annually or will automatically lapse. All renewal applications must be submitted online prior to January 10th on forms provided and approved by the County or submitted through any on-line application process approved by the County, and will be reviewed and processed in the order received based on date and time stamp of submission.
 - a. All short-term rental licenses and renewals shall be subject to the maximum number of licenses as set forth herein.
 - b. All renewal applications meeting the requirements herein and submitted by the deadline and with the applicant in good standing will be approved up to the maximum number of licenses as set forth herein.
 - c. Any license renewal or new license applications received after the deadline set forth herein may be considered on a first-come, first-served based on the short-term rental license maximum number of licenses basis.
 - d. Notwithstanding the foregoing, if the short-term rental license maximum number of licenses is met for a given year, applicants will be placed on a waiting list on a first-come, first-served basis in the order of the receipt of a complete application, which will be rolled over to the subsequent year. Chaffee County Resident Owners and Chaffee County Resident Owner Entities will be given priority over non-resident applicants to apply for a short-term rental license for the following license year if the following year's maximum number of licenses is not met. (As an example, if Jane Doe, a Chaffee County Resident Owner, applies for a short-term rental license in 2021 and the cap in 2021 is ten and all ten license have already been issued, Jane Doe will be placed on the waiting list. If in 2022 only nine of the ten prior short-term rental licenses are renewed, Jane Doe will be allowed to apply for the one available license.)

K. Limitations and Requirements.

- 1. Local Agent.** The Local Agent shall be available to respond to complaints or violations of any applicable law, code or regulation regarding the property twenty-four (24) hours a day, seven (7) days a week. Local Agents must respond to complaints, regardless of the source of the complaint, involving the short-term rental unit within twenty-four (24) hours and shall respond to emergencies at the short-term rental unit within one (1) hour of the agent’s receipt of notice of the emergency.
- 2. Non-Transferability.** No short-term rental license granted pursuant this Land Use Code shall be transferable to a different applicant, natural person, owner, entity, or property.

- L. Appeal.** An applicant may appeal a denial of their application to the Board of County Commissioners using the process outlined in **Section 4.1.3 G.**

NEW USE: SPECIAL EVENT FACILITY

General Notes:
This is a new section proposed to provide a specific use to house special events as an alternative for properties that are developed for the express purpose of housing special events or for accessory use on properties specifically to hold multiple special events per year as a source of income.

Table 2.2 – Use Table

P = Permitted subject to Certificate of Zoning Compliance (Section 4.2.1) A=Administrative Review (Section 4.2.2) L = Limited Impact Review (Section 4.2.3) M= Major Impact Review (Section 4.2.4) NP = Not Permitted USE	ZONE DISTRICT						
	RECREATIONAL REC	RURAL RUR	RESIDENTIAL RES	RURAL COMMERCIAL RECREATIONAL RCR	COMMERCIAL COM	INDUSTRIAL IND	USE SPECIFIC STANDARD
Special Event Facility, Small	L	L	L	L	L	L	7.8.35
Special Event Facility, Large	M	M	M	L	L	L	7.8.35

7.8.35 Special Event Facility.

- A. Definitions.** A Special Event Facility is a facility or property used by groups of people to congregate for such purposes as education, meetings, conferences, social gatherings, religious or spiritual activities, seminars, or weddings and which may provide meals, services, and recreation for participants during the period of the event or program only. Examples of facilities could include fairgrounds, hot springs, concert venues, outdoor theaters, or convention centers. Events held at a county-approved special event facility shall be exempt from acquiring a Special Event Permit for each event held at the facility and shall not be limited to the minimum number of events per section 4.2.7.
- 1.** Small Special Event Facilities shall be those that are designed to host only such events that are anticipated to have lesser impact as indicated by a score of three (3) points or less in the Special Event Scoring Matrix in Section 4.2.7, or as otherwise specifically outlined in the approval of the application for the Special Event Facility. Any Special Event occurring

at a small Special Event Facility that would score more than three (3) points on the Special Event Scoring Matrix in Section 4.2.7 shall require a Special Event Permit pursuant to Section 4.2.7..

2. Large Special Event Facilities shall be those that are designed to host events anticipated to have a larger impact on surrounding properties as indicated by a score of more than three (3) points in the Special Event Scoring Matrix in Section 4.2.7.

B. Use standards.

1. All vehicular parking shall be provided entirely on-site.
2. Hours of operation shall be limited to the hours of 7:00 am to 10:00 pm daily
3. All lighting and illumination of outdoor facilities shall be turned off within one (1) hour of conclusion of the event.
4. The applicant will need to provide verification of wastewater treatment system based on Colorado Department of Health and Public Environment (CDPHE). Applicant is responsible for any fees associated with reviews.
5. The special event facility shall comply with all requirements of the local fire district, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
6. A commercial kitchen facility requires additional review and approval from the state and local health departments. Applicant is responsible for any fees associated with reviews.
7. Overnight accommodations may be allowed with prior approval and in conformance with applicable sections of this Land Use Code.

NEW USE: BED AND BREAKFAST

General Notes:
This new section was developed to single out Bed and Breakfast as a use separate from short-term rentals, where this use was originally housed, and spell out additional use standards..

Table 2.2 – Use Table

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	RECREATIONAL REC	RURAL RUR	RESIDENTIAL RES	RURAL COMMERCIAL RECREATIONAL RCR	COMMERCIAL COM	INDUSTRIAL IND	USE SPECIFIC STANDARD
USE							
Bed and Breakfast	A	A	L	A	A	NP	7.8.36

7.8.36 Bed and Breakfast

A. Definition. A Bed and Breakfast is a primary dwelling unit that is owner-occupied where short-term lodging is provided through the rental of rooms to the general public for compensation, with common dining and cooking facilities.

B. Use standards

- 1.** Verification of wastewater treatment system adequacy based on Colorado Department of Public Health and Environment (CDPHE) standards. Applicant is responsible for any fees associated with reviews.
- 2.** The Bed and Breakfast must maintain the residential character of the area in which it is located by including physical characteristics indicative of a residential area such as residential-scaled building features, landscaped yards, and porches.
- 3.** No business, storage, or warehousing of material, supplies, or equipment is allowed outside.
- 4.** One parking stall for each bedroom must be provided on-site for all residents, visitors, guests, and employees.
- 5.** On-premises signs identifying or advertising the Bed and Breakfast are limited to one unlit wall sign no larger than nine (9) square feet in area.
- 6.** Central dining facilities shall be provided for guests.
- 8.** The Bed and Breakfast shall comply with all requirements of the local fire district, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.