

AGENDA
RIDGWAY AREA JOINT PLANNING BOARD &
OURAY COUNTY PLANNING COMMISSION
REGULAR MEETING & WORKSHOP

June 21, 2016, 5 – 8:00 p.m.
Meeting to be held at the Ouray County Land Use Office
111 Mall Road, Ridgway, Colorado

*If all agenda items are not covered in this time frame they may be continued until the next regular meeting. ***Times are approximate and subject to change***. If an item is finished early the Planning Commission will move directly to the next agenda item. If not a Public Hearing, public comment may or may not be taken during the meeting. Action may be taken at the conclusion of public hearings.*

I. Call to Order - Regular Meeting of the Ridgway Area Joint Planning Board (5:00 PM)

1. Public Hearing (5:00 PM); The purpose of the hearing is to review and make a recommendation to the Board of County Commissioners on a request by Mark Shambaugh, authorized agent for Emagene Calvert, for approval of a Special Use Permit for a Commercial Equestrian Center to be located at 5040 County Road 24.
2. Request for authorization to allow the Ouray County Planning Commission to approve the minutes for the hearing.
3. Adjourn Regular Meeting

II. Call to Order –Workshop of the Ouray County Planning Commission

1. Discussion regarding a potentially new Land Use Code Section pertaining to non-mining development on patented mining claims and mill sites in the high country areas of the county.

Note: The public is encouraged to provide written comments no later than 2 days prior to the meeting date.

Copies of land use applications or workshop materials can be obtained at the Land Use Office at 111 Mall Road, Ridgway, CO; by calling 970.626.9775 or e-mailing mcastrodale@ouraycountyco.gov. Comments on the agenda items may be sent to Mark Castrodale, County Planner, P.O. Box 28, Ridgway, CO 81432

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Ridgway Area Joint Planning Board
Commercial Equestrian Special Use Permit
Public Hearing Materials

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LAND USE DEPARTMENT

STAFF REPORT

May 31, 2016

Application:	Special Use Permit
Specific Use:	Commercial Equestrian Activity
Applicant/Agent:	Mark Shambaugh
Property Owner:	Emagene Calvert
Location:	5040 County Road 24
Size:	35-Acres
Zoning:	Valley
Case Manager:	Mark Castrodale

Area of Influence/Joint Planning Board:

The subject property falls within the *Area of Influence* and as such, a review by the Ridgway Area Joint Planning Board is required. The application is currently scheduled for review by the Ridgway Area Joint Planning Board on June 21st.

Request:

The Applicant is requesting approval of a Special Use Permit for the operation of a Commercial Equestrian Facility to be located at 5040 County Road 24. Current infrastructure on the subject property includes a 1700sf residence and a detached garage. Additional infrastructure proposed to support the equestrian facility is detailed in the Applicant's site plan and includes the following:

- Outdoor Arena – 225' x 150'
- Indoor Arena – 220' x 100'
- Barn – 40' x 80'
- Future Storage Building – 20' x 20'
- Future Storage Building – 30' x 40'

According to the Applicant, the equestrian facility will have the following activities and services:

- Personal training of owner/operator's horses.
- Training for client/horses.
- Training clinics. (less frequent)
- Personal exhibitions/demonstrations.

The Applicant's narrative notes that larger exhibitions may be organized and held at the Ouray County Fairgrounds and that the proposed equestrian facility will operate on a seasonal basis only.

Location/Parcel of Proposed Use:

The proposed use would occur at 5040 County Road 24, or, Lot 1 of the *Calvert Exemption*, a 35.06 acre parcel. The Calvert Exemption (Lot 1: 35.06 Acres, Lot 2: 5.0 Acres) was approved by the County in 1997.

Definition – Commercial Equestrian / Zoning:

Section 2 of the Land Use Code defines **Commercial Equestrian Activities** as:

Activities related to horses held for educational, instructional, or recreational purposes, including but not limited to horse shows, gymkhanas, training clinics, team roping, and rodeos.

Commercial Equestrian Activity is a use allowed by special use permit in the Valley Zone.

County Referrals, Outside Agency Referrals, and Public Comments:

Road and Bridge:

The Road and Bridge Superintendent and Assistant Superintendent received referral packets regarding the proposed Special Use Permit and returned comments stating that the shared driveway serving Lots 1 and 2 of the Calvert Exemption is sized and constructed appropriately for the proposed use. The Assistant Superintendent also agreed with Land Use Staff's recommendation for a condition to address *possible* future excess damage to the County road. (*See Staff's Condition #2.*)

Building Inspector:

The Building Inspector received a referral packet regarding the proposed Special Use Permit and returned comments stating that the applicant must obtain necessary building permits prior to construction of the proposed structures. The Building Inspector also commented that the proposed number of parking spaces meets the requirements for this type of facility and that one parking space must be *van accessible*. (*See Staff's Condition #4.*)

County Attorney:

The County Attorney received a referral packet regarding the proposed Special Use Permit and returned comments stating that she does not have any concerns with the application.

Weed Manager:

The County Weed Manager received a referral packet regarding the proposed Special Use Permit and returned written comments stating that a Noxious Weed Management Plan will be required for the proposed facility. (See Staff's Condition #5.)

Ridgway Town Manager:

The Ridgway Town Manager received a referral packet regarding the proposed Special Use Permit and returned no comments.

Notification Requirements:

Publication

Notice of the public hearing [**before the Planning Commission/Joint Area Board**] was published in the Plaindealer at least 14-days in advance of the public hearing date.

On-Site Notice

On-site notice of the application for amendment of a Special Use Permit is not required until prior to the hearing before the Board of County Commissioners.

Adjacent Property Owner Notice

Adjacent property notifications of the application for amendment of a Special Use Permit is not required until prior to the hearing before the Board of County Commissioners.

Land Use Code Section 5 – Review Requirements

5.2E – Submittal Requirements

Note: *Applicant's responses can be found in the application materials.*

A DETAILED WRITTEN NARRATIVE EXPLAINING THE PROPOSED OPERATION OR USE THAT INCLUDES, AT A MINIMUM, STATEMENTS ADDRESSING THE FOLLOWING ISSUES OR CONCERNS:

The Applicant provided a detailed narrative, explaining the proposed operation.

(1) DESCRIPTION OF THE PROPOSED USE

The Applicant provided a description of the proposed use.

(2) THE PROPOSED USE WILL NOT CREATE UNDUE DANGER IN SURROUNDING AREAS, WILL NOT CAUSE WATER POLLUTION AND WILL NOT CREATE UNREASONABLE AMOUNTS OF OFFENSIVE NOISE, VIBRATION, SMOKE, DUST, ODORS, HEAT, GLARE OR OTHER OBJECTIONABLE INFLUENCES BEYOND THE BOUNDARIES OF THE PROPERTY ON WHICH SUCH USE IS LOCATED. (AT THE DISCRETION OF THE BOCC, A WRITTEN PLAN MAY BE REQUIRED INDICATING METHODS TO BE USED TO MINIMIZE SMOKE, ODORS, DUST AND SIMILAR ENVIRONMENTAL PROBLEMS, WHICH MIGHT RESULT FROM THE OPERATION OF THE PROPOSED USE.)

It is Staff's opinion that the proposed use will not create undue danger in surrounding areas, will not cause water pollution, and will not create unreasonable amounts of offensive noise, vibration, smoke, odors, heat, or glare beyond the boundaries of the property. It is Staff's opinion that there is a possibility of unreasonable amounts of dust generated from the proposed use and potential complaints from neighboring property owners. For this reason, Staff is proposing a condition to address dust complaints if required.

Note: Distances from the operation to adjacent residential structures ranges from 620' (Calvert Exemption Lot 1) to 2356' (Weber property to the West).

(3) THE PROPOSED USE HAS LEGAL ACCESS; POTABLE WATER, SEWAGE DISPOSAL AND ALL OTHER UTILITIES NECESSARY TO SERVE THE PROPOSED USE.

The proposed use has access off of County Road 24 via the shared driveway, potable water, and sewage disposal via an existing OWTS. The Applicant is proposing an additional OWTS to serve a restroom in the barn and a restroom/shower in the arena.

(4) THE PROPOSED USE WILL COMPLY, IF APPLICABLE, WITH THE PROVISIONS OF THE VISUAL IMPACT REGULATIONS FOUND IN SECTION 9 OF THIS CODE.

The subject property falls within the *Visual Impact Corridor* as defined in Section 9 of the Land Use Code. As such, the additional structures proposed by the applicant to support the facility will have to pass a visual impact review by Staff. Staff does not *anticipate* issues with the proposed facilities passing visual impact review.

(5) THE PROPOSED USE WILL NOT UNREASONABLY IMPACT WILDLIFE OR SIGNIFICANT WILDLIFE HABITAT.

It is Staff's opinion that the proposed use will not unreasonably impact wildlife or significant wildlife habitat.

(6) THE PROPOSED USE WILL NOT ALTER, RESTRICT, INHIBIT OR INTERFERE WITH HISTORIC IRRIGATION PRACTICES, HEADGATES, DITCHES AND DITCH RIGHTS-OF-WAY.

The Pleasant Valley ditch runs through the property and is visible on the attached vicinity map(s). Based upon the location of the proposed facility and associated structures, it is Staff's opinion that the proposed use will not alter, restrict, inhibit, or interfere with historic irrigation practices, headgates, ditches, and/or ditch rights-of-way.

(7) THE PROPOSED USE IS NOT LOCATED WITHIN ANY AREA SUBJECT TO IDENTIFIED GEOHAZARDS, INCLUDING, BUT NOT LIMITED TO ROCKFALL AREAS, AVALANCHES, LANDSLIDE, POTENTIALLY UNSTABLE SLOPES, SLOPES GREATER THAN 30 PERCENT, ALLUVIAL FANS, COLLUVIAL SLOPES, TALUS SLOPES, SHALE, FAULTS, EXPANSIVE SOILS OR GROUND SUBSIDENCE. (IF THE PROPOSED USE IS LOCATED WITHIN AREAS SUBJECT TO THE EFFECTS OF GEOLOGICAL HAZARDS, THE APPLICANT SHALL PRESENT SATISFACTORY EVIDENCE THAT SUCH HAZARDS WILL BE AVOIDED. IF AVOIDANCE IS NOT POSSIBLE, EVIDENCE SHALL BE PROVIDED THAT HAZARDS WILL BE MITIGATED. THE COUNTY MAY REQUIRE QUALIFIED PROFESSIONAL GEOLOGIC OR ENGINEERING CERTIFICATION THAT THE PROPOSED LAND USE CAN BE LOCATED OR DEVELOPED IN A SAFE MANNER.)

After conducting a site walk-thru of the subject property, it is Staff's opinion that the proposed use is not located within an area subject to any identified geohazards.

(8) THE PROPOSED USE/PROPERTY HAS NO KNOWN CHEMICAL OR OTHER CONTAMINATION. IF THE PROPERTY IS CONTAMINATED, A MITIGATION PLAN MUST BE PRESENTED THAT WOULD SATISFACTORILY RESOLVE THE CONTAMINATION.

After conducting a site walk-thru of the property, it is Staff's opinion that the subject property is not subject to chemical or other contamination.

(9) THE PROPOSED USE IS COMPATIBLE WITH THE COMMUNITY CHARACTER AND SURROUNDING LAND USES WITHIN THE AREA FOR WHICH THE REQUEST IS BEING PROPOSED.

As farming and ranching is a use-by-right in the Valley Zone, and, Commercial Equestrian Activity is a use allowed by special use permit, it is Staff's opinion that the proposed use is compatible with the community character and surrounding land uses within the area for which the request is being proposed. Additionally, it is Staff's opinion that the building designs (*sample photos included with applicant's submitted*

materials) being proposed by the Applicant are compatible with the community character and surrounding land uses.

(10) STATEMENTS ADDRESSING ANY POTENTIAL MATERIAL ADVERSE EFFECT ON THE SURROUNDING AREA.

In our review, Staff has not identified, nor do we anticipate, any potential adverse effect on the surrounding area if the proposed use is approved.

(11) STATEMENTS ADDRESSING ANY POSSIBLE IMPACTS ON EXISTING INFRASTRUCTURE BEYOND WHAT WOULD BE CREATED BY A USE BY RIGHT. (IF POTENTIAL IMPACTS ARE IDENTIFIED, EVIDENCE SHALL BE PROVIDED THAT SUCH IMPACTS WILL BE MITIGATED AS PROVIDED BY THIS SECTION.)

Staff is proposing a condition to address *possible* future impacts on the county road, due to increased traffic volume from the proposed facility.

(12) IF THE PROPERTY/USE IS LOCATED WITHIN A PLANNED UNIT DEVELOPMENT, CURRENT LETTER FROM THE HOMEOWNER'S ASSOCIATION APPROVING THE PROPOSED USE.

The proposed use is not located within a Planned Unit Development.

(13) IF LOCATED WITHIN A PUD, PROOF OF NOTIFICATION THAT THE HOA HAS BEEN NOTIFIED OF AN APPLICATION AND A STATEMENT THAT THE USE IS NOT OTHERWISE PROHIBITED IS REQUIRED.

The proposed use is not located within a Planned Unit Development.

(14) WEED MITIGATION AND/OR REVEGETATION PLAN SHALL BE REQUIRED IF APPLICABLE. (MAY REQUIRE MEETING AND ON-SITE REVIEW BY COUNTY WEED MANAGER.)

Comments from the County Weed Manager are addressed elsewhere in this report.

(15) ADDITIONAL INFORMATION MAY BE REQUIRED AS DEEMED APPROPRIATE BY STAFF FOR THE SPECIFIC APPLICATION.

At this time Staff is not requiring additional application materials from the Applicant.

5.3B - Additional Submittal Information and Requirements

A. CEMETERIES, SCHOOLS, BED AND BREAKFAST OPERATIONS, CHURCHES, COMMERCIAL EQUESTRIAN ACTIVITIES, COMMERCIAL OUTDOOR RECREATION, LIVERY OR HORSE RENTAL OPERATIONS, COMMERCIAL USES, COMMERCIAL CAMPING, AND GUEST RANCHES, HISTORICAL MUSEUMS, AND WILDLIFE REHABILITATION FACILITIES

(1) SUFFICIENT DISTANCE SHALL SEPARATE SUCH USES FROM ABUTTING PROPERTIES, WHICH MIGHT OTHERWISE BE DAMAGED OR DIMINISHED IN VALUE DUE TO THE OPERATION OF THE PROPOSED USE.

It is Staff's opinion that sufficient distance separates the proposed use from adjacent properties and that no properties will be diminished in value due to the operation of the proposed use. (See attached map showing distance to adjacent residential properties.) Staff notes that although the residence on Lot #1 of the Calvert Exemption is approximately 620' from the proposed facility, there is a large topographical feature that separates the two properties that will provide a practical buffer between the Lot 1 residence and the equestrian facility. Also, the Applicant provided a letter from the owner of the Calvert Exemption Lot #1 stating:

"...I have no objections with the plans you have for the Calvert property" and "I believe it will be a great addition to the Ridgway community".

(2) THE PROPOSED USES WILL BE PROPERLY MAINTAINED.

Staff is proposing a condition to address maintenance of the proposed facility. (See Staff's Condition #6.)

(3) VEHICLE TRAFFIC TO AND FROM SUCH USE WILL NOT CREATE HAZARDS OR NUISANCE.

Comments from the Road & Bridge Department are addressed elsewhere in this report.

(4) SUFFICIENT OFF-STREET PARKING, AS REQUIRED IN SECTION 7 OF THIS CODE SHALL BE PROVIDED TO ACCOMMODATE THE EXPECTED VOLUME OF USERS OF THE PROPOSED FACILITIES.

Per the Building Inspector, based upon the size and estimated clients/customers to be served by the facility, the proposed number of parking spaces is adequate. However, one parking space shall be an "accessible" space, per the 2006 IBC.

Staff Conclusions and Recommendations:

It is Staff's opinion that the proposed Commercial Equestrian Activity (Facility) meets the regulations and requirements as detailed in Section 5 of the Ouray County Land Use Code. Therefore, Staff recommends the Ridgway Area Joint Planning Board forward the application to the Board of County Commissioners, with a recommendation of approval, with the following conditions:

1. If complaints regarding unreasonable amounts of dust beyond the boundaries of the property are investigated and confirmed by Staff, the operator of the Commercial Equestrian Facility must implement effective mitigation methods to significantly and effectively reduce the amount of dust generated by the use.
2. If it is determined by the Road & Bridge Department that damage to County Road 24 is occurring due to the proposed use, and, the damage is deemed to be beyond what would be expected from a use-by-right operation, the operator of the Commercial Equestrian Facility may be required to enter into a cooperative maintenance agreement with the County, including a possible financial contribution to cover a portion of the required upkeep to the road.
3. The Applicant shall obtain required building permits prior to construction of proposed structures.
4. One parking space shall be a "van accessible" space per the 2006 IBC requirements.
5. Prior to issuance of the Special Use Permit, Applicant shall enter into a Noxious Weed Management Plan, approved and signed by the County Weed Manager.
6. The Applicant shall maintain the subject property and all associated structures.

Possible Motion Language:

I move that the Ridgway Area Joint Planning Board forward this application for a Special Use Permit to the Board of County Commissioners, with a recommendation of approval / denial, with the conditions as amended... / with the conditions as recommended by Staff...



- Check here if renewal application - Check here if SUP amendment application

Parcel #: 430311412001 Job Site Address: 5040 CO. RD 24
 City: RIDGEWAY Zip Code: 81432
 Legal Description of Property: Qtr. Sections: SE 1/4 Section: 11 Zone: T45N R9W NMPM
(see Section 3 of the Land Use code)
 Town: OURAY Range: _____ Subdivision Name: PLEASANT VALLEY - NO SUBDIV.
 Filing: _____ Lot Name/Number: 1 Directions to job site from nearest County Road: _____
2 1 MILE WEST OF D ROAD ON CO. RD 24 : CALVERT RANCH

*Parcel number is available from the Ouray County Assessor's Office - (970) 325-4371 or online at www.ouraycountyassessor.org

Owner(s) Name: EMAGENE CALVERT
 Mailing Address: 1204 PEPPERTREE PK. City/ST/Zip: MONTROSE, CO 81401
 Phone: 970 626 6029 Email Address: _____

Authorized Agent's Name: MARK SHAMBAUGH (MADISON SHAMBAUGH HORSEMANSHIP LLC)
 Mailing Address: PO BOX 3900 City/ST/Zip: TOLLUWIDE, CO 81435
 Phone: 260 740 7807 Email Address: mpshambaugh@gmail.com

Brief Description of Request (see requirements on reverse of this form):

Application for approval for "small scale" Commercial Equestrian Activities of Calvert Ranch under contract to MARK SHAMBAUGH, Seasonal horse training & clinics, [REDACTED].

I certify that I am the landowner or an agent authorized by the landowner and am hereby making application for approval of the above request. I further understand that if there are extenuating circumstances concerning this application, there may be additional fees required to process my application, and that the County will advise me of additional fees and receive my approval before proceeding with my application. I hereby certify that I have read this application completely and that all information provided is correct to the best of my knowledge. All laws, regulations, and ordinances governing the scope of the project contemplated by this application will be complied with, whether or not specifically described within this application. I understand that providing false or misleading information may result in any permit(s) issued being revoked. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the scope of the project contemplated by this application.

I understand that this application may be open for public inspection as required by the Colorado Open Records Law (C.R.S. 24-72-202, et seq.) and that my personal information contained on this application may be available to the public for review.

Mark Shambaugh (agent) 5/12/16
 Signature of Owner(s) or Agent Date

From: kwmontrose@qwestoffice.net
Subject: Message from KMBT_C454
Date: Today at 3:57 AM
To: mpshambaugh@gmail.com



I/we, the undersigned owner(s) of the following described real property located in Ouray County, Colorado hereby authorize:

Agent:

Name: MARK SHAMBAUGH Phone: 2607407807

Name of Business or Entity: MADISON SHAMBAUGH HORSEMANSHIP LLC (MANAGER)

Address: PO BOX 3900

City: JELLYVILLE State: CO Zip: 81435

to act in my/our behalf in applying for permits from the County of Ouray.

Legal Property Description:

Parcel or Account Number: 430311412001

Section: 11 Township: _____ Range: 9W Quarter Section(s): SE 1/4

Permit(s) Applied For: SPECIAL USE PERMIT: COMMERCIAL EQUESTRIAN
CALVERT RANCH 5040 CO RD 24

Signature(s) of Property Owners of Record:

By my signature I hereby certify that I have read any applications and other materials completely and that all information provided is correct to the best of my knowledge. All laws, regulations, and ordinances governing the scope of the project contemplated by this application will be complied with, whether or not specifically described within this application. I understand that providing false or misleading information may result in any permit(s) issued being revoked. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the scope of the project contemplated by this application.

I understand that this application may be open for public inspection as required by the Colorado Open Records Law (C.R.S. 24-72-202, et seq.) and that my personal information contained on this application may be available to the public for review.

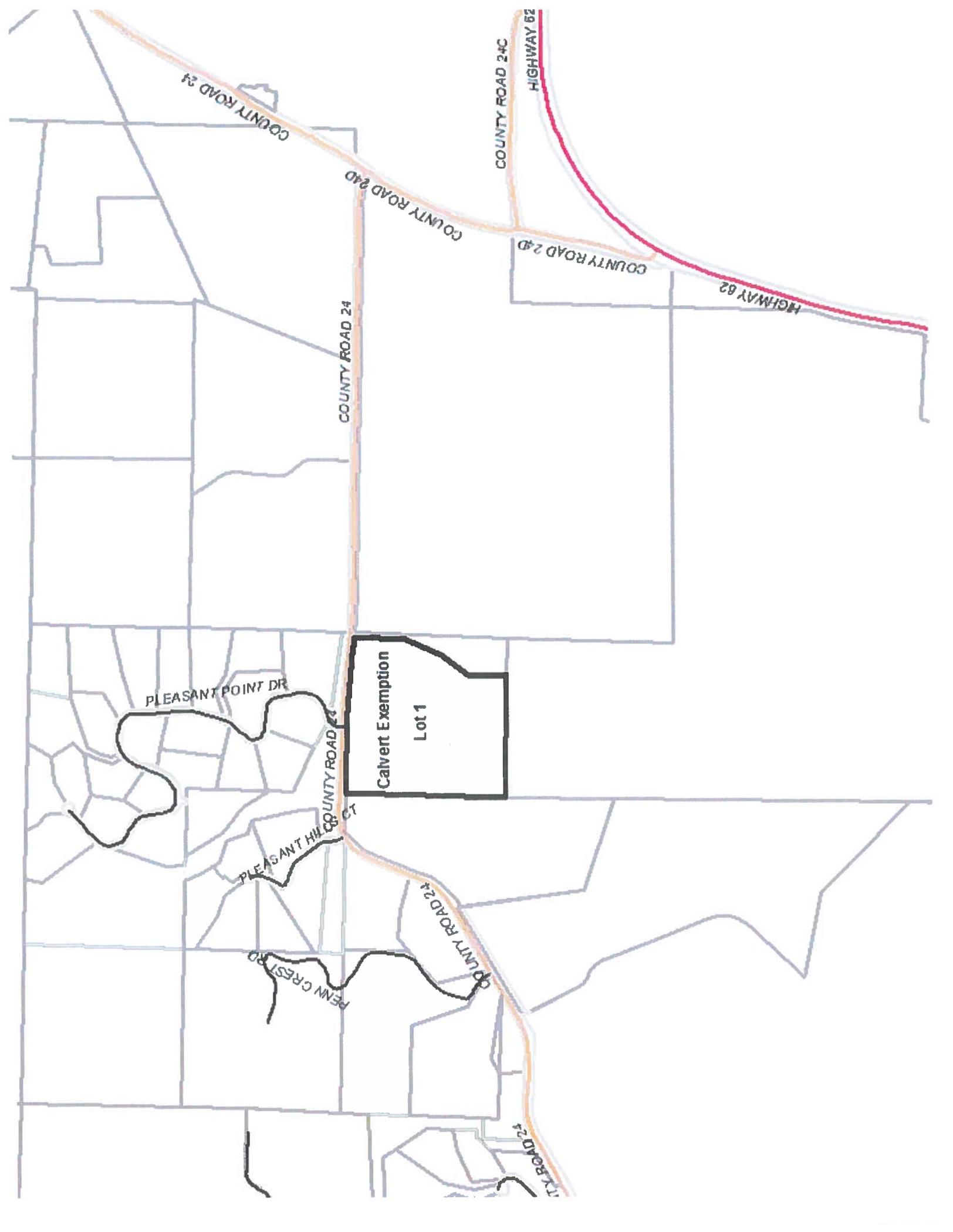
I understand that Ouray County is overall a rural county located in rough and difficult terrain with a limited transportation network and County services may be unavailable or service may be untimely in some or all areas of the County. I am aware that approval of a site development permit or any other permit does not constitute and shall not be considered as conferring any guarantee or expectation of the provision of any County service (including emergency services).

Signature: Emergene M. Calvert Date: May 11, 2016

Printed Name: Emergene M. Calvert

Signature: _____ Date: _____

Printed Name: _____



COUNTY ROAD 24

COUNTY ROAD 24D

COUNTY ROAD 24C

COUNTY ROAD 24D

HIGHWAY 62

COUNTY ROAD 24

PLEASANT POINT DR

Calvert Exemption

Lot 1

PLEASANT HILL CT

PENN CREST RD

COUNTY ROAD 24

17th Road 24

CALVERT EXEMPTION

SE1/4 SE1/4 SECTION 11, T45N, R9W, N.M.P.M.
OURAY COUNTY, COLORADO

ROAD DEDICATION
0.16 ACRES

NORTH OF CREEK
0.70 ACRES

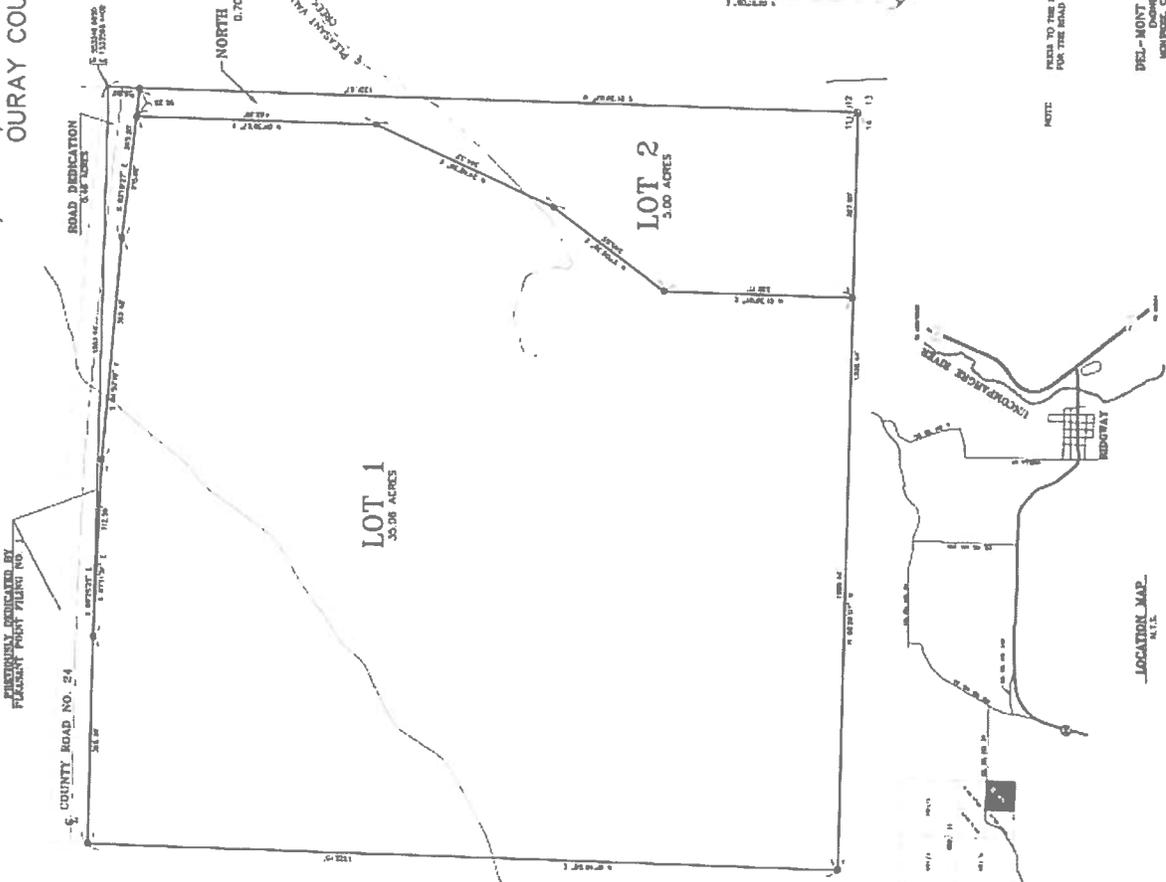
LOT 1
35.08 ACRES

LOT 2
3.00 ACRES

LEGEND:
O = P.M. BEARS & CAP (L.P. 1944)
● = SET 6/16/1977 BEAR 7/1/77 CAP
Basis of Bearings & Distances =
Ouray County Corner Station

1" = 100'

Scale of Bearings & Distances =
Ouray County Corner Station



NOTE:
FEES TO THE EXTENT OF A BILLING POINT THE LANDOWNER
FOR THE ROAD MUST BE IN PLACE.

DEL-MONT CONSULTANTS, INC.
MORNING, COLORADO - P.O. 248-2351

CERTIFICATE OF SURRENDER AND DEDICATION

I, the undersigned, do hereby certify that the above described lands, to-wit: the SE1/4 Section 11, T45N, R9W, N.M.P.M., Ouray County, Colorado, as shown on the attached plat, have been surveyed and the same are hereby granted and dedicated to the County of Ouray, State of Colorado, for the use of the public for road right-of-way purposes as shown on the plat, the amount, extent, terms, conditions and other matters thereon as shown on the plat, and that the same are hereby accepted and approved by the Board of Commissioners of Ouray County, Colorado, and that the same are hereby dedicated to the public for road right-of-way purposes as shown on the plat, and that the same are hereby accepted and approved by the Board of Commissioners of Ouray County, Colorado, and that the same are hereby dedicated to the public for road right-of-way purposes as shown on the plat.

[Signature]
Mayor of Ouray

[Signature]
Clerk of Ouray

STATE OF COLORADO
COUNTY OF OURAY

The foregoing plat was submitted before me this 14th day of August, A.D. 1977, by the undersigned, and I, the undersigned, do hereby certify that the same are hereby accepted and approved by the Board of Commissioners of Ouray County, Colorado, and that the same are hereby dedicated to the public for road right-of-way purposes as shown on the plat.

Witness my hand and seal of Office this 14th day of August, A.D. 1977.

DEL-MONT CONSULTANTS, INC.

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[Signature]
Mayor of Ouray

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Mayor of Ouray

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[Signature]
Mayor of Ouray

DEL-MONT CONSULTANTS, INC.
MORNING, COLORADO - P.O. 248-2351

* ACCT: R003668

* EXISTING CONDITIONS



Google earth

feet
meters

1000

500



Google earth

Bryan Sampson

From: Mark Shambaugh [mpshambaugh@gmail.com]
Sent: Wednesday, May 11, 2016 9:08 PM
To: Bryan Sampson
Cc: Mark Shambaugh
Subject: CALVERT RANCH SPECIAL USE PERMIT APPLICATION SUBMITTAL

Sent from my iPadSECTION 5.2 SUBMITTAL REQUIREMENTS :

A. The requested special use permit meets the definition for commercial equestrian activities. However it is a much "narrower "scope of use than within the LUC definition as it includes on-site training of horses, training clinics/lessons, and some exhibitions limited to only the owner exhibiting –NOT multiple or outside exhibitors. This is a small scale , low key horse training facility . No horse shows, gymkhanas, team roping or rodeos are contemplated although allowed in this category . This is not a boarding facility or big show facility .

B. See attached map/drawing.

C. See attached drawing and application form.

D. The operator of the special use permit will be solely the new owner , Madison Shambaugh horsemanship LLC

E. Narrative explaining propose horse training operation:

1) The use of the land will be for personal training of Madison Shambaugh's own horses including those mustangs she adopted from the BLM . It also includes training for client horses including colt starting, basic and advanced training for untrained / problem horses that would be sent to her. This would represent two thirds of the private and commercial use of the new proposed equestrian facility as shown on attached drawing. Only natural horsemanship techniques are used . The land-use also includes some less frequent clinics where people , up to 7 to 10 at a time, would bring their horses with them and train together for a few days on site. This business is seasonal and not full time. Finally there may be up to a dozen / year personal exhibitions put on by Madison demonstrating her trained horses and techniques. One reason this site make sense is that if they were larger exhibitions planned, we would have access to rental of the nearby beautiful Ouray county fairgrounds Arena . Although the attached drawing includes a good-sized indoor arena, the barn is sized for a maximum of only 12 horses.

2) This proposed use would not create undue danger to surrounding areas, water pollution, or unreasonable amount of noise, vibration smoke, dust, odors, heat, glare or other objectionable influences Beyond the boundaries of this property.

3) The proposed use has legal access, potable water, sewage disposal(need perc test and new treatment system per permit requirements) , and power necessary for proposed use.(proposing using existing well or bring Tri county water, and power down existing Ranch Lane to building site.)

4) The proposed use Will comply with visual impact regulations in section 9 of this code. The ranch animal related . buildings contemplated, and shown on the attached drawing, are all to be located over 1000 feet from County Road, and downhill nearly 40 feet in elevation backed up against the hillside escarpment on the property, minimizing views from the county road as well as the existing homesite – a win-win for everybody.In addition, these new horse outbuildings will all be designed to fit the old Western Ranch historical look of years gone by . Rugged, worn looking wood or log buildings, even including the indoor arena with a mix of wood and metal, would restore a natural, true historic look to this part of Pleasant Valley.

5) We know of no unreasonable impact to wildlife or wildlife habitat.

6) The proposed use will not alter, restrict, inhibit, or interfere with historic irrigation practices, headgates, ditches / rights-of-way. It will only be using the historic water rates going back to 1897 that come with the land.

7) The proposed use is not located within any areas subject to identify do you hazards of any kind.

8) The proposed use/property has no known chemical or other contamination whatsoever.

9) The proposed use is compatible with the historic community and in fact would restore the old Western Ranch, natural architectural look, with these new outbuildings.

10) We know of no potential material adverse effect on the surrounding area. In fact we have been careful to design parking of horse trailers and cars to be predominately over 1000 feet from the road down at this new horse facility.

11) We are not contemplating any impact on existing infrastructure beyond use by right.

12) Property is not located within a planned unit development.

13) Property not within PUD

14) Not aware of any weed mitigation/revegetation issues

15) Additional information will be submitted as deemed required by staff.

5.3 B COMMERCIAL EQUESTRIAN ACTIVITIES

1) Sufficient distance will separate the ranch outbuildings as shown on the drawings so as not to damage or diminished value of any abutting properties, and the location selected for this construction is against the hillside escarpment on the property, increasing the seclusion and minimizing any View impact.

2) The proposed uses will be regularly and properly maintained to an equal or higher level than any surrounding ranch properties.

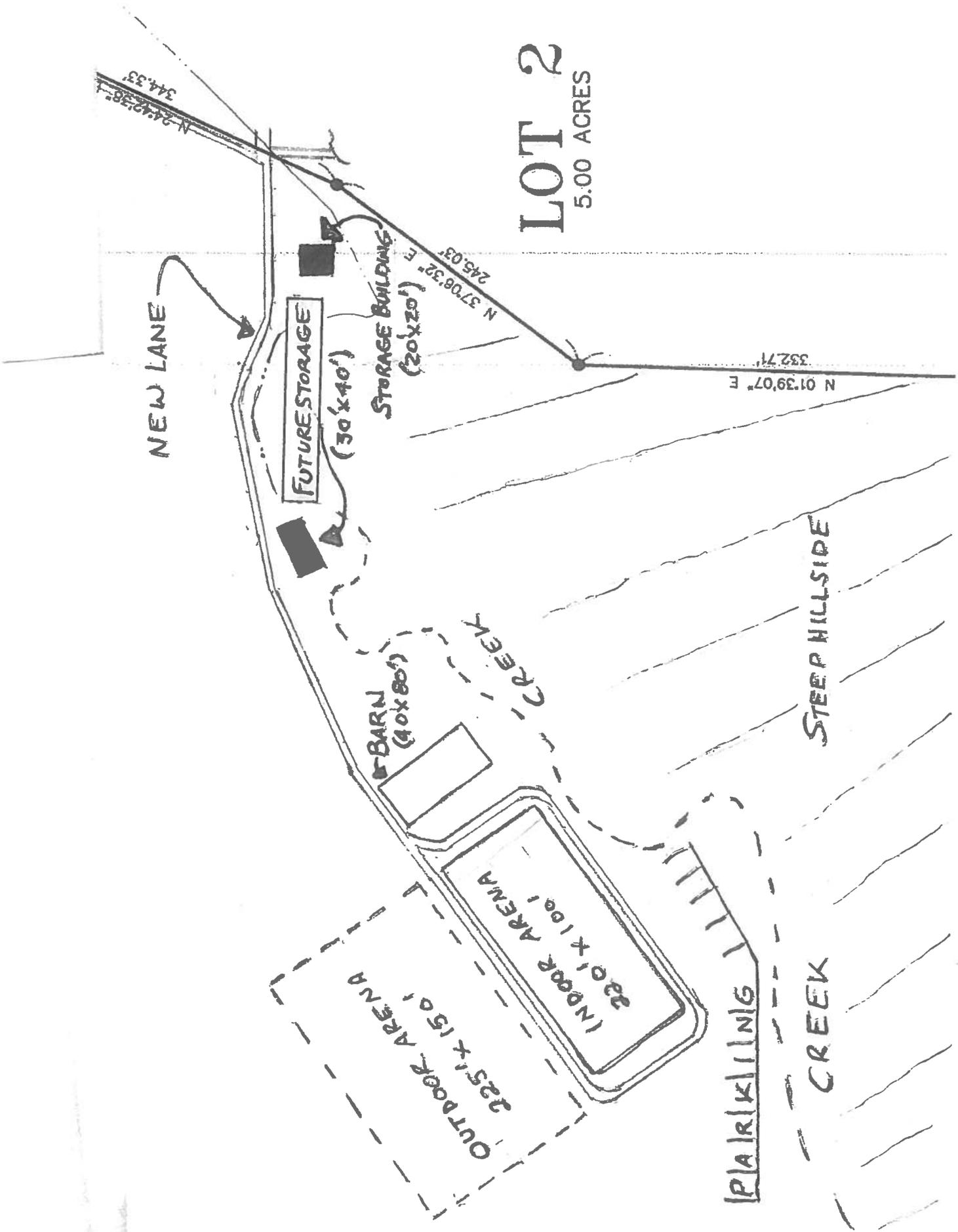
3) Vehicle traffic to and from the use will not create hazards or nuisances with parking primarily located over 1000 feet off the road and against the escarpment.

4) Sufficient off County road parking as required to accommodate expected volume of users is shown on attached site drawing,

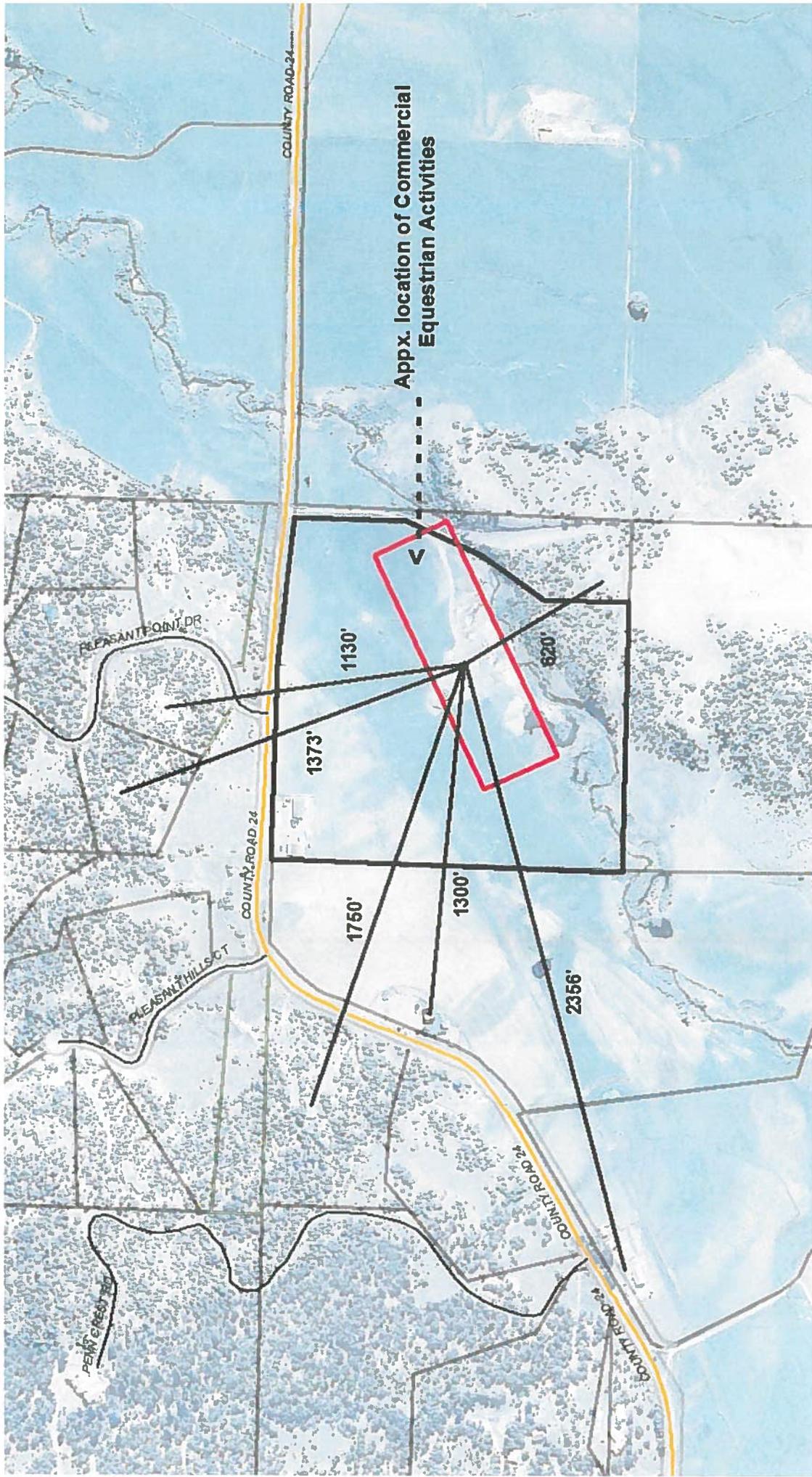
Sent from my iPad

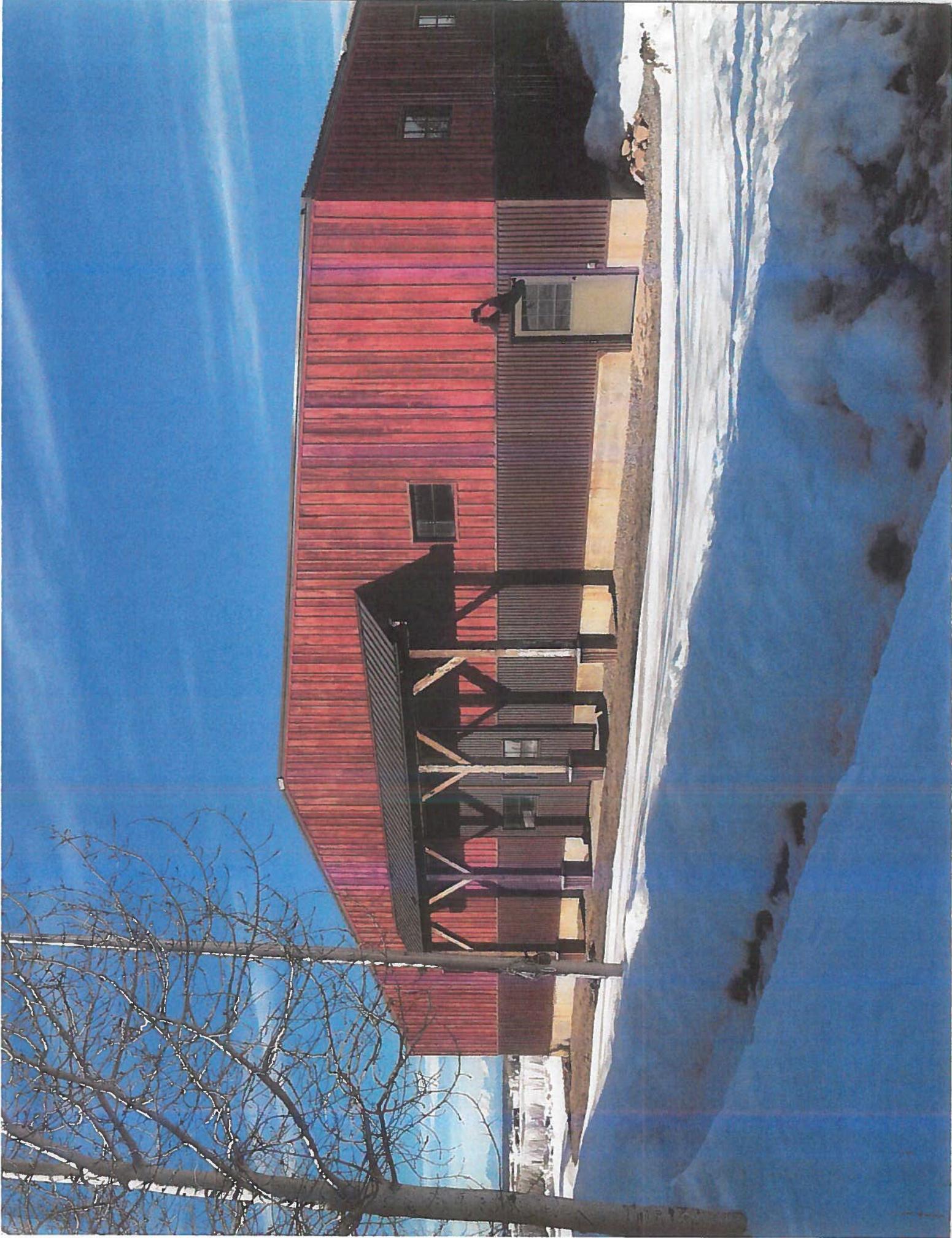
LOT 2

5.00 ACRES



* DISTANCE TO ADJ. STRUCTURES. (RESIDENTIAL)









From: Dru Christian <dchristian48@yahoo.com>
Date: June 7, 2016 at 6:29:37 PM MDT
To: "mpshambaugh@gmail.com" <mpshambaugh@gmail.com>
Subject: **Letter of approval**
Reply-To: Dru Christian <dchristian48@yahoo.com>

Dear Mr. Shambaugh:

I am writing this letter to let you know that I have no objections with the plans you have for the Calvert property. In fact, I am intrigued with the whole operation. I believe it will be a great addition to the Ridgway community.

Virginia Lamar
4730 County Road 24
Ridgway, Colorado 81432
409-539-0019
June 7,2016

[Owner of Lot 2 – Calvert Exemption]

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Ouray County Planning Commission
High Country Development Regulations
Workshop Materials

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Planning Commission response to BOCC questions - Re. High Alpine Regulations

	BOCC Question:	Staff Response	PC Response:
1	Should Ouray County have a minimum parcel size of 5 acres to qualify for a site development/building permit for a residential structure in the High Country?	No opinion.	Yes.
2	Should Ouray County require a maximum density of 1 unit (no Accessory Dwelling Unit) on patented mining claims and mill sites in the high country of Ouray County at or above an elevation of 9,500'? Should this limitation exist county-wide?	Yes. No.	Yes. No.
3	Should Ouray County require additional minimum setbacks in the High Country so that they are the same as 35-acre conforming parcels throughout the county? [reference - Ouray County Land Use Code Section 3.85b]	No. (However, additional setbacks could be allowed if needed in order to mitigate an issue on the parcel such as drainage, tundra, visual impact, etc.)	No.
4	Should Ouray County require residential development to demonstrate that the project has been designed in a manner that will protect and minimize impacts to important historic (historic building, town site, mining district, cultural) or environmental features of the site (such as timber, plants, wildlife, drainages, wetlands, geologic features)? If so can it be accomplished with the KISS principle in mind?	Yes. This is already part of the Site Development Permit process. May want to modify (SDP) to include historic structures. (Note: Staff is not an expert in these areas. If we do a site review and identify a possible issue, either the County or the property owner needs to bring in an expert in the specific field to make a final determination.)	Yes. Add historical aspect to SDP.
5	Should site development protect existing public trails (i.e. prevent obstructions such as driveways crossing the trails, fencing obstructing the trails, or structures being located so as to maximize a buffer to trails)?	Possibly consider "encouraging" this but requiring it may have unintended consequences. Also, this highlights a separate issue; Staff believes that a general site plan should be part of the site development permit process. The site plan would become part of the site development permit and would be recorded.	Yes.
6	Should Ouray County require primary access to residential development be through an Ouray County Road or State Highway vs. access having no nexus to public roads within Ouray County?	No. Possibly require notice to appropriate jurisdictions but not prohibit. This could have unintended consequences.	No.
7	Should Ouray County require adequate parking for the proposed residential use on-site in the High Country? Should this requirement exist county-wide, so that any Ouray County development will not rely on property users to park on County Roads?	No. "Adequate parking" may not really be the issue. If this issue is parking in the county ROW, then this issue needs to be addressed in a different fashion. ie. Model Traffic Code, or similar...	Yes. (2nd part of question should be addressed separately.
8	Should Ouray County require utilities for High Country residential development to be installed in ways that minimize impacts to environment and scenery? [One adjacent county requires features to be installed underground or placed within structures]. Should Ouray County restrict placement of fuel, water tanks, generators, etc. to be located within a structure or be put underground?	Yes to both. This is fine, no concerns.	Yes to both.
9	Should Ouray County require High Country residential buildings to blend with the natural surroundings?	Is this everything? In other words, does this go beyond Visual Impact reg's and address all structures, whether or not they are visible from the highway? Other than that clarifying question, Staff has no opinion.	Yes.
10	Should Ouray County restrict square footage of High Country residential dwelling units to 1,000 square feet? Should Ouray County restrict square footage of High Country residential dwelling units to 1,000 square feet, with the ability to earn potential bonus 500 square feet if certain incentive conditions are met, such as in San Miguel County, up to 2,500 square feet? [For reference, examine San Miguel County code, San Juan County code and previous Ouray County proposed Section 30 draft.	Some sort of restriction makes sense. In addition to looking at the codes from the adjacent jurisdictions we should take strong look at how this issue was addressed in Section 30.	Yes. Yes.
11	Should Ouray County eliminate all residential buildings within the tundra ecosystem? Or are existing code and site development permit considerations adequate for protection of tundra and watershed health?	No real opinion here. We do need some way of identifying what is "tundra".	Yes. No.
12	Should Ouray County require a Special Use Permit (SUP) if building is a vacation rental or commercial use to require as conditions of use adequate parking (off county roads), trash, water, sanitation, cell/satellite service, and emergency access? [For reference, see Ouray County notes on a potential county-wide ordinance on regulations for short-term/vacation rentals]. Are there regulations for short-term rentals that should be different for High Country development than county-wide?	The BOCC is currently addressing short-term rentals. All other commercial or quasi-commercial uses are adequately addressed in zoning and Section 5.	Let the BOCC deal with short-term rentals. No commercial uses above 11000. Possible permitted uses 9500' to 11000'.

13	Should Ouray County restrict or ban residential development in the High Country that results in an increased demand for public services (plowing/county road maintenance, emergency response, etc) beyond what is currently provided by the County?	Technically this would ban any/all development. Makes sense to put various processes (ie. more than 1) in place to notify property owners that services will not be expanded and are limited to non-existent in these areas.	No, as long as there is proper notice regarding level of service(s). (ie. may mean "no services")
14	Should Ouray County restrict High Country driveway or private road cuts in a manner to make them subject to review to ensure they are designed to minimize impacts to environmental and scenic values? If so, can it be accomplished with the KISS principle in mind?	Probably a good idea but will be difficult to implement at current staffing levels.	Yes. Make applicant pay for consultant to do evaluation.
15	Should Ouray County restrict High Country residential driveway widths to 10 feet? Should Ouray County restrict blasting to create residential driveways in the High Country?	10' could severely restrict EMS vehicle access. No opinion on restricting blasting for driveway installation.	Driveways should be a unique standard for this area that reduces impacts. All driveways should be reviewed. Possibly allow minimal blasting with review. Minimal impact!
16	Should Ouray County consider have more restrictive building height requirements for residential development within the High Country? (currently buildings county-wide can be up to 35 feet high; for reference see adjacent San Miguel County code that limits High Country buildings to 12 to 20 feet high)	Limitations make sense. Suggest looking at Section 30 draft.	Yes. Suggest going with Section 30 limitation. Visual impact should be limited!
17	Should there be referrals to any County or State/Federal agencies that are specific to High Country residential development?	Makes sense if applicable to the specific project.	Yes.
18	Should there be any reference exhibits to any potential new code or permit applications?	Yes. If we go with the "9,500' or above" then that line needs to be identified on a County produced map. Will need to provide Land Use Staff with a GPS unit that has a geo-referenced map installed.	Yes.

Notes:

The BOCC is in consensus that 9,500' elevation should be as referenced in the latest published 24,000 USGS quadrangle .

MEMO

TO: Ouray County Planning Commission
FROM: Land Use Staff
DATE: 6/16/2016
SUBJ: Draft High Country Regulations

The following documents were prepared as a result of the Planning Commission's review and responses to the questions posed by the Board of County Commissioners regarding High Country Development Regulations:

- 1) Section 24 Draft – potentially new code section pertaining to development in the high country region of the county.
- 2) Section 2 Draft – potential revisions due to the changes proposed in the Section 24 draft
- 3) Section 3 Draft – potential revisions due to the changes proposed in the Section 24 draft
- 4) Section 13 Draft – potential revisions due to the changes proposed in the Section 24 draft
- 5) Site Development Permit Application Draft - potential revisions due to the changes proposed in the Section 24 draft

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SECTION 24

HIGH COUNTRY DEVELOPMENT REGULATIONS

24.1 PURPOSE:

(Note: This was taken from the San Miguel Code) These regulations are intended to protect and preserve the alpine, sub-alpine and scenic hillsides in the upper Uncompahgre River watershed for their historic and natural landscapes and retain the relatively undeveloped character of these backcountry areas. It is the intent of this Zone district to preserve historical structures and to protect the native flora and fauna. This region is comprised of public lands managed by the United States Forest Service (USFS) and patented mining claims. Much of the region was once mined and may again be mined. It is the intent of these regulations to preserve and protect public lands from the impacts of incompatible development and to protect access to the minerals that are known to be or expected to be within this region. The size, scale, and location of Single-family Dwellings and Accessory Structures are limited to avoid conflict with past and/or future mining. These areas are typified by a lack of improved or maintained roads, little or no utilities or infrastructure and very limited or sparse development other than historic mining remnants from past mining activities. Development activities in these areas should be limited due risks associated with natural conditions of the area, including high elevation, environmentally sensitive and geologically hazardous areas, including areas at risk for avalanche and rock slides, steep terrain, limited access for potential residents as well as emergency responders, potential conflicts with existing and future mining, and other site constraints. If residential development occurs it should be limited to cabins and small scale residential development consistent with the type of development that historically occurred in the area. Development that results in a demand for public services beyond what is currently provided should be limited.

It is the intent of these regulations is to prohibit both public or private improvements on existing public roads ~~and to prohibit the construction of new roads within the region (delete?)~~ as a means of maintaining the areas existing character and as a means of preserving historic access methods. Existing private roads are considered to be pre-existing driveways. Driveways may be constructed or improved to access property within this region. However, property owners are not required to improve driveways accessing their property in this Zone District to the driveway standards that are required throughout the remainder of the County. Rather, the intent of these regulations is to minimize the number of driveways and the impacts driveways may have on the scenic and environmental character of the high country region.

Other notes from 6/15 meeting:

- Provide general emphasis on preservation and protection
- Encourage primitive and small scale development
- Protect fragile alpine (tundra) areas
- Preserve low density character
- Protect right to mine and reduce conflicts between residential and mining uses
- Protect our historic and current economic drivers; mining and tourism, respectively.

- consider adding language from section 106.4 and 106.6 of the San Juan Code:

106.4 - The intent of the Scenic Preservation Overlay District is to prevent development from adversely affecting the scenic and historic assets of the County to the greatest degree possible. Recognizing that the unsurpassed natural beauty and historic remnants found in San Juan County are some of the County's most valuable assets and further realizing that the County and its people and economy are dependent upon visitors and their ability to enjoy such assets. To that end, the District seeks to preserve the County's natural, pristine appearance and historic sites visible from Highway 550, the Durango and Silverton Narrow Gauge Railroad, the Animas River above the Eureka townsite, the Silverton Historic District, and any other historic districts or sites in the County.

106.6 - The intent of this Overlay District is to protect the area needed for the protection and production of a safe public water supply. Activities and uses which create a hazard to health or a danger of pollution to the water supply of the community served by the watershed areas are prohibited.

24.2 **APPLICABILITY:**

These regulations **shall not apply** to mining structures or other mining activity

These regulations **shall apply** to all residential and non-mining development occurring on mining claims and mill sites at, or above, 9,500'.

Note: Elevation shall be determined by referencing the latest published 24,000' USGS quadrangle.

24.3 **HIGH COUNTRY DEVELOPMENT CRITERIA AND STANDARDS:**

Development Prohibitions:

Residential development is prohibited when:

Parcel is less than 5 acres in size

The development is proposed at or above 11,000ft in elevation, unless the applicant can demonstrate, through studies prepared by qualified professionals, that the development will not be located within and will not impact the tundra ecosystem.

Site Development Permits:

Prior to application for *any* building permit(s) on mining claims and mill sites above 9500', applicants shall be required to apply for, and receive approval of, a site development permit. At the time of application for site development permit, the applicant will be required to demonstrate that the project has been designed in a manner that:

complies with the general site development permit requirements; and

complies with these Residential High Country Regulations; and

will protect and minimize impacts to important historic or environmental features of the site, such as historic buildings, town sites, mining districts, cultural features, timber, plants, wildlife, drainages, wetlands, geologic features, trails, etc.

Has no adverse Impact to historical structures, such as buildings, townsites, mining districts, or cultural features (May require opinion from qualified historical expert); and

Has no adverse impact to existing trails; or, if site design that results in no adverse impact to trails would result in increased impacts to the historical features, cultural features, environmental features, or result in a higher degree of visual impact, an alternative site plan may be proposed, provided that trail impacts are minimized and public access is maintained.

Staff may refer the site development and/or building permit to any state or federal agency for the opportunity to review and comment.

Maximum Density:

Residential density shall not exceed 1 dwelling unit per parcel

Structure Size:

The maximum accessory structure size shall be: XXX SF

The maximum dwelling structure size shall be: 1,000 SF, but may be increased pursuant to the allowances below (excludes uncovered decks, patios and porches)

Additional Dwelling Structure Size Allowances:

An additional XXX square feet of Floor Area may be allowed for each Development Right retired in perpetuity on a developable parcel(s) within the area affected by these regulations. A developable parcel is a property capable of meeting all applicable provisions of the Land Use Code necessary to obtain a Development Permit for a Single-family dwelling.

An additional XXX square feet of Floor Area may be allowed where the owner is proposing measures that preserve or enhance public recreation opportunities and/or provides an easement for public non-motorized access through their property consistent with the Ouray County Road Map adopted under resolution 2014-014, or any subsequent amendments.

An additional XXX square feet of Floor Area may be allowed where the owner does not construct a driveway to serve the property. This provision does not prohibit use of a temporary driveway during construction, if the use is discontinued, the driveway is restored to its natural condition, and the property is restricted in perpetuity against construction of any future driveway.

An additional XXX square feet may be allowed for an attached garage within or as a part of the single-family residential dwelling if there is no detached accessory structure.

An additional XXX square feet may be allowed for a Basement within or as a part of the single-family residential dwelling, if the development is located and designed so that the residence would not be visible, during summer months, from Highway 550, any public road, or any public trail within the areas affected by this code section. If a Basement is proposed as a part of the development it is incumbent on the applicant to demonstrate this improvement can be made in a manner consistent with these regulations. (such as, limiting site disturbance, avoiding or minimizing blasting, handling of excavated materials, surface drainage, etc.)

In no circumstance shall a single-family residential dwelling, with a Floor Area larger than XXX square feet be allowed.

Note: There was discussion about allowing a bigger structure size if the structure blends, but blending is already required by these regulations.

Structure Height:

The maximum structure height shall be twenty-five feet (25') for dwellings and twenty feet (20') for accessory structures.

Note: Height measurement is calculated pursuant to the definition of “Building Height” in Section 2 of this Code.

Setbacks:

All Residential development shall comply with the setback requirements listed in the Zoning section of this Code.

Access and Parking:

Adequate parking to access the property shall be provided, and at no time shall parking be allowed within the County rights-of-way without approval of the Board of County Commissioners.

Note: Passenger vehicle access to parcels in the high country region may be limited or non-existent. Property owners are encouraged to review the Winter Road Policy of Ouray County.

Visual Impact:

The exterior surfaces of all development shall be of a non-reflective material and shall blend with the surroundings using dark, muted earth tones.

If the proposed construction is within, and visible from, a view corridor (see Section 9), the construction must also comply with all standards of the Visual Impact Regulations.

Note: Mid-summer foliage and terrain conditions shall be used when determining blending requirements.

Driveways & Private Roads:

Driveways and Private Roads shall:

not be allowed above 11,000 feet unless the applicant can demonstrate, through studies prepared by qualified professionals, that the development will not be located within and will not impact the tundra ecosystem.

be designed in a fashion that that minimizes impacts to environmental and scenic qualities; and

be aligned to minimize the amount of cut/fill necessary to install the proposed driveway; and

be reviewed and approved by either the Ouray County Road and Bridge Department, or a consultant chosen by the County, prior to construction/installation.

The applicant shall be responsible for payment of any consultant review of a driveway or private road design/installation.

Applications for driveways and/or private roads may be referred to any other applicable agencies (such as neighboring counties, Forest Service, BLM) for review and comment.

Utilities:

All utility installations shall be installed in a fashion that minimizes impacts to the environment and scenic quality of the site.

Fuel tanks, water storage, water delivery systems, and gasoline/diesel powered electric generators shall be placed in a permitted garage, accessory structure, or underground, and noise levels shall not exceed the limits defined within ordinance 1992-01 and any subsequent amendments.

Commercial Use of Residential Structures:

No commercial uses shall be allowed at or above an elevation of 11,000 ft

Below 11,000 feet, a Special Use Permit or other county issued permit shall be required prior to commercial uses allowed by the County Zoning or Ordinances.

Short-term rentals shall be permitted per the standards and requirements of any applicable county ordinance.

Any commercial use is prohibited unless specifically allowed under the Zoning Section of this Code. (Board of County Commissioner approval through issuance of a Special Use Permit may be required).

24.3 VARIANCE AND APPEALS:

Variances to the standards of this section may be applied for, pursuant to the standards of the Exceptions, Special Exceptions, Exemptions, and Variance Section and the Administration and Enforcement Section of this Code.

Any Decision or denial of any Staff member may be appealed pursuant to the standards of the Exceptions, Special Exceptions, Exemptions, and Variance Section of this Code.



What is the purpose of a Site Development Permit?

An approved Site Development Permit is required prior to issuance of a Building Permit for a new single-family dwelling in the county, or for any non-mining development above 9500' in elevation (See Section 24). The purpose of the Site Development Permit is to ensure safe development while minimizing the potential for harmful impacts.

Where does the requirement come from?

The requirement for a Site Development Permit comes from Section 13.10 of the Ouray County Land Use Code. This code section states: *In conjunction with and prior to approval and issuance of a building permit, a landowner wishing to construct a single-family dwelling unit must obtain a Site Development Permit from Ouray County.*

What issues must the Site Development Permit Satisfy?

Issues that must be satisfied as part of the SDP process include but are not necessarily limited to the following seven primary categories:

1. *Evidence of Safe / Legal Access*
 - a. Includes documentation to show any necessary approvals or permits from Forest Services or other governmental entities.
 - b. **NOTE: Winter access may be limited & parking is not allowed within the County right-of-way**
2. *Availability of Potable Water*
 - a. May require well permit or letter from State.
3. *Availability of Sewage Disposal/OWTS*
 - a. May require letter from licensed Colorado engineer on feasibility.
4. *No unreasonable impact - Wildlife Habitat, Tundra, Wetlands, Riparian Area*
 - a. May require confirmation letter from Colorado Division of Parks and Wildlife
5. *No impact – Sage Grouse Habitat*
 - a. May require letter of confirmation from Colorado Division of Parks and Wildlife
6. *Identification of Chemical or Geological Hazards*
 - a. May require Geo-Hazard analysis by licensed Colorado engineer.
7. *Identification of Wildfire Hazard, Flood Hazard, Avalanche/Snow Slide Hazard*
8. *No Impact on Irrigation / Structures*
 - a. May require letter from ditch owner(s) or ditch company.
9. *No Impact to historical structures, such as buildings, townsites, mining districts, or cultural features*
 - a. *May require opinion from qualified historical expert*
10. *The project has been designed in a fashion that:*
 - a. *has no impact to existing trails; or*
 - b. *if site improvements that satisfy (a) above would result in increased impacts to the historical features, cultural features, environmental features, or result in a higher degree of visual impact, an alternative site plan may be proposed, provided that trail impacts are minimized and public access is maintained.*

Other important information:

Review of the application will include a site visit by Land Use Department staff and may include referral to other governmental agencies. To facilitate the review, Applicant may be required to submit an aerial photograph of all lots proposed for development. Additionally, if development is proposed on an existing mining claim, the Applicant must submit the original mineral survey and a current Improvement Location Certificate prepared by a Colorado registered surveyor. Upon approval of this application, the permit will be recorded at the Office of the Ouray County Clerk and Recorder. The Applicant shall submit two checks. 1. A check made out to OURAY COUNTY CLERK AND RECORDER in the amount of \$16.00 for recording fee. 2. A check made out to OURAY COUNTY LAND USE for appropriate Site Development Permit fee (**Region 1 - \$200, Region 2 - \$250, Region 3 - \$300 *see staff**) with this application.

SITE DEVELOPMENT PERMIT APPLICATION

Date: _____ **Received:** _____

Owner/Agent: _____ **Mailing Address:** _____

City: _____ **State:** _____ **Zip:** _____

Phone: _____ **Email:** _____

Legal: ¼ Section: _____ **Section:** _____ **Township:** _____ **Range:** _____

Mining Claim? Yes No **Region:** 1 (0-6 miles from Land Use office) 2 (6+ to 12 miles) 3 (12+ miles)

Parcel Number: _____ **Account Number:** _____

Fee Amount: _____ **Paid:** Y N **Check Number:** _____

*Under the provisions of **Section 13.10** of the Ouray County Land Use Code, an **approved** Site Development Permit shall be required prior to the issuance of a building permit or address/driveway permit - Construction proposed on lots previously approved by Ouray County as part of a Planned Unit Development or subdivision are exempt from the requirement for a Site Development Permit.*

Along with this permit application, you must submit:

- * A site plan showing proposed or existing access and location of proposed or future construction. []
- * Plat, Improvement Location Certificate, Boundary Survey, or other to show legal lot lines. []
- * Evidence of both physical as well as legal access to the lot or parcel. []

The owner must read the following and acknowledge by signature below:

I understand that Ouray County is overall a rural county located in rough and difficult terrain with a limited transportation network and County services may be unavailable or service may be untimely in some or all areas of the County. I am aware that approval of a site development permit or any other permit does not constitute and shall not be considered as conferring any guarantee or expectation of the provision of any County service (including emergency services).

I also certify that I have read this document completely and that all the information I have submitted in support of this application is true and correct to the best of my knowledge and that this Permit may be revoked or suspended if I have knowingly supplied false or misleading information. I understand and agree that I am required to comply with any and all conditions that may apply to the approval of this Site Development Permit

and that I may not undertake any development of the proposed site unless and until a Site Development Permit has been issued.

Signature of Owner

Date

FOR OFFICE USE ONLY

Item:	Reviewed By:	Comments:	Approved:
--------------	---------------------	------------------	------------------

Confirm – Possible physical/legal access

Confirm – Availability of potable water

Confirm – Available sewage disposal or suitable for OWTS

Confirm – No unreasonable impact on wildlife habitat (general)

Confirm – No impact on Sage Grouse habitat

Confirm – No unreasonable impact on wetland/riparian areas

Confirm – No chemical or geo-hazards

Confirm – No potential development impact on water features/ditches

Referred To:

CDOPW R&B Engineering BLM Other _____

Final Disposition:

- FLOOD PLAIN PERMIT REQUIRED (project may proceed)
- VISUAL IMPACT CORRIDOR – REVIEW REQUIRED
- APPROVED
- DENIED
- APPROVED WITH CONDITIONS (listed below)

Conditions:

Ouray County Land Use Official

Date

DRAFT

SECTION 13

ADMINISTRATION AND ENFORCEMENT

13.1 ENFORCEMENT:

- A. The Land Use Department shall be responsible for administration and enforcement unless otherwise designated by the BOCC.

13.2 CONSTRUCTION, ALTERATION, OR DEMOLITION OF BUILDINGS:

- A. It is unlawful to erect, construct, reconstruct, demolish, or alter any building or structure in violation of this Code, or any amendment hereto adopted or enacted by the BOCC.
- B. Any person, firm or corporation violating this Code or any amendment hereto is subject to the penalties of CRS § 30-28-124 and CRS § 30-28-124.5 as may be amended.
- C. Each day during which such illegal erection, construction, reconstruction or alteration continues shall be deemed a separate offense.

13.3 USE OF BUILDINGS, STRUCTURES OR LAND:

- A. It is unlawful to use any building, structure or land in violation of this Code, or any amendment hereto adopted or enacted by the BOCC.
 - (1) Any person, firm or corporation violating this Code or any amendment hereof is subject to the penalties of CRS § 30-28-124 and CRS § 30-28-124.5 as may be amended.
 - (2) Each day during which such illegal use of any building, structure or land continues shall be deemed a separate offense.
- B. Whenever Staff (including, but not limited to, the County Planner, Building Inspector, Zoning Enforcement Officer or County Attorney) has personal knowledge (it shall be the practice of Ouray County that “personal knowledge” shall mean formal notification) of any violation of this Section, shall give written notice to the violator to correct such violation within thirty (10) days after the date of such notice.
 - (1) If the violator fails to correct the violation within such 10 day period, the zoning

Draft revisions for 6/21/2016 Planning Commission Workshop

official may request that the sheriff of the County issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of such charge to the violator.

(13.3B)

- (2) The summons and complaint shall require that the violator appear in County Court at a definite time and place stated therein to answer and defend the charge.
- (3) One copy of the summons and complaint shall be served upon the violator by the sheriff in the manner provided by law for the service of a criminal summons.
- (4) One copy each shall be retained by the sheriff and the County zoning official, and one copy shall be transmitted by the sheriff to the Clerk of the County Court.

13.4 TRANSFER OF INTERESTS:

Any person who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the BOCC and recorded or filed in the office of the County Clerk and Recorder, is subject to the penalties of CRS § 30-28-124 and CRS § 30-28-124.5 as may be amended.

- A. All fines collected shall be credited to the general fund of the County.
- B. No person shall be prosecuted, tried or punished under this Section unless the indictment, information, complaint or action for the same is instituted prior to the expiration of eighteen (18) months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land.
- C. In addition to any other penalty specified herein, the County may bring an action to enjoin any person, firm, or corporation from selling developed land before a final plat for such developed land has been approved by the BOCC and may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration of use of any parcel of land.

13.5 WITHHOLDING OF PERMIT:

In addition to all other penalties specified for violation of this Code, the County shall withhold building permits, mobile home permits, on-site wastewater treatment system permits and any other permits which may be necessary for the habitation or development

Draft revisions for 6/21/2016 Planning Commission Workshop

of any parcel of land which has been transferred in violation of this Code.

13.6 PRIVATE ACTION:

All provisions of the approved and recorded final development plan for a PUD shall run in favor of the residents, occupants and owners of the PUD but only to the extent expressly provided in the plan and in accordance with the terms of the plan and, to that extent, said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by residents, occupants or owners acting individually, jointly or through an organization dedicated in the plan to act on their behalf.

13.7 NOTICE OF VIOLATION:

- A. In addition to all other penalties specified for violation of this Code, the County may record in the office of the County Clerk & Recorder, a Notice of Violation, which shall constitute constructive notice to the general public that no permit which may be necessary for habitation or development shall issue from the County on any parcel of land which has been transferred in violation of this Code.
- B. Prior to recordation of the Notice of Violation, the affected landowner(s) shall be entitled to a thirty (30) day notice of intent to record Notice of Violation sent certified mail, return receipt requested to said landowner(s)' last known address as shown by County records.
 - (1) Upon written objection by the Landowner(s) filed with the County Land Use Department, within the aforementioned thirty day period, Notice of Violation shall not be recorded pending administrative review by the Land Use Department, which review shall take place within ten days of receipt of the written Objection.
 - (2) Following administrative review of the written objection and all other circumstances surrounding the alleged violation of this Code, if the Land Use Staff finds that there has been a violation of the Code, the Notice of Violation shall be recorded forthwith as provided herein.
 - (3) The affected landowner(s) may appeal the Land Use Staff's finding of violation to the BOA. Should the BOA reverse the finding of the Land Use Staff, the County shall forthwith record a revocation or withdrawal of the Notice of Violation, which was previously recorded.
- C. Compliance with the notice provisions of this Section shall not be a condition precedent to the County's enforcement of the provisions of this Code.
- D. Failure of the County to comply with the notice provisions of this Section shall not be deemed to constitute a waiver by the County of any violation of this Code.

13.8 FAILURE TO ENFORCE:

- A. Any failure by the County to enforce any provision of this Code shall not subject the County to any direct or indirect civil liability.
- B. Any failure by the County to enforce any provision of this Code shall not be construed as a waiver or forfeiture of its right to enforce.

13.9 FEES:

- A. Fees relating to this Code shall be assessed in accordance with a uniform schedule which is set by resolution of the BOCC and which shall be passed at any regular meeting of the BOCC or special meeting which is called for the specific purpose of adopting such fees.
- B. Notice that a fee schedule or amendment thereof is to be considered by the BOCC shall be published in the legal County newspaper at least fourteen (14) days prior to such consideration.
- C. The fee schedule shall be designed to fully compensate the County for all costs incurred or anticipated to be incurred in connection with the matter for which the fee is to be assessed. A current fee schedule may be requested from the Land Use Staff.

13.10 SITE DEVELOPMENT PERMITS:

- A. The provisions of this Section shall apply to the construction of single-family dwelling units on parcels located within the County, except construction proposed on lots previously approved by the County as part of a PUD, Final Development Plan or combined Preliminary/Final Development Plan approved by the BOCC in accordance with Section 6 of this Code, or a Final Subdivision Plat approved as part of a Development Agreement approved pursuant to Section 17 of this Code.

- B. The provision of this Section shall also apply to any non-mining construction or development located above 9,500' and within the Alpine Zoning District.

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- (1) In conjunction with and prior to approval and issuance of a building permit, a landowner wishing to construct a single-family dwelling unit must obtain a Site Development Permit from the County.
- (2) The BOCC hereby delegates to the Land Use Staff the authority to review and approve or approve with conditions or deny all applications for Site Development Permits in the County.
- (3) All decisions of the Land Use Staff shall be based upon the requirements set

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forth in the Land Use Code, or according to law. Any decision of the Land Use Staff pursuant to the authority delegated herein may be appealed as provided in Section 12.5 of the Code.

(13.10)

C. Applications for Site Development Permits shall be submitted in writing to the Land Use Office Staff, together with the applicant's acknowledgment of assessment of all processing, impact and other fees that are or may be required to be assessed by this or other Sections of this Code, as the Code may be amended from time to time. The County shall collect and the applicant shall pay all such applicable fees and assessments, at the time and in the manner that payment of those fees and assessments is required by this Code. The applicant shall use an application form approved by and provided by the County. The County shall approve, approve with conditions, or deny the application.

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D. The County shall approve and issue a Site Development Permit upon the Applicant demonstrating to the satisfaction of the County that all of the following criteria have been met:

- (1) Road access, potable water and sewage disposal will be available and will meet all applicable provisions of this Code.
- (2) The proposed site development will not unreasonably impact significant wildlife habitat, tundra, wetlands and riparian areas.
- (3) If the site development is proposed to be located within areas subject to the effects of any hazard, including but not necessarily limited to the following: chemical, geological, wildfire, flood, avalanche/snow slide, rockfall, landslide, potentially unstable slopes, slopes greater than 30 percent, alluvial fans, colluvial slopes, talus slopes, Mancos shale, faults, expansive soils or ground subsidence the applicant shall provide evidence demonstrating that such hazards have been avoided or otherwise mitigated. The County, where reasonably necessary, may require that recognized experts be employed and special studies be done and submitted before a site development permit can be issued affecting lands which may contain the hazards listed above, and which may affect persons using the land in question, or otherwise affected lands. The cost of employing such experts and drafting such special reports shall be paid by the applicant. The County is not required to accept the findings or conclusions of any experts or special reports.
- (4) All applicable impact and other fees and assessments have been assessed and paid as required by this Code.

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- (5) If the proposed site development is located within areas where irrigation occurs or may impact any irrigation structures, including but not limited to ditches and head gates, the applicant shall demonstrate that any potential impacts have been adequately mitigated to allow historic water flow to continue.

(13.10)

- | **E.** All applicants for a site development permit shall be required to sign a statement acknowledging that the County is overall a rural county located in rough and difficult terrain with a limited transportation network and County services may be unavailable or service may be untimely in some or all areas of the County. Approval of a site development permit or any other permit or approval does not constitute and shall not be considered as conferring any guarantee or expectation of the provision of any County service.
- | **F.** Upon issuance of a site development permit the Land Use Staff shall submit the permit and County service statement to the Office of the County Clerk and Recorder for recordation. Any amendment to the approved site development permit shall require additional County approval.
- | **G.** Upon demonstration that the permit is in compliance with all conditions and criteria, as set forth above, the Site Development Permit shall be approved for a period of three (3) years. Renewal of the permit may be granted for additional successive three (3) year terms providing that the permit is in compliance with all conditions and criteria, as set forth above.

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13.11 BUILDING PERMITS:

- A.** Building permits shall be issued in accordance with procedures set forth in the Uniform Building Code, as adopted by the County.
 - (1) No building shall be erected, occupied, moved or structurally altered until a permit therefor has been issued by the County Building Inspector and no permit shall be issued unless the proposal is in full accordance with this Code, except in those instances where a lawful variance has been granted by the BOA.
 - (2) All applications for permits shall be accompanied by a drawing showing the location of all existing and proposed improvements, overhead and underground utilities, irrigation and drainage ditches, and all easements in relation to the lot and indicating the height of all structures. No building permit shall be issued within a PUD approved after the date of adoption of this Code without prior notification to the architectural control committee or other internal enforcement body approved under Section 6 of this Code.
- B.** The Land Use Staff, where reasonably necessary, may require that recognized experts be employed and special studies be done and submitted before a building permit is issued affecting lands which may contain a geological, wildfire, flood or other hazard, and which may affect persons using the land in question or abutting or otherwise affected lands. The cost of employing such experts and drafting such special reports

SECTION 3 ZONING

3.1 PURPOSE AND INTENT:

- A. The zoning provisions that follow have been adopted to achieve the purposes set forth in Section 1.
- B. To allow gradual, long-term population and economic growth in Ouray County in a manner that does not harm the County's irreplaceable scenic beauty, wildlife, air and water resources, and other environmental qualities and that does not unduly burden the County's residents or its governments.
- C. The intent of the County zones is to achieve across the zones, the overall goal of the Master Plan. This goal includes, in alphabetical order, specific goals for agricultural lands, county/municipal relationships, economic development, housing, natural resources, rural character, tourism, transportation, utilities, visually significant areas, and wildlife and plant habitats.
- D. The specific intent of each of the zones that follow shall be read in conjunction with the combination of the Master Plan's overall and specific goals, and provide general guidance with regard to specific uses within each zone.

3.2 ZONING DISTRICTS, MAPS AND BOUNDARIES:

- A. The zones established by the Code are identified on the basis of the physical character of the County combined with the pertinent information about existing land use and ownership patterns and the needs of a stable and growing economy.
- B. All Zones shall be designated on the "Official Zoning Map of Ouray County" which is on file in the records of the County Clerk and Recorder. A copy of the map is attached to this Code and, in the event of any conflict between the copy and the map on file in the County records, the latter shall be conclusively deemed to prevail.

3.3 USES BY RIGHT AND SPECIAL USES:

- A. In each zone there are uses permitted by right and special uses which may be allowed on a site specific basis through a permitting process. These uses have been determined in each zone according to the unique characteristics of the zone.
- B. Uses allowed by right are allowed automatically, although construction of new structures may require a Site Development Permit and a building permit pursuant to Section 13 of this Code.
- C. Permits for special uses may be requested according to the procedures in Section 5. The criteria for approval of a special use are more specifically explained in Section 5.2.

3.4 USES NOT LISTED:

- A. Upon application, or by its own initiative, the BOCC may, in accordance with Section 14.5, by resolution add to either the uses by right or by special permit listed for a zoning district based on these criteria:
- (1) Such use is appropriate to the physiographic and general environmental character of the zone to which the use is added.
 - (2) Such use is compatible with other permitted uses in the zone and does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, or more traffic, hazards, or alterations to the zone than the minimum amount normally resulting from the other uses permitted in the zone.

3.5 ESTABLISHMENT OF ZONES:

- A. The County is hereby divided into eight (8) zones, as follows:
- (1) Alpine
 - (2) Colona
 - (3) High Mesa
 - (4) North Mesa
 - (5) Public Lands
 - (6) South Mesa
 - (7) South Slope
 - (8) Valley

3.6 RESIDENTIAL DENSITY:

- A. Maximum residential densities for each Zone shall be as follows:
- | | |
|----------------------|-------------------------------|
| (1) Alpine Zone | 1 Dwelling Unit per 35 Acres* |
| (2) Colona Zone | 7 Dwelling Units per Acre |
| (3) High Mesa Zone | 1 Dwelling Unit per 35 Acres |
| (4) North Mesa Zone | 1 Dwelling Unit per 6 Acres |
| (5) South Mesa Zone | 1 Dwelling Unit per 6 Acres |
| (6) South Slope Zone | 1 Dwelling Unit per 6 Acres |
| (7) Valley Zone | 1 Dwelling Unit per 35 Acres |

* [Subject to additional restrictions of Section 24 – High Country Development Regulations](#)

3.7 CONSTRUCTION, MAXIMUM BUILDING AND STRUCTURE HEIGHT:

In all zones, the maximum height of a building or other structure shall not exceed thirty-five (35) feet, unless a height of less than thirty-five (35) feet is required within [the High Country Region \(See Section 24 of this Code\)](#), an approved PUD, or as otherwise provided in a special use permit. (See Definitions – Section 2 for more information)

Construction of structures in all zones may have additional requirements, including setbacks, as provided elsewhere in this Code. Property owners should consult with Land Use staff concerning applicability of other requirements before commencing design or construction.

3.8 ZONES:

A. Alpine Zone:

The intent of the Alpine Zone is to preserve the natural beauty, wildlife habitat, and recreational, historic and archeological values of high altitude areas and manage the County's natural resources in a manner that is both environmentally sound and protects private property rights, while allowing mining, agriculture, forestry, recreation, and limited low density residential and resort/conference center development.

(1) Uses Allowed by Right:

- (a) Underground mining subject to state and federal permitting
- (b) Accessory uses and structures to any other use by right and any permitted use
- (c) Farming/Ranching
- (d) Home occupation
- (e) Non-commercial camping
- (f) Non-commercial logging
- (g) Single-family dwelling unit (maximum density of one unit per 35 acres) on parcels not previously approved by the County as part of a Planned Unit Development (PUD) ([Further restrictions located in Section 24 of this Code](#)).

(2) Uses Allowed by Special Use Permit

- (a) Bed and breakfast
- (b) Cemetery
- (c) Church
- (d) Commercial camping

(3.8A2)

- (e) Commercial equestrian activity
- (f) Commercial logging
- (g) Commercial outdoor recreation use – day use
- (h) Governmental facility
- (i) Guest ranch
- (j) Home business
- (k) Livery or horse rental operation
- (l) All mineral extraction and processing operations except those allowed by right
- (m) Oil and gas exploration and facilities pursuant to Section 21 of this Code
- (n) Public park or wildlife preserve
- (o) Public utility
- (p) Public service facility
- (q) Sand and gravel operation
- (r) School
- (s) Temporary use
- (t) Wildlife Rehabilitation Facility

(3) Planned Unit Development:

- (a) Resort/Conference Center PUD
- (b) Regular PUD – as established by Section 6 of this Code

(4) Minimum Lot Size:

- (a) All uses, except as otherwise provided for in this Code - thirty-five (35) acres
- (b) Special uses – as established by Section 5 of this Code
- (c) See Section 24 of this Code for further restrictions pertaining to development in the high country regions.

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(5) Required Setbacks:

- (a) All structures shall be located at least twenty-five (25) feet from any property lines unless approved otherwise in a PUD

- (b) For lots and parcels that have an area of two (2) acres or less, the minimum setback for structures shall be ten (10) feet from the side and back property lines and twenty-five (25) feet from the front property line

(3.8A5)

- (c) No structure may be closer than one hundred (100) feet from the centerline of U.S. Highway 550 or Colorado Highway 62, if visible from such highways

Deleted:

B. Colona Zone:

The intent of the Colona Zone is to maintain an area of high-density residential development (one unit per 6,000 square feet) and commercial activity.

(1) Uses Allowed by Right:

- (a) Single-family dwelling units
- (b) Accessory uses and structures to any other use by right and any permitted use
- (c) Home Occupation

(2) Uses Allowed by Special Use Permit:

- (a) Church
- (b) Commercial use
- (c) Government facility
- (d) Home Business
- (e) Multi-family dwelling
- (f) Oil and gas exploration and facilities pursuant to Section 21 of this Code
- (g) Public service facility
- (h) Public utility
- (i) School

- (3) Planned Unit Development:** Regular PUD (maximum density of 7 units per acre).

(4) **Minimum Lot Size:** Lot size shall not be less than fifty (50) feet by one hundred twenty (120) feet. Larger lot sizes may be required to meet requirements for adequate sewage disposal.

Deleted:

(5) **Floor-to-Lot Ratio:** For all uses, maximum floor-to-lot ratio shall not exceed 1:1.

(3.8B)

(6) **Required Setbacks:** All structures shall be at least twenty (20) feet from any street or highway right-of-way (except alleys) and at least ten (10) feet from all other property lines.

C. High Mesa Zone:

The intent of the High Mesa Zone is to encourage agricultural production, preserve areas for wildlife migration and habitat, and scenic, historical and archeological values, and to allow low density residential development that does not adversely impact the significant vegetative, wildlife, historic, archeological and scenic values of the Zone.

(1) Uses Allowed By Right:

- (a) Farming/ranching
- (b) Single family dwelling unit (maximum density of one unit per 35 acres) on parcels not previously approved by the County as part of a PUD
- (c) Non-commercial logging
- (d) Accessory uses and structures that are accessory to any other use by right and any permitted use
- (e) Home occupation
- (f) Non-commercial camping

(2) Uses Allowed by Special Use Permit:

- (a) Bed and breakfast
- (b) Cemetery
- (c) Church
- (d) Commercial camping
- (e) Governmental facility
- (f) Guest ranch
- (g) Home Business

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SECTION 2
DEFINITIONS

Proposed additions resulting from Section 24 – High Country Development Regulations:

TUNDRA. Alpine tundra ecosystems are found above tree line and are characterized generally by the absence of extensive tree coverage. Several distinct plant communities are found in the alpine tundra ecosystem, including low shrubs, cushion plants, small forbs, lichens and lush meadows of sedges and grasses. Among other qualities, alpine tundra ecosystems function to collect, store, filter, and distribute water for all the in-stream, agricultural, municipal, domestic, industrial, and recreational purposes for which water is essential.

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