MESA COUNTY

LAND USE ITEMS

November 17, 2026
1:30 p.m.

544 Rood Avenue
Grand Junction, CO

This document is not remediated due to the draft status of the Land Development Code. It will be remediated and provided after is has been adopted. For accessibility assistance with any part of this document, please visit the Mesa County Americans Disabilities Act Compliance for contact information.

PROJECT REVIEW

PRO2026-0092

LAND DEVELOPMENT CODE UPDATE

MESA COUNTY

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

200 S. Spruce Street • PO Box 20,000-5022 • Grand Junction, Colorado • 81502
Telephone: 970.244.1636 • www.mesacounty.us/planning

PROJECT REVIEW
October 22, 2026

PRO2026-0092 LAND DEVELOPMENT CODE UPDATE

Representative: Mesa County Planning Division
Planner: Greg Moberg, 970-244-1650, greg.moberg@mesacounty.us
Request: An update of the entire Mesa County Land Development Code, that will provide a more user-friendly document that reduces redundancy, creates flexibility.

Recommendation: Approval

I. BACKGROUND

The Code Focus Group, the Mesa County Planning Commission and the Mesa County Board of County Commissioners began reviewing proposed updates to the Land Development Code on April 2, 2025. Mesa County Land Development Code. This update is designed to increase the document's user-friendliness, reduce redundancy, and provide greater flexibility.

The key goals of this proposed update include:

- Streamline submittal and review processes.
- Establish more realistic and achievable design standards.
- Incorporate required State mandates.
- Rescind neighborhood/community plans

Staff met monthly with the Code Focus Group to discuss each chapter of the Land Development Code with Planning Commission and Board of County Commissioner briefings held monthly. The draft updated was placed on the County's website starting in May of 2026. The Planning Commission than held three workshops in May, June and July for review and comment by the public.

In addition to the above mentioned meetings, the Community Development Department reached out to Western Colorado Contractors Association (WCCA), Housing & Building Association of Western Colorado (HBA), and Associated Members for Growth and Development (AMGD). In addition, the Chambers of Commerce in Grand Junction, Fruita and Palisade were also notified. Finally, review notices were sent to 128 municipal, federal, state and local review agencies (see attached comments).

II. PROPOSED TEXT AMDNEMNTS

Included in this binder are copies of the proposed Land Development Code Update showing additions (underline) and deletions (~~strikethrough~~) and a clean copy that does not show the additions or deletions.

III. HIGHLIGHTS OF THE PROPOSED CODE UPDATE

The most notable changes found in the proposed update of the Land Development Code are as follows. Information is grouped by Section.

Chapter 1 – Introductory Provisions

- Master Plan Advisory – Section 1.12
  - The master plan of a county or region is an advisory document to guide land development decisions; however, the master plan or any part thereof may be made binding by inclusion in the county's or region's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate.

Chapter 3 – General Review Procedures

- Notice Requirements – Section 3.02 D.
  - Fifteen-day notice requirement only for Planning Commission. Date for the Board of County Commissioners public hearing has historically been be placed on the mailed notice and announced at the Planning Commission public hearing.
  - Published notice will be posted on the Mesa County website rather than in the Daily Sentinel.
- Assurances – Section 3.03
  - Added language that creates a condition of an approval when the developer makes an assurance related to the project regardless of whether or not it is a requirement of the Code.

Chapter 4 – Zoning and Development Procedures

- Conditional Use Permit – Section 4.03
  - Modified the language to clarify the first approval criteria.
  - Added language that allows the lapsing of a conditional use permit if nothing has commenced within three years.
- Development Improvements Agreement – Section 4.05
  - Added and deleted language to clarify the requirements of a development improvements agreement.
- Location and Extent – Section 4.11
  - Added the location and extent process as described under C.R.S. Sections 30-28-110, 22-32-124 (1)(a) and 22-32-124(1.5)(a).
- Planned Unit Development – Final Development Plan – Section 4.13 D.
  - Added lapsing language to clarify when and how a planned unit development may be lapsed.
- Site Plans – Section 4.17
  - Added language that codifies the historic use of “short forms” site plans. The short form has been used to approve those site plans that do not

adversely affect neighborhoods or adjoining properties.

Chapter 5 – Zoning Districts

- Rural vs. Urban Zone Districts – Sections 5.01 and 5.02
  - Added language to further define the difference between rural and urban zoning districts.
  - Moved RSF-R, RSF-E and URR from the urban zoning districts to rural zoning districts.
  - Removed minimum lot size and width requirements from urban zoning districts.
- Commercial/Industrial Zoning Districts – Section 5.03
  - Added language to better define the commercial/industrial zone districts.
  - Increased the residential density in the R-O, B-1, B-2 C-1, C-2, MU-C and MU-OTC zoning districts.
  - Removed the residential density from the industrial zoning districts.
- Master Plan Implementation – Table 5-1
  - This table was cleaned up by removing the Overlay zones as they are not implemented by the Master Plan Future Land Use classifications.
  - Added zones that were compatible and removed zones that were incompatible with the associated Future Land Use classifications.
- Overlay districts – Section 5.05
  - Modified language under specific Overlay Districts to allow the rescinding of the neighborhood/community plans.

Chapter 6 – Use Regulations

- Use Regulations – Table 6-1
  - Added tiny homes as a use by right in several zone districts.
  - Added single-family detached units in the RMF-12 zone district.
  - Added multi-family units in the B-2, C-1 and C-2 zone districts.
  - Changed Community Solar Garden from a use by right to a conditional use in most zones.
- Bed and Breakfast – Section 6.02 C.
  - Cleaned up language under this Section to make it more understandable.
- Campgrounds and Recreational Vehicle Parks – Section 6.02 E.
  - Removed the requirement that campgrounds must restrict camping to no more than 180 days.
- Group Living – Section 6.02 K.
  - Amended the number of residents to conform with the State of Colorado's definition.
- Multi-family Development – Section 6.02 O.
  - Removed the requirement for common area or open space in multi-family

developments and made it optional.

- Self-Service Storage/Mini-Warehouse – 6.02 V.
  - Removed the site-specific standards and identified the use under Table 6-1.
- Minor Entertainment Events – Section 6.02 Z.
  - Added additional restrictions to Minor Entertainment Events.
- Vacation Rentals – Section 6.02 BB.
  - Renamed Vacation Rental to Short-term Rental
  - Added and removed language under Short-term Rentals to make this section more manageable.
  - Added a definition and total occupancy to the maximum number of occupants allowed.
- Utility, Production – Section 6.02 CC.
  - Included Community Solar Gardens under Section 6.02 CC.2. requiring community solar gardens to meet all requirements under this section.
  - Increased the minimum separation between utility production sites and existing residential occupied structures on adjacent properties from one hundred fifty (150) feet to one quarter (1/4) mile.
  - Added a financial security requirement for decommissioning.
- Accessory Structures – Section 6.03
  - Added language to remove the restrictions from agricultural used buildings in residential zones.
- Accessory Uses – Section 6.04
  - Accessory dwellings, added and removed standards so that this section meets the requirements of HB24-1152.
  - Removed the requirement that camping is only allowed 30 consecutive days or a total of 180 days within a calendar year.
- Temporary Uses – Section 6.05
  - Cleaned up the language to make this section more understandable and administratively more manageable.

Chapter 7 – Measurement and Density Standards

- Density – Section 7.01 A.
  - Added language to define parent parcel when calculating density on an existing subdivision.
- Setbacks – Section 7.01 E.
  - Added a setback exception for structures on lots adjacent to tracts that are designated as a park, trail, or open space.
- URR Subdivision Standards – Section 7.04 E.
  - Modified the standards to allow one acre density on the reserve lot after ten years from the date the subdivision is platted.

Chapter 8 – Development Standards

- Parking – Section 8.01
  - EV charging station language added based on the requirements of HB24-1173.
  - Amended the requirements for stacking spaces to better fit the applicable standards.
- Landscaping and Buffering – Section 8.02
  - Nonfunctional/functional turf. Definition, language and standards were added based on the requirements of HB25-1113 and SB24-005.
- Fences – Section 8.03
  - Language added to exempt wildlife fencing from the seven-foot fence height limitation.
- Large Retail Projects – Section 8.04
  - Added architectural metal to the list of materials that can be used for exterior façade treatment and construction.
- Public Land and Open Space Dedication Requirements – Section 8.06 (previous Section number)
  - Deleted this section as the County hasn't required dedication of open space for many years. In addition, it has been proposed to change the open space requirement for manufactured home parks and multi-family projects from mandatory to an optional requirement.
- Wildfire Hazards – Section 8.06 (new Section number)
  - The standards and regulations were amended based on SB23-166.
- Fire Protection – Section 8.09
  - The standards were amended to better clarify the requirements of developments located outside of a fire protection district.
- Floodplain Regulations – Section 8.13
  - Additions and deletions under the Floodplain Regulations were proposed by the Public Works Department to better clarify the standards and regulations.
- Traffic Studies – Section 8.14
  - Additions and deletions under the section on Traffic Studies were proposed by the Public Works Department to better clarify the standards and regulations. These standards and regulations are to be moved to the Mesa County Design Standards and therefore are not needed in the Land Development Code.
- Street Access – Section 8.15
  - Additions and deletions under the section on Street Access were proposed by the Public Works Department to better clarify the standards and regulations. These standards and regulations are to be moved to the

Mesa County Design Standards and therefore are not needed in the Land Development Code.

- Intersection and Driveway Visibility – Section 8.18
  - Additions and deletions under the section on Intersection and Driveway Visibility were proposed by the Public Works Department to better clarify the standards and regulations. These standards and regulations are to be moved to the Mesa County Design Standards and therefore are not needed in the Land Development Code.
- Land Dedications and Fees In-Lieu – Section 8.19
  - This section was deleted as the County no longer requires dedication of parkland.

Chapter 12 – Definitions

- Definitions – Section 12.01
  - Agrivoltaics; added language to more clearly define the agricultural component of the solar facility.
  - Architectural Metal; added definition.
  - Battery Energy Storage System (BESS); added definition.
  - Data Center; added definition.
  - Electric Vehicle Charging Station; added definition to be in compliance with HB24-1173.
  - Fuel Sales, Vehicle/Appliance; added definition to be in compliance with HB24-1173.
  - Household; amended the definition to be in compliance with HB24-1007.
  - Multi-Family; amended the definition to allow multiple buildings on a single parcel.
  - Private Energy Facilities; added definition.
  - Single Housekeeping Unit; added definition to clarify the use of a residential structure.
  - Tiny House; added definition.
  - Turf; added definitions concerning turf to be in compliance with SB24-005.
  - Wildlife Fence; added definition.

IV. TEXT AMENDMENT APPROVAL CRITERIA

Section 1.5 Purpose:

This Land Development Code is adopted for the purpose of preserving and improving the public health, safety, and general welfare of the citizens and businesses of Mesa County. More specifically, it is the purpose of this Land Development Code to:

A. implement the purposes, goals, and policies of the Mesa County Master Plan;

The proposed modifications to the Land Development Code make the Code easier to read and understand, and creates efficiencies and streamlines review processes where appropriate. The proposed modifications leave the Code's essential core elements in place thereby continuing to implement the purposes,

goals and policies of the Mesa County Master Plan. Therefore, the proposed Land Development Code Update will continue to implement the purposes, goals and policies of the Mesa County Master Plan.

This criterion has been met.

B. promote predictability, consistency, and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests;

The proposed modifications to the Land Development Code eliminate redundant, duplicative and contradicting language making the Code more user friendly and easier to read. This promotes predictability, consistency and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests.

This criterion has been met.

C. provide appropriate opportunities for participation and involvement in the development process by all affected parties;

No modifications were made that would constrain, obstruct or prevent opportunities for participation and involvement in the development process by any affected party. Review agencies will continue to be afforded the opportunity to review and comment on proposed requests.

This criterion has been met.

D. promote development that is consistent and compatible with that of the municipalities within Mesa County within the joint municipal planning areas;

No changes or modifications are being proposed that would create inconsistent or incompatible development within joint municipal planning areas.

This criterion has been met.

E. be fair to all by giving due consideration to protecting private property rights, the rights of individuals, and the rights of the community as a whole. In instances where an application to develop does not meet all applicable criteria of this Code, and unique or special circumstances exist which would warrant the approval of the application to develop, and provided the proposed development: (a) poses no threat to health or safety; (b) provides for the mitigation of impacts to the maximum extent reasonable; and (c) is generally consistent and compatible with the allowed uses in the applicable Zoning District, the application to develop may be approved.

No changes or modifications are being proposed that would remove protected private property rights, the rights of individuals and the rights of the community as a whole.

This criterion has been met.

V. REVIEW AGENCY COMMENTS

The Review Agency Comment report is attached.

VI. PUBLIC COMMENTS

Public comments are attached.

VII. STAFF RECOMMENDATION

Approval of the proposed Land Development Code Update.

Basis: The proposed Land Development code Update meets the basic goals of the Mesa County Master Plan. The amendment meets the purpose statements in Section 1.5 of the Land Development Code and does not conflict with other sections in the Land Development Code. The amendment does not conflict with State Statutes regulating County Planning.

Summary

Purpose

1.5.A (implement Master Plan purposes, goals, and policies)	**is met**
1.5.B (promote predictability, consistency and efficiency)	**is met**
1.5.C (provide opportunities for participation and involvement)	**is met**
1.5.D (development compatible with the municipalities)	**is met**
1.5.E (give due consideration to protecting rights)	**is met**

VIII.MCPC ACTION: October 15, 2026

After the public hearing was held on October 15, 2026, the Planning Commission moved to recommend approval of the Land Development Code Update by a vote of 5 approve and 2 deny. The approved motion contained the following recommendations:

1. **Land Development Code Update (Section BB. 2. D.2.):** Reduce the proposed minimum setback distance from one-quarter (1/4) mile to 500 feet from the nearest outside wall of an existing, occupied residential structure on adjacent properties.

2. **Non-Land Development Code Recommendations:**

    - Shift the current policy focus from "Code Compliance" toward "Code Enforcement".
    - Eliminate the nonconforming protection that existing short-term rentals would gain if the amendments to Section AA are approved.
    - Review the taxation process to evaluate taxing approved minor entertainment events and short-term rentals as commercial rather than residential properties.

IX. BoCC ACTION: Hearing Scheduled for November 17, 2026

PRIOR
PLANNING COMMISSIONER HEARING MINUTES OCTOBER 15, 2026

MESA COUNTY PLANNING COMMISSION
October 15, 2026
PUBLIC HEARING **DRAFT** MINUTES

Chair Anson called a scheduled hearing of the Mesa County Planning Commission to order at 6:00 p.m. Chair Anson led the Pledge of Allegiance. The hearing was held in the Public Hearing Room, at 544 Rood Avenue, Grand Junction, Colorado.

In attendance representing the Mesa County Planning Commission were Clifton Anson, Virginia Brown, Nina Hutchins, Steve Damm, Greg Haitz, Kenneth Fischer,and Mike Ritter.

In attendance representing the Mesa County Planning Department were Greg Moberg, Sarah Caskie, and Samantha Hoogland. Terry Laubhan was present to record the minutes.

There were 112 citizens present throughout the hearing.

APPROVAL OF MINUTES

August 20, 2026 Hearing Minutes
Motion: Commissioner Damm "I MOVE THAT WE ACCEPT THE MINUTES AS PRESENTED"
Second: Commissioner Brown "I'LL SECOND"
Motion Approved 7-0

DRAFT HEARING ITEMS

1. PRO2025-0345	**RIVERHOUSE COTTAGE CONDITIONAL USE PERMIT**
Property Owner:	Riverhouse LLC
Representative:	Michael Pukas – MPP Design Shop, michael@mppdesignshop.com
Location:	689 38 Road, Palisade, CO 81526
Parcel:	2941-022-00-024
Zoning:	AFT (Agricultural, Forestry, Transitional)
Planner:	Sarah Caskie, (970)255-5036, sarah.caskie@mesacounty.us
Request:	To allow for the existing 960 square foot dwelling (cottage) to be used for lodging.

Staff Recommendation: Approval and adoption of the resolution.

Staff Presentation

Sarah Caskie, Senior Planner, entered into the record Exhibits A-F, Staff PowerPoint Presentation, Planning Commissioner Hearing Binder, Project File,
Mesa County Land Development Code (MCLDC), Mesa County Master Plan (MCMP), and the Applicants' presentation.
Ms.Caskie explained that the cottage was built in the 1960's and is the only dwelling currently on the property. The applicants have future plans for two additional dwellings on the property. The

bridge that accesses the property on the North was inspected by a professional engineer and the Palisade Fire Department and approved for emergency access.

This Conditional Use Permit will allow the owners to keep the cottage as a third dwelling, which was recently updated, to use for lodging instead of having to demolish it.

Applicant/Representative Presentation

Representative Michael Pukas advised he had no comments but was available to answer any questions.

Board Member Discussion and Vote

Commissioner Fischer asked if there were to be any additional dwellings on the property. Ms. Caskie clarified that the applicant has plans to construct two additional dwellings, however tonight's request is for "lodging" use for the existing dwelling only.

Motion: Commissioner Fischer "I MAKE A MOTION TO RECOMMEND APPROVAL OF PROJECT PRO2025-0345 RIVERHOUSE COTTAGE CONDITIONAL USE PERMIT BASED ON THE FINDINGS THAT THE APPLICATION SATISFIES THE MAJORITY OF THE APPROVAL CRITERIA AS OUTLINED IN THE PROJECT REPORT."
Second: Commissioner Damm "I'LL SECOND"
Motion Approved 7-0

This project will be presented to the Board of County Commissioners Tuesday, November 17, 2026, at 1:30 p.m.

2. PRO2026-0176 CLIFTON FIRE DISTRICT REZONE

Property Owners:	Clifton Sanitation District
Representative:	Kim Kerk – Kim Kerk Land Consulting
Location:	3201 and 3209 D Road, Clifton, CO 81520
Parcels:	2943-232-00-117 and 2943-232-00-118
Zoning:	Planned Unit Development (PUD) and Residential Single-Family – Rural (RSF-R)
Planner:	Samantha Hoogland, 970-244-1686, samantha.hoogland@mesacounty.us
Request:	To rezone a 2.57-acre property and a 16.06-acre property from PUD and RSF-R respectively, to Agricultural, Forestry, Transitional (AFT).

Staff Recommendation: Approval and adoption of the resolution.

Staff Presentation

Samantha Hoogland, Associate Planner, entered into the record Exhibits A-E, Staff PowerPoint Presentation, Planning Commissioner Hearing Binder, Project File, Mesa County Land Development Code (MCLDC), and the Mesa County Master Plan (MCMP).

Ms. Hoogland explained that the purpose of this Rezone is to allow for a property line adjustment in the future which would facilitate locating a new fire station for Clifton Fire. She explained that 3201 D Road was zoned Planned Unit Development (PUD) in 1982, 3209 D Road is zoned RSF-R and is used by Clifton Sanitation for equipment, material storage, a private five-acre energy system. The Future Land Use of Conservation Mineral Extraction allows a rezone to AF35, AFT and RSF-R.

Applicant/Representative Presentation

Kim Kerk of Kim Kerk Land Consulting advised that her firm was representing the applicants and preparing for a rezone application for a future new Clifton Fire Department location. She explained that the project is in process for the Preliminary Access Location, which was approved October 14, 2026, the rezone, and finally, the site plan.

Board Member Discussion and Vote

Motion: Commissioner Brown "I MOVE TO RECOMMEND APPROVAL OF PROJECT PRO2026-0176 CLIFTON FIRE DISTRICT REZONE, BASED ON THE FINDING THAT THE APPLICATION MEETS OR CAN MEET THE APPROVAL CRITERIA AS OUTLINED IN THE PROJECT REPORT."
Second: Commissioner Haitz "I'LL SECOND"
Motion Approved 7-0

This project will be presented to the Board of County Commissioners Tuesday, November 17, 2026, at 1:30 p.m.

3. PRO2026-0206 STARFISH CLINIC REZONE

Property Owner:	Starfish TNR & Rescue, LLC
Representative:	Tracy States - River City Consultants, Inc.
Location:	412 32 Road, Clifton, CO 81520
Parcel:	2943-143-17-006
Zoning:	Residential Multi-Family – 8 District (RMF-8)
Planner:	Samantha Hoogland, 970-244-1686, Samantha.Hoogland@mesacounty.us
Request:	To rezone the 0.64-acre property from RMF-8 to Residential-Office District (R-O).

Staff Recommendation: Approval and adoption of the resolution.

Staff Presentation

Samantha Hoogland, Associate Planner, entered into the record Exhibits A-E, Staff PowerPoint Presentation, Planning Commissioner Hearing Binder, Project File, Mesa County Land Development Code (MCLDC), and Mesa County Master Plan (MCMP).

Ms. Hoogland explained that the property currently consists of lots 1 through 3 in the Hope Subdivision. The property and structure has served as a church until recently. In May 2026, a change of use was approved to convert the space to a low cost (non profit) spay and neuter

clinic, which is permitted in a RMF-8 zoning as a community service. The request to RO would allow the business to expand to full vet services and operate on a more regular basis.

Applicant/Representative Presentation

Tracy States, with River City Consultants, representing the applicant advised that she was available for any questions from the Commissioners.

Board Member Discussion and Vote

Motion: Commissioner Hutchins "I MOVE TO RECOMMEND APPROVAL OF PROJECT PRO2026-0206 STARFISH CLINIC REZONE, BASED ON THE FINDING THAT THE APPLICATION MEETS OR CAN MEET THE APPROVAL CRITERIA AS OUTLINED IN THE PROJECT REPORT"
Second: Commissioner Ritter "SECOND"
Motion Approved 7-0

This project will be presented to the Board of County Commissioners Tuesday, November 17, 2026, at 1:30 p.m.

4. PRO2026-0092 LAND DEVELOPMENT CODE UPDATE

Representative:	Mesa County Planning Division
Planner:	Greg Moberg, 970-244-1650, greg.moberg@mesacounty.us
Request:	An update of the entire Mesa County Land Development Code, that will provide a more user-friendly document that reduces redundancy, creates flexibility.

Staff Recommendation: Approval

Staff Presentation

Greg Moberg, Community Development Director, entered into the record Exhibits A-E, Staff PowerPoint Presentation, Planning Commissioner Hearing Binder, Project File, Mesa County Land Development Code (MCLDC), and Mesa County Master Plan (MCMP).

Director Moberg explained that the code updates covered during today's hearing are from chapter one through chapter twelve. He detailed key revisions that were made including the subjects of Zoning and Development Procedures, Zoning Districts, Use Regulations, Measurement and Density Standards, Development Standards, Definitions for the purpose of preserving and improving the public health, safety, and general welfare of the citizens and businesses of the County.

Public Comments

There were 30 public comments. Concerns were focused primarily on Short Term Rentals, the increased minimum separation regarding Utility, Production, Dark Skies Initiative, Data Centers in Mesa County, and full transparency from Planning Commission with suggestions of accessible remote hearings.

Board Member Discussion and Vote

Chair Anson brought up the issue of Data Centers, and asked if it would be in the form of an Amendment to the Land Development Code. Mr. Moberg answered yes and described the process of hearings and the role of the Board of County Commissioners. Director Moberg explained that currently Data Centers are under a Moratorium and no applications are being accepted. Commissioner Haitz clarified that the Moratorium is Mesa County specific, and does not include the City of Grand Junction. There was discussion of the Solar Set Back minimum footage and possible modification of this distance to the proposed Land Development Code. The Board discussed Short Term Rentals turning into event centers, taxation for these permitted venues, and Code Compliance issues.

Motion: Commissioner Haitz "I MOVE TO RECOMMEND APPROVAL OF PROJECT NO. PRO2026-0092, LAND DEVELOPMENT CODE UPDATE BASED ON THE FINDINGS PRESENTED WITH THE RECOMMENDATION OF A SET BACK OF 500 FEET FOR SOLAR INSTALLATIONS, ALONG WITH ADDITIONAL RECOMMENDATIONS FROM DIRECTOR MOBERG"
Second: Commissioner Damm "SECOND"
Motion Approved 5-2

5. PRO2026-0197 REVOCATION OF COMMUNITY/NEIGHBORHOOD PLANS

Representative:	Mesa County Development Department
Planner:	Greg Moberg, 970-244-1650, greg.moberg@mesacounty.us
Request:	Revocation of the following community/neighborhood plans: Clifton-Fruitvale Community Plan (Resolution: MCPC2006-01) Gateway Rural Community Plan (Resolution: MCPC2004-02) Glade Park Plan (Resolution: MCPC2014-005) Loma Community Plan (Resolution: MCPC2009-001) Mack Community Plan (Resolution: MCPC2012-001) Mesa/Powderhorn Plan (Resolution: MCPC2013-002) Orchard Mesa Neighborhood Plan (Resolution: MCPC2014-002) Redlands Area Plan (Resolution: MCPC1-002) Whitewater Community Plan (Resolution: MCPC2011-004)

Staff Recommendation: Approval

Staff Presentation

Greg Moberg, Community Development Director, entered into the record Exhibits A-E, Staff PowerPoint Presentation, Planning Commissioner Hearing Binder, Project File, Mesa County Land Development Code (MCLDC), and Mesa County Master Plan (MCMP). Mr. Moberg explained the purpose of the plans was to provide policy guidance and vision for specific areas within the county. Key elements have been systematically incorporated and codified into the Land Development Code, elevating them from advisory to regulatory status.The Mesa Together Master Plan incorporated most of the remaining goals and action items into Chapter 5. The remaining goals, policies, and action items were assumed and deemed

unnecessary for inclusion due to the age of the plans. Continuing to maintain these legacy plans could create redundancy, ambiguity, and potential confusion. He also discussed that revoking these outdated plans ensures alignment with the current Mesa County Master Plan and streamlines land development procedures for both staff and property owners.

Public Comments

There were four public comments made. Concerns were focused primarily on Glade Park, the independence and uniqueness of the community, its growth, its community plan, and the individuality of each community plan.

Board Member Discussion and Vote

Chair Anson clarified that the board may "pick and choose" the plans that were to be Revocated via this project. Vice Chair Brown asked if the Redlands Community Plan had been absorbed by the City of Grand Junction, Director Moberg confirmed this information. Commissioner Damm spoke of overlays being contradictory and asked if these community plans could be mistaken for a Master Plan. Director Moberg responded "yes". Mr. Moberg explained that after 2023 Master Plan approval, these community plans simply aren't used. Commissioner Brown suggested that this proposed project be reviewed further by the Planning Commission.

Motion: Commissioner Fischer "I MAKE A MOTION TO CONTINUE THIS PROJECT TO THE NOVEMBER 19, 2026, PLANNING COMMISSION HEARING"
Second: Commissioner Haitz "SECOND"
Motion Approved 4-3

This project was continued to November 19, 2026 Planning Commission Hearing.

ADJOURNMENT

Motion: Commissioner Haitz Motioned to adjourn the hearing
Second: Commissioner Brown "SECOND"
Motion Approved 7-0

The meeting adjourned at 10:09 p.m.

Respectfully Submitted,

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Nina Hutchins, Secretary

REVIEW AGENCY COMMENTS

MESA COUNTY

Community Development Department

Planning Division

200 S. Spruce Street • PO Box 20,000-5022 • Grand Junction, Colorado • 81502

Telephone: 970.244.1636 • www.mesacounty.us/planning

Project ID: PRO2026-0092

Project Name:2026 Land Development Code Update

Review Cycle:4/7/2026 - 4/28/2026

Agency Review Comments and Feedback

Your project has been reviewed. Comments from plan reviewers are compiled below for your reference. Please respond to the comments and submit necessary documents.

General Project Comments			
Agency/ Department	**Comment Date**	**Comment**	**Applicant Response**
Planner LDC Review	4/7/2026		
Irrigation- Grand Valley Drainage	4/7/2026	GVDD has no comment or imput at this time.	
Irrigation- Grand Valley Water Users	4/9/2026	GVWUA has no comment	
State- CO State Engineer- Water Supply	4/9/2026	Hi Greg, Thank you for the opportunity to review the land development code update. As none of the proposed revisions pertain specifically to DWR or water supply in developments, we do not have any comments. Regards, Wenli Dickinson, P.E. Water Resource Engineer Denver Office Team 456 Supervisor	
Irrigation- Mesa County	4/12/2026	Mesa County Irrigation (MCID) has no comment	
Irrigation- Collbran Conserve	4/13/2026	Very little pertains to us but what does is acceptable.	

Irrigation- Grand Valley	4/13/2026	1. We recommend adding a requirement for building permits for any fence constructed along an irrigation canal regardless of height or type (Section 8.03). 2. We recommend including protections for canal companies in section 8.12 that prohibit putting MS-4 water into canals apart from consent of the relevant ditch company. 3. We recommend defining what is meant by "apparent easements" in section 8.12. Canal easements by prescription include the outer embankments to toe of slope or to the crest of any hill through a cut. Osborn Caywood Ditch Co. v. Green (1983) states that "the owner of the easement, or dominant estate, may do whatever is reasonably necessary to permit full use and enjoyment of the easement." We recommend including verbiage along these lines which will help to determine the extent of any apparent easement. 4. We recommend adding verbiage to the code which aligns with Colorado Supreme Court case law in More v. Johnson (1977), which forbids pushing a property boundary to the center of a non-navigable waterway, to include canals and ditches, when the language of the deed specifically names a monument other than the waterway itself.	
State- CO DOT Region 3	4/15/2026	Thanks for allowing CDOT the opportunity to review this document. CDOT has no additional comments.	
Fire- Grand Junction Rural Fire Department	4/16/2026		
MC- ROW Vacation	4/16/2026	No comments.	
Water- Clifton	4/17/2026	No comments from Clifton water	
Water- Ute	4/17/2026		
MC- OWTS	4/20/2026		

MC- Surveyor	4/21/2026	1. P4.21 – Physical and Legal Separations. I am uncertain if both physical and legal barriers are required. It seems we have approved P&LS based on just physical barriers, such as cliffs, and on legal barriers, such as easements. Legal barriers are described as "ownership" which implies more than say a prescriptive easement. Not recommending any change, just pointing out the vagueness of the definition. 2. P4.24 – 3. P4.31 – Corrections for Errors or Omissions for Minor Corrections to Recorded Plats. The sentence "of the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction" should be stricken. Colorado Revised Statute 38-51-111 (1) states "the professional land surveyor of record" of a recorded plat may prepare and record an affidavit of correction. The County Surveyor is not authorized to correct other surveyors' errors or omissions. 4. P7.2 C. Lot Width. The lot width measured on the chord of a curve that is concave to the front of a lot can be significantly different to the chord measured perpendicularly to the maximum depth of the setback into the lot. This is best demonstrated by a sketch I have uploaded. This is how I have been confirming setbacks. 5. P8.24 – Section 8.11 Monumentation. What Handbook? Is there any proposed reference to the SSID Manual or Plat Requirements anticipated in place of this reference to a non-existent handbook?	
Power- GV Rural Power	4/23/2026	GVP Comments No comment.	

MC- Traffic	4/24/2026	Will there be any authority to enforce sight triangle requirements when those standards are moved from LDC to the Mesa County Design Standards? Code Enforcement has indicated that they cannot do anything about people building fences in rights-of-way. Can there be some change to the code to allow for an enforcement process when fences or other objects are built in the right-of-way or blocking sight distance? Usually we are able to work these things out with property owners informally, but it would be nice to have some way to escalate issues.	
MC- Floodplain	4/27/2026	I have made a few edits due to some typos and items that were crossed out to be removed that should remain.	
Fire- Lower Valley Fire Department	4/27/2026	LVFD has no comments on the 2026 Mesa County Land Use Code updates.	
MC- Addressing	4/28/2026	No comments	
MC- Stormwater	4/28/2026	General Comment: Throughout the document, “Stormwater Administrator” should be revised to “Stormwater Coordinator” to align with Mesa County’s current staff title for this role. The terminology is currently inconsistent, with some sections referencing “Administrator” and others “Coordinator.” For clarity and consistency, this should be standardized to “Stormwater Coordinator” throughout the LDC. Section 8.21.G: The reference to the SWMM should be updated to Section 15.3, as Section 1506.1 will no longer exist once the new SWMM is adopted. The primary consideration is timing, since the updated SWMM is not anticipated to be finalized until early 2027. I will defer to your judgment on when this revision should be implemented. Section 4.19.A and Multiple Other Sections: Section 8.22 is referenced throughout the LDC as the “Construction Stormwater Permit”; however, Section 8.22 is now titled “Interim Development Policies.” These references appear to be outdated and should be revised to Section 8.21 to correctly reflect the Construction Stormwater Permit requirements.	

MC- Treasurer	4/28/2026	Taxes have paid	
Fire- DeBeque Fire Department	5/4/2026		
MC-Development Engineer	5/4/2026	See attached comments in Word document.	
MC- TIFF	5/4/2026	See comments submitted by Development Engineering.	
State- CO Parks & Wildlife NW	5/7/2026	Thank you for the opportunity to provide comments on the 2026 Mesa County Development Code. Please see the attached letter.	
MC- Health (Restaurant)	5/8/2026	No comments at this time.	
Fire- East Orchard Mesa Fire Department	5/11/2026	No comments received, per Planner	
Fire- Gateway Fire Department	5/11/2026	No comments received, per Planner	
Fire- Glade Park Fire Department	5/11/2026	No comments received, per Planner	
Fire- Grand Junction Fire Department	5/11/2026	No comments received, per Planner	
Fire- Lands End Fire Department	5/11/2026	No comments received, per Planner	
Fire- Palisade Fire Department	5/11/2026	No comments received, per Planner	
Federal- Aviation Administration	5/11/2026	No comments received, per Planner	
Federal- BLM	5/11/2026	No comments received, per Planner	
Federal- Colorado National Monument	5/11/2026	No comments received, per Planner	
Federal- US Army Corp of Engineers	5/11/2026	No comments received, per Planner	
Federal- US Fish & Wildlife	5/11/2026	No comments received, per Planner	
Federal- US Forest Service	5/11/2026	No comments received, per Planner	
Fire- Central Orchard Mesa Department	5/11/2026	No comments received, per Planner	
Fire- Clifton Department	5/11/2026	No comments received, per Planner	
Fire- Plateau Valley Fire Department	5/11/2026	No comments received, per Planner	
GJ Regional Airport	5/11/2026	No comments received, per Planner	
Irrigation- Bluestone	5/11/2026	No comments received, per Planner	
Irrigation- Brown & Campion	5/11/2026	No comments received, per Planner	
Irrigation- Orchard Mesa	5/11/2026	No comments received, per Planner	

Irrigation- Palisade	5/11/2026	No comments received, per Planner	
Irrigation- Redlands Water & Power	5/11/2026	No comments received, per Planner	
Jurisdiction- Collbran	5/11/2026	No comments received, per Planner	
Jurisdiction- DeBeque	5/11/2026	No comments received, per Planner	
Jurisdiction- Fruita	5/11/2026	No comments received, per Planner	
Jurisdiction- Grand Junction	5/11/2026	No comments received, per Planner	
Jurisdiction- Palisade	5/11/2026	No comments received, per Planner	
MC- Assessor	5/11/2026	No comments received, per Planner	
MC- Building	5/11/2026	No comments received, per Planner	
MC- Code Compliance	5/11/2026	No comments received, per Planner	
MC- Liquor Licensing	5/11/2026	No comments received, per Planner	
MC- Public Works	5/11/2026	No comments received, per Planner	
MC- Road & Bridge	5/11/2026	No comments received, per Planner	
MC- Sheriff	5/11/2026	No comments received, per Planner	
Power- Black Hills Corp.	5/11/2026	No comments received, per Planner	
Power- Tri State	5/11/2026	No comments received, per Planner	
Power- Xcel Energy	5/11/2026	No comments received, per Planner	
Sanitation- Clifton Sanitation	5/11/2026	No comments received, per Planner	
Sanitation- Grand Mesa Metro	5/11/2026	No comments received, per Planner	
Sanitation- MC PID	5/11/2026	No comments received, per Planner	
Sanitation- Mesa Water & Sanitation	5/11/2026	No comments received, per Planner	
Sanitation- Persigo	5/11/2026	No comments received, per Planner	
School- DeBeque School District 49JT	5/11/2026	No comments received, per Planner	
School- Delta Joint School District 50J	5/11/2026	No comments received, per Planner	
School- Mesa County Valley School Distict 51	5/11/2026	No comments received, per Planner	
School- Plateau Valley School District 50	5/11/2026	No comments received, per Planner	
State- CDPHE- Solid Waste Division	5/11/2026	No comments received, per Planner	

State- CO Geological Survey	5/11/2026	No comments received, per Planner	
State- CO Parks & Wildlife SW	5/11/2026	No comments received, per Planner	
State- CO State Forest Service	5/11/2026	No comments received, per Planner	
Water- DeBeque	5/11/2026	No comments received, per Planner	
Water- Grand Junction (Watershed)	5/11/2026	No comments received, per Planner	
Water- Grand Junction/ Kannah Creek	5/11/2026	No comments received, per Planner	
Water- Grand Mesa Metro	5/11/2026	No comments received, per Planner	

PUBLIC COMMENTS

Tonight you'll hear from residents of this county like me, who gain nothing from commercial renewable energy projects, and from people who may or may not live here but who profit from them. Keep that in mind as you listen. Those profiting will always push for whatever makes these projects easier to approve, even if it means fewer protections for the people living next to them. Those of us who have nothing to gain, and everything to lose, are here to stand up for our rights and our community.

I'm here to share the reality of living next to one of these projects, with more on the way. It has turned our lives completely upside down.

The interconnection route for one of these projects was changed to run through our private easement without any public process. No CUP amendment, no notice, no location and extent review, nothing. Xcel started building anyway, with no proper easements and no record of permits. Pivot and Xcel, with every resource in the world, never did the basic due diligence.

Since then, we've dealt with trespass, threats to give up our private property, and bad faith behavior at every turn. We've invested in security systems and spent our days documenting, just to hold these companies accountable to the most basic laws. When those efforts failed, we were left with no choice but to take them to court, and a judge ruled our easement cannot be used for this line. Let that sink in. This should never have left the county's desk. Instead, the burden fell on regular citizens and the county's own staff, who have spent countless hours, on the taxpayers' dime, chasing multibillion dollar companies to follow the most basic rules.

Meanwhile, the fugitive dust has been extreme. It has clogged HVAC systems, settled on surfaces inside homes, and raised real health concerns for families. State law prohibits this dust from leaving a construction site, and yet, it's inside our homes. Non-permitted and unsafe road work has caused over six figures in damage to our only road in and out, all done in the name of green energy, for a project that still hasn't even filed an application. And all of this is on top of the property devaluation another member of our community shared with you tonight.

This is what living next to one of these projects actually looks like. So when I say we need proper protections in this code, this is why. Without them, the next family will be standing here telling you the same story.

This is not about whether solar is good or bad. I support green energy, and I have properties that rely on it. This is about corporate overreach, corporate greed, and predatory practices driven by aggressive state mandates, and it is tearing our community apart.

While I believe there are some specific additions still needed, which I've emailed in, I support all of the changes in the July 24th draft as they relate to renewable energy and battery storage. That includes quarter mile setbacks, decommissioning bonds, battery storage in industrial only, stricter definitions, and above all, the CUP process. If this is what these companies are doing to

us with a CUP, imagine what they'll do without one. No matter what we call them, these are industrial, for profit projects, and they are wreaking havoc on the families next to them. Those families have a right to know and a right to be heard.

Your community is counting on you. Don't trade our homes for someone else's bottom line.

Thank You.

Krista Howard

RE: Proposed Amendments to the Mesa County Land Development Code

Dear Mr. Moberg, Members of the Mesa County Planning Commission, and Members of the Board of County Commissioners,

On behalf of the COSSA Institute, thank you for the continued opportunity to provide input on the proposed revisions to the Mesa County Land Development Code. We previously submitted comments in May regarding proposed changes affecting Community Solar Gardens (CSGs) and agrivoltaics, and multiple times throughout this process and the last code update. We continue to appreciate Mesa County's thoughtful approach to land use and its history of developing practical regulations for solar development. After reviewing the current draft, however, we remain concerned that several proposed changes, particularly when considered together, could significantly limit the feasibility of CSGs and agrivoltaic projects in the County.

Community Solar Gardens

The current draft would change Community Solar Gardens from a use by right to a Conditional Use Permit in most zoning districts. We continue to encourage the County to consider whether this additional discretionary review is necessary for projects that otherwise meet the County's adopted development standards. This change is particularly significant because the draft would also bring CSGs under the additional requirements for Utility, Production facilities. Those requirements include increasing the minimum separation from an existing occupied residential structure on an adjacent property from 150 feet to one-quarter mile, unless a negotiated agreement is reached with the adjacent property owner.

We are concerned about the combined effect of these changes. A CSG would not only be subject to discretionary Conditional Use Permit review and a public hearing, but could also be rendered infeasible by the location of an occupied residence on an adjacent property unless a private agreement can be reached.

We recognize the importance of protecting neighboring properties and providing nearby residents a meaningful opportunity to participate in the land-use process. However, **a Conditional Use Permit already gives the County the ability to evaluate compatibility, consider site-specific conditions and impose appropriate mitigation. A fixed one-quarter-mile residential separation on top of that process may eliminate otherwise suitable sites without regard to topography, screening, project design, existing land uses or the actual potential for impact.**

We therefore encourage the County to retain the existing 150-foot residential separation for solar systems, or alternatively provide a mechanism through the Conditional Use Permit process to establish an appropriate site-specific setback based on demonstrated impacts and mitigation. This would preserve the County's ability to

protect neighboring properties without unnecessarily limiting a landowner's ability to pursue an otherwise allowable use of their property.

Because the proposed one-quarter-mile separation is nearly nine times the existing 150-foot standard, we also encourage the County to map or otherwise quantify how much otherwise eligible land would remain available after applying this separation together with the other proposed siting restrictions. This would help the County evaluate the cumulative effect of these requirements and whether they leave a meaningful amount of land available for CSG development.

Agrivoltaics

We also remain concerned about the proposed changes to the definition of agrivoltaics. The current draft requires the relationship between the solar facility and agricultural production to be interdependent, requires agriculture to remain the principal use of the property, requires at least 24 months of verified commercial agricultural activity prior to installation of the solar facility, and requires continuous commercial agricultural activity thereafter.

We support ensuring that projects represented as agrivoltaics provide meaningful agricultural value. However, requiring two years of verified commercial agricultural history does not necessarily demonstrate whether a property can support successful agricultural production during the life of a solar project. It could instead exclude land that is being returned to production, transitioning between agricultural uses, recovering from drought or other disruptions, or beginning a new agricultural operation in conjunction with solar development.

The requirement for continuous commercial activity may also create unnecessary uncertainty. Agricultural production naturally changes from year to year due to weather, water availability, markets, crop rotations and other circumstances outside a landowner's control. **A project's land use permit should not risk losing compliance or its status as agrivoltaics simply because agricultural production temporarily changes or pauses.**

We recommend retaining the more flexible agrivoltaics definition contained in the existing Code, or developing performance-based criteria that focus on whether meaningful agricultural production is planned, implemented and maintained over the life of the project rather than requiring a specific period of commercial agricultural activity before solar installation. A project with a credible agricultural plan should have a pathway to qualify even where 24 months of prior commercial production does not yet exist, including for beginning farmers, landowners returning fallowed ground to production, or producers establishing a new agricultural operation alongside solar.

Taken individually, each of these proposed changes may appear manageable. Taken together, however, **changing CSGs from a use by right to a Conditional Use Permit, subjecting them to additional Utility, Production requirements, increasing the residential separation from 150 feet to one-quarter mile, and substantially narrowing the definition of agrivoltaics will substantially reduce the number of properties where these projects are feasible.**

Mesa County's existing framework has helped establish the County as a leader in creating practical pathways for Community Solar Gardens and agrivoltaics. We encourage the County to preserve that flexibility while using its existing review processes and objective development standards to address legitimate site-specific impacts.

Thank you again for the opportunity to provide comments. The COSSA Institute remains available as a resource as the County continues refining these provisions.

Sincerely,

Jeremiah Garrick
Director of Community Engagement – COSSA Institute

MESA COUNTY

Mesa County Assessor
P.O. Box 20000
Grand Junction, CO 81502

Owner's Name and Address

EASTES JUDSON P, EASTES JENNIFER M
3842 CABALLO CT
PALISADE, CO 81526

NOTICE OF DETERMINATION

Office Hours: 8:00 - 5:00 Mon-Fri
Telephone Number: (970) 244-1610
FAX Number: (970) 244-1790

Tax Year: 2026
Parcel/Schedule Number: R025038/294102302019
Review Number: 20260239
Property Location: 3842 CABALLO CT
Date Received by County Assessor: 06/08/2026
Board of Equalization:

Legal Description:

LOT 19 BLK 2 SOBRE EL RIO SEC 2 1S 2E & AN UNDIV 1/41ST INT IN IRRIGATION POND SITE

The appraised value of property is based on the appropriate consideration of the approaches to value required by law. The Assessor has determined that your property should be included in the following category(ies):

RESIDENTIAL

If your concern is the amount of your property tax, local taxing authorities (county, school district, fire protection, and other special districts) hold budget hearings in the fall. Please refer to your tax bill or ask your Assessor for a listing of these districts, and plan to attend these budget hearings.

The Assessor has carefully studied all available information, giving particular attention to the specifics included in your protest, and has determined the valuation(s) assigned to your property. The reasons for the determination of value are:

Your property value has been adjusted. We reviewed the property characteristics information you provided; the changes have resulted in an adjustment to your property valuation.

PROPERTY CLASSIFICATION	PETITIONER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION ACTUAL VALUE	
		PRIOR TO REVIEW	AFTER REVIEW
RESIDENTIAL		$578,440	$533,940
TOTALS:		$578,440	$533,940

APPEAL DEADLINES: REAL PROPERTY—JULY 15 AND BUSINESS PERSONAL PROPERTY—JULY 20

If you disagree with the Assessor's decision, you have the right to appeal to the County Board of Equalization for further considerations, 39-8-106(1)(a), C.R.S. Please see the back of this form for detailed information on filing your appeal.

By Brent Goff COUNTY ASSESSOR DATE: 06/17/2026 DD

ADDITIONAL INFORMATION ON REVERSE SIDE

PR207-39 13/23

DISTRICT COURT, MESA COUNTY, COLORADO 125 N. Spruce Street Grand Junction, CO 81501 Telephone: (970) 257-3625	DATE FILED September 25, 2026 1:49 PM CASE NUMBER: 2026CV30199
Plaintiffs: JAMES MURPHY, an individual; CHRISTINE MURPHY, an individual; RAVEN NOVAK, an individual; CULLEN HOWARD, an individual; KRISTA HOWARD, an individual; JAMES DELANY, an individual; and MAUREEN DELANY, an individual v. **Defendants:** JAMES STERLING, an individual; STURGEON ELECTRIC COMPANY, INC. a Michigan corporation; PIVOT ENERGY DEVELOPMENT LLC, a Colorado limited liability company; PIVOT SOLAR 44 LLC, a Delaware limited liability company; and PUBLIC SERVICE COMPANY OF COLORADO d/b/a XCEL ENERGY, a Colorado corporation	▲ COURT USE ONLY ▲ Case Number: 2026 CV 30199 Division: 10

CASE MANAGEMENT ORDER

Pursuant to C.R.C.P. 16(b), the parties should discuss each item below. If they agree, the agreement should be stated. If they cannot agree, each party should state its position briefly. If an item does not apply, it should be identified as not applicable.

This form shall be submitted to the court in editable format. When approved by the Court, it shall constitute the Case Management Order for this case unless modified by the Court upon a showing of good cause.

This form must be filed with the court no later than 42 days after the case is at issue and at least 7 days before the date of the Case Management Conference.

The Case Management Conference is scheduled for September 25, 2026, at 8:30 a.m. to address the issues contained within this Proposed Case Management Order.

1. The "at issue date" is July 23, 2026.

2. Responsible attorney's name, address, phone number and email address: David H. McConaughy, #26165 and Mary Elizabeth Smith, #62559, GARFIELD & HECHT, P.C., 910 Grand Avenue, Suite 201, Glenwood Springs, Colorado 81601; Telephone: (970) 947-1936; dmcconaughy@garfieldhecht.com and mesmith@garfieldhecht.com.

3. The lead counsel for each party:

a. For Plaintiffs James Murphy, Christine Murphy, Cullen Howard, Krista Howard, Raven Novak, James Delaney, and Maureen Delaney (collectively, "Plaintiffs")

Mary Elizabeth Smith, #62559
GARFIELD & HECHT, P.C.
5200 DTC Pkwy, Suite 510
Denver, Colorado 80111
Telephone: (720) 961-9029
mesmith@garfieldhecht.com

b. For Defendants Pivot Energy Development LLC, Pivot Solar 44 LLC, and James Sterling (collectively "Pivot-Sterling Defendants"):

Nicholas H. Gower, #42801
HOSKIN FARINA & KAMP, P.C.
200 Grand Avenue, Suite 400
Post Office Box 40
Grand Junction, Colorado 81502-0040
Telephone: (970) 986-3400
ngower@hfak.com

c. For Defendant Public Service Company of Colorado d/b/a Xcel Energy ("PSCo"):

Franz Hardy, #32286
Megan A. Jones, #40197
Gordon Rees Scully Mansukhani LLP
555 Seventeenth Street, Suite 3400
Denver, CO 80202
Telephone: (303) 534-5160

d. For Defendant Sturgeon Electric Company, Inc. ("Sturgeon"):

Greg Lindsay, #34053
M. Taylor Kruse, #54145
Murphy Decker Lindsay Lee, P.C.
730 17th Street, Suite 925
glinsay@murphydecker.com
tkruse@murphydecker.com
Telephone: (303) 468-5980

On August 25, 2026, counsel for each party conferred by telephone concerning the Proposed Case Management Order and each of the issues listed in C.R.C.P. 16(b)(3)(A) through (E).

4. Brief description of the case and identification of the issues to be tried:

Plaintiffs:

Plaintiffs and Mr. Sterling are neighboring landowners whose properties are served by a private access-and-utility easement. This lawsuit arises from Defendants' plan to install transmission lines within that easement for the benefit of the Summy Solar Project, even though the project is located outside the easement and its owners have no easement rights. Defendants' plan has led to repeated trespasses on the Howards' property for more than a year, despite express warnings and posted "No Trespassing" signs. Separately, Mr. Sterling—without notice to, much less approval from, the other easement holders—unilaterally excavated and widened the road, failed to consult professionals to ensure compliance with applicable code and safety requirements, installed a non-compliant culvert, dug without calling 811, and damaged the Howards' and Murphys' property. Mr. Sterling also removed a community gate without notice or approval and, when confronted, kicked Mr. Howard in the chest. Mr. Sterling later pled guilty to third-degree assault and is subject to a mandatory protection order.

As a result of Defendants' unlawful conduct and threatened future conduct, Plaintiffs seek: a declaratory judgment establishing that the easement is limited to ingress, egress, and utilities for the benefited parcels only; injunctive relief prohibiting Defendants from trespassing on the Howards' and Murphys' property; injunctive relief prohibiting Defendants from making unauthorized, material alterations to the easement; and damages arising from Mr. Sterling's assault of Mr. Howard. Plaintiffs also intend to file an amended complaint seeking damages for Mr. Sterling's unauthorized modifications to the easement and an order requiring Mr. Sterling, at his expense, to professionally relocate the road at the southwest corner of the Murphys' property to its original location consistent with the Corrective Grant of Easement.

The issues to be tried include whether Defendants may enter Plaintiffs' property without permission, whether Defendants may install power lines within the easement to serve properties lacking easement rights, including the Summy Solar Project, and whether any future modifications to the easement may proceed. Plaintiffs maintain that any such modifications must be authorized by the Grant of Easement Agreement, the Corrective Grant of Easement, and applicable Colorado law; must not overburden or damage the easement; and must not result in trespass on Plaintiffs' property. In addition, Defendants must bear the cost of any authorized modifications and any maintenance costs associated with those modifications.

Pivot-Sterling Defendants:

This case concerns the parties' competing interpretations of a 2011 Grant of Easements and Agreement, as amended by a 2017 Corrective Grant of Easement and 2018 amendments, governing ingress, egress, and utility rights across properties near Palisade, Colorado. The easement agreement broadly authorizes access and utility use for the benefit of Mr. Sterling's properties, including use by owners and their licensees and invitees, successors, and assigns. Nothing in the easement agreement limits use to residential purposes, restricts use to property owners alone, or prohibits lawful development of agrivoltaics, solar, battery-storage, or related utility facilities. Furthermore, nothing in the easement agreement defines or restricts where roads or utilities may be placed within the easement area, nor does it require a benefited property owner to obtain consent from or provide notice to the servient estate owner(s) before using or modifying the easement area.

Plaintiffs seek to impose limitations that do not appear in the easement agreement, including that the easements may be used only for residential ingress, egress, and utilities. The Pivot-Sterling Defendants deny those restrictions and maintain that the easement agreement permits reasonable access and utility uses associated with a solar project, subject to Mesa County's AFT zoning restrictions.

The Pivot-Sterling Defendants also contend that Mr. Sterling has historically maintained and improved the easement road at his own expense with the consent or acquiescence of neighboring owners. Plaintiffs accepted the benefit of that work, without making proportionate contributions to the cost of such work as required by the easement agreement, until learning of the leases between the Pivot-Sterling Defendants for a solar project. The existing road's location reflects practical adjustments made necessary by terrain and geography, including corrective treatment of the Murphys' road segment and historic use of the rounded corner on the Howards' property. The Pivot-Sterling Defendants' modification and use of the easement area have not overburdened the servient estates. Solely to avoid further dispute, the Pivot-Sterling Defendants have stopped using the rounded corner and have improved the adjacent easement area for access.

The Pivot-Sterling Defendants deny all of Plaintiffs' claims for relief and related allegations of wrongful conduct and damages, as applicable to each defendant. The Pivot-Sterling Defendants have asserted numerous defenses in their answer, which are incorporated herein by this reference.

Through their counterclaim, the Pivot-Sterling Defendants seek declaratory relief confirming that they and their licensees and invitees may use the easement for ingress and egress to Mr. Sterling's property for any purpose benefiting that property, including development, construction, operation, and maintenance of the solar project and related facilities. They also seek declarations that the Easement may be used for installation, maintenance, and operation of utilities, including transmission of electricity to and from the Sterling Property; that they may make reasonable improvements to the easement at their expense; and that the Court should confirm the easement boundaries and the parties' respective rights and obligations.

PSCo:

Public Service Company of Colorado d/b/a Xcel Energy ("PSCo") denies the material allegations in the Complaint, including any claimed wrongdoing. Contrary to Plaintiffs' interpretation of the Easement and Agreement, PSCo asserts the use for "ingress, egress and utilities only" allows PSCo to install the necessary distribution lines within the bounds of the easement to connect the solar projects undertaken by the Pivot-Sterling Defendants. Alternatively, PSCo asserts its rights as a public utility to condemnation under the Colorado Constitution and applicable statute. Through condemnation, PSCo has the rights of eminent domain to acquire additional use of property, including the subject dirt road at the borders of Plaintiffs' parcels. PSCo incorporates by reference the defenses set forth in its Answer and Jury Demand.

Sturgeon:

Sturgeon denies any wrongdoing, negligence, or trespass. Sturgeon joins defendants' position in the actions Sturgeon was instructed to do on behalf of PSCo is appropriate under the scope of the Easement and Agreement. Sturgeon denies any intentional trespass. Sturgeon herein reasserts all further affirmative defenses set forth in its Answer.

5. The following motions have been filed and are unresolved: None.

6. Brief assessment of each party's position on the application of the proportionality factors, including those listed in C.R.C.P. 26(b)(1): The parties stipulate that there are no proportionality factors known at this time that would take the case outside general discovery limitations.

7. Counsel for each party have conferred concerning possible settlement and will continue to do so throughout these proceedings.

8. Deadlines for:

a. Amending or Supplementing Pleadings: November 5, 2026.

b. Joinder of additional parties (Not more than 105 days (15) weeks from at issue date): November 5, 2026.

c. Identifying non-parties at fault: October 5, 2026

9. Dates of initial disclosures: Plaintiffs, Pivot-Sterling Defendants, and PSCo exchanged their initial disclosures on August 20, 2026. Sturgeon submitted its initial disclosures on August 24, 2026. Objections, if any, about their adequacy: None as of the filing of this Proposed Case Management Order. The parties reserve all rights to object to the adequacy of initial disclosures.

10. If full disclosure of information under C.R.C.P. 26(a)(1)(C) was not made because of a party's inability to provide it, provide a brief statement of reasons for that party's inability and the expected timing of full disclosures, and completion of discovery on damages: N/A.

In supplement of its Initial Disclosures, PSCo requests that Plaintiffs provide a computation of any category of economic damages claimed as required by C.R.C.P. 26(a)(1)(C).

11. Proposed limitations on and modifications to the scope and types of discovery, consistent with the proportionality factors in C.R.C.P. 26(b)(1): The parties do not anticipate the need to exceed the presumptive limits contained in C.R.C.P. 26(b)(1). The parties agree that the presumptive limits apply to each of five party-groups (Plaintiffs (James and Christine Murphy, Raven Novak, Cullen and Krista Howard, and James and Maureen Delany), Pivot (Pivot Energy Development LLC and Pivot Solar 44 LLC), Sterling, PSCo, and Sturgeon).

Number of depositions per party-group (C.R.C.P. 26(b)(2)(A)): The presumptive limit of one deposition of each adverse party + two others + experts shall apply.

Number of interrogatories per party (C.R.C.P. 26(b)(2)(B) limit of 30): The parties maintain that the presumptive limits are appropriate. The parties agree that the presumptive limits apply per party-group. The parties agree that each party-group may issue 30 interrogatories to each of the other party-groups as opposed to 30 interrogatories total.

Number of requests for production of documents per party (C.R.C.P. 26(b)(2)(D) limit of 20): The parties maintain that the presumptive limits are appropriate. The parties agree that the presumptive limits apply per party-group. The parties agree that each party-group may issue 20 requests for production of documents to each of the other party-groups as opposed to 20 requests for production of documents total.

Number of requests for admission per party (C.R.C.P. 26(b)(2)(E) limit of 20): The parties maintain that the presumptive limits are appropriate. The parties agree that the presumptive limits apply per party-group. The parties agree that each party-group may issue 20 requests for admission to each of the other party-groups as opposed to 20 requests for admission total.

Any physical or mental examination per C.R.C.P. 35: N/A

Any limitations on awardable costs: None

State the justifications for any modifications in the foregoing C.R.C.P. 26(b)(2) limitations: N/A

12. Number of experts, subjects for anticipated expert testimony, and whether experts will be under C.R.C.P. 26(a)(2)(B)(I) or (B)(II):

Plaintiffs' Anticipated Experts: Pursuant to C.R.C.P. 26(a)(2)(B)(I), Plaintiffs anticipate relying on expert testimony from: (1) a civil engineer specializing in road construction regarding the damage to the road easement and surrounding areas caused by Mr. Sterling, whether restoration of the easement its original condition is possible, and what needs to be done to repair or restore the area; (2) a structural or geotechnical engineer regarding safety concerns arising out of Mr. Sterling's unauthorized alterations to the easement; (3) a land surveyor regarding the easement boundaries, the location of the existing road, and whether relocation of the road on the southwest corner of the Murphys' property occurred outside of the easement boundaries; (4) a contractor experienced in roadway construction regarding the cost to repair or restore the road to its original condition and location, as well as the costs of any proposed modifications to the easement and surrounding areas planned by Defendants, including the maintenance costs associated with such modifications; and (5) a real estate appraiser regarding the value of Plaintiffs' properties before Defendants' trespassing and alterations to the easement and surrounding areas, as well as the impact on property values based on any past or proposed modifications to the easement and surrounding areas made by Defendants.

Pivot-Sterling Defendants: The Pivot-Sterling Defendants may designate up to five experts pursuant to C.R.C.P. 26(a)(2)(B)(I) or (B)(II) as may be necessary to rebut any expert testimony presented by Plaintiffs and to otherwise defend against the claims asserted by Plaintiffs. Such experts may be called to testify regarding the physical condition of the road and surrounding areas and the necessity of any repairs to the same, the location of the road and easement boundaries, Plaintiffs' purported damages, and the value of Plaintiffs' properties.

PSCo: Under C.R.C.P. 26(a)(2)(B)(I) or (II), PSCo may have one or more expert witnesses to address renewable energy projects, agreements for such projects, design engineering, land rights and other subject matters raised by the parties in this action. These areas are subject to change based on discovery and other considerations as the case proceeds. PSCo may have one or more retained or non-retained experts to rebut Plaintiffs' experts.

Sturgeon: Sturgeon anticipates endorsing expert witnesses in the area of land rights, renewable energy projects, and any other experts necessary for rebuttal. Sturgeon reserves the right to supplement this list as discovery progresses and the need arises.

If more than one expert in any subject per side is anticipated, state the reasons why such expert is appropriate consistent with proportionality factors in C.R.C.P. 26(b)(1) and any differences among the positions of multiple parties on the same side: N/A

The parties reserve the right to designate additional experts as this case progresses and more information becomes available.

13. Proposed deadlines for expert witness disclosure if other than those in C.R.C.P. 26(a)(2): State the reasons for any different dates from those in C.R.C.P. 26(a)(2)(C):

a. Production of expert reports:

i. Plaintiff/claimant: Pursuant to C.R.C.P. 26(a)(2)(C)(I), 126 days before trial.

ii. Defendants/opposing parties: Pursuant to C.R.C.P. 26(a)(2)(C)(II), 98 days before trial.

b. Production of rebuttal expert reports: Pursuant to C.R.C.P. 26(a)(2)(C)(III), 77 days before trial.

c. Production of expert witness files: Within 14 days of the disclosure of the expert report.

State the reasons for any different dates from those in C.R.C.P. 26(a)(2)(C): N/A

14. Oral Discovery Motions. The court ~~**(does)**~~**/(does not)** require discovery motions to be presented orally, without written motions or briefs.

15. Electronically Stored Information. The parties agree to work cooperatively to reach agreement on ESI matters.

16. Parties' best estimate of when discovery can be completed: The parties agree that the discovery cut-off should be **49 days** prior to trial.

Parties' best estimate of the length of the trial: **7 days**

Pretrial Readiness: 9/16/2027 @ 815 a.m.
Trial will commence on: 9/27/27-10/1/27 and 10/4-5, 2027.

17. Other appropriate matters for consideration: The Pivot-Sterling Defendants and PSCo may file a joint motion to stay discovery based upon the progress of PSCo's condemnation action.

DATED: September 18, 2026.

GARFIELD & HECHT, P.C.

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Attorneys for Defendant PSCo

IT IS HEREBY ORDERED that the foregoing, including any modifications made by the Court, is and shall be the Case Management Order in this case.

DATED: September 25, 2026.

BY THE COURT:

P. Laurence
District Court Judge

DISTRICT COURT, MESA COUNTY, COLORADO 125 N. Spruce Street Grand Junction, CO 81501 Telephone: (970) 257-3625	DATE FILED September 25, 2026 1:42 PM CASE NUMBER: 2026CV30199
Plaintiffs: JAMES MURPHY, an individual; CHRISTINE MURPHY, an individual; RAVEN NOVAK, an individual; CULLEN HOWARD, an individual; KRISTA HOWARD, an individual; JAMES DELANY, an individual; and MAUREEN DELANY, an individual v. **Defendants:** JAMES STERLING, an individual; STURGEON ELECTRIC COMPANY, INC. a Michigan corporation; PIVOT ENERGY DEVELOPMENT, LLC, a Colorado limited liability company; PIVOT SOLAR 44 LLC, a Delaware limited liability company; and PUBLIC SERVICE COMPANY OF COLORADO d/b/a XCEL ENERGY, a Colorado corporation	□ COURT USE ONLY □ Case Number: 2026CV30199 Div.: 10

PRELIMINARY INJUNCTION

This matter comes before the Court on review of Plaintiffs James Murphy, Christine Murphy, Raven Novak, Cullen Howard, Krista Howard, James Delany and Maureen Delany (collectively "Plaintiffs") Verified Complaint and Motion for Temporary Restraining Order and Preliminary Injunction ("Motion") filed with the Court on April 17, 2026 together with the Responses filed by Defendants James Sterling ("Sterling"), Sturgeon Electric Company ("Sturgeon), Pivot Energy Development, LLC and Pivot Solar 44 LLC (collectively "Pivot") and Public Service Company of Colorado d/b/a Xcel Energy ("PSCo").

I. Introduction

On April 23, 2026, after an evidentiary hearing, the Court issued a temporary restraining order ("TRO) finding that absent a TRO, Plaintiffs would suffer irreparable harm to their real property interests. The TRO enjoined Defendants from: (1) entering or trespassing onto Plaintiffs James and Christine Murphy's real property located at 601 39 Road #A, Palisade, Colorado

81526 with the exception of the current path of the existing roadway that traverses the southwest corner of the Murphy Property; (2) entering or trespassing onto Plaintiffs Cullen and Krista Howard's real property located at 669 39 Road, Palisade, Colorado 81526 in anyway; (3) entering or otherwise accessing the easement memorialized in the Grant of Easements and Agreement recorded on March 24, 2011, at Mesa County Reception No. 2566935 (the "Easement") for any purpose other than ingress and egress or for the use of utilities to benefit the easement holder's properties in accordance with the historical use of the easement and (4) from altering the Easement from its present condition and/or historical use until further Order of the Court. A hearing on Plaintiffs' request for a preliminary injunction was scheduled for May 21, 2026. Both Plaintiffs and Defendants agreed to continue the hearing which was ultimately held on September 4, 2026. The Court heard the testimony of Krista Howard, Peter Opsahl, Christine Murphy, James Sterling, Don Buchholz, and James Starnes. Plaintiffs' exhibits A-M, O, S-Z, AA, AC-AJ, AM, AO, AP, AQ, AV-AZ, BA-BG, BI-BL, BO-BP, BQ-BR, were also admitted by stipulation. Plaintiffs' exhibit BH was admitted without objection. All Defendants' exhibits were admitted by stipulation.

At the conclusion of the hearing the Court made preliminary findings. This order memorializes those findings. To the extent anything in this order is inconsistent with those findings, this written order controls. Based upon the testimony and exhibits presented at the hearing, the Court's determination of credibility and assessment of the sufficiency, probative effect and weight of the evidence, as well as the reasonable inferences and reasonable conclusion that the Court drew from the assessment of the evidence, the Court does hereby ORDER and ADJUDGE:

II. The Parties' Positions

Plaintiffs' Position:

This litigation impacts nine parcels in rural Palisade, Colorado that are all served by a common easement. Plaintiffs and Defendant Sterling each own at least one of the nine parcels. Plaintiffs contend that the Easement is only to be used for the parcels that are either benefited or burdened by the Easement. Further, Plaintiffs assert that Defendants have trespassed on land outside of the Easement despite notice and requests for the trespass to cease. Plaintiffs claim that they suffered irreparable damage that was not halted until the Court issued a TRO. Plaintiffs ask the Court to issue a preliminary injunction to maintain the status quo until a final determination in this action, without which the Defendants will resume unfettered use and destruction of the Easement for improper purposes as well as continued trespass outside of the perimeter of the Easement.

Defendants' Positions

Defendants Sterling and Pivot assert that Sterling has the right to use the Easement for his benefit and that he can transfer that right to others, including Pivot. Sterling and Pivot assert that so long as the Easement is used for ingress and egress and utilities the Easement is otherwise unlimited.

Sterling and Pivot agree that they have used a "cutoff" that was outside of the Easement on the Howard's property. Defendant PSCo, asserts that through Sterling, it acquired the right to use the Easement to connect a PSCo transmission substation that is adjacent to Sterling's property to a solar project on Sterling's property as well as a solar project on adjacent property that is not served by the Easement. PSCo asserts that Plaintiffs cannot obtain injunctive relief because if PSCo successfully asserts rights of eminent domain, Plaintiffs will be reduced to recovering damages only.

Defendant Sturgeon asserts that it has not intentionally trespassed on Plaintiff's property therefore a preliminary injunction against Sturgeon is not appropriate. Sturgeon agrees that it did

contract with PSCo to install power poles on the Sterling property and that to the extent that it used the Easement it did so at Sterling's invitation.

III. Factual Findings

1. The Easement was recorded at Reception # 2566935, Book 5138, Page 710 on March 24, 2011, in the Mesa County Public Record. The Easement attached as Exhibit 1 and incorporated herein, applies to nine parcels of rural property in Palisade, Colorado, identified as indicated in the Easement.

2. The Easement contains the following provisions:

1. Grant of Easement. For an inconsideration (sic) of $10.00 and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, each undersigned owner hereby grants and conveys to the other undersigned owners, an easement for ingress, egress and utilities, over, across and under the following described parcels of real property:
   South 30 feet of Parcel 14
   East 30 feet of Parcels 10, 11, 12 and 13, inclusive;
   North 30 feet of Parcels 9 and 10; and
   East 30 feet of Parcel 8.

2. Use of Easements. The easements shall be for the use and benefit of the owners of the parcels described in Recital A, their licensees, invitees, heirs, personal representatives, successors and assigns. The easements shall be non-exclusive and shall be used for ingress and egress and utilities only.

3. Maintenance. The cost of routine maintenance of the easements shall be borne by the parties in proportion to each party's use as benefit from the easements. Any damage to the easements (other than ordinary wear and tear) caused by one of the parties shall be borne by the party causing the damage.

4. Appurtenant Nature of the Easement. The easements created herein shall not be personal, but shall be appurtenant to the parcels described in Recital A.

5. (missing in original)

6. Binding Effect. The easement shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of the parties hereto.

3. The Corrective Easement, attached as Exhibit 2 and incorporated herein, was entered and recorded at Reception Number 2824621 on December 18, 2017, in the Mesa County

Public Record. The Corrective Easement modified the Easement area on the Murphy Property to reflect the as-built location of access road that was necessary due to geological constraints.

4. The roadway in the southwest corner of the Murphy Property is the only access through the Murphy Property to all the other Easement Properties, and owners of each of the Easement Properties necessarily used this section of the road without prior objection or interruption.

5. Additionally, Sterling historically accessed his property by cutting across the northeast corner of the Howard Property ("Cutoff") outside the boundaries of the Easement for convivence but not due to geological limitation.

6. The Howards placed no trespass signs on their property to dissuade use of the cutoff to no avail. The Howards then roped off the cutoff to stop the unpermitted use.

7. On or about December 5, 2022, Sterling entered solar leases and a battery storage lease with Pivot for portions of the Sterling Property ("Solar Leases"). Under the Solar Leases the Pivot Defendants may develop and operate solar collection and storage facilities on part of the Sterling Property and connect those facilities to the public electrical grid ("Solar Project").

8. PSCo and Pivot entered into Distributed Energy Resource Interconnection Agreements to connect the Solar Project to the grid.

9. Sturgeon entered into an agreement to install utility infrastructure, including power poles, for the Solar Project.

10. Video evidence admitted at the September hearing demonstrated that each of the defendants or their employees trespassed on the Howard property before the cutoff was roped off.

11. Pivot and PSCo also have an interest in another solar array, the Summy Solar Project that is located south of the easement properties.

12. Evidence at the hearing indicated that Pivot and PSCo intend to install powerlines in the easement to benefit the Summy Solar Project.

13. The Howards were informed that if they did not consent to Pivot and PSCo entering the property to install the underground lines, the Defendants would use the easement to install above-ground lines.

14. Pivot and PSCo intend to use the Easement for the Sterling Solar Project as well as the Summy Solar Project.

15. The Summy Property is neither benefited nor burdened by the Easement.

16. Since 2011, the road used to access the properties on the easement has been substantially improved. In 2017 or 2018, the roadway was regraded in the southwest corner of the Murphy's property. The corrective easement was recorded that corresponds to the construction and use of the road.

17. Property owners historically, permissively, accessed their properties through the Cutoff. Sterling's intensified use caused the Howards to revoke permission by posting clear no trespass signs. Sterling and his invitees ignored the signs. The Howards also roped off the Cutoff and filed this litigation.

18. Sterling entered solar leases with Pivot for development, operation and storage on part of Sterling's property that require the constructed facilities to be connected to the public electrical grid.

19. Pivot entered an agreement with Defendant PSCo to connect the solar power to the power grid. PSCo asserts that it has the authority to condemn utility easements to facilitate this connection.

20. The Easement is appurtenant, thus it benefits and burdens the 9 lots and by definition is not personal to any of the lot owners.

21. PSCo's professed ability to use the doctrine of eminent domain does not provide the Plaintiffs with a remedy at law for the misuse of their Easement rights.

22. This is not an eminent domain proceeding.

23. Plaintiffs cannot initiate an eminent domain proceeding to recover the value of a trespassed easement.

24. Sterling removed substantial amounts of soil, creating 8-10 foot vertical cuts in what appears to have been an attempt to avoid a steep grade in the road. The material removed has left steep slopes of loose dirt that are not secure and that are likely to wash into the roadway and potentially render nearby power poles unstable. The cut-away banks could fail at any time, possibly all at once, in which case the condition would become more dangerous than it is very rapidly.

IV. Legal Analysis

Preliminary Injunction

A preliminary injunction is a drastic remedy and should only be granted if a court determines that it is urgently necessary. *Clinger v. Hartshorne*, 911 P.2d 709, 711 (Colo. App. 1996). To grant a request for a preliminary injunction, a court must find that:

(1) there is a reasonable probability of the plaintiff's success on the merits of their claims;

(2) there is a danger of real, immediate, and irreparable injury that may be prevented by injunctive relief;

(3) there is no plain, speedy, and adequate remedy at law;

(4) granting the preliminary injunction will not disserve the public interest;

(5) the balance of the equities favors the injunction; and

(6) the injunction will preserve the status quo pending a trial on the merits.

Rathke v. MacFarlane, 648 P.2d 648, 653-54 (Colo. 1982).

The first factor – the reasonable probability of success on the merits – should not be treated as a factor "that is merely considered and balanced with the comparative injuries of the parties." *Home Shopping Club, Inc. v. Roberts Broad. Co. of Denver*, 961 P.2d 558, 561 (Colo. App. 1998). Each factor must be satisfied, for the court to grant the request for relief. *Id. Anderson v.*

Applewood Water Ass'n, Inc, 409 P.3d 611, 616 (Colo. App. 2016). The purpose of a preliminary injunction is to preserve the status quo and prevent irreparable harm during the pendency of litigation, not to grant the moving party the ultimate relief sought before a full adjudication on the merits. *Lazy Dog Ranch v. Telluray Ranch Corp*., 965 P.2d 1229 (Colo. 1998).

The rationale supporting the no-adequate-remedy-at-law finding applies when the dominant estate exceeds the easement's scope. When a dominant estate owner exceeds the scope of an easement—such as by overburdening the servient estate, expanding the use beyond what was originally contemplated, or causing unreasonable interference—Colorado courts have recognized that servient estate owners are entitled to injunctive relief to prevent such excessive use. In *Wright v. Horse Creek Ranches*, 697 P.2d 384 (Colo. 1985), the Colorado Supreme Court held that a change in use of the dominant estate from a single agricultural enterprise to a recreational development area that altered the physical characteristics of the road and imposed additional nonconsensual burdens on the servient estate was impermissible. The court affirmed an injunction limiting the easement use to specified purposes. *Id*. Similarly, in *Riddell v. Ewell*, 929 P.2d 30, 32 (Colo. App. 1996) the Court of Appeals held that improvements to an easement constructed by the dominant estate owner must not unreasonably increase the burden on the servient estate and must have been reasonably foreseeable when the easement was established.

Just as land is unique and monetary damages cannot compensate a dominant owner for deprivation of easement access, the servient estate's interest in being free from excessive burdens is similarly tied to the unique characteristics of the specific real property involved. Accordingly, courts have recognized that the interest of both the servient and dominant estate must be balanced to achieve due and reasonable enjoyment of both estates. *Lazy Dog Ranch v. Telluray Ranch Corp*., 965 P.2d at 1238 (Colo. 1998).

When a dominant owner's excessive use threatens ongoing harm to the servient estate—such as through increased traffic, physical alterations, or uses beyond the easement's intended

purpose—monetary damages would be inadequate to remedy the continuing trespass and property degradation. Colorado courts routinely grant injunctive relief in such circumstances. Colorado courts have long recognized that where the legal right to an easement is established, a court of equity may issue an injunction for its protection when the prerequisites for injunctive relief appear. *De Reus v. Peck*, 162 P.2d 404, 406 (Colo. 1945). For express grant easements — where the right is formally documented in the chain of title — the clarity of the right strengthens the showing that legal remedies are inadequate, because the dominant owner is being denied a specifically defined property interest that cannot be replicated through a damages award. The no-adequate-remedy-at-law element in a preliminary injunction proceeding to preserve the status quo in an express grant easement dispute is satisfied when the dominant owner's use exceeds the scope of the easement to unique real property — a deprivation that monetary damages are inherently incapable of remedying. Additionally, injunctive relief is proper to address violations of easements without proof of irreparable injury or showing that damages are inadequate. *Rinker v. Colina-Lee*, 2019 COA 45, ¶67-70.

Interpreting Easements

The legendary case of *Lazy Dog Ranch v. Telluray Ranch Corp.*, 965 P.2d 1229, 1234 (Colo. 1998), as modified on denial of reh'g (Oct. 19, 1998) sets forth the law regarding the interpretation of easements that governs in this case. Particularly, *Lazy Dog Ranch*, informs us as follows:

> An easement is a right conferred by grant, prescription or necessity authorizing one to do or maintain something on the land of another "which, although a benefit to the land of the former, may be a burden on the land of the latter." *Barnard v. Gaumer,* 146 Colo. 409, 412, 361 P.2d 778, 780 (1961); *see also Wright v. Horse Creek Ranches,* 697 P.2d 384, 387 (Colo.1985) (easement confers upon the holder enforceable right to use property of another for specific purposes). **An easement is said to be "appurtenant" to property when the benefit or burden of the easement "runs with" an interest in property. Owners of the property are entitled to the benefit, or subject to the burden, of the easement due to their relation to the property.** Thus, when their property interest terminates so does their connection to the easement. *See* Restatement (Third) of Property: Servitudes

> § 4.5 cmt. c (Tentative Draft No. 4, 1994) ("Restatement (Third) of Property").[4] The property burdened by the easement is customarily known as the "servient estate," while the property benefited by the easement is called the "dominant estate." *See Bijou Irrig. Dist. v. Empire Club,* 804 P.2d 175, 183 (Colo.1991).

Id. emphasis added. *Lazy Dog Ranch* further informs us:

> An easement, regardless of the manner of its creation, does not carry any title to the land over which it is exercised, nor does it serve to dispossess the landowner. *See Wright,* 697 P.2d at 387; *Barnard,* 146 Colo. at 412, 361 P.2d at 780. The owner of the servient estate enjoys all the rights and benefits of proprietorship consistent with the burden of the easement; while the rights of the owner of the dominant estate are limited to those connected with use of the easement. *See Bijou Irrig. Dist.,* 804 P.2d at 183; *Barnard,* 146 Colo. at 412, 361 P.2d at 780.

Id. at 1234 (Colo. 1998). When an Easement is not ambiguous, its meaning is determined from its plain language. *Id*. at 1235. Additionally, when the language of an easement "specifically and completely addresses the issue at hand" the Court need not look outside the language of the easement for its meaning. *Id.* at1236. *Lazy Dog Ranch's* tutorial continues:

> As previously explained, where an easement is non-exclusive in nature, both the holder of the easement and the owner of the land burdened by the easement have rights to use the property. Consequently, the interests of both parties must be balanced in order to achieve due and reasonable enjoyment of both the easement and the servient estate. *See Riddell v. Ewell,* 929 P.2d 30, 31 (Colo.App.1996); *Hornsilver Circle, Ltd. v. Trope,* 904 P.2d 1353, 1357 (Colo.App.1995); *Osborn & Caywood v. Green,* 673 P.2d 380, 383 (Colo.App.1983); Restatement (Third) of Property § 4.9 cmt. c; 7 Thompson, *Thompson on Real Property* § 60.04(a)(1), at 451; 25 Am.Jur.2d *Easements* § 81. Unless the intentions of the parties are determined to require a different result, the owner of the servient estate may make any use of the burdened property that does not unreasonably interfere with the enjoyment of the easement by its owner for its intended purpose. *See Bijou Irrig. Dist.,* 804 P.2d at 183; *Title Guar. Co. v. Harmer,* 163 Colo. 278, 281, 430 P.2d 78, 80 (1967); *Hornsilver Circle, Ltd.,* 904 P.2d at 1357; Restatement (Third) of Property § 4 .9. **Conversely, the owner of the easement may make any use of the easement (including maintenance and improvement) that is reasonably necessary to the enjoyment of the easement, and which does not cause unreasonable damage to the servient estate or unreasonably interfere with the enjoyment of the servient estate.** *See Bijou Irrig. Dist.,* 804 P.2d at 183; *Knudson v. Frost,* 56 Colo. 530, 535, 139 P. 533, 535 (1914); Restatement (Third) of Property § 4.10; 3 Herbert Tiffany, *The Law of Real Property* § 810, at 347 (Jones ed.1939). **In addition, an easement holder may not use the easement to benefit property other than the dominant estate.** *See Riddell,* 929 P.2d at 32; Restatement (Third) of Property § 4.11; 7 Thompson, *Thompson on Real Property* § 60.04(a)(1)(ii); 25 Am.Jur.2d *Easements* § 86. **As discussed by the Restatement (Third) of Property, the "rationale [behind this rule] is that use to serve other**

> **property is not within the intended purpose of the servitude. This rule reflects the likely intent of the parties by setting an outer limit on the potential increase in use of the easement brought about by normal development of the dominant estate**." Restatement (Third) of Property § 4.11 cmt. b.

Id. at 1238 emphasis added.

Here, the language of the easement, though broad, is perfectly clear. There is no dispute that the Easement is non-exclusive and pertains only to the nine lots identified in Recital A. Further, the Easement clearly states:

> Use of Easements. The easements shall be for the use and benefit of the owners of the parcels described in Recital A, their licensees, invitees, heirs, personal representatives, successors and assigns. The easements shall be non-exclusive and shall be used for ingress and egress and utilities only.
>
> Maintenance. The cost of routine maintenance of the easements shall be borne by the parties in proportion to each party's use as benefit from the easements. Any damage to the easements (other than ordinary wear and tear) caused by one of the parties shall be borne by the party causing the damage.
>
> Appurtenant Nature of the Easement. The easements created herein shall not be personal, but shall be appurtenant to the parcels described in Recital A.
>
> Binding Effect. The easement shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of the parties hereto.

Applying the law as set forth in *Lazy Dog Ranch,* the easements are non-exclusive and shall be used for ingress and egress and utilities only. The Easement is appurtenant to the nine lots, meaning the dominant estate holder (here Sterling and his assigns) may only use it to benefit the dominant estate (here Sterling's lot). Moreover, to the extent Sterling and his assigns access the Easement, they are responsible for any and all maintenance and/or repairs made necessary by their access and use. Appling the facts learned at the hearing, Pivot, PSCo and Sturgeon all intended to install power infrastructure in the Easement to allow the Summy Solar Project to connect to the PSCo substation. The Summy Property is neither burdened nor benefited by the Easement. None of the Defendants have any present legal right to use the Easement to benefit the Summy Property.

Previously, the Court found that Plaintiff's request for TPO was meritorious and that Plaintiffs would suffer irreparable harm to their real property interests, absent a TPO. Now addressing the necessity of a preliminary injunction, the Court finds that the threat of irreparable injury remains. The Howards restricted access to the Cutoff when the use they had been tolerating increased to the point that it was out of hand. Defendants ignored "No Trespassing" signs and continued to trespass on the Cutoff with little hesitation. Only roping off the Cutoff and filing this action caused the use of the Cutoff to stop. Further defendants assured Plaintiffs that if they did not allow use of the easement for underground utilities, they would just install overground utilities. Defendants threatened this use without regard for whether they had the right to install utilities for their true intended purpose at all.

Plaintiffs have established that they have a reasonable probability of prevailing on the merits because the plain language of the Easement does not allow Defendants to use the Easement for the benefit of the Summy Property.

Although Plaintiffs are not required to show irreparable injury to obtain injunctive relief to enforce an easement, Plaintiffs have established that there is a danger of real immediate and irreparable injury because their property rights are being infringed. Until stopped by this litigation, Defendants continued trespass on the Cutoff infringed on the Howard's use and enjoyment of the property. Further the promised overuse of the easement to connect the Summy Project to the grid will deprive Plaintiffs of their existing property rights.

Additionally, although Plaintiffs need not show that a judgment for damages would be inadequate to obtain injunctive relief to enforce an easement, Plaintiffs have shown that monetary damages are insufficient. Money will not restore Plaintiffs' property rights in this context. PSCo contends that money damages will remedy the injury through an eminent domain condemnation proceeding. Those claims are not presently before this Court. Without a successful eminent domain proceeding, PSCo does not have the right to use the Easement for the benefit of the Summy

Property and if PSCo is allowed to infringe upon Plaintiffs unique property rights to do so without a condemnation proceeding, money will not adequately compensate the damage. The fact that certain utility companies can use eminent domain does not give them license to use an easement they have no legal right to use without any due process or compensation.

There is no plain, speedy, and adequate remedy at law. If there is not an injunction, Defendants will irreparably harm Plaintiffs and the property at issue. They will, as promised, obtain access to the easement to install utility infrastructure for the benefit of property that is neither burdened nor benefited by the Easement. The will also trespass on the Howard Cutoff as they had been doing until this litigation commenced.

Granting the preliminary injunction serves the important public interest of preserving real property interests and corresponding value. Vast fortunes and a significant component of the American economy are protected by ensuring the preservation and protection of private property rights. Permitting Defendants to trespass and use the Easement for improper purposes would disserve this vitally important public interest.

The balance of equities favors granting a preliminary injunction. Here Defendants continued to trespass and to threaten to use the easement for unintended and improper purposes until a TRO was obtained. Moreover, Sterling caused dangerous conditions on the Easement. The TRO served its purpose of stopping such use. Defendants' suggestion that they should be allowed to proceed as they intended because money will fix any damage they may cause, when in fact money will not restore these private property rights further demonstrates the need for an injunction to preserve the status quo. Additionally, should the dangerous conditions on the Easement take a life, or cause injury, while compensation may be called for, compensation still will not replace a life or a limb.

An injunction will preserve the status quo because it will prevent the Easement from being used for the improper purpose of benefiting the Summy Property, it will stop the ongoing trespass

to the Howard property through the Cutoff and it will prevent Sterling from causing further dangerous conditions on the Easement.

V. Order of the Court

A preliminary injunction is entered as follows:

1. Defendants are prohibited from trespassing on the Howard property located at 669 39 Road, Palisade, Colorado 81526, particularly, without limitation, by using the Cutoff rather than staying within the 30 foot designated Easement.
2. Defendants are prohibited from using the Easement to benefit the Summy Solar Project in any way.
3. Defendant Sterling is precluded from causing any further unsafe condition on the Easement particularly, without limitation, making any further vertical cuts that leave behind unstable slopes along the Easement roadway.
4. Plaintiffs' are required to post a surety bond or letter of deposit in the Court registry, pursuant to C.R.C.P. 65(c) in the amount of $1000.00 for payment of any costs and damages that may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

DATED: September 25, 2026 npt to 9/4/2026.

_____

JenniLynn E. Lawrence
District Court Judge 21st Judicial District

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Re: Land Code Development edits

Nicole Parentice <nparentice1@gmail.com> Fri, Jul 31, 2026 at 11:27 AM
To: Greg Moberg <greg.moberg@mesacounty.us>
Cc: Rose.Tafoya@mesacounty.us

Ok, what about the binder from the planning commission workshop? The 2 per bedroom + 2 per house is in there but not the max capacity of 16.

Thanks Greg - hope you have a nice time away next month - you certainly deserve some R&R.

On Jul 31, 2026, at 11:16 AM, Greg Moberg <greg.moberg@mesacounty.us> wrote:

Nicole,

The updated draft has not been posted yet. We are working on it and it should be posted today or early next week.

Greg Moberg
Community Development Director

MESA COUNTY

O: 970.244.1650
C: 970.318.8866
200 S. Spruce St, Grand Junction, CO 81501
greg.moberg@mesacounty.us

Mesa County recognizes the need for digital document accessibility. If you experience inaccessible content and require assistance, please contact us by replying to this email.

On Fri, Jul 31, 2026 at 11:12 AM Nicole Parentice <nparentice1@gmail.com> wrote:

Hi,

I just reviewed the proposed changes to the LDC - the changes about short term rentals from the last Planning Commission Workshop are not reflected in this draft proposal. Additionally, the max capacity of 16 was also not included in the 07-09-2026 binder from the workshop - this item was approved by the Planning Commission. Greg added these changes to the LDC at the workshop and the Planning Commission approved that those changes be included. Please provide information about why those changes are not included in the proposed draft.

Thanks,
Nicole Parentice
970-250-8923

On Jul 9, 2026, at 2:07 PM, Nicole Parentice <nparentice1@gmail.com> wrote:

Hi,

Please pass along these suggested Land Code changes to the Planning Commission in advance of the Workshop this evening.

Thanks,
Nicole Parentice
970-250-8923

2. Short-term rentals shall be permitted in single-family dwellings (attached and detached), townhomes, accessory dwelling units and ~~owner-occupied~~ duplexes.

a. Only structures permitted for residential occupancy shall be used as short-term rentals. Tents, recreational vehicles, temporary shelters and other provisions intended for temporary occupancy are not allowed as guest accommodations.

b. Property owner must reside in one of the units if the short-term rental is in a duplex or in a principal dwelling with an ADU.

3. Maximum occupancy of a short-term rental shall be determined at the time of site plan approval based on the number of parking spaces and bedrooms. **Total occupancy, at any given time, at a short-term rental shall not exceed two (2) persons per bedroom plus two (2) additional ~~renters~~ persons, including the operator, except where the Director determines that the size, configuration and/or structural features of the unit allow greater or lesser occupancy. No short-term rental, located in RSF zoning, shall exceed an occupancy of 16 persons at any given time.**

7. The local property manager or representative shall be a county resident who can be contacted by telephone and is available **24/7** ~~at all times~~ when the home is rented. The representative shall be available for resolution of conflicts, cleanup of the property, or issues with the home or occupants and shall be able to respond within a reasonable amount of time.

13. Short-term rental permits are valid for one year. All short-term rentals must renew the permit on an annual basis. Upon renewal any amended Land Code shall be applied.

Mesa County Proposed Solar Amendments Impact on Available Land for Solar

Mesa County should base separation distances on demonstrated impacts and safety concerns. The proposed quarter-mile distance for community solar gardens (CSGs) needs a technical justification. Visual preference alone should not prevent a willing landowner from developing a project when impacts can be reasonably mitigated, which is the point of land-use regulations. Communities already accommodate buildings, signage, gas stations, towers and other infrastructure through design and enforceable standards. Solar facilities warrant the same site-specific approach rather than a setback without clear basis. The County's mining regulations demonstrate an approach that combines reasonable residential separation distances with enforceable nuisance mitigation. Mining and oil-and-gas support activities commonly generate substantial ongoing nuisances, particularly compared with an operating community solar garden. The County's own standards address mining noise, dust, vibration, haul traffic and emissions, as well as support-facility engines, compressors, equipment maintenance, fuel and waste. **What impact justifies requiring CSGs to be more than ten times farther from residences than mining excavation, and more than three times farther than oil-and-gas support facilities?**

Under the proposed regulations CSGs would still undergo conditional-use review and a public hearing. Formal notice is separate from residential separation: Table 3-3 uses 500 feet from the subject property in urban districts or designated rural communities, and 2,500 feet in other rural districts. Notice gives neighbors an opportunity to participate; it does not give each recipient approval power.

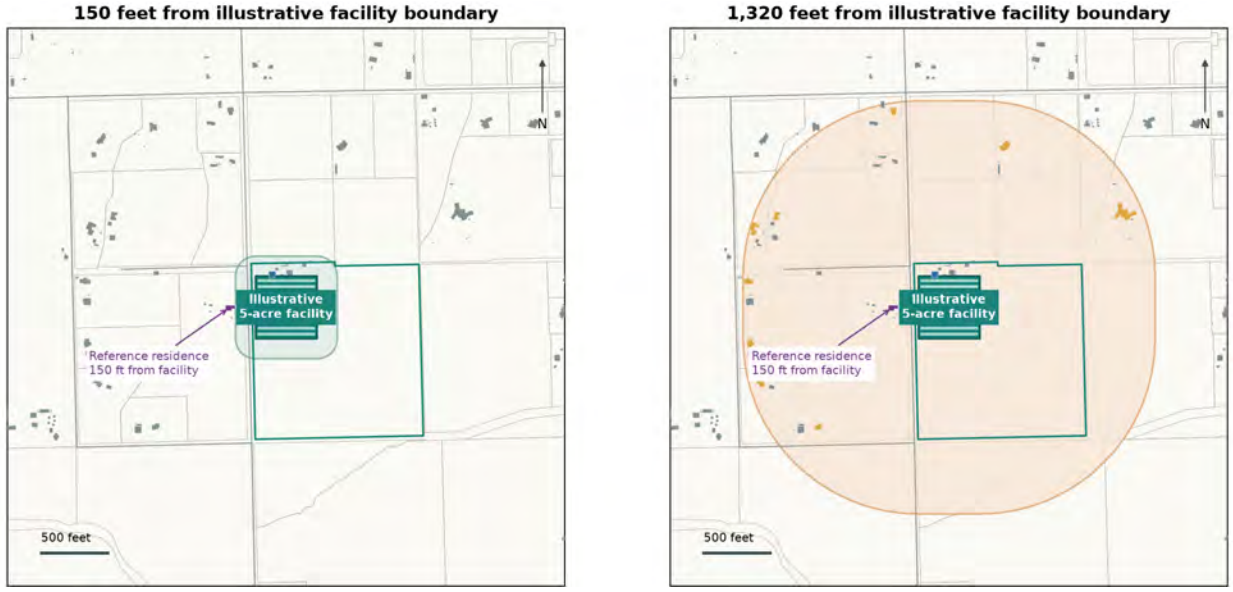
How the residential distances compare

As drafted…	Residential separation
CSGs and energy generation	1,320 feet with an agreement alternative
Mining excavation	125 feet; 250 feet with crushers or similar equipment
Oil gas and forestry support facilities	400 feet with a written waiver alternative

The 400-foot rule applies to support facilities, not drilling pads; oil-and-gas drilling has separate state siting requirements. 1,320 feet is currently used for confined animal feeding operations. Measurement points and exceptions differ based on use.

How far is a quarter mile

The proposed distance is 8.8 times 150 feet. A square five-acre facility is about 467 feet wide; 1,320 feet is roughly 2.8 times that width. The illustration shows both distances at the same scale.



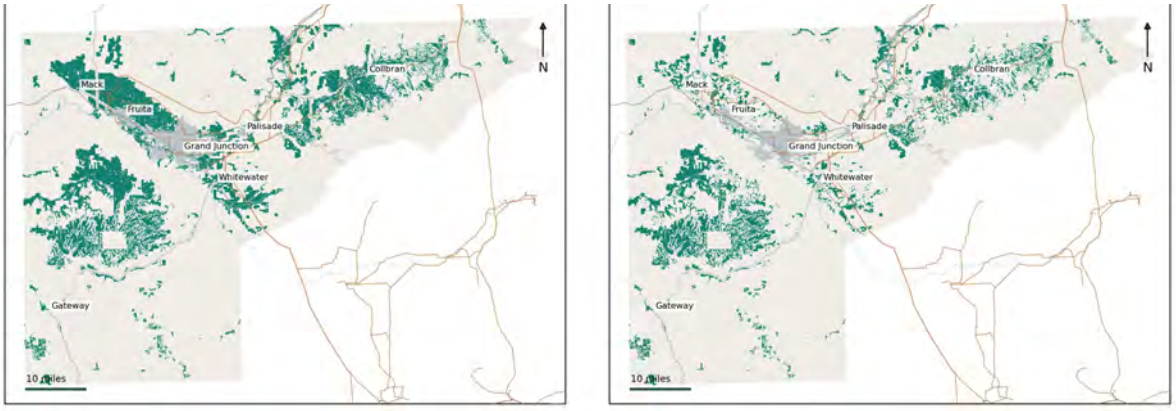
Illustrative five-acre footprint on actual mapped parcels. Shading shows proximity, not automatic consent requirements. Residential occupancy and the meaning of adjacent remain unverified.

This example illustrates how agreements could potentially expand from one neighboring owner to nine or more if nearby residences have separate owners and the County interprets those properties as adjacent. The number required is

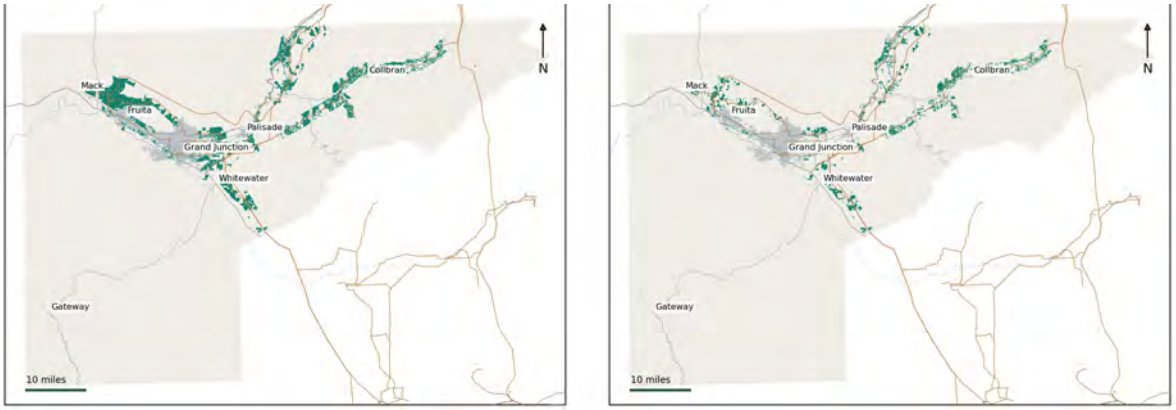
unverified, but the example shows why the agreement alternative may be difficult to use despite screening and other site-specific mitigation.

Mesa County land remaining as a potential option for solar at 150 feet and 1320 feet separations

Both scenarios retain the same baseline parcel, zoning and siting assumptions, exclude incorporated areas, and remove developed surfaces and water. They also exclude slopes above 10%, an analytical assumption. Green shows screened land, not confirmed feasible sites. In both pairs, left is 150 feet and right is 1,320 feet.



Countywide practical screen (removes developed areas, water, and slope >10%) without an easement or transmission filter: 225,681 acres at 150 feet versus 139,270 acres at 1,320 feet, a 38.3% reduction.



With mapped conservation easements excluded and land limited to within one mile of mapped transmission: 53,242 acres versus 23,446 acres, a 56.0% reduction. Transmission proximity does not establish interconnection capacity.

We also examined a defined study area covering the Grand Valley and surrounding community-planning areas, using the same filters for developed land, water, slopes, conservation easements and transmission proximity. Increasing residential separation from 150 feet to a quarter mile reduces the land passing these screens from approximately 23,500 acres to 5,750 acres. **In this study area (Grand Valley), roughly three out of every four acres that pass the 150-foot screen no longer pass under the quarter-mile requirement, prior to considering access, layout, interconnection, etc.**

COSSA Institute's Concerns

- **Conditional-use review for CSGs is not uncommon, but when paired with the other changes, becomes very restrictive toward community scale solar systems.** Hearings, screening and enforceable performance standards can address site-specific impacts without the need for an additional ¼ mi. separation.
- **The addition of the quarter-mile separation is extremely concerning.** It reduces screened acreage by 38% countywide without easement or transmission filters, 56% countywide with those filters, and approximately 76% in the expanded Grand Valley study area. It can make otherwise mitigable projects depend on adjoining-owner agreements. Require evidence and cumulative mapping before adoption.
- **The agrivoltaics definition is overly prescriptive to the point of risking permit compliance due to factors out of the landowner's control.** Revise it to accommodate workable agricultural and solar designs. An agrivoltaics exception is only useful if legitimate projects can qualify.
- **Access, layout, interconnection and other requirements further narrow the remaining land. We recommend postponing the hearing to validate the cumulative effects, clarify adjacency and gather stakeholder input.**

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

(no subject)

Kevin Bray <kevinbray@brayandco.com> Thu, Oct 8, 2026 at 12:55 PM
To: Greg Moberg <greg.moberg@mesacounty.us>

Greg,

I think this is planning commission comment or maybe needs to be crafted differently but in regards to the item I asked you about I go the following response from Mark Austin.

- Chapter 7- URR subdivision standards allowing 1 acre density on reserve lot after 10 years. Does this solve the issue with all of those outlots that were reserved over 10 years ago but for some reason can't be developed today per Mark Austin in the code committee?
- It is my opinion that the new language solves the issues the County has had with this section since the URR zone was enacted.

Marks response below- is this solved with the update?

There's really two issues.

The first issue is back in 2005ish, AFT subdivisions would cluster their development and leave a large usually agriculture lot for a "future reserve lot" with a restrict further development for I think 20 years or until there was a change in the comp plan or zoning... Several of those subdivision have not hit the 20 year mark and there has been somewhat of a battle with planning staff on what the "new" density for this lot can be. We've argued there are no further density restrictions because the 20 years is past, and they can develop the lot in accordance with whatever AFT zone district allows. The City staff took the position that you have to include the "parent parcels lots" in the overall density calculation, which I disagreed with. If you buy one of these lots and it allows 1 unit per 5 acres, you should have to go back and take all of the other original lots into the density calculation..

The same type of discussions goes for the URR...

Kevin Bray
Development Director

BRAY & CO. REAL ESTATE DEVELOPMENT



M: 970.270.9985
O: 970.263.2940
E: kevinbray@brayandco.com
W: www.brayandco.com
A: 1015 N 7th Street
Grand Junction, CO 81501

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Concerns about data center projects

Sandy Nelson <geckogrrl@gmail.com> Tue, Oct 13, 2026 at 3:22 PM
To: "greg.moberg@mesacounty.us" <greg.moberg@mesacounty.us>

As someone who is considering buying a home in or around Grand Junction in 2027, I'm deeply concerned about the potential of data centers destroying the community characteristics that prompted me to live here.

I support job creation and sustainable economic development, but the scale and resource demands of modern data centers present serious challenges to our area. What worries me most is the massive strain such enterprises place on water resources at a time when farmers, orchardists and vintners — who operate businesses that employ thousands of people — are forced to drastically cut water usage and radically alter growing practices to keep plants alive.

Before I decide whether to put down permanent roots here, I want guarantees that the county will use the current moratorium to thoroughly evaluate all data center impacts before approving such projects.

County commissioners and the planners who advise them should require a comprehensive, third-party environmental impact report as well as a binding resource-use agreement before green-lighting data center projects or changing the county's zoning maps to accommodate them. Furthermore, commissioners should invite a representative group of local residents to participate in transparent decision making about industries that threaten our quality of life.

Respectfully,

Sandy Nelson

3152 Goldeneye Ave.

Grand Junction, CO 81504

geckogrrl@gmail.com

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

9/29 Hearing - Comments on Proposed Land Development Code Changes: Community Solar Gardens and Data Centers

Susan Hess <susan.bassoon.hess@gmail.com> Mon, Sep 28, 2026 at 3:22 PM
To: mcbocc@mesacounty.us, greg.moberg@mesacounty.us

Dear Commissioners Davis, Daniels, and Fletcher and Planning Director Moberg,

Thank you, Commissioner Daniels, for your recent op-ed encouraging public comment on changes to the Mesa County Land Development Code. I am writing about two issues: the proposed changes affecting community solar gardens, and the question of data center development.

Community Solar Gardens

Several years ago, the Planning Commission brought together a diverse group of stakeholders and reached a consensus on solar development in Mesa County. The result was a reasonable compromise in which every party made concessions. The proposed changes would upend that work.

Specifically, the changes would:

- **Move community solar gardens from use by right to conditional use in most zones**, placing them under the same Utility, Production standards that apply to utility-scale facilities.
- **Increase the minimum separation requirement ninefold, from 150 feet to 1,320 feet**, which would amount to a practical ban across much of our rural community.

These changes create barriers to locally sourced renewable energy and limit residents' ability to make decisions about their own land, decisions that could improve their financial stability while producing clean energy. They also run against the current, as there is a bipartisan push nationwide for permitting reform that removes roadblocks to energy development.

Timing matters, too. To claim federal clean electricity credits, solar projects must be in service by the end of 2027. Added regulation and lengthy review could delay or kill projects, with real economic consequences for Mesa County residents.

I urge the Commissioners to preserve the existing compromise, keep community solar gardens as a use by right, and retain the current 150-foot separation standard.

Temporary Moratorium on Data Centers

Mesa County's earlier moratorium on solar permitting, which gave the county time to weigh community concerns carefully, was a success. I encourage the Commissioners to follow the same process for data center development.

Please vote "Yes" on the temporary moratorium on the acceptance, processing, and approval of land use applications for data center facilities in unincorporated Mesa County, and on suspending negotiation of county inducements for such facilities. Residents have real concerns about the effects of data centers on our local energy supply and grid, our air quality, and our water. A pause would give the county time to address those concerns before any commitments are made.

Thank you for your time and your service to our community.

Respectfully,

Susan Hess
Mesa County resident

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers

Janet Wyatt <janetruthwyatt@gmail.com> Tue, Oct 13, 2026 at 1:42 PM
To: greg.moberg@mesacounty.us

Hello Greg,

First of all, thank you for meeting with Tom McClosky, Jim Marshall and myself last week. I did go to the Grand Junction City Council and asked them to collaborate with the county on the process of data center guidelines and language. I have also emailed the county commissioners asking them to form a focus group separate from the current Land Development Code group. There are some informed citizens who have valuable input and I think they should be included. I also requested some public forums so that the public feels included in this process of data centers.
Tom, Jim and I held an information meeting open to the public at the library the same day as meeting with you. We answered questions about what is a data center, how much water do they use, how much electricity, setting up recycling centers for the mountain of e-waste that will occur, will our public lands be traded or sold off, etc. Citizens were very engaged and full of questions.
One thing that has stood out to me in my research on data centers has to do with water. We are all concerned with water use. Most data centers have clauses hidden in their contracts that essentially say if water levels hit draught territory, it is the responsibility of the municipality to turn off water for the community and keep data centers running because they have a contract and homeowners do not. bella_vandala. This is alarming. A lawyer would have to sort out iron clad language to prevent this from happening.
Data centers are being built at double or triple the pace of new electricity generation systems needed to serve them, PJM Interconnection, America's largest grid operator. We cannot afford our bills to climb any higher than they already are. According to US Consumer Price Index data shows that residential electricity prices rose about twice as fast in 2025 as compared to the average seen in years prior.
These are only a couple of the issues that keep me up at night. I hope that we can take our time and make sure our community is protected.

I am especially concerned about the new regulations regarding community solar gardens. The quarter mile buffer zone from any structure is far too strict. I understand that there are people who don't want to look at a solar field however, one quarter of a mile is too extreme. Climate change is upon us whether people acknowledge it or not as such. We should be transitioning to cleaner renewable energy systems. I hate to compare but would people rather see an oil well and production pond in their neighbor's yard or a solar array that benefits the community? I am not sure at this point how to change the wording or regulations put forth by the focus group. I will continue to work on that but know that there are at least equal the amount of people for solar than against it. Coming to a middle ground makes more sense than battling it out every time a project has to go through the CUP. Let's work on that please.

Thank you,

Janet Wyatt

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers

Amy Born <amyjborn@gmail.com> Wed, Oct 14, 2026 at 3:16 PM
To: greg.moberg@mesacounty.us

Mr. Moberg,

I am writing to state my opposition to building a data center in Mesa County based on the obvious environmental risk of such a water-intensive facility in our dry, high desert climate and geography.

Also, the economics of building a data center really don't make sense. The jobs it creates initially will vanish once the facility is built and the AI is trained.

In addition, the higher utility costs will land on residents and local business owners, rather than solely on the owners of the data center. While areas with excess grid capacity can possibly absorb some of the cost and lower energy prices initially, once data center demand exceeds the available energy supply, power companies have to build expensive new transmission lines or new power plants. These massive grid infrastructure expansion costs are legally passed on to the local ratepayers.

In addition to competition for critical resources (water, land), and higher energy costs, these facilities can lower air quality and increase traffic, often while benefiting from changes to zoning laws and huge tax breaks.

There are many stories of the negative impacts of the data centers that have already been built.

I vote no on a data center in Mesa County.

Amy Born
380 W. Ridges Blvd. Unit B
Grand Junction, CO 81507

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers

David Born <carpathia820@gmail.com> Wed, Oct 14, 2026 at 1:28 PM
To: greg.moberg@mesacounty.us

Mr. Moberg,

I am very much against data centers being constructed in Mesa County that will be enabling A.I. training models and deployments. Here are my reasons:

1. Mesa County has a high desert climate. We are suffering under a prolonged drought. It will take many years to recover water tables and reservoirs if we're lucky enough to get a normal snowpack. We simply can't spare the massive amounts of water that are required to cool data centers.

2. Likewise, electricity costs to consumers continue to rise partly due to increased demand caused by climate change. I doubt the County could adequately insulate consumers from higher electricity costs caused by the astronomical demand from data centers.

3. Any positive impact on job growth will be temporary and, after the data centers are constructed, very minimal. The AI companies that want these data centers will deploy their own agents and bots to do much of the operation and management. Worse, data centers could lead to catastrophic job loss if their own projections come true about replacing jobs held by humans.

4. Finally, I am opposed to data centers for AI due to the unconstrained danger they represent. I point to the recent predictions by Anthropic, OpenAI, and others concerning existential threats posed by rogue AI agent swarms. Even this morning, the CEO of Anthropic was reporting that AI agents could be infecting personal devices by the end of this year, including PCs, laptops, phones, Smart TVs! There is nothing to show that these companies, nor our current Federal government, have sufficient guardrails for AI. So, let's not help them further by building more data centers until there are demonstrable guardrails including laws holding the owners of AI accountable for damages.

Thank you.

David Born
380 W Ridges Blvd, Unit B
Grand Junction, CO 81507

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

DATA CENTERS

Bob Peterson <gjrobbob@gmail.com> Wed, Oct 14, 2026 at 10:18 AM
To: greg.moberg@mesacounty.us

I would like to see a one year moratorium on any proposed data centers until new rules are passed federally and locally and until the dust settles on AI issues world wide.

Consider that they (pay, earn, make) their own way and are not given any deals on electricity or water from the public supply.

Robert Peterson
256 Columbus Canyon Rd

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers

Janet Wyatt <janetruthwyatt@gmail.com> Tue, Oct 13, 2026 at 1:42 PM
To: greg.moberg@mesacounty.us

Hello Greg,

First of all, thank you for meeting with Tom McClosky, Jim Marshall and myself last week. I did go to the Grand Junction City Council and asked them to collaborate with the county on the process of data center guidelines and language. I have also emailed the county commissioners asking them to form a focus group separate from the current Land Development Code group. There are some informed citizens who have valuable input and I think they should be included. I also requested some public forums so that the public feels included in this process of data centers.
Tom, Jim and I held an information meeting open to the public at the library the same day as meeting with you. We answered questions about what is a data center, how much water do they use, how much electricity, setting up recycling centers for the mountain of e-waste that will occur, will our public lands be traded or sold off, etc. Citizens were very engaged and full of questions.
One thing that has stood out to me in my research on data centers has to do with water. We are all concerned with water use. Most data centers have clauses hidden in their contracts that essentially say if water levels hit draught territory, it is the responsibility of the municipality to turn off water for the community and keep data centers running because they have a contract and homeowners do not. bella_vandala. This is alarming. A lawyer would have to sort out iron clad language to prevent this from happening.
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I am especially concerned about the new regulations regarding community solar gardens. The quarter mile buffer zone from any structure is far too strict. I understand that there are people who don't want to look at a solar field however, one quarter of a mile is too extreme. Climate change is upon us whether people acknowledge it or not as such. We should be transitioning to cleaner renewable energy systems. I hate to compare but would people rather see an oil well and production pond in their neighbor's yard or a solar array that benefits the community? I am not sure at this point how to change the wording or regulations put forth by the focus group. I will continue to work on that but know that there are at least equal the amount of people for solar than against it. Coming to a middle ground makes more sense than battling it out every time a project has to go through the CUP. Let's work on that please.

Thank you,

Janet Wyatt

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers

David Poling <dwpoling@gmail.com> Tue, Oct 13, 2026 at 2:05 PM
To: greg.moberg@mesacounty.us

Dear Sir,

Please do whatever is in your power to place a moratorium on data centers for Mesa County.
I doubt we have the electricity and we obviously don't have the water these centers demand. We are currently not doing nearly enough to deal with drought, in this area. As a retired Biology teacher, I've been watching climate change for the last twenty years. Our local climate is becoming like that of New Mexico 250 miles South of here. A dendrochronologist (tree ring scientist) in New Mexico determined that the last 120 years have been an especially wet period in the big picture. The last thing we need to do is invite industries to Mesa County that are highly water consumptive.
Respectfully,
David W. Poling

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers

Ann & Dave Brach <brachd@msn.com> Tue, Oct 13, 2026 at 3:57 PM
To: "greg.moberg@mesacounty.us" <greg.moberg@mesacounty.us>

Hello Mr. Moberg,
As you are most likely aware, data centers offers short term employment during construction or remodel. Any ongoing jobs will be low level and very few. It's a reality that these buildings are resource suckers—water, clean air, visual spoilers and noisy.
Keep Mesa County a place of destination for respite, relaxation and rejuvenation. Keep the growing tourism business strong by not becoming like the outskirts of metro areas, abandoned rural areas and deserted desert. In addition to tourism, the land within the county should be considered as a prized jewel rather than a cheap bauble that cannot be reclaimed once spoiled. The desert takes many decades to be rehabilitated once ruined.
You and the commissioners must shoulder the immense responsibility of envisioning the future beyond the present. It would be a shame to be the deciders behind the loss when our children and grandchildren live with the rotting data centers because "the cloud" actually lives in the space above them as "the cloud" is named for. Satellites are just the beginning; cloud computing will be in the sphere above earth in the not-too-distant future.
Don't be fooled by the potential money lost by not inviting these centers into our sphere. Much better opportunities will be coming.
Thank you for thoughtful consideration of Mesa County residents,
Ann Brach - born and raised in the Redlands

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers

Lynette Richardson <richardsonranch21@yahoo.com> Tue, Oct 13, 2026 at 3:47 PM
Reply-To: Lynette Richardson <richardsonranch21@yahoo.com>
To: "greg.moberg@mesacounty.us" <greg.moberg@mesacounty.us>

I DO NOT WANT TO SEE ANY AI DATA CENTERS IN MESA COUNTY.

PLEASE VOTE AGAINST.

THANK YOU

Lynette Richardson
21st Century Health Technologies
970-261-5100
richardsonranch21@yahoo.com
Website: https://nikken.com

"Energy Medicine is the medicine of the future."

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers

Nancy Terrill <ncterrill@gmail.com> Tue, Oct 13, 2026 at 3:28 PM
To: "greg.moberg@mesacounty.us" <greg.moberg@mesacounty.us>

Dear Greg,
We live in Mesa County and highly value the beauty of our community. This beauty needs water in order to thrive. Water is scarce here.

I am quite concerned that data centers will overcome the energy supply and water supply available.
I urge you to fully evaluate any proposed data center here with this in mind. Your first priority should be assuring that our residents continue to have sufficient water and energy to thrive here.
Thank you for your consideration,

Best regards,
Nancy Terrill
Ancient Wisdom Healing, traditional healer
Mesa, CO

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers

Sue Springer <sue.springer50@gmail.com> Tue, Oct 13, 2026 at 2:32 PM
To: "greg.moberg@mesacounty.us" <greg.moberg@mesacounty.us>

Quick and to the point Mr. Moberg…. Mesa County is no position to accept any intrusion/introduction of any data center ever!
Mesa County resident, Sue Springer

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers

cabernetblues <cabernetblues@gmail.com> Tue, Oct 13, 2026 at 2:11 PM
To: "greg.moberg@mesacounty.us" <greg.moberg@mesacounty.us>

Good Afternoon Mr. Moberg,

Data centers have no place in Mesa County. Mesa County is continuing to experience ongoing, debilitating drought and worsening water shortages, which is projected to continue. Data centers would cause harmful impacts to agriculture, public lands, wildlife, and the local recreation/outdoors industry. Data centers historically do not bring in jobs as advertised, do not pay their own way, instead getting huge tax concessions- and cause irreversible damage to every area they have been located. Data centers use of water is so excessive, and the noise level so unsupportable- that it would destroy our area. The negatives far outweigh any possible positives.

Data centers destroy property values, environmentally damage the surrounding area, and cause catastrophic damages to the health and welfare of people and animals, water supply, agriculture, farmers and ranchers, environment and wildlife. We need a complete ban on data centers in Mesa County.

Any changes that would pave the way to allowing a data center in our county should be voted on by every voter, prior to any changes or any data center agreements taking place. Further, no NDA's should be allowed in our county decision making process.

Respectfully,
~Elizabeth Arendt Delgado
664 Bradford Ct
Grand Junction

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data centers

Patricia Kimerling <pckimerling@icloud.com> Tue, Sep 29, 2026 at 5:38 AM
To: greg.moberg@mesacounty.us

Unfortunately, I am unable to attend this morning‘s meeting. I had planned on the October 15 meeting. I strongly oppose any data centers in Mesa County. The amount of resources they require it’s not feasible in the high desert. Water should be utilized for farming and food production. Utilities are already very expensive in the added demand of a data center with certainly increase the price. The city/county is promoting Grand Junction as a tourist destination and a data center would be a noisy, unsightly addition to our gorgeous area. In my opinion, the only other large building that would be beneficial to our community would be a Costco.
Thank you for your attention in this matter.
Patricia Kimerling
227 W. Fallen Rock Rd.,
Grand Junction, CO 81507
970-623-1648
Sent from my iPhone

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data Centers comments

Mary Thom <marythomgj@gmail.com> Tue, Oct 13, 2026 at 4:32 PM
To: greg.moberg@mesacounty.us

I am writing to provide comments as I cannot attend the Planning Commission's public hearing on data centers. I am a retired data center network engineer. I implemented networking equipment in both my company's own data centers as well as larger colocation facilities. When I consider possible future data centers in Mesa County, I am primarily concerned about water usage. Particularly Hyperscale and/or AI data centers where the high computational activity requires a massive amount of cooling, which generally comes from water. There is also high water use potentially in the generation of electricity needed for powering the data centers.

I am quite concerned about water in our region. Depending on some variables, a 100MW data center can use 200-500K gallons of water a day. I regularly attend the Colorado Water District's informative meetings about the state of our hydrology and it's continuing to look rough year after year. In the news, we hear that our farmers and ranchers had to make tough choices, not being able to plant all their fields or having to reduce herd sizes. I think water security is so important to our life and to our food security here in Mesa County. It's very difficult to imagine what kind of stress a data center in this region would put on our already over-subscribed water sources. I do not think it's a good use of our water resources.

Ultimately, I would favor a ban on data centers 50MW or greater in Mesa County. If that is not possible, I would advocate for the Commission to implement the strictest possible guidelines around water use in our code language for data centers. That should include requiring a maximum water budget, requiring alternative cooling designs with full disclosure of their water use, requiring clear disclosure around water consumption (i.e. water that won't ultimately go back into the water system), requiring full public disclosure around their ongoing water use that is verified by a 3rd party, and requiring non-potable sources of water.

Thank you.

Mary Thom
2534 Park Mesa Court
Grand Junction, CO 81507

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Data centers

Patricia Kimerling <pckimerling@icloud.com> Tue, Sep 29, 2026 at 5:38 AM
To: greg.moberg@mesacounty.us

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227 W. Fallen Rock Rd.,
Grand Junction, CO 81507
970-623-1648
Sent from my iPhone

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

FOR YOUR CONSIDERATION: Info Re: Mesa County Planning Meeting This Week

1 message

Nancy M <astrogirl2131@gmail.com> Tue, Oct 13, 2026 at 3:30 PM
To: Greg Moberg <greg.moberg@mesacounty.us>

Hi Greg:

The Grand Valley Dark Sky Initiative thanks you for the opportunity to submit comments relating to PRO2026-0092 – Mesa County 2020 Land Development Code Update as it relates to lighting.
If you would be so kind as to share this information with the Planning Board members for consideration, it would be a great benefit to Mesa County citizens.

The Mesa County code relating to lighting is basic and in place. However, with so much new development in the County, it needs to be enhanced and expanded to offer broader preventative measures and solutions.

The time is overdue to address and offer solutions to light pollution here in the Grand Valley. Responsible lighting is necessary to protect the health and quality of life for all residents of Mesa County. This can be accomplished by the enhancement of ordinances relating to how lighting is selected and regulated.

There are 2 areas that need to be addressed. The first relates to new development. Appropriate ordinances need to exist to ensure that new construction responsible lighting is planned and implemented.

The second (to perhaps be addressed in the near future) would be inappropriate lighting that is already in place belonging to County businesses and residents. This is much more of a longer-term solution process..

Please remember that we are not seeking unnecessary elimination of lights. This is not practical.

Rather, we would like to see County ordinances that guide responsible lighting with the use of shielding, proper lighting temperatures and colors, and the use of timers and motion-activated lights.

A basic guideline relating to light pollution solutions is the Five Principles for Responsible Outdoor Lighting as follows:



DarkSky International has also created free policy templates for lawmakers, municipal officials, and community advocates to assist in drafting U.S. state laws and local municipal codes that support responsible outdoor nighttime lighting.

The Grand Valley Dark Sky Initiative will be more than happy to help in any way that we can.

Please feel free to contact us at any time.

Sincerely,

The Grand Valley Dark Sky Initiative

(Nancy McGuire, President)

On Mon, Oct 12, 2026 at 12:23 PM Greg Moberg <greg.moberg@mesacounty.us> wrote:

> Nancy,
>
> Section 8.07 F. Nighttime Light Pollution is part of the Land Development Code and falls under PRO2026-092. Although no changes have been proposed to this section, you are welcome to submit comments to me prior to the public hearing or present them directly to the Planning Commission during the hearing.
>
> Greg Moberg
> Community Development Director
>
> MESA COUNTY
> O: 970.244.1650
> C: 970.318.8866
> 200 S. Spruce St, Grand Junction, CO 81501
> greg.moberg@mesacounty.us

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Fw: Estate Zoning

Kevin Bray <kevinbray@brayandco.com> Wed, Oct 7, 2026 at 1:49 PM
To: Greg Moberg <greg.moberg@mesacounty.us>

My planner said this is still in the draft code for rsfe. I thought you confirmed 1 acre density but lot size determined by septic?

Get Outlook for iOS

From: Tracy States <tstates@rccwest.com>
Sent: Wednesday, October 7, 2026 12:49 PM
To: Kevin Bray <kevinbray@brayandco.com>
Subject: Estate Zoning

f. Minimum lot size requirements shall be based on onsite wastewater treatment system regulations, fire protection standards, site-specific conditions, and the need, if any, to protect adjacent agricultural operations under the County's Right to Farm and Ranch Policy.

SECTION 7.03 | RSF-E DISTRICT DENSITY

A. Purpose

In order to provide more certainty regarding appropriate levels of development on land with a Future Land Use Classification of Estate, the County has adopted the provisions of this section to govern density in the RSF-E Zoning District.

B. Maximum Density and Minimum Lot Size Criteria

The maximum density and minimum lot size allowed within the RSF-E Zoning District shall be as follows:

TABLE 7-3: ESTATE FUTURE LAND USE CLASSIFICATION SUMMARY

Future Land Use Classification	Density	Minimum Lot Size
Estate	1 acre / dwelling unit	1 acre
Estate 2	2 acres / dwelling unit	1 acres
Rural Estate 3	3 acres / dwelling unit	1 acre

SECTION 7.04 | ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS

The alternative development options of this section allow for variety in development standards while maintaining the overall character of single-family residential developments.

Tracy States
Project Coordinator

RIVERCITY CONSULTANTS

215 Pitkin Avenue, Unit 201
Grand Junction, CO 81501
O 970-241-4722
D 970-208-8882
tstates@rccwest.com

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Fwd: Addressing Proposed Solar Regulations

James Fletcher <jj.fletcher@mesacounty.us> Thu, Oct 15, 2026 at 11:15 AM
To: Greg Moberg <greg.moberg@mesacounty.us>

---------- Forwarded message ---------
From: **James Fletcher** <jj.fletcher@mesacounty.us>
Date: Thu, Oct 15, 2026 at 11:15 AM
Subject: Re: Addressing Proposed Solar Regulations
To: Rachael Stewart <rachael@farmtopower.org>
Cc: <mcbocc@mesacounty.us>

Thank you for your comments. Your email will be entered into the record.

On Thu, Oct 15, 2026 at 10:51 AM Rachael Stewart <rachael@farmtopower.org> wrote:

> Dear Mesa County Board and Staff,
>
> My name is Rachael Stewart, Colorado State Director of Farm-To-Power, and I am writing to address the proposed solar regulations in Mesa County on behalf of my organization.
>
> Farm-To-Power is a non-profit, non-partisan community of farmers and rural landowners across Colorado and the United States, formed to help protect their right to make choices that sustain economic opportunities and stable futures. We are not backed by developer interests - our goal is to preserve the role that farmers, ranchers and rural landowners have played in meeting America's energy needs for the last 100 years.
>
> It is this reason that we are submitting a letter against the proposed regulations - to defend the farmers and landowners of Mesa County in exercising their right to make decisions about their land.
>
> More broadly, the ¼ mile of separation proposed between community solar gardens and residential structures with other siting limitations when combined could effectively prohibit solar development on most suitable properties. The proposed agri voltaics definition is also narrow and could prevent many legitimate dual use agricultural projects from qualifying. We defend the impact that if passed these restrictions will have on adding to Colorado's energy balance and the opportunity for increased energy independence in Mesa County.
>
> More than anything, these restrictions limit potential generational opportunities for the landowners, as well as the many economic benefits for the community at large. We ask you to preserve the rights of these landowners to do what is not only best for their families, but for their communities as well, by not approving these restrictions.
>
> Sincerely,
> Rachael Stewart
> Western Regional Director
> 520-249-7903
> Rachael@farmtopower.org

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Fwd: Concerns about data center projects

Rose Tafoya <rose.tafoya@mesacounty.us> Tue, Oct 13, 2026 at 3:42 PM
To: Greg Moberg <greg.moberg@mesacounty.us>
Cc: Faye Hall <faye.hall@mesacounty.us>, Sarah Caskie <sarah.caskie@mesacounty.us>, Britt Dveris <britt.dveris@mesacounty.us>, Samantha Hoogland <samantha.hoogland@mesacounty.us>, Collin Rode <collin.rode@mesacounty.us>

I am thinking she may be referring to the MCLDC Amendment?
Forwarded to all just in case! I will let one of you respond.

Thank you,

Rose Tafoya
Mesa County Community Development
P.O. Box 20,000-5022
Grand Junction, CO 81502
Phone: (970) 244-1761
Mesa County recognizes the need for digital document accessibility. If you experience inaccessible content and require assistance, please contact us by replying to this email.
Fax: 970-244-1769
rose.tafoya@mesacounty.us

---------- Forwarded message ---------
From: **Sandy Nelson** <geckogrrl@gmail.com>
Date: Tue, Oct 13, 2026 at 3:24 PM
Subject: Concerns about data center projects
To: rose.tafoya@mesacounty.us <rose.tafoya@mesacounty.us>

As someone who is considering buying a home in or around Grand Junction in 2027, I'm deeply concerned about the potential of data centers destroying the community characteristics that prompted me to live here.

I support job creation and sustainable economic development, but the scale and resource demands of modern data centers present serious challenges to our area. What worries me most is the massive strain such enterprises place on water resources at a time when farmers, orchardists and vintners — who operate businesses that employ thousands of people — are forced to drastically cut water usage and radically alter growing practices to keep plants alive.

Before I decide whether to put down permanent roots here, I want guarantees that the county will use the current moratorium to thoroughly evaluate all data center impacts before approving such projects.

County commissioners and the planners who advise them should require a comprehensive, third-party environmental impact report as well as a binding resource-use agreement before green-lighting data center projects or changing the county's zoning maps to accommodate them. Furthermore, commissioners should invite a representative group of local residents to participate in transparent decision making about industries that threaten our quality of life.

Respectfully,

Sandy Nelson

3152 Goldeneye Ave.

Grand Junction, CO 81504

geckogrrl@gmail.com

Greg,

Thank you for replying so promptly, summarizing the situation, and providing documentation.

I applaud the County seeing the need to address data centers before they become an issue.

In Table 6-1 Use Table, p.89, Data Centers are indeed under Wearhouse and Freight Movement.

There is a link here to the Industrial Use Categories, with 12.06 C, p. 216, chapter 12-27 relating to Warehouses.

Data centers "are involved in the storage or movement of goods," and differ distinctly from the traditional examples cited.

I would like to see "data centers" included in C 3, so it is tied back to Table 6-1.

With the exception of cold storage plants, the examples (C 3) do not draw heavily on power or water. They are fairly passive in their existence.

Data centers, on the other hand, rely extensively on power and water. Drawing on these resources—both fiscal and depletion (water), as well as providing potential noise and light pollution—which are all are problematic to the County.

The Conditional Use Permit is appropriate for data centers, saving the County from drastically amending the Code to address something so new and unknown.

It looks like Mack and Gateway the only areas with l-1 and l-2 zones. If I have missed something, please let me know.

Again, thank you for your time,

Lowrey

Lowrey Mumford

303-748-9502

[Quoted text hidden]

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Fwd: Mesa County Comment Form - Thomas McCloskey - 6677301312426460791

Amy Russell <amy.russell@mesacounty.us> Tue, Oct 13, 2026 at 2:03 PM
To: mcbocc <mcbocc@mesacounty.us>, Greg Moberg <greg.moberg@mesacounty.us>, Alec Anderson <alec.anderson@mesacounty.us>

Please see below for a comment that came in through the website.

---------- Forwarded message ---------
From: **Anne Linger** <anne.linger@mesacounty.us>
Date: Tue, Oct 13, 2026 at 1:54 PM
Subject: Fwd: Mesa County Comment Form - Thomas McCloskey - 6677301312426460791
To: MCAdmin <mcadmin@mesacounty.us>

This came into the website.

Regards,
Anne Linger

Web Administrator | Mesa County IT
970-589-0040 cell or 970-683-4335 office

Mesa County recognizes the need for digital accessibility. If you experience inaccessible content and require assistance, please contact us by replying to this email.

---------- Forwarded message ---------
From: **Jotform** <noreply@jotform.com>
Date: Tue, Oct 13, 2026 at 1:49 PM
Subject: Re: Mesa County Comment Form - Thomas McCloskey - 6677301312426460791
To: <webmaster@mesacounty.us>

Jotform

Mesa County Comment Form

Full Name	Thomas McCloskey
E-mail	tmccloskey@bresnan.net
Phone Number	(970) 270-8810
Subject	Proposed changes to the land development code relevant to solar community gardens.
Comment or question	I am forwarding excerpted comments to you from the Colorado Solar Storage Association (a CO affiliate of the Solar Energy Industry Association) regarding proposed changes to Mesa County land development code related to solar community

gardens, including the changes in setback requirements increasing from 150 feet to nearly NINE times at the proposed 1/4 mile distance. I have concerns about how these proposed changes reached the Planning commission and what was the impetus for such a drastic impediment to solar energy development.

The changes have not been given enough time for public discussion of the impacts on energy production and the County's implied direction with energy development.

I have the study analysis provided by Jeremiah Garrick at COSSA, but can't forward with this email. I would be happy to provide the BOCC with a copy of the study for your review. Please contact me with further questions.
Thank you for your consideration.
Thomas McCloskey
Redlands

The comments follow below...

"With the same countywide screening assumptions, increasing separation from 150 feet to 1,320 feet reduces acreage by 38.3%. When we also account for mapped conservation easements and limit the analysis to land within one mile of mapped transmission, the reduction reaches 56%. In the Grand Valley area, those same screens show a 75.6% reduction. These are screening results, rather than confirmed developable sites or available interconnection capacity. This is before considering access, layout, interconnection and many other requirements that could further narrow the remaining land.
One glaring example of the difference in treatment is the County’s mining setbacks. Section 6.02.N.4 establishes a 125-foot separation between ordinary mining excavation and a dwelling, or 250 feet for excavation involving crushers, asphalt plants, cement batch plants or similar equipment. Those minimums apply alongside conditional use review, nuisance mitigation and applicable state requirements. The 125-foot provision is not limited to the operator’s own residence.
That raises a reasonable question: why should community solar require more than ten times the County’s minimum residential separation for ordinary mining excavation? The County already addresses mining noise, dust, vibration, haul traffic and emissions through enforceable standards and site-specific review."

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Fwd: Data centers in Mesa County

Rose Tafoya <rose.tafoya@mesacounty.us> Mon, Oct 12, 2026 at 8:05 AM
To: Greg Moberg <greg.moberg@mesacounty.us>

Rose Tafoya
Mesa County Community Development
P.O. Box 20,000-5022
Grand Junction, CO 81502
Phone: (970) 244-1761
Mesa County recognizes the need for digital document accessibility. If you experience inaccessible content and require assistance, please contact us by replying to this email.
Fax: 970-244-1769
rose.tafoya@mesacounty.us

---------- Forwarded message ---------
From: **Steve McMillan** <gibroni381@gmail.com>
Date: Mon, Oct 12, 2026 at 8:04 AM
Subject: Data centers in Mesa County
To: <Rose.Tafoya@mesacounty.us>

Ms. Tafoya,
I attended the Sept. 29 hearing by the Mesa County Commissioners on the data center moratorium and wanted to make sure I also got my comments on the record with the Planning Commission members. Thank you for putting my sentiments in front of them. Here's my statement:

Thanks for the opportunity to provide some input on the data center moratorium. The resolution points out many key regulatory issues to be addressed, including power demand, water usage, air emissions and noise.
My understanding is that there are somewhere in the neighborhood of 57 data centers already in Colorado, most on the Front Range. But I expect it is just a matter of time before developers will be here in Mesa County looking to build, possibly at the hyperscale level. These will be powerful corporate players, their lobbyists and trade union supporters. They will want to write the rules and shape the regulatory and legal landscape to their advantage and they will have a lot of money to exert influence.
I support the resolution for the 12-month moratorium and urge you to ensure as part of a redrafted land development code or other regulatory measures that data center facilities have strong climate protections, especially concerning water use, use clean energy sources for power and be offered no tax breaks. My preferred option, truthfully, would be that the Western Slope, Mesa County and Grand Junction reject all AI-driven data centers. Additionally, I would ask that during your deliberations on this issue you engage in maximum transparency and allow rigorous public input and oversight at every stage. This would include a pledge by all public officials not to sign any non-disclosure agreements with data center applicants or their agents.
As we all are aware, AI companies recently have been involved in some dangerous decisions. One way for governing bodies to counter these irresponsible activities and ensure AI development occurs responsibly, ethically and in the best interests of people and communities is to slow it down and put strict guardrails in place, including demanding measures connected to their construction of data centers.
Thanks for listening.

Steve McMillan
gibroni381@gmail.com

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Fwd: Mesa County Comment Form - Thomas McCloskey - 6677301312426460791

Greg Moberg <greg.moberg@mesacounty.us> Tue, Oct 13, 2026 at 3:44 PM
To: MCPC <mcpc@mesacounty.us>

For your review.

Greg Moberg
Community Development Director

MESA COUNTY
O: 970.244.1650
C: 970.318.8866
200 S. Spruce St, Grand Junction, CO 81501
greg.moberg@mesacounty.us

Mesa County recognizes the need for digital document accessibility. If you experience inaccessible content and require assistance, please contact us by replying to this email.

---------- Forwarded message ---------
From: **Jotform** <noreply@jotform.com>
Date: Tue, Oct 13, 2026 at 1:49 PM
Subject: Re: Mesa County Comment Form - Thomas McCloskey - 6677301312426460791
To: <webmaster@mesacounty.us>

Jotform

Mesa County Comment Form

Full Name	Thomas McCloskey
E-mail	tmccloskey@bresnan.net
Phone Number	(970) 270-8810
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Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Fwd: Mesa County Land Development Code Feedback

Matt P <matthewwilsonpayne@gmail.com> Tue, Oct 13, 2026 at 9:07 PM
To: Greg Moberg <greg.moberg@mesacounty.us>, mccomdev@mesacounty.us

Mesa County Community Development Division,

Please see my feedback on the latest draft Land Development Code which I expect to be published as feedback ahead of the Planning Commission meeting in which you will be presenting this draft.

(pg. 10) SECTION 1.11 | VESTED RIGHTS
- variances absolutely should be reviewed and not granted automatic approval.

(pgs. 17 & 18) SECTION 3.02 | COMMON REVIEW PROCEDURES
- there should absolutely be a review of any application... otherwise we get the horribly executed Solar plot south of the Town of Palisade, and then the county will be sued into oblivion for not protecting its constituents from greedy dumb developers...
- specifically, this should be retained: **Comments received from reviewers shall be included in a report which shall be delivered to the applicant**.

(pg. 20) Published Notice
Notice of all applications and meetings, as defined by C.R.S. § 24-6-402(2)(c), shall be posted on the Mesa County website at https://www.mesacounty.us/departments-and-services/communitydevelopment/planning.
a. When the provisions of this Land Development Code require that notice be published, the County shall be responsible for preparing the content of the notice, and shall ensure that notice is published in the newspaper that has been selected by the County.
b. Rights-of-way vacations will be advertised in the “A” section of the newspaper at the applicant’s expense. The advertisement shall be a minimum size of two (2) inches by three (3) inches.
^^^ the above two requirements shall be retained, this is an intentional effort by certain persons in the county to not do their job... public notice outside of a website shall be maintained as mandatory

(pg. 24) C. Approval Criteria In evaluating the proposed request, all of the following criteria must be met... **All criteria MUST BE MET**, shall not be replaced with shall be considered.

(pg. 29) SECTION 4.05 | DEVELOPMENT IMPROVEMENTS AGREEMENTS (DIA)
- the word Improvement and Development shall not be placed beside each other... nothing about development improves anything... It should read "Development Destruction Agreement (DDA).

(pg. 38) C. Agricultural Division
- The applicant or the applicant’s immediate family must have owned the Tract for a minimum of **twenty five (25) years.**... what we are seeing is private equity buying up land, leasing it for five years, then developing it... fuck no.... they must own it for 25 years before any division occurs...

(pg. 44) G. Approval; Lapse of Approval
An approved Final Plan shall lapse and be of no further force and effect if a complete Final Plat application, or a phase has not been submitted within one (1) year of the date of Final Plan approval.
^^^ only one year only, not three years... that's just developers intentionally waiting instead of executing at a rapid pace. Not an acceptable change.

(pg. 56) 3. Time Frames
The Final Plan shall be approved within one (1) year of the date of submittal. One (1) extension of one (1) year may be approved by the Director upon review of a written request. 3. Lapse of Final Development Plan Approval
^^^ only one year, if there's a plan to develop, they must execute the required steps within 1 year, not three.

(pg. 58) Section 4.14 | SECTION 4.15 | REGISTER OF HISTORIC LANDMARKS
- agricultural production shall be included as Historic Landmarks...

(pg. 71) SECTION 5.01 | RURAL ZONING DISTRICTS

^^^ absolutely no changes to this entire section... as you are intentionally writing it so that would allow and encourage the development of agricultural land in manners that do not support the continued use of agricultural lands

(pg. 71) The following Districts shall be known as Rural Zoning Districts. These districts are generally appropriate for application in the Rural Planning Areaagricultural activities, low-density residential and designated commercial uses that are similar to agricultural activities while maintaining the rural character of the area.
^^^^ the only thing agricultural is farming, this language is a method of allowing developers to say their developments feel like agriculture....

(pg. 72) E. Urban Residential Reserve District (URR)

The Urban Residential Reserve District is primarily intended to accommodate low density, single-family residential development. Subdivided lots are grouped together with a larger building lot “reserved” for future urban development when public sewer and other urban infrastructure/services are available to serve the subdivision in the reasonable foreseeable future.

^^^ absolutley no utilities or services shall be permeating any AFT land, ever.
Urban Residential Reserve District shall be deleted from the LDC draft.

Solar Gardens - shall be integrated within parking lots and on top of buildings in every instance. If Solar Gardens are to be installed on land, they must have Conservation Crops underneath with the ability to have those crops grazed by livestock.. This practice prevents nuisance issues with neighbors, increases efficiency of energy harvesting, and reduces erosion and negative impacts to surrounding land values.

(pg. 97) Marijuana cultivation
- shall be allowed on all sized lots as they are normal agricultural activities

(pg. 104) D. Multi-Family Development
^^^ common areas shall be required

(pg. 110) U. Winery, Distillery or Brewery
^^^ shall adhere to strict non-operations from 10PM - 6AM and includes more strict "dark sky" friendly light code as these operations are the ones who have been putting up extremely damaging lights in areas designated for agricultural use

(pg. 114) Z.Y. Minor Entertainment Events
^^ 4 per month
^^ notifications must be mailed to all surrounding neighbors within 1/2 square miles from event location two weeks head of each event to notify neighbors of the "Neighbors meeting"
^^ "Dark Sky" light code shall be strictly enforced as the artificial light at night pollution comes from these events, which has massive unintended negative consequences to the rural areas.

(pg. 116-117) AA.Short-term Rental
^^^ limit the number of short term rentals per zip code.... as an example, the number of short term rentals in the Palisade area have well overwhelmed the area, causing massive stress on labor housing needs. No, we don't want to develop more precious agricultural land into labor housing, what we want is to restrict the number of AirBnBs, Bed and Breakfasts, and Short Term Rentals, as it is devastating the agricultural lands surrounding the Town of Palisade. This lack of regulation is not in line with the effort to conserve and preserve agricultural heritage and production of the area and is completely disingenuous to all efforts to call yourself an agricultural community

(pg. 117-118) BB. Utility Production
^^^ Solar Gardens shall require conservation crops under them, with solar panel heights that allow for the grazing of livestock underneath, even if it's not intended or has irrigation rights tied to the land. Dry Land farming is a thing, as well as de-desertification efforts occurring in China and Africa, so establishing conservation crops that prevent wind erosion, and other nuisance experiences shall be required.
^^^ Solar Gardens shall be encouraged and installed on parking lots in and around urban and suburban areas, and kept off of rural or AFT zoned land... the goal should not be pushing these solar gardens further away from the areas that need the energy the most...
^^^ solar systems shall be high enough to facilitate the growth of Conservation Crops & allowance of livestock grazing, which might require tractors to permeate under the panels

(pg. 121) 3. Domestic Livestock
^^^ roosters shall be allowed, they are critical in fertility and production opportunities and are a normal part of managing poultry flocks.

(pg. 151-152) A. General Landscape Standards
^^^ stormwater catchment systems that slow the movement of water, to be retained and saturated into the ground shall be adopted along all roadways and infrastructure.
^^^ use of any storm water shall be encouraged to enable vegetation growth to reduce heat island effect and this mentality of using rocks and concrete....
^^^ We must encourage and require the use of permeable ground cover to encourage the retention and saturation of all precipitation
^^^ landscaping of all developments shall be required.

(pg. 152) B. Parking Lots
^^^ parking lots shall use solar gardens as much as possible as shade structures, and efficient use of open space to harvest energy from the sun while also reducing the development of rural areas that define the Rural Character of Mesa County

(pg. 153) Section 8.06 | PUBLIC LAND AND OPEN SPACE DEDICATION REQUIREMENTS
^^ this is by far the MOST short sided and selfish removal of code. Re-institute this requirement purely from a perspective of reducing heat island effect and encouraging the harvesting of precipitation and growth of vegetation to allow and encourage wildlife habitat and space for people to touch dirt, instead of concrete jungles.

(pg. 162) F. Nighttime Light Pollution
^^^ Mesa County relies heavily on Agriculture and the Rural beauty of the area as assets that provide economic value. Protecting the night sky for hunting, agricultural production, tourism on the Grand Mesa, and other public lands, etc is critical for our economic stability.

Here's the suggested Language

(pg. 183) LAND DEDICATIONS AND FEES IN-LIEU

- removal of natural growth relative to development directly negatively impacts social order... when you don't give space for people to reconnect with nature, you drastically reduce the healthy environments needed to keep a civil society.

(pg. 187) STORMWATER
- with significant strain on the Colorado River and with renegotiations of the Colorado River Compact, there should be every effort to leverage any storm water to be used to irrigate surrounding areas... so instead of just moving water away, efforts shall be put in place to collect and use those "storm waters" to maintain trees and any vegetation that can help curb heat island effects, erosion, etc

(pg. 191) SECTION 9.05 | DIGITAL OR ELECTRONIC SIGN
^^^signs shall only be illuminated during business hours
^^^ all signs shall be dark sky compliant

(pg. 191) SECTION 9.06 | GENERAL STANDARDS FOR ALL SIGNS
^^^signs shall only be illuminated during business hours
^^^ all signs shall be dark sky compliant

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Land Code/Short Term Rentals

Lynne Parentice <lynne.parentice@gmail.com> Mon, Oct 12, 2026 at 7:58 AM
To: greg.moberg@mesacounty.us, Rose.Tafoya@mesacounty.us, mccomdev@mesacounty.us

I am aware that there is going to be a Public Hearing on October 15 regarding the Land Code.

My specific concern is that of short term rentals in Mesa County. I am always disheartened when I see communities dealing with issues, looking for answers to problems that other communities have already faced. Important lessons can be learned from their experience. History is a great teacher.

I believe it is well known that an excess of short term rentals in a community presents many problems.

One of the important issues is that short term rentals are usually in a community's neighborhoods. They are not on the interstate or in commercial areas where one would normally find hotels and motels. The impact on neighborhoods is immense. People staying in short term rentals are not invested in the community or the neighborhood where they are located.

If short term rentals are not reined in, our neighborhoods will no longer be places where permanent residents can feel "at home".

I believe a moratorium on short term rentals is necessary until the county figures out how to manage them so that the community is not negatively affected.

Lynne Parentice

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Land development code update

Kevin Bray <kevinbray@brayandco.com> Wed, Oct 7, 2026 at 3:34 PM
To: Greg Moberg <greg.moberg@mesacounty.us>

Greg,

I have the following comments on the land development code for planning commission. Thanks for coming to AMGD and presenting.

- STR's- I understand the example of the 30 bed vacation rental and the opportunity the current rules allow for an extreme, however, the 2 per bedroom plus 2 seems to be overly restrictive. Look at communities like St. George where it is common for a vacation rental to have 3-5 bedrooms and a large bunk room for kids, this allows for several families to stay together, thus reducing the total number of STR's we would need in the community to meet the demand. If we limit too much the STR's we sprawl that need to require more units as well.
- Chapter 8- Is it possible you could at least ignore the egregious requirements for businesses to provide EV parking whose customers spend less than an hour at their place of business. There is no reason that these businesses should be forced to be fueling stations, which comes with not just additional expense but also liability. Whats the worst thing that would happen if the county ignored this?
    - I understand this was state mandated, but this is particularly ridiculous when you think of the new credit union on 24 road acting as a fueling station for customers that spend an average of 20 minutes at their place of business. Is this not something that the county could consider what the consequences are of not following it for this specific example? What is the worst case that would happen. It seems the conversation it would spark might cause the state to consider more specific requirements(ie multifamily and office) where people might spend enough time. The expense goes beyond just providing the parking, it also becomes a something that has to be managed

I am generally supportive of the rest of the code changes and I appreciate the county taking the time to get input from a variety of stakeholders.

Sincerely,

Kevin Bray

[Quoted text hidden]

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

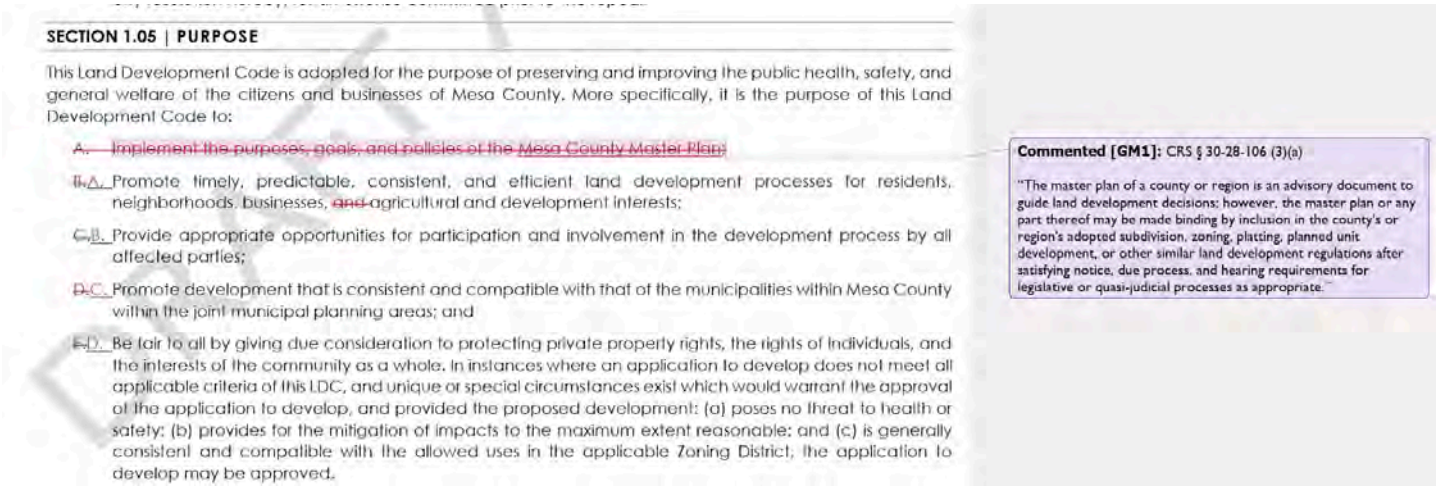
Master Plan Advisory – Section 1.12

Catherine Ventling <catherine.ventling@gmail.com> Mon, Sep 28, 2026 at 10:49 AM
To: Greg Moberg <greg.moberg@mesacounty.us>

Thank you for that reminder. With this round of updates proposing to remove neighborhood plans because they have not been adopted by the County Commissioners, one might assume the same will happen to the County Master Plan. This assumption is supported by the subject of this email as well. Is there an effort to remove the County Master Plan also?

Please be sure my following correspondence is shared with the Planning Commission:

Regarding the proposed deletion of of Section "1.05 A. Implement the purposes, goals, and policies of the Mesa County Master Plan":



SECTION 1.05 | PURPOSE

This Land Development Code is adopted for the purpose of preserving and improving the public health, safety, and general welfare of the citizens and businesses of Mesa County. More specifically, it is the purpose of this Land Development Code to:

~~A. Implement the purposes, goals, and policies of the Mesa County Master Plan;~~

~~B.~~A. Promote timely, predictable, consistent, and efficient land development processes for residents, neighborhoods, businesses, ~~and~~ agricultural and development interests;

~~C.~~B. Provide appropriate opportunities for participation and involvement in the development process by all affected parties;

~~D.~~C. Promote development that is consistent and compatible with that of the municipalities within Mesa County within the joint municipal planning areas; and

~~E.~~D. Be fair to all by giving due consideration to protecting private property rights, the rights of individuals, and the interests of the community as a whole. In instances where an application to develop does not meet all applicable criteria of this LDC, and unique or special circumstances exist which would warrant the approval of the application to develop, and provided the proposed development: (a) poses no threat to health or safety; (b) provides for the mitigation of impacts to the maximum extent reasonable; and (c) is generally consistent and compatible with the allowed uses in the applicable Zoning District, the application to develop may be approved.

Commented [GM1]: CRS § 30-28-106 (3)(a)

"The master plan of a county or region is an advisory document to guide land development decisions; however, the master plan or any part thereof may be made binding by inclusion in the county's or region's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate."

The County Master Plan has served as an important community engagement and planning document for many years. As the Plan itself states:

> "The Plan sets the stage for Mesa County's future. It serves a critical role of capturing a shared vision of what is most important to the people of Mesa County today and how the County and its communities promote these values amid continued development and growth. ...To ensure that the Master Plan continues to reflect the value and priorities of the community, this document will be updated regularly as environmental, social and economic conditions of the County change. The Plan is meant to be a living document that continues to reflect and respond to the current state of Mesa County."

Because the Master Plan plays an important role in development decisions, removing this language from the LDC without addressing the relationship between the Master Plan and the LDC could create unnecessary confusion about the status and use of the Plan. This is particularly important because there are several other references to the Master Plan throughout the LDC, and those references have not been removed.

Rather than simply removing this provision, this appears to be an appropriate place in the LDC to clearly identify which portions of the Master Plan have been formally adopted by the Board of County Commissioners and therefore have a regulatory effect, such as the Future Land Use Map and any other sections specifically approved for regulatory purposes.

If portions of the Master Plan have been incorporated into or otherwise made part of the County's regulatory framework, that distinction should be clearly identified in the LDC. At present, an explanation of this partial adoption appears to be missing. Adding it would provide greater transparency and clarity for property owners, applicants, decision-makers, and the public, while also making clear which portions of the Master Plan are advisory and which have been formally incorporated into the County's development regulations.

Leaving references to the Master Plan throughout the LDC while removing language that clarifies its status could create more ambiguity, rather than less. The LDC should clearly distinguish between the Master Plan as an advisory community planning document and those specific elements that have been formally adopted and given regulatory effect.

I request this section be amended, versus deleted, as detailed below:

A. Implement the purposes, goals, and policies of the Mesa County Master Plan.

To ensure there is no misunderstanding regarding the distinction between the Land Development Code and the Master Plan, the Master Plan has been adopted by the Planning Commission; however, it has not been fully adopted by the Board of County Commissioners. Therefore, it is important to distinguish between those portions that may have been formally incorporated into the County's regulatory framework and the Master Plan as a whole, which remains an advisory document pursuant to Colorado Revised Statutes section 30-28-106(3)(a), which states:

Colorado Revised Statutes section 30-28-106 (3)(a) states: "The master plan of a county or region is an advisory document to guide land development decisions; however, the master plan or any part thereof may be made binding by inclusion in the county's or region's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate."

The following sections of the Master Plan have been adopted by the Board of County Commissioners and are binding:

[Insert applicable adopted Plan references]

Respectfully,
Catherine Ventling
[Quoted text hidden]

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Mesa County land development code changes related to solar community gardens

Thomas McCloskey <tmccloskey@bresnan.net> Tue, Oct 13, 2026 at 2:06 PM
To: greg.moberg@mesacounty.us, mccomdev@mesacounty.us
Cc: Katia Galambos <katia@westerncoloradoalliance.org>, Janet Wyatt <janetwyatt@comcast.net>, Jim Marshall <jmarshall@ravenridge.com>, susan.bassoon.hess@gmail.com, hoffman.aaron@gmail.com, Jeremiah Garrick <jeremiah.garrick@cossainstitute.org>

Greg,

I am forwarding my comments to the MC BOCC and a brief summary of Jeremiah Garrick's analysis of proposed setback changes and agrivoltaic requirements on potential solar energy development in Mesa County. I am also including the analysis document describing those impacts on potential sites in the future. The setback alone will cut potential sites appropriate for existing grid tie-in by 75% which is basically a permanent moratorium for community solar gardens in Mesa County. I hope you will evaluate and consider these comments seriously and understand that this has serious negative ramifications for the future of solar energy in our County.

I would appreciate it if you would evaluate and reply on this and I look forward to talking to you further.

We have also informed citizens involved in the data center topic about your perspective on the moratorium, and we hope the message was clearly conveyed that at the current time, lengthy discussion and statements aren't particularly relevant to the business at hand this coming Thursday.

I would also like to request your department's consideration of expanding the existing consulting group used in the recent LDC changes, or forming a focus group specifically aimed at the data center issue.

Jeremiah's comments follow below.

Thanks.

Tom McCloskey

970-270-8810

"With the same countywide screening assumptions, increasing separation from 150 feet to 1,320 feet reduces acreage by 38.3%. When we also account for mapped conservation easements and limit the analysis to land within one mile of mapped transmission, the reduction reaches 56%. In the Grand Valley area, those same screens show a 75.6% reduction. These are screening results, rather than confirmed developable sites or available interconnection capacity. This is before considering access, layout, interconnection and many other requirements that could further narrow the remaining land.

One glaring example of the difference in treatment is the County's mining setbacks. Section 6.02.N.4 establishes a 125-foot separation between ordinary mining excavation and a dwelling, or 250 feet for excavation involving crushers, asphalt plants, cement batch plants or similar equipment. Those minimums apply alongside conditional use review, nuisance mitigation and applicable state requirements. The 125-foot provision is not limited to the operator's own residence.

That raises a reasonable question: why should community solar require more than ten times the County's minimum residential separation for ordinary mining excavation? The County already addresses mining noise, dust, vibration, haul traffic and emissions through enforceable standards and site-specific review." (JG COSSA)

Mesa County CSG Setback Impact - COSSA Institute Study.pdf
1014K

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Mesa County's proposed Land Development Code changes.

Louis Villaire <lvillaire@gmail.com> Thu, Oct 15, 2026 at 10:32 AM
To: greg.moberg@mesacounty.us
Cc: Rose.Tafoya@mesacounty.us, mccomdev@mesacounty.us, Cody Davis <cody.davis@mesacounty.us>, bobbie.daniel@mesacounty.us, jj.fletcher@mesacounty.us

Greg Moberg, Mesa County Community Development Director
200 S. Spruce Street, Grand Junction, CO 81501

Hi Greg,

This letter concerns Mesa County's proposed Land Development Code changes concerning solar and storage. Changing the setback for large scale solar development from 150 ft to 1/4 mile—almost a 10-fold increase in distance—will, as you know, effectively ban large-scale solar development in the Grand Valley. Most Mesa County residents and property owners do not want these restrictions on their property rights.

These proposed development restrictions target only solar and storage development. Mesa County Development, the Planning Commission, and the Mesa County Commissioners understand that most Mesa County residents do not support an effective county-wide ban on solar and storage development.

It is dismaying that the lengthy and detailed public process completed several years ago to create fair property rights and fair solar codes now faces a real threat from a proposed code reversal that will restrict the liberty of Mesa County landowners. At that time, the Mesa County Commissioners voted unanimously in favor of the 150 ft setback.

The proposed solar and storage regulations are extremely restrictive. The County's consideration of this ¼-mile separation between community solar gardens and residential structures reflects a severe restriction on the property rights of the majority.

Alongside other siting limitations, this will effectively prohibit solar development on most otherwise suitable properties. In practice, these restrictions could eliminate 9 out of 10 or more potential energy development opportunities. Why is the County proposing these severe restrictions?

This proposed change will prevent energy development that Mesa County needs to lower energy costs for all residents. Why would Mesa County Development propose a de facto ban on large-scale solar and storage development when unsubsidized solar and storage is the least expensive form of firm power generation in the US and Colorado?

The proposed agrivoltaics definition is also so prescriptive that it could prevent many

legitimate dual-use agricultural projects from qualifying. Standalone BESS would also face significant limitations on where it can locate. Again, why is the County proposing these changes when we already went through a lengthy public process to establish the current compromise codes?

Restricting the legal property rights of Mesa County landowners seems contrary to the purpose and scope of Mesa County Development, the Planning Commission, and the conservative values of Mesa County residents and the County Commissioners.

Please reject these proposed property rights restrictions and keep in place the existing freedoms that the current code upholds.

Thank you.

Lou Villaire
1705 Poplar Dr
Grand Junction, CO 81505

cc Mesa County Planning Commission Members:
Clifton Anson, Chair
Virginia Brown, Vice Chair
Nina Hutchins, Secretary
Steve Damm, Member
Greg Haitz, Member
Kenneth Fischer, Member
Mike Ritter, Member

cc Mesa County Commissioners

Cody Davis
Bobbie Daniel
JJ Fletcher

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Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Mesa County's proposed Land Development Code changes.

Louis Villaire <lvillaire@gmail.com> Thu, Oct 15, 2026 at 10:32 AM
To: greg.moberg@mesacounty.us
Cc: Rose.Tafoya@mesacounty.us, mccomdev@mesacounty.us, Cody Davis <cody.davis@mesacounty.us>, bobbie.daniel@mesacounty.us, jj.fletcher@mesacounty.us

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Thank you.

Lou Villaire
1705 Poplar Dr
Grand Junction, CO 81505

cc Mesa County Planning Commission Members:
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Kenneth Fischer, Member
Mike Ritter, Member

cc Mesa County Commissioners

Cody Davis
Bobbie Daniel
JJ Fletcher

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Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

PRO2026-0092 — Public comment on Data Center and BESS provisions in the draft LDC

1 message

Andrew Whitehurst <andy@voliotinc.com> Mon, Sep 14, 2026 at 3:12 AM
To: "greg.moberg@mesacounty.us" <greg.moberg@mesacounty.us>

Mr. Moberg,

Please include this comment in the record for PRO2026-0092 ahead of the October 15 Planning Commission hearing and the November 17 Board of County Commissioners hearing.

I support the addition of definitions for Data Center and Battery Energy Storage System (BESS) in Chapter 12 of the 7-24-26 draft, and I support limiting both uses to conditional use permits in the I-1 and I-2 districts in Table 6-1. Naming these uses before an application arrives is the right approach.

My concern is that the draft stops there. The Site Specific Standards column in Table 6-1 is blank for both uses, and Section 6.02 contains no use-specific standards for either. That leaves a future CUP application to be judged solely on the general criteria in Section 4.03 C. By contrast, the draft gives solar and energy production facilities in Section 6.02 CC a quarter-mile separation from occupied residences, detailed submittal requirements, and a financial security for decommissioning. Data centers and grid-scale battery storage carry impacts of the same order, and in some respects larger, yet receive none of those protections.

I ask that the Planning Commission direct staff to add a Section 6.02 subsection for Data Centers and Battery Energy Storage Systems, modeled on Section 6.02 CC, that includes at minimum:

1. A minimum separation from occupied residential structures on adjacent properties, consistent with the quarter-mile standard applied to utility production.

2. A required narrative at application disclosing projected annual water consumption, cooling method, peak and average electrical load, and the interconnection plan, with written confirmation from the water and power providers that service is available.

3. A noise standard measured at the property line, covering cooling plant and backup generation.

4. Limits on backup-generator fuel storage and testing hours.

5. For BESS, a fire-safety and hazard-mitigation plan reviewed by the responsible fire district prior to approval.

6. Financial security for decommissioning and site restoration, on the same terms as Section 6.02 CC.

As Commissioner Daniel noted in her September column, once an application is before the Board in a quasi-judicial hearing, the commissioners cannot invent requirements that are not already in the code. That is exactly why these standards need to be written now. Without them, the county will have defined these uses but given itself no tools to condition them.

Thank you for your work on this update and for the opportunity to comment.

Andy Whitehurst - Mesa County resident

Andrew Whitehurst
Founder & Chief Systems Architect
VolloT Inc
https://voliotinc.com
803.627.9121

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

PRO2026-0092, Section 6.02.BB Short Term Rentals, comment for Oct 15 meeting

Eric Marchese <marchese68@hotmail.com> Wed, Oct 14, 2026 at 9:09 PM
To: "greg.moberg@mesacounty.us" <greg.moberg@mesacounty.us>, "rose.tafoya@mesacounty.us" <rose.tafoya@mesacounty.us>, "mccomdev@mesacounty.us" <mccomdev@mesacounty.us>

Hello, My name is Eric Marchese and I live at 109 Glade Park Rd. I have lived here in this house for about 13 or 14 years now. I live in unincorporated Mesa County. I hope it is not too late to leave a comment for the hearings.

I support the revisions to Section 6.02.BB submitted by Nicole Parentice on October 8, 2026.
I live not far from Nicole and the potential for increased traffic without these revisions would affect the quiet nature of our neighborhood. Having up to 48 people stay on a single property in the neighborhood is unbelievable - we do not want to live near a hotel or a vacation property that can dissrupt the reasons I moved out here in the first place.
For existing rentals, I believe the new standards should apply to them all at renewal.

As for what Nicole outlined in her revisions, there needs to be reasonable capacity limits, density limits and a formalcomplaint procedure.

Please have my comments entered in the record for both hearings, Oct 15th and Oct 17th.

Thank you for listening.

Eric Marchese

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

PRO2026-0092: please keep community solar gardens a use by right

Brian Embry <bembry1@gmail.com> Tue, Oct 6, 2026 at 10:57 PM
To: greg.moberg@mesacounty.us
Cc: mccomdev@mesacounty.us, cody.davis@mesacounty.us, bobbie.daniel@mesacounty.us, jj.fletcher@mesacounty.us

I live in Mesa County and have solar panels on my roof. I'm writing about the proposed changes to community solar gardens in PRO2026-0092, scheduled for the Planning Commission on October 15 and the County Commissioners on November 17.

Please keep community solar gardens a use by right and keep the required distance from a neighboring home at 150 feet. Moving that distance to a quarter mile and requiring a conditional use permit would make these projects much harder to build.

I understand that a community solar garden is different from rooftop solar. But it's also different from a large solar power plant. Gardens serve subscribers, have a size limit under state law, and are limited to a 15-foot panel height. The county recognized that difference in 2024 when it allowed gardens by right, required conditional approval for larger facilities, and kept the quarter-mile buffer along scenic byways and the Palisade Fruit and Vine Byway. That was the compromise after the moratorium, and I don't see a good reason to undo it now.

A quarter mile is 1,320 feet. At that distance, a single neighboring home could put much or all of a potential site off limits before the landowner even applies. Allowing neighbors to waive the requirement doesn't solve the problem. A neighbor could simply say no, without having to identify an actual issue with glare, drainage, fire access, or anything else.

Requiring a conditional use permit adds two hearings and more uncertainty. A landowner who could host a garden under the 2024 rules would now have to go through a public hearing process and could also need permission from neighbors as far as a quarter mile away. That makes it harder to plan and gives neighboring owners a lot of say over what someone can do with their own land.

Requirements for removal and cleanup, fire access, panel height, and protection of scenic byways make sense to me. Treating community gardens like larger power facilities and expanding the distance from neighboring homes to a quarter mile goes too far. Staff has also said solar tied to an agricultural business would remain a use by right. The county should focus on a project's actual impacts when deciding what approval it needs.

I support solar on homes and at the community level. Please keep the distinction the county made in 2024: leave community solar gardens a use by right and keep the separation from neighboring homes at 150 feet.

Thanks for taking the time to consider my comments.

Brian Embry
3050 Hall Dr
Grand Junction CO 81504
270-348-2182
bembry1@gmail.com

Not all who wander are lost.
-JRR Tolkien

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Property Value Loss Due to Commercial Solar - Feedback & Public Comment for the LDC Revisions

Cully Howard <coloradocully@gmail.com> Wed, Oct 14, 2026 at 4:16 PM
To: greg.moberg@mesacounty.us, bobbie.daniel@mesacounty.us, jj.fletcher@mesacounty.us, cody.davis@mesacounty.us
Cc: stephanie.rubinstein@mesacounty.us

Please consider the following public comment and feedback regarding the renewable energy changes in the LDC. Attachment included.

I'll be reading the following message on behalf of a neighbor, Jen Eastes, who is unable to attend the meeting in person. She writes…

"*During my attendance at several of these meetings, comments were made about studies conducted across the country which indicated that properties located near solar facilities lost value. It is one thing to hear what a study shows…it is a whole other thing to be able to have hard evidence. During the most recent tax appeal cycle, I appealed the property values for my property and my mother's property. We both live in Sobre El Rio directly facing the potential Sterling project and are in close proximity to the Summy project, which is currently being constructed. Recently, a cluster of above ground utility poles were installed on the Sterling property, for the benefit of the solar project.*

Much of our property is unusable as we back up to the steep ravine so much of our land value is made up of our scenic views. During the appeal process, a Mesa county assessor came out and was instantly struck by the disruption to our viewshed. The county agreed that the impact of the projects was substantial and the land value for both of our properties was reduced by nearly $50,000 each. We are just two homes of many impacted by these solar projects across the county. The county's own review has now proven what we've been saying for years.

This isn't just our loss. Every dollar of value the county took off our properties is property tax revenue lost for our schools, our fire districts, and the county itself. Multiply that across every home near these industrial facilities, and the county is paying for these projects too.

As more projects try to enter the valley, I ask you to weigh what's actually at stake. Does the benefit to one developer outweigh the cost to an entire community? Zoning matters and if the county is going to allow industrial developments near our homes and outside of commercial and industrial areas, it owes those homeowners the strongest protections possible. That's why I support a quarter mile setback from homes, the CUP process so our voices are heard, a decommissioning bond and other safeguards that protect the value of our homes. Supporting documentation from my tax appeal has been submitted by email for the record. The evidence is now in the county records. Please act on it.

Thank you."

-Cully

eastes land value (2).pdf
300K

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Proposed Land Use Planning change

Christopher Payne <crpayne66@pobox.com> Tue, Oct 13, 2026 at 5:49 PM
To: greg.moberg@mesacounty.us

I am a resident of Grand Junction, writing to express support for renewable power generation, and solar community gardens specifically, over fossil fuel generation. I oppose the recent change to the proposed Mesa County Land Development Code to make the required separation ¼ of a mile.

I urge the Planning Commission to revert that change so that we can move our power generation out of the fossil era.

Thanks

Christopher Payne

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Public comment on LDC renewable energy and battery storage revisions

Cully and Krista <cullyandkrista@gmail.com> Wed, Oct 14, 2026 at 4:01 PM
To: Greg Moberg <greg.moberg@mesacounty.us>, bobbie.daniel@mesacounty.us, jj.fletcher@mesacounty.us, cody.davis@mesacounty.us
Cc: stephanie.rubinstein@mesacounty.us

Hello,

I'm sending my comments on the proposed code revisions for renewable energy and battery storage. Please treat this entire email, attachments included, as my formal feedback.

For context, I am one of the neighbors to these projects who has been forced to sue Pivot Energy and Xcel Energy over their conduct on this project.

I'll admit I don't write code for a living, and I don't know every legal nuance involved. What I do know is that what happened to our neighborhood is wrong, and the county must make sure it never happens to another family again.

In addition to the LDC revisions, below is what I believe needs to change, from the perspective of someone who has lived through it. I'm trusting the county's expertise to translate these protections into code language that works. Some of these protections may already exist in the code. If they do, you'd never know it from what happened to us.

1. Easements and access verified before construction.
Every project should show recorded easements for all of its infrastructure, including access roads and anything that belongs to a utility company. Applicable infrastructure should go through a location and extent review. Approval should be conditioned on the applicant securing proper easements **before** any construction begins, and the county should verify that any access road is actually adequate for the project's needs.

If an easement does not explicitly **allow** the proposed use, the county should not approve the project until the applicant secures the proper rights, whether through a new easement or a court ruling. By approving projects that rely on disputed easements and leaving residents to challenge them in court, **the county is effectively making a legal determination it isn't in a position to make.** That is exactly what happened to us, and the court ultimately ruled that our easement could not be used for the Summy's interconnection line. The burden to prove the legal right to use an easement should land solely on the developer, not the people who own it and who have no interest in or benefit from the project.

> *It is unacceptable that the interconnection route change for the Summy project was allowed without a location and extent review, which requires a public hearing, and without **any** other due process. Our neighborhood has many pending questions out to the county that have yet to be addressed. The lack of response is extremely concerning. A process done right is easy to explain. The silence we've received suggests otherwise. **The county approved a plan that could only be built by crossing private property the applicant had no legal access to.** I'm not referring to the easement they thought they could use - I'm talking about actual **private property** they were using. This is a serious failure in the county's process and it must be addressed. I'm happy to discuss this with the county in more detail if it helps identify the significant procedural gap here and helps to improve the process and protect private property rights.*

2. Hold significant changes to the same process.
Any significant change to an approved CUP, like rerouting the interconnection line from existing infrastructure to private property with no named easements, should go through the amended public process. The county's existing code already calls for this. It needs to be followed and enforced.

3. No site work before approval, with consequences.
Prohibit grading, road work, or construction tied to a commercial project before its application is approved and permits are issued. If there is evidence that work was done in advance to benefit a commercial project, the code should have some level of consequence.

4. Engineered review for any access road.
Require Road and Bridge review and engineered plans for any road used for commercial project access (private or public access), along with a financial guarantee, such as a bond, to restore any road damaged by the project.

5. A dust stabilization plan up front.
Require a fugitive dust control and soil stabilization plan in known windy areas before any ground is disturbed, with enforcement if it is not followed.

I also support all of the changes in the July 24th draft as they relate to renewable energy and battery storage, including (but not limited to) quarter mile setbacks, decommissioning bonds, industrial only battery storage, stricter definitions, and the CUP process.

Thank you for your time and for your work on this.

-Krista

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3 attachments

Howard--Order on Motion for Preliminary Injunction.pdf
191K

Howard-Case Management Order.pdf
231K

Code Change Comments - 10_15_26 .pdf
45K

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Public Comment Re: Land Development Code Update 2026

Jo Braun <jobraunphd@gmail.com> Sun, Oct 18, 2026 at 10:14 AM
To: greg.moberg@mesacounty.us, Bobbie.Daniel@mesacounty.us, Cody.Davis@mesacounty.us, JJ.Fletcher@mesacounty.us

Greetings Mr. Moberg and Commissioners,

I am writing to support Mesa County property owners who have submitted comments about nuisance short-term rentals in the context of updating the Land Development Code ("2026 code update"). Whereas short-term rentals can be (and most likely usually are) operated in a conscientious manner that does not disrupt neighbors' quiet enjoyment of their homes, comments at the public hearing on 15 October 2026 suggest that some short-term rental operators are in egregious violation of their neighbors' rights. Given the unfortunate tendency of a few unconscientious individuals to ruin things for everyone else, I am asking that proposed 2026 code updates be accepted with the following changes and/or additions indicated by strikethrough and bold text font:

3. Maximum occupancy of a short-term rental shall be determined at the time of site plan approval based on the number of parking spaces and bedrooms. Total occupancy shall not exceed two (2) persons per bedroom plus two (2) additional renters, including the operator, not to exceed a total of sixteen (16) persons. **Maximum occupancy shall not be exceeded at any time.** Exceptions may be made if the Director determines that the size, configuration, and/or structural features of the unit allow for greater or lesser occupancy.

12.Failure to maintain compliance with the aforementioned standards shall result in revocation of approval.
a. Should a Short-term rental receive **two (2)** ~~three (3) or more~~ formal, verified nuisance, health and/or safety complaints in a calendar year, the Planning Director **will** ~~may~~ revoke the site plan approval **effective immediately**.
b. Should a short-term vacation rental have existing formal, verified nuisance, health and/or safety complaints in the calendar year prior to 1 October 2026, only one (1) additional complaint will result in the revocation of the site plan approval.
c. Short-term rentals granted an exception from the Director for greater occupancy as described in Paragraph 3 will have their site plan approval revoked following one (1) formal, verified nuisance, health and/or safety complaint.

Thank you for your consideration,

Jo
Grand Junction Resident

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

PUBLIC COMMENT: Proactive Data Center Frameworks for Land Development Code Rewrite

Diana Tap <dianalynntap@gmail.com>
To: greg.moberg@mesacounty.us

Mon, Oct 19, 2026 at 12:42 PM



Dear Mr. Moberg,

Please accept this formal public comment regarding the Mesa County Land Development Code updates. I want to state clearly that **I am strongly pro-data center and pro-technology.** I view data centers as a vital opportunity for economic innovation and diversification in Mesa County, and we should absolutely not shut technology out.

However, **we must write data center regulations into the code right now, rather than waiting for an application to force our hand.**

Currently, Mesa County has no active data center applications, but treating this quiet period as an excuse to delay is a critical error. We know the county is already modifying its existing codes for solar and short-term rentals because the original standards allowed for neighborhood impacts—such as solar gardens encroaching too close to residential boundaries and driving down adjacent home values. We should apply that lesson to data centers today. Waiting until a developer submits an application to figure out the rules leaves too much room for identical property-value and neighborhood conflicts.

I recognize that many people do not fully understand data centers and that a great deal of deep, localized research needs to be done by staff to set proper codes. To ensure Mesa County is open for technological investment while simultaneously protecting our unique local resources, the code must integrate a balanced framework **now** that addresses the following specific dimensions:

- **Protecting Rural Agriculture and Wildlife:** Data center development must not encroach on our agricultural heritage or critical wildlife corridors. Future zoning text must explicitly protect rural irrigation assets and establish strict environmental and spatial boundaries to ensure high-intensity technology footprint structures do not disrupt local ecosystems or degrade nearby home values.
- **Encouraging Smart Infrastructure Utilization (Oil & Gas Footprints):** While we must protect our resources, our code must not discourage responsible developers. Mesa County

has a unique opportunity: existing industrial operators, such as oil and gas companies, **already possess valuable water shares, robust utility grid connections, and heavy infrastructure in place**. The code rewrite should create a clear, advantageous pathway for data centers that build upon these pre-existing, infrastructure-ready footprints. This prevents the industry from draining resources from municipal or agricultural pools while actively utilizing existing industrial space.

- **Enforceable Performance Standards:** The code must establish immediate baseline rules for continuous decibel testing and structural sound barriers to mitigate high-frequency cooling fan hum *before* a facility is engineered, protecting adjacent residential and rural zones from day one.
- **Parcel Consolidation Incentives:** Because Mesa County's existing industrial parcels are largely fragmented and too small to properly buffer large-scale tech projects, the code should introduce a framework incentivizing developers to voluntarily merge smaller parcels. In exchange for streamlined administrative processing, consolidated parcels will naturally provide the deeper physical buffers needed to insulate commercial data operations from nearby homes and agricultural lands.

Enacting smart, clear regulations right now is the ultimate pro-growth strategy. It protects our rural agriculture, preserves local property values, and welcomes technological innovation by partnering with developers who can leverage existing industrial utilities.

I request that these comments be entered into the official record for the Land Development Code updates and provided to the commissioners.

Sincerely,

Diana Tap

420 Prospectors Point

Grand Junction, CO. 81507

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Public comments on revisions to land code

Nina Parentice <nparentice@gmail.com> Fri, Oct 9, 2026 at 4:50 PM
To: greg.moberg@mesacounty.us, Rose.Tafoya@mesacounty.us, mccomdev@mesacounty.us

Good afternoon,
I would like to propose a moratorium on short term rentals. Across the United States, and around the world, a plethora of unexpected problems have arisen from the practice. From corporate owners (not paying taxes commensurate to hotels) to local housing shortages to extreme housing inflation to the break up of neighborhoods, short term rentals have wreaked havoc in communities. There are short term rentals in every corner of the county, sometimes right next to each other. Surely we have enough.
If a moratorium is unfeasible, I would like to see the county limit the size of short term rentals as far as the number of guests. Although it might seem unfair to a homeowner that has a large house and wants to rent it out to large parties, it is totally unfair for the neighborhood to basically have small hotels in what is not a commercial area. Large parties and gatherings were never the original intent of short term rental platforms. In fact, this is something I would like to see changed retroactively - maybe limit applicants to providers of housing for 8 or 10 people max? Similarly, if a moratorium is not going to happen, then I think the land code should prohibit multiple short term rentals in a small geographic area. There should be a density limit, so that neighborhoods can be preserved.
I believe Mesa County has enough on its hands, and that the enforcement of regulations around short term rentals is onerous. Given the large number of STRs already in existence, either there needs to be more people in our government keeping tabs on the situation and dealing with complaints, or again, there should just be a moratorium.
Thank you for your consideration, Nina Parentice

Mike and Carol,

Thank you for taking the time to share your comments and concerns regarding solar gardens, data centers, and BESS facilities.

The draft Land Development Code is currently with the Mesa County Planning Commission for its review and consideration and has not yet come before the Board of County Commissioners. I will forward your email and comments to the Planning Commission so they can be included as part of their ongoing review.

I appreciate you sharing your experience with the Summy Solar project as well as your thoughts regarding setbacks, decommissioning requirements, fire protection, and impacts to surrounding residential properties. This type of public input is important as the Planning Commission works through the proposed changes.

Thank you again for taking the time to reach out and participate in the process.

Best,

Bobbie

On Oct 6, 2026, at 4:21 PM, Carol Hawkins <charlee.brady@gmail.com> wrote:

Ms. Daniel's,
We are writing to express our feelings on the code changes for solar gardens, data centers , and Bess facilities.
We have been involved in the solar controversy since its inception since 2018. We are not against solar, but it needs to be placed in proper locations. Residential locations is not that place. There are many open locations more suitable for these facilities.
We support the planning commission on the following changes: set backs of 1,320 feet, a decommissioning bond for cleanup, and a service agreement for fire protection. Our residents need to be protected from the negative impact these industrial projects subject to our neighborhoods. Those impacts include ugly visual sights, noise, dust, decreased property value, and increased fire danger to name a few. We citizens elected you to help us preserve our quality of life.
We are extremely concerned with the Summy Solar garden project. When the wind blows, which is almost daily, the dust is unbearable and is causing medical concerns to us who have asthma. The wooden fence being constructed only enhances the threat of a huge bonfire. There have been a lot of ugliness with verbal threats and personal assaults. Our personal quiet lively hood has definitely been disrupted.
We charge you with protecting our county from these industrial projects and put some strong codes in place to guarantee that these facilities such as solar gardens, data centers, and BESS aren't allowed to scoop in and take advantage of our week government.
Would you be willing to have any of these facilities in your neighborhood?
Respectfully,
Mike and Carol Hawkins

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Re: Mesa County — evidence standard for data-center decisions after the moratorium

Neil P. Osnato <neil@persistenceanalyticsgroup.com> Wed, Oct 14, 2026 at 7:10 AM
To: Cody Davis <cody.davis@mesacounty.us>
Cc: greg.moberg@mesacounty.us, mcbocc@mesacounty.us

Commissioner Davis —

Thank you for your response. I appreciate your consideration and the opportunity to share PAG's perspective.

As Mesa County proceeds with its Land Development Code review, the potential value of an independent evidence standard is that it can be established before a specific development application requires the County to rely on representations concerning infrastructure, utilities and projected community benefits.

If the County identifies a need for that work, Persistence Analytics Group LLC would be pleased to submit a narrowly defined, fixed-fee proposal through the appropriate procurement process.

Our services are delivered remotely through digital, automation-supported workflows, with all substantive work and deliverables provided in writing.

Could you direct me to the County department or procurement official responsible for considering outside professional services associated with the current code-review process?

Thank you again for your consideration.

Best regards,

Neil P. Osnato

On 2026-10-14 09:01, Cody Davis wrote:

> Neil,
> Thank you for reaching out and sharing the information and your perspective. It is much appreciated.
> Best,
>
> _Cody Davis | Mesa __County Commissioner_
>
> _ [2] [3] [4]
> We are Team Mesa_
> [Quoted text hidden]
>
> > [Quoted text hidden]
> > 609-464-9055 [1]
> > https://persistenceanalyticsgroup.com/
> >
> > InfraGard Member
> > SAM.gov Registered Vendor
> > UEI: D3VYU39H6DX9 | CAGE: 19T34
> > D-U-N-S: 142849930
>
> Links:
> ------
> [1] tel:(609)%20464-9055
> [2] https://twitter.com/mesacountynews?lang=en

> [3] https://www.facebook.com/mesacounty
> [4] https://www.instagram.com/mesacountynews/

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Neil P. Osnato
Founder | Persistence Analytics Group LLC
Decision Assurance™ | Infrastructure Assumption Verification™
Evidence before reliance. Revalidation after material change.
neil@persistenceanalyticsgroup.com
609-464-9055
persistenceanalyticsgroup.com

[Quoted text hidden]

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Re: Support for the proposed 2026 Land Development Code amendments

Bobbie Daniel <bobbie.daniel@mesacounty.us> Wed, Aug 19, 2026 at 2:04 PM
To: Mark Sasson <mjsasson@gmail.com>, Greg Moberg <greg.moberg@mesacounty.us>
Cc: cody.davis@mesacounty.us, jj.fletcher@mesacounty.us, Amy Jackson <ajackson154@gmail.com>

Thank you, Mr. Sasson, for your public comments. We've requested, as the BOCC, that the Planning Commission have time to review the LDC update, with multiple workshops and multiple opportunities for public review and input.

The LDC draft is currently under review with them. The Planning Commission has not adopted it, and I'm sure they would like to hear your public comments as well. We will make sure your public comments reach the planning commission as well. Thanks for your engagement.

Here are the hearing dates but are subject to change:
Planning Commission
September 17, 2026
PRO2026-0092 Land Development Code

Board of County Commissioners
October 20, 2026
PRO2026-0092 Land Development Code

On Aug 19, 2026, at 1:38 PM, Mark Sasson <mjsasson@gmail.com> wrote:

Chair Fletcher, Commissioner Davis, and Commissioner Daniel,

My name is Mark Sasson. I'm a small business owner, a real estate investor, and a first-generation farmer. My wife Amy and I own and live at 622 34½ Road in Clifton, where we're building up an orchard and livestock operation on land zoned AFT. I'm writing as a resident and landowner to ask the Board to support the Land Development Code amendments proposed by the Planning Commission, and to adopt them when they reach you.

I've dealt with red tape, and I respect the caution around implementing regulation. From my perspective these aren't regulations that limit prosperity. I actually see them as the opposite. The recommended language sets clear, predictable rules that let businesses and residents make informed decisions before they invest. Visibility is a key driver of success. They also serve to head off disputes between neighbors before they start, which means fewer of those disputes landing on the County to referee. Clear rules up front are what keep government out of the middle later.

Here are a few of the problems I've seen firsthand, and how the proposed changes would help businesses, residents, and the county alike.

Event venues. The current rule for minor entertainment events sets no separation distance from neighboring homes, no cap on attendance, and no limit on how many events can be held. The proposed amendment addresses all three: a tiered separation measured from the entire event facility to the nearest wall of an occupied home, an attendance cap that scales with distance, a limit of thirty-six events a year, amplified sound kept inside with doors and windows closed, and a required in-person meeting with the surrounding property owners before final approval. Every one of those is a common-sense protection for the people who live beside these operations. My family is directly affected by the very impacts these standards are written to manage.

Short-term rentals. I'll be candid that I have a personal stake here: my family owns a short-term rental at our primary residence. We didn't build it as a business — it's for visiting family and friends who live out of state — but we rent it when it's vacant to help cover the taxes, insurance, utilities, and upkeep. I am not

against short-term rentals. What moved me was hearing from a family at an LDC workshop whose home is sandwiched between two of them. From their description, the use next door has been wildly excessive and has severely impacted their lives. The proposed change is measured: it ties a rental's occupancy to its bedrooms and parking and caps it at sixteen, so a home can't be packed far beyond what it was built to hold. As an owner, that reads as fair — it protects the neighbors without shutting responsible operators down, and it gives all of us one clear number to plan around instead of a case-by-case fight.

Solar, battery storage, and data centers. The proposed quarter-mile setback from occupied homes, the decommissioning bonds that keep taxpayers from inheriting the cleanup, and the safeguard that prevents an "agrivoltaics" label from being used to convert working farmland all reflect what residents across the county — including in Palisade and on Orchard Mesa — have been asking for. They keep large industrial energy uses at a responsible distance and make sure the operators, not the neighbors, carry the long-term risk.

The Planning Commission has done careful, deliberate work here, and I hope the Board will back it. Thank you for your service and for your continued attention to these issues.

Respectfully,

Mark Sasson
622 34½ Road, Clifton, CO 81520

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Re: Mesa County Land Development Code Update and Community/Neighborhood Plan Revocation

Clark Hayes <winning4815@gmail.com> Thu, Oct 8, 2026 at 3:58 PM
To: Greg Moberg <greg.moberg@mesacounty.us>
Cc: Patrick Barker <patrick.barker@mesacounty.us>, jj.fletcher@mesacounty.us, Cody Davis <cody.davis@mesacounty.us>, bobbie.daniel@mesacounty.us

Mr. Moberg,

Please consider the feedback below regarding the proposed Land Development Code changes, and include it in the public comment provided to the Planning Commission ahead of the October 15 hearing.

Since industrial solar projects arrived, this community has dealt with health concerns and clogged HVAC systems from the extreme dust, along with trespass, empty financial promises that would have supported the community, and even threats from multibillion dollar corporations that appear to be operating with very little accountability. This is why it is so important that real consideration be given to whether these types of industrial projects should continue to be allowed right next door to residences.

If it is determined that this is how it will go, there must be strict consideration given to setbacks from homes, and from property lines where that is more appropriate. There must also be assurance that access is sufficient and legally secured before anything moves forward.

These real life experiences are a large part of why members of this community had to file a lawsuit, just to try to get the trespass and threats to stop.

Ideally, I would like to see all forms of energy regulated similarly, with solar held to standards comparable to oil and gas. I understand that Colorado's green energy goals make that unlikely. With that in mind, I have looked through the most recent draft of the code (7/24/26). It is not perfect, but it is the best version yet at respecting the rights of **all** private property owners while still allowing Colorado's green energy goals to be achieved.

I don't know if this is a question the community has put to the county yet, but to date no one has been able to find any record of permission for the work Xcel Energy is doing regarding the project at 566 38 Rd. Xcel has been constructing without proper legal access/easements. That is very concerning and should be addressed for not only this project but for all future projects as well.

As you receive feedback on the code, I would also ask County leaders to consider who it is coming from. This community has real, firsthand experience of living next to these projects. Others may stand to benefit financially from them. Both perspectives deserve to be heard, but there is a meaningful difference between a taxpayer who has been directly affected and a party with a stake in the outcome, and that difference should be weighed. Colorado's green energy goals are impotant, but they should not be advanced at the expense of residents' private property rights.

It is vitally important that everyone's private property rights matter throughout this process, not only those of the landowner who wants to develop on their land. We hope this community's experience is not in vain, and that it helps shape the changes ahead.

Best,

Clark

[Quoted text hidden]

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Re: Palisade questions

1 message

Bobbie Daniel <bobbie.daniel@mesacounty.us> Wed, Sep 16, 2026 at 4:19 PM

To: Catherine Ventling <catherine.ventling@gmail.com>, Greg Moberg <greg.moberg@mesacounty.us>

Thank you, Catherine. I will convey your public comment to the Planning Commission, where the LDC draft is in the public process. If you have additional edits or thoughts, please send them to our planning commissioners via Greg Morberg, copied on this email. Or you can reach out to Greg Haitz or Angela Lema, both on the Planning Commission, or to any other Planning Commissioners.
Thank you

On Sep 16, 2026, at 4:12 PM, Catherine Ventling <catherine.ventling@gmail.com> wrote:

Hello again!

Thank you so much for taking the time to speak with me last week. I'm continuing to develop my proposal, but I want to be upfront—as a single individual, I have very little leverage to bring forward such large-scale changes on my own. Additionally, it is valuable to involve others in my ideas to see various perspectives. Because of this, I'm continuing my out-reach to residents, landowners, and agricultural workers in the area for support. Unfortunately, most people I've spoken with don't have the bandwidth to meet right now due to their farming commitments, which are extremely time-sensitive and cannot be paused.

Given the realities of agricultural work, I believe it's important to consider how the timing of this round of Land Development Code updates affects those whose livelihoods depend on these lands. If agricultural considerations are a key component of these changes, then the people who own these parcels need the ability to participate within their available schedules.

Therefore, I respectfully request that the decision on LDC updates be postponed until late winter, when the agricultural season has wound down and stakeholders will have more time to engage meaningfully.

Thank you again for your consideration and for listening to these concerns.

Catherine

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

RE: Solar Panels and Property Values

tmccloskey <tmccloskey@bresnan.net> Fri, Oct 16, 2026 at 4:21 PM
To: Steve Henderson <steve.henderson@mesacounty.us>
Cc: Lori Saine <lori@cossainstitute.org>, Cody Davis <cody.davis@mesacounty.us>, bobbie.daniels@mesacounty.us, James Fletcher <jj.fletcher@mesacounty.us>, greg.moberg@mesacounty.us

Mr. Henderson,
I thank you for clarifying and providing that valuable information. I am forwarding this on to Mr. Moberg with the request that this be added as an addendum to the citizen's testimony provided last night as well as to the Chair of the Mesa County Planning Board and the Mesa County Commissioners.

The information provided last night as well as the Planning Board Chairperson's statement of intent with his injection of the excessive setback distance is indicative of a concerning bias and and willful and inappropriate use of determining land development code in our County.

-------- Original message --------
From: Steve Henderson <steve.henderson@mesacounty.us>
Date: 10/16/26 3:30 PM (GMT-07:00)
To: tmccloskey@bresnan.net
Subject: Solar Panels and Property Values

Hello Mr. McCloskey; thank you for reaching out.

Regarding your question about whether solar facilities impact adjacent property values in Mesa County, without a full local market study, we cannot state with certainty how solar farms typically affect values.

I did look into the specific parcel mentioned in the hearing testimony. An appraisal review was conducted during a value protest. While the view of a solar farm was cited, the valuation reduction was primarily due to topographical issues.

Subjective factors like views are difficult to quantify.

For context, a 2018 study by CohnReznick for Pivot Energy examined seven solar farms, including one in Jefferson County. The study concluded that there is no measurable or consistent difference in property values for properties adjacent to solar farms compared to similar properties further away. It also noted that proximity to solar farms has not deterred property sales or new residential development. You can review the full report here: Solar Study

While this is just one study and not specific to Mesa County, it offers relevant data. Our office has not identified economic obsolescence or any market preference for properties near solar farms.

To definitively answer this for Mesa County, our office would need to conduct its own market study. However, there is currently insufficient evidence to justify undertaking such a study at this time.

If I may be of further assistance in this or any other matter, feel free to contact me at your convenience.

Steve Henderson
Operations Manager
Mesa County Assessor's Office
PO Box 20,000-5003
Grand Junction, CO 81502-5003
970-244-1621
970-244-1790 (Fax)
steve.henderson@mesacounty.us

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Donate For Life

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Greg Moberg <greg.moberg@mesacounty.us>

URR Urban Residential Reserve Zone Section 5.01 E

Catherine Ventling <catherine.ventling@gmail.com> Mon, Sep 28, 2026 at 7:19 PM
To: Greg Moberg <greg.moberg@mesacounty.us>

Hello Greg,
Please forward this to the Planning Commission:

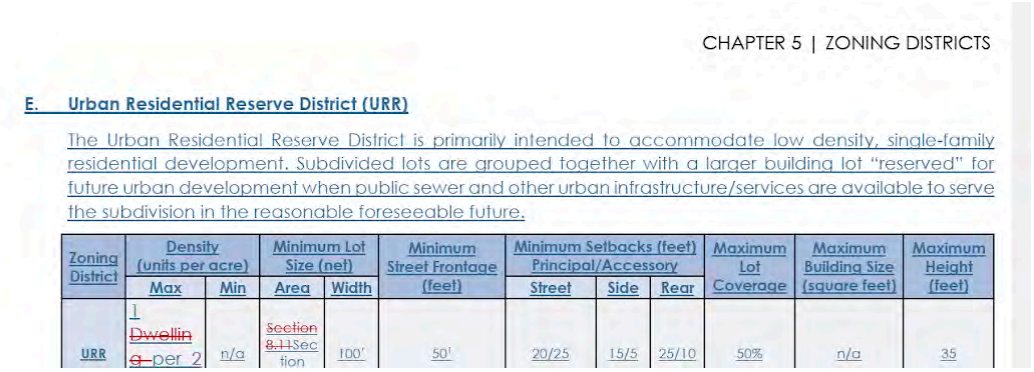
The description of the URR zone is somewhat confusing, and additional clarification regarding its intended purpose and future use would be a great improvement.

It appears the URR zone is intended for areas that may eventually support a higher density than the current one unit per two acres once adequate infrastructure is available. If so, is the intent that the area is essentially “reserved” for future urban development (and zones and will it preclude other non-urban zones?

I would also like clarification on the following:

- What zoning designation, if any, would the URR zone transition to as density increases?
- Would the property remain in the URR zone as development density increases, or would a rezoning action be required?
- What circumstances or criteria would trigger a transition to a different zoning designation?
- Does the URR zone serve a specific planning need that is not already addressed through the existing zones and the County’s current rezoning process?

Some additional explanation of the purpose of the URR zone, how it is intended to function, and the County’s expectations for its future would be helpful. I do not have sufficient knowledge of this particular zone to offer specific suggestions for the language at this time. I therefore ask that Planning staff provide additional clarification so the intent and future application of this zoning designation are clear.



CHAPTER 5 | ZONING DISTRICTS

E. Urban Residential Reserve District (URR)

The Urban Residential Reserve District is primarily intended to accommodate low density, single-family residential development. Subdivided lots are grouped together with a larger building lot “reserved” for future urban development when public sewer and other urban infrastructure/services are available to serve the subdivision in the reasonable foreseeable future.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
URR	1 ~~Dwellin g~~ per 2	n/a	~~Section 8.11~~Section	100'	50'	20/25	15/5	25/10	50%	n/a	35

Thanks again!

Catherine Ventling
970-242-6655

October 14, 2026

To the Mesa County Commissioners

Subject: Consideration for the Proposed Solar Code Changes

Dear Commissioners,

I am writing to express my deep concern regarding what I believe is a blatant disregard for the property rights of homeowners living near the proposed solar facilities in the Palisade area by 39 Road. What has occurred in connection with this development raises serious questions about respect for private property, accountability, and the responsibility of those involved to protect the rights of neighboring property owners.

While I recognize the importance of considering new energy projects and their potential benefits, those benefits should never come at the expense of the rights and well-being of the people who live nearby. No homeowner should have to watch their property, privacy, and quality of life compromised to accommodate the interests of a commercial company or an individual landowner.

Our concerns are no longer simply about what might happen; we have already experienced impacts on our own property**.** Our property and dirt have been taken, and the electric poles have been compromised. These are serious concerns that go beyond the visual impact of a solar farm. They raise fundamental questions about how our property has been treated, what authority has been relied upon, and whether the rights of those affected have been respected.

We are left feeling that our private property has been taken from us to satisfy the needs and interests of the solar company and another landowner. How can property owners be expected to have confidence in a planning process when they believe their own property has been encroached upon or compromised for the benefit of others? Private property rights should not become secondary simply because a large development is involved or because it serves a commercial purpose.

The development of a large-scale solar facility can have consequences that extend well beyond the boundaries of the property on which it is built. Nearby residents have experienced glare, dust, visual intrusion, and changes to the character of the surrounding landscape. These impacts affect real people, their homes, and the investments they have made in this community. When concerns about property boundaries, the removal of dirt, or compromised infrastructure are added to these impacts, the situation becomes even more troubling.

I am deeply concerned that the interests of ordinary citizens are being overshadowed by the interests of those proposing and benefiting from this development. **Property rights must mean something in practice, not merely in principle.** Homeowners should not be expected to bear the consequences of decisions or actions that benefit others without clear accountability, appropriate authorization, and meaningful efforts to address the harm.

I respectfully call upon the commissioners to take these concerns seriously and to seek clear answers regarding the following:

- The circumstances under which our property and dirt were taken, including what authorization, if any, permitted these actions.
- The circumstances surrounding the compromise of the electric poles and what steps will be taken to address the issue. How can our safety and land become a top priority.
- Whether all applicable property boundaries, easements, land-use requirements, and private property rights have been respected.
- What safeguards will be implemented to prevent further impacts on neighboring properties.
- How the Commission will ensure that the concerns of affected residents receive meaningful consideration before any further approvals are granted.

I believe the Mesa Commissioners have a responsibility to take these issues seriously when evaluating a development that may affect the surrounding community. These concerns should not be dismissed or separated from the broader question of whether this project is being planned and carried out responsibly.

Those of us who live in this community are not simply names on a public comment list. We are property owners who have worked hard for what we have, and we deserve to have our rights respected. We should not be placed in the position of having to fight to protect our own property while proposed development moves forward.

I urge the Commissioners to look beyond the promises and potential benefits of this project and examine the actual consequences for the people living nearby. Responsible development requires fairness, transparency, respect for private property, and accountability when problems occur. No company or landowner should be treated as though its interests automatically take precedence over those of neighboring residents.

We are asking for more than acknowledgment. We are asking for accountability, answers, and respect for our property rights**.** Please ensure that our concerns are documented, investigated by the appropriate authorities, and addressed before additional decisions are made that could further affect our property and our community.

I would appreciate a written response explaining how these concerns will be addressed and what steps will be taken to ensure that the rights of affected property owners are protected.

Thank you for your time and consideration. I sincerely hope the Commissioners will recognize the seriousness of these concerns and act to ensure that the rights of ordinary citizens are not overlooked in the pursuit of commercial development. Progress and development should never come at the expense of accountability and respect for people that live in the community.

Sincerely,

Christine and Jim Murphy
Palisade, Colorado

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Fwd: PRO2026-0200 neighborhood meeting we just spoke about

Suzanne <mesapzc@gmail.com> Fri, Aug 28, 2026 at 2:10 PM
To: greg.moberg@mesacounty.us

Hi Greg,

Thanks for the call. FYI I did send this to Mr Hollenbeck as I was concerned about the timing of postcard mailing & hearing a response.

Regarding the 9/17 public hearing for the updated land development code, please submit this email as my request to define what a reasonable location means when scheduling a neighborhood meeting & the radius used for notifications to the community. This email & our conversations serves as context when an unreasonable location is scheduled.

When scheduling a neighborhood meeting, verbiage should state the meeting be in the town of the proposed site. If accommodations cannot be made, the planning dept can suggest the next reasonable location (this provides a double check on proximity). The main point being keeping a neighborhood meeting truly in the neighborhood.

For the notice radius, 2500ft in our rural area is not reasonable given the topography, size of parcels, & how many community members use highway 65. I request it be updated to a 5 mile radius. This better serves the county for showing adequate communication to the community.

Please let me know if you have any questions or feedback.

Thanks,
Suzanne Malom
[Quoted text hidden]

PRO2026-0092 — Proposed 2026 Mesa County Land Development Code Update

To: Mesa County Planning Commission
Mesa County Board of County Commissioners
Mesa County Community Development Department

Re: PRO2026-0092 — Proposed Mesa County Land Development Code Update

Commissioners and Staff:

Thank you for the opportunity to comment on the proposed comprehensive update to the Mesa County Land Development Code, PRO2026-0092.

I recognize that a Land Development Code periodically needs to be updated, reorganized, clarified, and brought into compliance with changes in state law. I also recognize legitimate benefits to making the development process more understandable and efficient.

My concern is not with modernization or efficiency themselves. It is whether, in pursuing the stated goals of streamlining the review process, reducing redundancy, creating flexibility, and establishing more achievable standards, the County may also be making substantive changes that reduce public notice, weaken mandatory approval criteria, expand administrative discretion, diminish the practical influence of long-range planning documents, or inadequately address cumulative effects on agriculture, water, drainage, infrastructure and rural communities.

The County describes this as an update to the **entire** Land Development Code. The staff report identifies among its principal goals streamlining submittal and review processes, creating greater flexibility, establishing more realistic design standards, incorporating state mandates, and rescinding neighborhood/community plans.

That scope warrants equally comprehensive public review.

I therefore ask that this correspondence be included **in its entirety** in the official project file and public record for PRO2026-0092 and provided to both the Planning Commission and Board of County Commissioners.

Where staff disagrees with a factual or legal premise raised below, I respectfully request that the response identify the specific proposed Code section, existing regulation, adopted plan, technical standard, agency comment, or other record material upon which the County relies.

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1. Overall concern: the cumulative effect of many individually small changes

One of my primary concerns is that the most consequential effect of this rewrite may not be contained in any single amendment.

The proposed Code simultaneously addresses:

- Master Plan authority;
- rescission of community plans;
- administrative decision-making;
- public notice;
- approval criteria;
- site plans;
- administrative adjustments;
- conditional uses;
- vested rights;
- subdivision review;
- PUD review;
- setbacks;
- open-space requirements;
- agricultural development;
- utility-scale energy;
- water;
- wastewater;
- stormwater;
- irrigation facilities;
- floodplains;
- roads and traffic;
- wildlife;
- and the transfer of some technical standards out of the LDC and into separate design manuals.

Each change can appear relatively modest when considered independently.

The more important question is what happens when they operate **together**.

For that reason, I ask the County not merely to explain each amendment individually, but to evaluate whether their combined effect changes:

who makes development decisions; when the public receives notice; what findings must be made; what information must be considered; what decisions receive public hearings; what standards can be adjusted administratively; when development rights vest; and what role adopted planning documents have in those decisions.

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2. Master Plan Advisory — proposed §1.12

Proposed §1.12 states that merely requiring or preferring Master Plan consistency does not make the Master Plan binding and states the Board's intent that the Master Plan remain advisory, with the BOCC retaining considerable discretion in applying it to land-use decisions.

At the same time, other portions of the LDC continue to use Master Plan consistency as an approval criterion. For example, rezoning criteria continue to ask whether a rezoning is consistent with the Mesa County Master Plan.

That raises an important question:

What does "consistent with the Mesa County Master Plan" actually require if §1.12 simultaneously emphasizes that the Master Plan is advisory and that the Board retains considerable discretion in applying it?

I request that the County clarify:

1. whether a development application may be approved when it is inconsistent with a specific Master Plan policy;
2. whether Master Plan consistency is a mandatory approval finding or merely a consideration;
3. how conflicts between individual applications and Master Plan policies are to be documented;
4. whether §1.12 changes the practical weight previously afforded the Master Plan; and
5. how the public is expected to rely upon long-range planning commitments if those commitments are expressly advisory when individual development decisions occur.

This is particularly important when combined with the proposed rescission of several community plans.

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3. Rescission of community plans

The proposed update contemplates rescinding several long-standing community plans, including plans for Mack, Gateway, Loma and Whitewater.

The stated rationale is generally that standards and regulations have now been incorporated into the LDC and therefore the underlying plans are no longer necessary.

For example, the redline states that the County believes the Loma Overlay provisions effectively manage land use in that area and that the Loma Community Plan should therefore be rescinded. Similar explanations are given for Whitewater, Gateway and Mack.

But a community plan is not simply a collection of dimensional development standards.

It can contain the community's history, land-use vision, infrastructure assumptions, growth expectations, agricultural priorities, environmental considerations, community character, transportation objectives, open-space priorities and the reasoning behind later regulations.

Codifying some regulatory provisions does not necessarily preserve all of that policy content.

Before any community plan is rescinded, I request a **section-by-section crosswalk** identifying:

- each substantive policy contained in the existing plan;
- whether it is retained;
- where it is retained;
- whether it becomes mandatory or advisory;
- whether it is being modified;
- and which policies will disappear entirely upon rescission.

The County should not assume that preservation of selected zoning standards is equivalent to preservation of the complete planning framework.

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4. Whitewater deserves particular examination

The proposed rescission of the Whitewater Community Plan deserves especially careful consideration.

The existing Whitewater Community Plan describes itself as a blueprint for future growth and development. It addresses appropriate scale and siting of development, transportation and infrastructure, open space, recreational areas, services and facilities.

The proposed Code retains the Whitewater Mixed Use District. Its purpose includes a mix of residential and commercial uses and expressly refers to ensuring the availability of **"adequate and concurrent urban infrastructure, utilities, and services."**

The district also directs consideration of an orderly, phased development pattern supported by adequate public facilities and issues including access, parking, drainage, landscaping and design.

Those are useful standards. But they do not by themselves answer whether the broader Whitewater planning framework should disappear.

The existing plan anticipated substantial long-term growth. Its purpose was not simply to establish setbacks or architectural requirements; it was to establish a roadmap for how that growth should occur.

The County's own planning materials historically list the Whitewater Community Plan as one component of Mesa County's broader planning hierarchy.

I therefore request that the County identify specifically:

Which Whitewater Community Plan policies concerning water, wastewater, Highway 50, transportation, emergency services, drainage, flooding, open space, agriculture, community character, development phasing and infrastructure concurrency are incorporated into enforceable regulations?

For each that is not incorporated, what is the policy reason for eliminating it?

This is particularly important because Whitewater continues to experience development proposals. County records show recent rezoning and CUP proceedings within the Whitewater area.

The question is not whether Whitewater should or should not grow. The question is whether growth will continue to be guided by an identifiable long-range community framework and whether infrastructure is required to keep pace with that growth.

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5. Agricultural land should be treated as infrastructure, not merely undeveloped land

Mesa County's agricultural lands perform functions extending well beyond their individual property boundaries.

They produce food and livestock, sustain agricultural businesses, support irrigation systems, preserve working landscapes, provide wildlife habitat and open space, contribute to local economic activity, and maintain a rural land base that cannot easily be reconstructed once fragmented.

The proposed Code itself recognizes this principle.

Section 1.06 states that historical, traditional, legitimate and reasonable agricultural practices are to be protected; legitimate and reasonable new or expanded agricultural operations are encouraged; and agriculture as a way of life benefits Mesa County residents and forms an important part of the economy.

That statement should have practical consequences in development review.

The County should explain how the proposed Code evaluates the **conversion and fragmentation of productive agricultural land**, rather than only protecting farming operations from nuisance conflicts after development has already occurred around them.

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6. Agricultural heritage should not be reduced to one crop, one community or one type of agriculture

Mesa County has highly visible specialty-crop areas, but the County's agricultural identity is broader than any single crop or geographic area.

Agricultural protection should therefore be based upon objective characteristics such as:

- agricultural productivity;
- water availability;
- irrigation infrastructure;
- parcel configuration;
- soil capability;
- continuity with other agricultural lands;
- active agricultural use;
- livestock use;

- agricultural economic value;
- and long-term viability.

The Code should avoid creating a system in which one agricultural landscape receives meaningful land-use protection because it is scenic or tourism-oriented while productive agricultural lands elsewhere are treated primarily as future development inventory.

The Right to Farm policy is countywide. Its implementation should be countywide as well.

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7. AF-35, AFT and rural agricultural fragmentation

The purpose of AF-35 and AFT zoning deserves close examination in connection with subdivision and residential-development provisions.

The central issue is not simply the nominal density allowed by a zoning district.

The County should examine the **practical development intensity** that can result when primary residences, accessory dwelling units, tiny houses where applicable, caretaker or farmworker housing, accessory structures, agricultural divisions, rural land divisions and other development rights are combined.

A parcel can technically retain a rural zoning designation while gradually becoming functionally residential.

I therefore request an analysis showing the maximum practical development intensity that can occur under the proposed Code on representative AFT and AF-35 parcels.

The analysis should also address the resulting effects on:

- irrigation systems;
- domestic water demand;
- OWTS density;
- rural road traffic;
- emergency response;
- agricultural equipment movement;
- drainage;
- fencing;
- dogs and livestock conflicts;
- weeds;

- complaints against agricultural operations;
- and continued economic viability of neighboring farms.

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8. Agricultural divisions and rural land divisions

Agricultural and rural land-division mechanisms can serve legitimate purposes, including succession planning and housing for agricultural families.

But repeated fragmentation can also gradually reduce the amount of land capable of supporting commercial agriculture.

The County should explain how it tracks cumulative fragmentation through these mechanisms and whether there is a point at which continued division undermines the agricultural purposes of the underlying zone.

A countywide cumulative analysis would be more informative than evaluating each division solely as an isolated application.

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9. Solar and utility-scale energy on agricultural land

The proposed Code contains meaningful new safeguards for energy-production facilities.

Among other things, the proposed standards increase separation from occupied residences on adjacent properties from 150 feet to one-quarter mile, establish a one-quarter-mile setback from Colorado Scenic Byways and the Palisade Fruit and Vine Byway, require additional site-plan information, address wildfire, wildlife, visual impacts and decommissioning, and require financial security for decommissioning.

Those are significant protections.

The proposed Use Table also appears to change Community Solar Gardens in many districts from an Allowed use to a Conditional use, which would subject those applications to the CUP process rather than ordinary site-plan approval. The redline reflects the change from “A” to “C” across numerous districts.

That improves procedural review. But it does not fully address agricultural-land conversion.

The proposed solar standards require mapping of wildlife corridors, floodplains, easements, utilities and grid connections. They direct avoidance of CPW High Priority Habitat to the maximum extent possible.

I have not identified an equivalent mandatory standard requiring avoidance of **productive agricultural land** to the maximum extent possible.

That is a significant distinction.

A project can potentially satisfy residential setbacks, visual mitigation, wildlife, fire and decommissioning requirements and still convert productive irrigated agricultural land to long-term industrial energy use.

The Code should therefore consider requiring a specific agricultural-impact analysis for Community Solar Gardens and Energy Generation/Production Facilities proposed on agricultural land.

That analysis could address:

- current agricultural production;
- irrigation-water rights and delivery infrastructure;
- soil capability;
- agricultural tax classification;
- continuity with surrounding farms;
- fragmentation;
- alternative nonagricultural or previously disturbed sites;
- impacts on neighboring agricultural operations;
- reclamation feasibility;
- and whether genuine agrivoltaic production can remain viable.

The County should also explain why the Code establishes a special one-quarter-mile protection for the Palisade Fruit and Vine Byway while not establishing an equivalent agricultural-resource standard for productive agricultural lands elsewhere in the County.

That is not an argument against protecting the Palisade area. It is a question about whether comparable agricultural resources elsewhere deserve objective consideration as well.

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10. Agrivoltaics should mean actual agriculture

The addition of agrivoltaics is potentially valuable because energy production and agricultural production are not necessarily mutually exclusive.

But the distinction should be meaningful.

If agrivoltaics receive more permissive treatment than conventional utility-scale solar, the Code should establish measurable standards demonstrating continuing agricultural production.

Simply mowing vegetation, grazing occasionally, or leaving some agricultural activity on the property should not automatically establish that a project functions as agriculture.

The County should consider standards addressing:

- minimum productive acreage;
- agricultural management plans;
- irrigation;
- stocking or crop-production levels;
- periodic verification;
- agricultural income or production;
- and what happens if agricultural production ceases.

Otherwise "agrivoltaics" risks becoming a classification rather than a genuine land-use safeguard. Agriculture is only possible within Mesa County because of irrigation. Is irrigated land actually compatible with solar farms? That deserves closer attention when considering potential solar development.

---

11. Approval criteria: "must be met" versus "shall be considered"

One of the most consequential individual wording changes I identified occurs in proposed §4.01, Administrative Adjustments.

The current/redlined language changes:

"all of the following criteria must be met"

to:

"the following shall be considered."

This is not merely grammatical.

Administrative Adjustments can modify dimensional standards by as much as **50 percent**, except building height, residential density and nonresidential intensity. The proposed process also limits agency distribution and notice to adjustments greater than 10 percent.

I request a direct answer:

Can the Director approve an Administrative Adjustment when one or more of the four listed criteria has not been satisfied?

If no, retain "must be met."

If yes, this represents a substantive expansion of administrative discretion and should be identified and evaluated as such.

The same issue should be examined throughout the Code.

CUP §4.03 says the proposal must be consistent with General Approval Criteria but says the CUP-specific criteria **"shall be considered."** Those include compatibility, mitigation of adverse impacts, and public-facility availability.

Similarly, proposed stormwater-permit language says the Stormwater Coordinator "shall consider if" the construction site "shall meet" applicable discharge limitations.

The County should conduct a comprehensive grammatical/legal review of every use of:

shall, must, may, should, consider, satisfy, comply, consistent, and maximum extent practical

and identify every instance where mandatory language is being replaced with discretionary language.

Approval criteria should clearly tell everyone whether a criterion **must be satisfied** or merely **considered**. The increased level of proposed discretionary language changes is alarming from a transparency standpoint. The County should evaluate whether those discretionary proposals actually benefit Mesa County as a whole and its residents or merely Mesa County staff.

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12. Administrative decision-making and public participation

The stated goal of streamlining development review needs to be evaluated alongside public participation.

Proposed §4.17 allows the Director to waive published, mailed and posted notice for a site plan when the Director determines that the proposal will not adversely affect the neighborhood or adjacent properties and meets the purpose and intent of the Code. Staff describes this as codifying the County's historic “short form” site-plan practice.

Residential/Agricultural Site Plans expressly require **no notice**.

The concern is not that every building permit should require a public hearing.

The concern is whether an affected neighbor has a meaningful opportunity to enter relevant evidence into the administrative record **before the decision is made**. How is a resident supposed to be made aware without notice?

That becomes particularly important because administrative appeals are generally confined to the existing record.

---

13. Appeals and the closed administrative record

Under proposed §4.02, an appeal generally considers only facts, evidence, testimony and witnesses that were part of the original official record.

No new evidence or testimony may generally be considered, except staff interpretation of materials already in the record.

The administrative decision receives a presumption of correctness, and the appellant bears the burden of demonstrating error.

I understand that much of this appeal structure already exists and do not characterize it as entirely new.

The concern is its interaction with **more administrative review and less front-end notice**.

If a neighbor receives no notice before an administrative approval, how is that person supposed to place drainage, access, irrigation, safety, compatibility or other evidence into the record before the record closes?

That procedural relationship should be explicitly addressed.

---

14. Site plans and "short-form" review

If the County intends to codify the historical short-form process, the Code should establish objective criteria defining when a project qualifies.

A decision that a proposal "will not adversely affect" neighboring properties is itself a substantive judgment.

I therefore request that the Code specify:

- what categories of development may receive no-notice review;
- what scale thresholds apply;
- which impacts must be evaluated;
- whether agency review still occurs;
- whether an adjacent owner can later appeal;
- when the appeal period begins;
- and how a person who received no notice learns that a decision has occurred.

Efficiency is legitimate. Invisible decision-making is a different issue.

---

15. Use-by-right changes and Table 6-1

The Use Table should receive a complete current-versus-proposed audit.

Staff specifically identifies multifamily housing being treated as a use by right in B-2, C-1 and C-2 because residential density is already allowed in those zones.

That type of change can have substantial procedural consequences.

An **Allowed** use generally proceeds through site-plan review.

A **Conditional** use proceeds through CUP review, including Planning Commission and BOCC public hearings.

The final record should therefore identify every Table 6-1 change involving:

- Conditional → Allowed;
- prohibited/blank → Allowed;
- prohibited/blank → Conditional;
- Allowed → Conditional;
- or creation of a new use classification.

This should include Tiny Houses, Data Centers, solar/energy uses and every other newly classified use.

The public should not have to manually compare hundreds of table cells to discover which uses have changed procedural status.

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16. Planned Unit Developments

The public PUD process includes review of the Outline Development Plan and rezoning.

But the proposed Code gives the Director authority over PUD Final Plans and Final Plats and permits certain modifications that the Director determines remain consistent with the approved ODP.

The Code should establish an objective threshold separating:

a minor implementation change that can properly be handled administratively

from

a substantive change that requires renewed public review.

Changes to drainage, access, density distribution, building location, open space, infrastructure phasing or neighboring impacts can matter even if total project density remains unchanged.

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17. Transition provisions and projects reviewed under the old Code

The transition provisions also deserve attention.

The proposed Code allows certain projects initiated under the prior Code to continue under that Code and allows extensions in specified circumstances. It also preserves prior subdivision approvals under the transition rules.

The County should publicly identify:

- how many active projects may qualify;
- what procedural step qualifies a project;
- whether a pre-application meeting alone can preserve eligibility under the old Code;
- how long that eligibility can continue;
- and which substantive protections may differ between the old and new Codes.

A pre-application meeting is generally preliminary and nonbinding. If merely holding one allows a future application to avoid newly adopted standards, that deserves a clear explanation.

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18. Vested rights

Proposed §1.11 provides that final approval of specified Administrative Reviews and CUPs constitutes approval of a site-specific development plan and generally creates a three-year vested right.

Notice of the vested right is published **after final approval**, within fourteen days.

The interaction among:

administrative approval → limited/no prior notice → creation of vested rights → publication afterward

should be examined carefully.

I request that the County identify every application type receiving vested rights under the existing and proposed Codes and indicate whether any approvals newly becoming administrative will also obtain vested rights.

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19. Standards moved outside the LDC

Several transportation and design standards are proposed to move from the Land Development Code into Mesa County Design Standards.

The staff summary expressly identifies Traffic Studies, Street Access and Intersection/Driveway Visibility among standards being moved.

That can make technical sense, but it creates an important governance question:

Who can amend those standards later, and through what public process?

A County traffic reviewer essentially raised this enforcement concern, asking whether sight-triangle requirements will remain enforceable after being moved from the LDC into Design Standards.

Before adoption, I request a crosswalk identifying:

LDC provision → destination document → adopting authority → amendment authority → required notice/hearing → enforcement mechanism.

Technical standards should not become easier to weaken merely because they have been relocated.

---

20. Infrastructure adequacy and concurrency

The Code repeatedly uses concepts such as adequate roads, public facilities and services.

But “adequate” needs an objective meaning.

Development can meet site-specific access requirements while still contributing incrementally to an already constrained road, bridge, emergency-response system, drainage facility or utility network.

I request clarification regarding:

- existing-capacity analysis;
- background growth;
- already-approved but unbuilt development;
- cumulative traffic;

- bridge capacity;
- emergency-access redundancy;
- water and wastewater capacity;
- drainage capacity;
- and timing of required improvements.

Infrastructure should be demonstrated "adequate" **when development depends upon it**, not simply placed on a future capital-improvement list.

---

21. Interim Development Policies

Interestingly, §8.22 already provides the County with a mechanism designed for precisely this situation.

It allows Interim Development Policies in areas before infrastructure and services are available, with the stated purpose of allowing some development while ensuring development does not occur where it cannot adequately be served by **water, sewer, roads and other appropriate services and infrastructure.**

That raises a simple question:

What triggers use of this authority?

If the County knows a road, bridge, water system, sewer system or other infrastructure is inadequate for anticipated development, is an Interim Development Policy required, encouraged, or entirely discretionary?

The Code should contain objective criteria indicating when infrastructure limitations require development phasing or additional analysis.

---

22. Financial responsibility for growth

Relatedly, the Code should ensure that existing residents and taxpayers are not required to subsidize infrastructure deficiencies created or accelerated by new development.

The Code contains Development Improvement Agreements, Transportation Impact Fees, payments in lieu of improvements and other mechanisms.

But the County should explain how those mechanisms address **off-site capacity**, especially where no single development alone creates the deficiency.

For example, ten separate developments can each contribute only a fraction of traffic to a constrained bridge. Evaluating each project independently can result in no individual project being assigned responsibility even though their combined impact requires a major public improvement.

That is precisely why cumulative infrastructure analysis matters.

---

23. Potable water and long-term water supply

Section 8.08 requires development to demonstrate adequate potable water quality, quantity and dependability and relies on water-provider certifications water-right/permit and geologic information.

Those are necessary protections.

But Mesa County should also identify where the Code addresses **long-term cumulative water demand**.

Individual provider letters do not necessarily answer whether dozens of developments, industrial users, data centers, landscaping demand and changing hydrologic conditions cumulatively affect long-term supply.

The County should identify where those broader questions are evaluated and by whom. This becomes exceptionally important when we look at being a community that relies on a river shared by millions of other users. The long term drought and more recent severe drought we have experienced makes this concern even more pressing.

---

24. Data centers

The proposed Code adds “Data Center” as a defined land use, and Table 6-1 identifies it as a Conditional use in two districts.

That is preferable to treating a potentially intensive facility as an undefined general industrial use.

However, I have not identified use-specific standards addressing the characteristics that can distinguish large data centers from conventional warehouses.

Depending upon design, those issues can include:

- electrical demand;
- transmission infrastructure;
- cooling-water demand;
- backup generators;
- noise;
- heat rejection;
- fire protection;
- hazardous materials;
- water consumption;
- wastewater;
- emergency response;
- and decommissioning.

The general CUP criteria may allow some of those impacts to be considered, but the County should explain whether "other external impacts" and "public facilities and services" expressly encompass these issues and whether cumulative utility demand will be evaluated.

If data centers are anticipated as a distinct use, they deserve standards proportionate to their potential impacts.

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25. Wastewater and OWTS

The proposed Code establishes minimum lot sizes and requires compliance with Mesa County OWTS regulations.

For newly created lots served by public water and OWTS, the general minimum is one-half acre subject to the provisions of §8.10. Major subdivisions, PUDs and administrative reviews using OWTS and public water must comply with the County OWTS regulations.

Those are important site-level protections.

But I have not identified an LDC provision requiring a land-use decision to evaluate the **cumulative loading from multiple OWTS developments within the same watershed**.

That matters particularly where groundwater, agricultural drains, natural drainages and surface-water systems are hydrologically connected.

---

26. TMDL and impaired-water considerations

This is an area where the final Code should be clearer.

I have not identified an express provision in the proposed LDC requiring development review to determine:

- whether the receiving watershed is subject to a TMDL or other documented impairment;
- which pollutants are implicated;
- whether the proposed development contributes those pollutants;
- what cumulative loading already exists;
- or whether mitigation is needed to remain consistent with water-quality objectives.

This is not a theoretical concern.

Mesa County itself continues to undertake TMDL water-quality work. In March 2026, the BOCC approved a contract with Wright Water Engineers for a **2026 TMDL Water Quality Sampling Project** in an amount not to exceed $108,691.

So the County clearly recognizes TMDL-related water-quality monitoring as an ongoing governmental responsibility.

The land-development question is:

Where does the information produced by that work enter the development-review process?

If the County has data showing an impaired receiving system, what provision requires that information to be considered when approving additional development in that watershed?

---

27. Stormwater water-quality protections exist—but their scope needs clarification

The proposed Code does contain meaningful stormwater water-quality protections.

Section 8.21 states purposes including protecting surface water from pollutants associated with stormwater runoff, regulating pollutant contributions, complying with state/federal standards, and requiring permanent stormwater-quality runoff controls.

Those protections should be acknowledged.

However, §8.21's applicability states that the regulations apply to lands designated as urbanized areas or located within the Mesa County Growth Area, and it addresses development disturbing one acre or more or smaller disturbance that is part of a larger common plan.

I therefore request clarification:

What equivalent permanent stormwater-quality requirements apply to development outside the urbanized/Growth Area?

I am not suggesting that rural development is wholly unregulated for drainage. Other LDC and Stormwater Management Manual requirements may apply.

The narrower question is what **water-quality** regime applies outside §8.21's stated geographic applicability.

---

28. Cumulative impervious surface and runoff

A development does not have to be located within a mapped floodplain to alter hydrology.

As development increases impervious surface, infiltration can decrease and runoff volume, rate, timing and concentration can change.

Those changes can accumulate across many developments sharing the same receiving drainage.

The Code should therefore require drainage analysis to consider not only the subject parcel but, where appropriate:

- upstream development;
- downstream capacity;
- existing approved development;
- historical drainage patterns;
- altered runoff timing;
- impervious-area buildout;

- detention releases;
- receiving-channel stability;
- bridges and culverts;
- agricultural drains;
- irrigation systems;
- and cumulative watershed effects.

Project-by-project compliance does not automatically equal basin-wide adequacy.

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29. Floodplain standards recognize cumulative hydrology — but what about unmapped drainages?

The floodplain provisions actually demonstrate that the County understands this principle.

The Code recognizes that development can increase hazards to people both upstream and downstream and seeks to preserve the natural water-carrying and storage characteristics of watercourses.

Floodplain review can consider increased flood depth and velocity, erosion, downstream danger, bridge-maintenance costs, contamination, watercourse capacity and floodplain absorption.

Those are excellent considerations.

The question is:

Why should those hydrologic principles apply principally through a mapped floodplain trigger rather than also through general drainage review where an unmapped natural drainage demonstrably carries significant storm flows?

A drainage does not cease to present risk because FEMA has not mapped it.

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30. Irrigation canals, laterals and agricultural drains

Section 8.12 prohibits new development from encroaching upon or interfering with recorded or apparent easements or rights-of-way associated with irrigation canals, laterals and irrigation drainage channels without the required consent.

That is important protection.

But I have not identified a separate countywide numerical **structural setback** from the ditch, canal, lateral or drainage channel itself.

Protecting an easement is not necessarily the same thing as providing a safe structural buffer.

That distinction becomes particularly important where an easement is prescriptive rather than precisely surveyed.

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31. The irrigation reviewer's comments should be resolved before adoption

The Grand Valley irrigation reviewer specifically recommended that the County:

- require building permits for any fence along an irrigation canal regardless of height or type;
- prohibit MS4 water from being placed into canals without the relevant ditch company's consent;
- define “apparent easements”;
- recognize that prescriptive canal easements can include outer embankments to the toe of slope or crest of a cut;
- and add language addressing certain property-boundary issues associated with canals and ditches.

These are substantive recommendations from an entity directly involved with irrigation infrastructure.

I request a written disposition of each recommendation:

accepted, modified or rejected — and why.

The final Code should not leave “apparent easement” undefined when an irrigation reviewer has specifically identified uncertainty regarding its physical extent.

---

32. Three-foot setbacks adjacent to drainage facilities

The proposed §7.01 contains a new provision allowing side and rear setbacks to be reduced to as little as **three feet** on qualifying lots abutting certain tracts.

One qualifying tract is:

“A required drainage facility.”

The provision says an abutting tract cannot reduce the dimensions of an easement.

That protects the easement.

But it does not necessarily establish an adequate structural setback from the **drainage facility itself**.

A drainage tract should not automatically be treated as unused open space available to substitute for a conventional setback.

Its purpose is to move, store, infiltrate or manage water.

I recommend either removing “required drainage facility” from the categories eligible for this three-foot exception or requiring a site-specific engineering determination before such a reduction addressing:

- design flow;
- emergency overflow;
- erosion;
- bank stability;
- maintenance access;
- sediment deposition;
- seepage;
- future maintenance/enlargement;
- structural safety;
- and impacts on neighboring property.

The redline indicates this exception was proposed by the Planning Commission.

It deserves explicit public discussion before adoption.

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33. Setbacks from natural drainages, canals and ditches

More broadly, I request that the County identify the minimum distance at which a principal structure may be constructed from:

- an irrigation canal;
- irrigation lateral;
- irrigation drainage channel;
- agricultural drain;
- natural drainage;
- required drainage facility;
- top of bank;
- toe of slope;
- and drainage/irrigation easement.

If there is no countywide minimum for one or more of those features, please state that plainly.

The County should also explain the engineering basis for determining when an easement alone provides adequate protection.

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34. MS4, Stormwater Quality, and the Unfinished Stormwater Management Manual

I recognize that proposed §8.21 contains substantial protections intended to implement Mesa County's obligations under Colorado's MS4 program. The section addresses the one-acre/larger-common-plan threshold, construction-site pollutant controls, permanent post-construction water-quality controls, long-term maintenance, inspection and enforcement. Its geographic application to designated urbanized areas and the Mesa County Growth Area also generally corresponds with the county permit-area structure contained in Colorado's statewide MS4 General Permit COR090000.

My concern therefore is not that the proposed LDC contains no MS4 framework. My concern is whether the public and decision-makers can presently determine what the complete regulatory framework will be after adoption.

The LDC incorporates substantial technical requirements through the Mesa County Stormwater Management Manual. Yet the County's own Stormwater reviewer stated on April 28, 2026 that the updated SWMM “is not anticipated to be finalized until early 2027” and identified LDC cross-references that will need correction when that occurs.

Colorado's statewide MS4 permit requires regulatory mechanisms addressing construction-site controls, site-plan review, inspection and enforcement, as well as permanent post-construction controls and their long-term operation and maintenance.

I therefore request that the County identify, before adoption:

(1) which MS4 requirements are contained in the LDC;

(2) which are contained in the existing SWMM;

(3) which are expected to change in the 2027 SWMM;

(4) what public process will govern adoption of those substantive changes;

(5) which version of the SWMM will govern applications during the transition;

(6) where the County's elected MS4 exclusions and the documentation necessary to qualify for them are established;

(7) how the County applies the “larger common plan of development or sale” requirement to related phases and lots;

(8) where the County's mechanism for receiving and responding to stormwater information submitted by the public is established; and

(9) why §4.18 states that the Stormwater Coordinator merely “shall consider if” a construction site will meet stormwater discharge limitations when the underlying MS4 regulatory framework requires enforceable compliance with applicable construction-site controls.

I also request clarification that MS4 water-quality compliance does not substitute for analysis of drainage capacity and cumulative hydrologic impacts. Where multiple developments discharge to the same natural drainage or infrastructure system, the County should identify what provision requires evaluation of the cumulative capacity of downstream channels, culverts, roads, bridges and other drainage infrastructure.

Finally, §8.21.A.2 appears to refer to the “Colorado Department of Public Safety” rather than the Colorado Department of Public Health and Environment, which administers the Colorado Discharge Permit System. I request that this reference be reviewed and corrected if appropriate.

35. Open-space requirements

The proposed update deletes the former Public Land and Open Space Dedication section.

The staff summary says the County has not required open-space dedication for many years and also proposes changing open-space requirements for manufactured-home parks and multifamily projects from mandatory to optional.

The existing language required multifamily and manufactured-home developments generally to provide common open space equal to at least 20 percent of net site area, subject to reduction, and encouraged inclusion of watercourses, geological features, trees, hills and floodplains.

If that requirement is becoming optional, the County should identify what replaces the functions it served.

Open space is not merely recreational acreage.

Depending upon location it can also provide:

- drainage;
- infiltration;
- flood storage;
- habitat;
- buffers;
- urban heat mitigation;
- visual separation;
- and connectivity.

The County should explain the cumulative effect of eliminating mandatory mechanisms rather than simply noting that they have not frequently been used.

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36. Wildlife and habitat

The proposed Code includes some useful wildlife protections.

Solar standards require consideration of wildlife corridors and CPW High Priority Habitat and encourage wildlife-friendly fencing.

The Code also adds provisions concerning wildlife fencing.

However, habitat impacts should not be evaluated only for energy facilities.

The County should explain how development review addresses:

- fragmentation of habitat;
- cumulative loss of open land;
- riparian corridors;
- drainage corridors;
- movement corridors;
- nesting habitat;
- and conflicts between new residential development and wildlife.

Where CPW comments are received, the final record should explain whether recommendations are incorporated and, if not, why.

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37. Roads, bridges and emergency access

Road adequacy should not be measured solely by whether a parcel has legal access.

The Code should address whether the entire route serving a development is capable of supporting:

- added daily traffic;
- emergency vehicles;
- evacuation;
- school buses;
- agricultural equipment;
- flood closures;
- bridge loading;
- and foreseeable future growth.

A development can have a compliant driveway while relying upon an inadequate downstream bridge or a single vulnerable access route.

The County should identify where cumulative route-level adequacy and emergency redundancy are required to be evaluated.

---

38. Drainage and infrastructure should be evaluated using observed conditions as well as maps

Engineering maps and regulatory floodplain boundaries are important, but they are not the only evidence of real-world conditions.

Documented historical flooding, overtopping, erosion, road closures, channel movement and infrastructure failures should be capable of triggering additional review even where a mapped floodplain or modeled event does not predict the observed condition.

The Code should expressly allow — and where appropriate require — consideration of documented historical conditions.

That would make development review more responsive to actual conditions on the ground. The County's myopic focus on outdated FEMA flood map designations as sufficient development criteria is heedless and does not take into account real-world conditions.

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39. Development review should address cumulative effects

This is one of my broadest concerns.

Many of the Code's standards appear designed to ask:

"Does this project comply?"

A comprehensive planning system must also sometimes ask:

"What happens if every similarly situated property develops in the same manner?"

That second question matters for:

- roads;
- bridges;
- groundwater;
- OWTS;
- stormwater;
- TMDLs;
- irrigation drains;
- agricultural fragmentation;

- wildlife habitat;
- water demand;
- emergency response;
- and community character.

The County should identify which approval processes require analysis of existing development plus approved/unbuilt development plus the proposed project.

If none does so consistently, a cumulative-impact provision should be considered.

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40. General Approval Criteria

Section 3.09 states that decision-makers shall consider whether a proposal complies with applicable standards and the purpose of the LDC, is consistent with review-agency comments, and is consistent with applicable intergovernmental agreements.

This is another place where the distinction between **consideration** and **compliance** should be clear.

For example, what does “consistent with review agency comments” mean when different agencies disagree?

Can an application be approved contrary to a technical reviewer's recommendation?

If so, should the decision contain written findings explaining why?

That would increase transparency without automatically giving review agencies veto power.

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41. Staff's conclusion regarding public participation should be demonstrated

The staff report concludes that the proposed changes do not constrain, obstruct or prevent opportunities for participation and involvement in the development process.

Rather than simply debating that conclusion, I request that the County demonstrate it.

Please prepare a **Development Review Change Matrix** showing, for every application type:

- existing decision-maker;
- proposed decision-maker;
- existing Allowed/Conditional/prohibited status where applicable;
- proposed status;
- administrative versus public-hearing review;
- published notice;
- mailed notice;
- posted notice;
- neighborhood meeting;
- Planning Commission involvement;
- BOCC involvement;
- approval criteria;
- appeal body;
- appeal standard;
- ability to submit new evidence on appeal;
- vested-right consequences;
- and technical standards being moved outside the LDC.

That would allow the public and decision-makers to objectively evaluate whether opportunities for participation remain equivalent.

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42. Code Focus Group and stakeholder process

The staff report describes extensive work with a Code Focus Group, Planning Commission, BOCC briefings, public workshops, development-industry organizations, Chambers of Commerce and 128 review agencies.

That outreach is valuable.

For transparency, however, the County should disclose:

- membership of the Code Focus Group;
- interests represented;
- meeting dates;
- agendas;
- minutes or summaries;
- proposals considered;

- which recommendations were accepted;
- which were rejected;
- and which substantive amendments originated from staff, Planning Commission, industry participants, citizens or review agencies.

This is especially important where individual redline comments state that provisions were requested by particular groups.

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43. State mandates versus County policy choices

The update incorporates several changes attributed to state legislation.

Those legally required changes should be clearly distinguished from discretionary County policy changes.

The public should be able to tell:

"State law requires this."

from:

"Mesa County chose this."

Those are different categories of change.

I recommend a matrix listing each claimed state mandate, the relevant statute/bill, the exact LDC provision affected, and which portions go beyond the minimum state requirement.

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44. Conditional Use Permits and mitigation

The CUP process remains one of the principal safeguards for uses capable of significant off-site impacts.

Proposed §4.03 considers compatibility, mitigation of adverse impacts and availability of public facilities/services.

But the phrase: **"mitigated to the maximum extent practical"** deserves definition.

Who determines what is practical?

Does cost alone make mitigation impractical?

Must the applicant demonstrate infeasibility?

Can residual impacts remain significant?

When an impact cannot reasonably be mitigated, can the application still be approved?

Clear standards would benefit applicants, staff, decision-makers and neighbors alike.

---

45. Modification of approved Conditional Use Permits

The Director may approve “minor deviations” from an approved CUP but not substantial deviations.

The distinction should be objectively defined.

Changes involving:

- project footprint;
- intensity;
- traffic;
- hours;
- noise;
- drainage;
- water demand;
- structures;
- access;
- or mitigation measures

can materially affect neighboring property even when characterized as minor.

The Code should identify what changes require renewed public review.

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46. Enforcement should accompany flexibility

Greater flexibility in development approval is only safe if conditions and standards remain enforceable.

The traffic reviewer's concern about enforcement of sight-triangle standards after they move into Design Standards illustrates the issue.

The County should verify that every mandatory standard incorporated by reference remains enforceable through:

- permit denial;
- stop-work authority;
- code enforcement;
- revocation;
- corrective action;
- financial security;
- or another identified mechanism.

A standard without a clear enforcement mechanism may provide little practical protection.

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47. Public notice on the County website

The staff summary indicates published notice will be placed on the Mesa County website rather than in the Daily Sentinel.

Online notice can improve accessibility for people actively monitoring County proceedings.

But the County should evaluate whether replacing newspaper publication reduces incidental awareness among residents who do not routinely monitor the planning website.

At minimum, the County should consider:

- email subscription;
- searchable notices;
- geographic notification tools;
- durable online archives;
- RSS or equivalent feeds;
- and clear project maps.

- Utilizing existing social media accounts to provide an easy to find link for notices

The objective should be **actual notice**, not simply technical compliance.

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48. Rural development and urban standards

The rewrite further distinguishes rural and urban zoning districts.

That is appropriate because infrastructure conditions differ dramatically.

But “rural” should not become synonymous with **lower review expectations**.

Rural development can create greater infrastructure challenges because it often relies upon:

- OWTS;
- wells or distributed water systems;
- longer emergency-response distances;
- narrow roads;
- limited bridge redundancy;
- irrigation systems;
- open drainages;
- agricultural access;
- and fewer urban stormwater facilities.

Review standards should reflect those realities.

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49. Development around irrigation and drainage infrastructure

The Code should recognize that canals and drains are **working infrastructure**.

They require inspection, excavation, vegetation management, bank repair, equipment access and sometimes emergency work.

Allowing structures extremely close to these facilities can create future conflict even when the structure technically lies outside the recorded easement.

A meaningful buffer protects:

- the homeowner;
- the irrigation entity;
- downstream users;
- maintenance workers;
- and neighboring agricultural operations.

This deserves an explicit countywide policy rather than being resolved project by project.

---

50. TMDL, OWTS, stormwater and drainage should be connected

The current structure treats:

- floodplain;
- drainage;
- stormwater;
- OWTS;
- irrigation;
- and water quality

in separate regulatory compartments.

But water does not operate that way.

Stormwater can enter irrigation drains. Groundwater can interact with surface systems. OWTS effluent can migrate. Agricultural drainage can become a receiving conveyance. Natural drainages can connect to larger surface waters.

The County should identify where its development-review process requires these systems to be considered together.

A watershed-based trigger may be appropriate where documented water-quality impairment or significant cumulative drainage concerns exist.

---

51. Stormwater permit wording should be corrected

Proposed §4.18 uses the awkward formulation that the Stormwater Coordinator "shall consider if" the construction site "shall meet" applicable discharge limitations.

If those discharge limitations are mandatory, the Code should say:

A permit shall not be approved unless the applicable discharge limitations and stormwater regulations are satisfied.

That removes ambiguity and reinforces the broader need to distinguish mandatory approval standards from discretionary considerations.

---

52. Open space, drainage and development intensity should be analyzed together

The proposed reduction/elimination of mandatory open-space mechanisms, increased flexibility in certain setbacks, and greater administrative discretion should not be considered independently.

Open space can serve drainage and flood-management functions.

Drainage tracts can provide open space.

Setbacks provide physical separation.

When one protection is reduced because another feature supposedly performs the same function, the County should verify that the substitute actually provides equivalent protection.

This is particularly important with the new three-foot setback provision adjacent to drainage tracts.

---

53. Community plans and the Master Plan Advisory provision should be considered together

Rescinding community plans at the same time the Code expressly emphasizes the advisory status of the broader Master Plan has a cumulative significance that should be discussed directly.

If detailed community plans disappear and the remaining countywide Master Plan is expressly advisory, what planning document retains meaningful influence over:

- long-term infrastructure sequencing;
- rural character;
- agricultural preservation;
- community-specific growth patterns;
- and location of future development?

The answer may be the zoning and overlay regulations themselves.

If so, the County should demonstrate that those regulations actually carry forward the substantive policies being removed.

---

54. Whitewater infrastructure concurrency should be measurable

The Whitewater Mixed Use provisions already speak of adequate and concurrent urban infrastructure, utilities and services.

That is useful language. But, concurrency needs measurable implementation.

Before substantial additional urban-scale development occurs, the County should identify:

- required water infrastructure;
- wastewater strategy;
- roadway improvements;
- Highway 50 access;
- drainage infrastructure;
- fire/EMS capability;
- pedestrian infrastructure;
- and financing.

Otherwise “adequate and concurrent” risks becoming aspirational rather than operational.

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55. Community-plan rescission should not occur simply because a plan is old

The redline comments cite the age of several community plans when recommending rescission.

Age can justify updating a plan. It does not necessarily justify eliminating one.

If conditions have changed enough that a community plan is outdated, an alternative approach is to **update the plan with the community**.

Before rescission, the County should explain why elimination is preferable to updating and whether residents of each affected community were specifically asked which approach they prefer. Have residents of these communities been notified these plans are proposed to be eliminated?

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56. Solar protections should apply equitably across agricultural Mesa County

The proposed solar standards demonstrate that the County is capable of imposing meaningful siting protections where it identifies important resources.

The quarter-mile Scenic Byway/Palisade Fruit and Vine Byway setback is an example.

That raises a broader agricultural-policy question.

Should productive irrigated farmland outside a designated scenic corridor receive consideration based on its agricultural value?

A neutral standard based on productivity, irrigation, soil, continuity and agricultural use would avoid treating agricultural preservation primarily as a visual issue.

---

57. Decommissioning is necessary but does not replace siting analysis

The proposed financial security for energy-facility decommissioning is a positive safeguard.

But eventual reclamation does not eliminate decades of land conversion.

The initial siting decision should therefore consider whether the site is appropriate **before** relying on decommissioning as the long-term protection.

For highly productive agricultural land, avoidance may sometimes be a more meaningful protection than eventual reclamation.

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58. Data-center review should include cumulative utility demand

A data center may satisfy the utility-provider requirements for one project while multiple projects collectively create major water or electrical infrastructure demand.

If the County anticipates receiving this type of development, the Code should clarify whether CUP review considers:

- existing system demand;
- committed but unbuilt demand;
- proposed demand;
- required infrastructure expansion;
- who pays for that expansion;
- and effects on other users.

Again, the concern is not a particular industry. It is ensuring that a newly defined intensive land use has standards tailored to its actual characteristics.

---

59. Existing and future development should be included in drainage studies

Where a drainage report is required, the County should clarify whether analysis assumes:

- present-day watershed conditions;
- approved but unbuilt development;
- ultimate zoning buildout;
- adopted future land-use conditions;
- or some other scenario.

A drainage structure designed only around current conditions can become undersized as upstream development proceeds.

That assumption should be explicit.

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60. The one-acre stormwater threshold should not become a cumulative-impact loophole

Section 8.21 appropriately includes smaller disturbances when they are part of a larger common plan of development.

The County should make clear how it identifies common plans and prevents segmentation.

Multiple phases, lots or related development activities should not avoid water-quality protections simply because each individual disturbance is kept below a threshold.

---

61. Review-agency comments deserve transparent disposition

The packet contains comments from irrigation, traffic, stormwater and other agencies.

Some identify substantive concerns.

The final record should include a response matrix identifying:

comment → County response → amendment made/not made → reason.

This would be particularly useful for:

- Grand Valley irrigation comments;
- Stormwater Manual timing;
- incorrect stormwater section references;
- sight-triangle enforcement;
- floodplain edits;
- water-supply review;
- and CPW recommendations.

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62. Right to Farm should include prevention as well as notice

Right-to-Farm disclosures are important.

But informing a new homeowner that agriculture exists nearby does not prevent land-use conflict.

The Code should also consider development design that reduces conflict through:

- buffers;
- appropriate fencing;
- irrigation access;
- equipment access;
- drainage protection;
- road design;
- setbacks;
- and preservation of agricultural continuity.

Agricultural compatibility should be designed into development rather than addressed solely through disclosures after lots are created. Farmers should not have to live in fear of development conflict due to unrestricted growth. Farmers were here first and are the backbone of this county. Mesa County would undoubtedly not be the place it is today without the agricultural economy that has supported it for decades.

---

63. Growth should be evaluated against public infrastructure timing

The County has several mechanisms addressing improvements, impact fees and development agreements.

The missing policy question is whether development can be approved **before** the necessary public infrastructure is actually funded and scheduled.

A project-specific promise that an improvement may eventually occur does not necessarily solve an existing capacity deficiency.

The Code should distinguish:

infrastructure available now;

infrastructure legally committed and funded;

and

infrastructure merely anticipated in a future capital plan.

Those categories should not automatically be treated as equivalent.

---

64. Agriculture, drainage and water quality are interconnected

Agricultural land is often part of the County's hydrologic system. Fields infiltrate water.

Irrigation laterals convey water. Drains carry return flows. Farm roads and ditches affect storm routing. Conversion to roofs, pavement, compacted yards and roads changes that system. Therefore, agricultural conversion is not only an agricultural issue.

It can also be a drainage and water-quality issue.

That cumulative relationship should be recognized when rural land transitions to residential, commercial or utility-scale development.

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65. The Code should distinguish regulatory floodplain from real drainage risk

Floodplain regulations necessarily rely on mapped flood-hazard areas.

But land-use planning should not assume that areas outside those boundaries have no meaningful flood risk.

The proposed Code already authorizes consideration of channel relocation, upstream/downstream impacts, erosion and watercourse capacity within floodplain review.

Comparable principles should be available when documented drainage evidence demonstrates risk outside the mapped regulatory floodplain.

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66. Requests for specific amendments or clarification

Based upon the issues above, I request that the County consider, at minimum:

1. Retain mandatory language such as **"must be met"** where approval criteria are intended to be prerequisites for approval, and identify every proposed change from mandatory to discretionary language. Please explain why discretionary language is being proposed.
2. Prepare a complete **Development Review Change Matrix** comparing the current and proposed Code.
3. Prepare a complete **Use Table change matrix** identifying every A/C/prohibited classification change.

4. Prepare a **community-plan crosswalk** before rescinding Mack, Gateway, Loma or Whitewater plans.
5. Explain the legal and practical relationship between §1.12 Master Plan Advisory and approval criteria requiring Master Plan consistency.
6. Establish objective criteria governing when site-plan notice may be waived.
7. Address the due-process relationship between no-notice administrative approvals and record-limited appeals.
8. Establish objective limits on administrative modifications to approved CUPs and PUDs.
9. Identify all projects potentially eligible to proceed under transition provisions.
10. Identify which approvals create vested rights and what notice occurs before those rights are established.
11. Establish a specific agricultural-impact analysis for utility-scale energy facilities proposed on productive agricultural land.
12. Establish meaningful standards distinguishing genuine agrivoltaics from conventional energy production.
13. Consider agricultural resources countywide rather than protecting only particular scenic or specialty-crop areas.
14. Identify where cumulative agricultural fragmentation is evaluated.
15. Establish or clarify cumulative infrastructure-capacity review for roads, bridges, emergency access, water, sewer and drainage.
16. Establish objective triggers for use of Interim Development Policies where infrastructure is inadequate.
17. Identify how off-site infrastructure improvements caused by cumulative growth are funded.
18. Establish use-specific standards for data centers addressing water, energy, cooling, backup generation, noise, infrastructure and decommissioning where appropriate.
19. Identify where cumulative long-term water demand is evaluated.
20. Identify where TMDL and impaired-water information enters development review.
21. Consider a watershed-based review trigger for development potentially affecting impaired receiving waters.
22. Clarify permanent stormwater-quality requirements outside urbanized/Growth Areas.
23. Require appropriate cumulative drainage analysis rather than only parcel-level compliance.
24. Establish safeguards for significant natural drainages that may not lie within mapped floodplains.
25. Define “apparent easement” in §8.12.
26. Provide a written disposition of every substantive irrigation-agency recommendation.
27. Consider a separate structural setback or engineering-based buffer from irrigation canals, laterals and drainage channels.

28. Remove “required drainage facility” from automatic eligibility for the proposed three-foot setback exception, or require engineering review before allowing the reduction.
29. Identify minimum building separation from canals, laterals, drains, natural drainages, drainage facilities, top of bank and toe of slope.
30. Resolve the Stormwater Management Manual timing issue before adoption or clearly establish the interim regulatory framework.
31. Correct outdated stormwater cross-references identified by County staff.
32. Clarify §4.18 so compliance with mandatory stormwater-discharge limitations is unmistakable.
33. Explain the policy and environmental consequences of eliminating public/open-space dedication requirements and making certain common-open-space provisions optional.
34. Identify where cumulative wildlife/habitat fragmentation is evaluated.
35. Preserve enforceability when technical standards are transferred from the LDC into separate manuals.
36. Identify who may amend each incorporated technical manual and what public process applies.
37. Require written findings when a final decision departs materially from a technical review-agency recommendation.
38. Distinguish state-mandated amendments from discretionary County policy amendments.
39. Disclose the Code Focus Group membership and provide a substantive recommendation/disposition record.
40. Establish a practical system for public access to online development notices.
41. Clarify whether documented historical flooding, erosion, overtopping or infrastructure failures can trigger additional technical review.
42. Require consideration of approved-but-unbuilt development where relevant to traffic, water, wastewater, drainage and infrastructure capacity.
43. Clarify whether drainage studies use existing conditions, approved development, ultimate buildout or another watershed assumption.
44. Ensure common-plan provisions prevent segmentation around stormwater thresholds.
45. Strengthen agricultural compatibility standards so Right-to-Farm protection is preventative as well as informational.
46. Require clear findings distinguishing existing infrastructure, funded/committed infrastructure and speculative future improvements.
47. Consider an explicit cumulative-impact criterion for developments affecting shared infrastructure or environmental systems.
48. Provide a final **agency-comment response matrix** before adoption.

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67. Four safeguards the final Code should preserve

Ultimately, I believe the County should evaluate the rewrite through four separate categories.

Procedural safeguards

Who receives notice?

Who can participate?

Who makes the decision?

Is there a hearing?

What appeal exists?

Can evidence be submitted before the record closes?

Substantive safeguards

What standards actually **must be satisfied**?

What is merely “considered”?

What may be waived?

What can be adjusted administratively?

Resource safeguards

How are agriculture, water, drainage, irrigation, infrastructure, wildlife, open space and rural communities protected?

Cumulative safeguards

Who looks beyond one parcel to determine what happens when many individually compliant projects affect the same road, bridge, watershed, aquifer, irrigation system, agricultural landscape or community?

A Code can be efficient at the first three levels and still fail at the fourth.

That is why cumulative impacts deserve explicit attention.

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68. Request for a comprehensive crosswalk before final action

Because this is an update to the **entire** Land Development Code, I respectfully request that the County provide the Planning Commission, BOCC and public with a comprehensive change matrix before final action.

At minimum, it should identify:

Current provision | Proposed provision | Nature of change | Reason | Decision-maker | Notice/hearing change | Approval-standard change | Appeal change | Vested-right consequence | Technical standard moved elsewhere | State-mandated or County-discretionary

Without such a document, it is extraordinarily difficult for the public — or potentially even the decision-makers — to understand the cumulative regulatory effect of hundreds of pages of redline amendments.

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69. Request regarding unresolved technical comments

I also request that substantive review-agency comments not simply remain attachments in the packet.

For each unresolved technical comment, the County should identify whether it has been:

accepted; partially accepted; rejected; superseded; or deferred to another manual or future process.

If deferred, the County should identify the future process.

That is particularly important where the comment concerns public safety, drainage, irrigation, water quality or enforceability.

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70. Request regarding later manual amendments

Where substantive standards are incorporated by reference from the Stormwater Management Manual, Mesa County Design Standards or another document, the County should clarify whether

future amendments to those documents automatically alter the standards governing development without an LDC amendment.

If so, the public should understand that consequence before this Code is adopted.

A regulation should not become less transparent merely because its technical requirements are moved to another document.

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71. The purpose of these comments

These comments should not be interpreted as opposition to all development or to modernization of the Land Development Code.

Mesa County needs housing.

It needs businesses.

It needs energy infrastructure.

It needs agricultural businesses.

It needs appropriate industrial development.

It needs a workable review process.

It also needs functioning roads, bridges, drainage systems, irrigation systems, water supplies, wastewater systems, emergency access and productive agricultural land.

Those objectives do not have to conflict.

But they are more likely to remain compatible when development standards are clear **before** conflicts occur.

The strongest development code is not necessarily the code that approves the least development or the most development.

It is one that gives applicants, neighboring landowners, farmers, staff and decision-makers a predictable understanding of what must be demonstrated and what resources must be protected.

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72. Summary

This rewrite will influence land-use decisions long after the current individual applications, commissioners, staff members and property owners have changed.

For that reason, I respectfully request that the County evaluate the proposed Code not only according to whether each individual amendment appears reasonable, but according to the regulatory system those amendments create when considered together.

In particular, I request careful reconsideration or clarification regarding:

the practical effect of the Master Plan Advisory provision;

community-plan rescission;

Whitewater's long-term growth framework;

agricultural fragmentation;

conversion of productive agricultural land;

utility-scale solar siting;

administrative discretion;

mandatory versus discretionary approval criteria;

public notice;

record-limited appeals;

vested rights;

infrastructure concurrency;

cumulative water demand;

data centers;

OWTS and TMDL impacts;

stormwater and cumulative impervious surface;

natural drainage protection;

irrigation easements and structural setbacks;

the proposed three-foot setback adjacent to drainage facilities;

open-space reductions;

wildlife impacts;

and the movement of substantive standards into separate technical manuals.

Most importantly, I ask the County to identify where the proposed Code evaluates **cumulative effects**.

A road does not experience traffic one subdivision at a time.

A bridge does not experience demand one permit at a time.

A drainage basin does not experience runoff one parcel at a time.

A receiving stream does not experience pollutant loading one septic system at a time.

An irrigation system does not experience encroachment one house at a time.

And an agricultural community does not lose its land base one development application at a time.

Conclusion — Stewardship and the Long-Term Responsibility of Land-Use Decisions

Naturally, as a farmer, I care deeply about the preservation of agricultural land. But my concern extends far beyond my own family's 116 years of farming in this valley.

Agriculture is part of what has made Mesa County what it is today. The water, irrigation systems, farms, ranches, and agricultural communities that supported this county for generations have also shaped its landscape, economy, rural character, and way of life. Many of the qualities people value about living here—open land, working farms, access to locally produced food, rural communities, and a pace and character distinct from more heavily developed areas of Colorado—did not happen by accident.

Nor should we assume they will remain simply because they exist today.

Mesa County will continue to grow and change. My comments are not intended to argue that development should stop, or that the Land Development Code should make reasonable

development unnecessarily difficult. Rather, I am asking the County to consider more carefully **how we grow, where we grow, what infrastructure must accompany that growth, and what resources we intend to preserve while doing so.**

That requires looking beyond whether each individual application can technically satisfy the Code.

One development may have a relatively small impact. One additional septic system, driveway, drainage plan, land division, or conversion of agricultural land may appear insignificant when evaluated individually. But over decades, those individual decisions accumulate. They can affect the same roads and bridges, the same natural drainages, the same irrigation systems, the same water resources, and the same agricultural landscape.

That is why so many of the questions raised throughout these comments return to **cumulative impacts, infrastructure capacity, water, drainage, agriculture, and long-term planning.**

Ultimately, I believe land-use planning is an exercise in stewardship.

We speak of land as something we own, and legally it is. But our ownership is temporary. Each generation is entrusted for a relatively short period of time with land and water that existed before us and, hopefully, will continue supporting the people who come after us.

Our lives are finite. The consequences of the land-use decisions we make are not.

Some decisions can be revisited. Regulations can be amended. Plans can be updated. Roads can eventually be improved.

Other decisions are much more difficult to reverse. Productive agricultural land that has been fragmented and developed does not easily become farmland again. I would further argue, it will never become farmland again. Irrigation infrastructure that is compromised or abandoned is difficult to recreate. Natural drainage functions that have been constrained by development can be costly or impossible to restore. And infrastructure allowed to fall behind growth can leave future residents and taxpayers responsible for correcting problems created decades earlier.

Good stewardship therefore requires us to consider not only whether a decision works today, but what that decision leaves behind.

The purpose of raising these concerns is not to preserve Mesa County unchanged. Change is inevitable. The responsibility is to manage that change in a way that does not unnecessarily consume the land, water, infrastructure, agricultural capacity, and future choices of the generations that follow us.

We should leave future generations the ability to make choices of their own rather than making irreversible choices for them today.

A comprehensive rewrite of the Land Development Code is a rare opportunity to think on that time scale. I respectfully ask the County to use this opportunity to ensure that efficiency and flexibility are balanced with meaningful public participation, adequate and concurrent infrastructure, protection of agricultural and water resources, responsible management of drainage and stormwater, and meaningful consideration of cumulative impacts.

For the specific concerns and questions identified throughout these comments, I respectfully ask the County to identify the provision that addresses the concern, amend the proposed Code where a gap exists, or explain on the record why the County has chosen a different approach.

The measure of this Code should not only be how efficiently it processes development today, but how well it equips Mesa County to steward its land, water, infrastructure, and communities for the generations that follow.

I respectfully request that these issues be addressed in the public record before final adoption of PRO2026-0092.

Thank you for your consideration.

Respectfully submitted,

Samantha DeCosta

Mesa County resident and agricultural producer

Mesa County Google

Greg Moberg <greg.moberg@mesacounty.us>

Fwd: Proposed updates to the Mesa County LDC

1 message

James Fletcher <jj.fletcher@mesacounty.us> Mon, Aug 24, 2026 at 2:58 PM
To: Greg Moberg <greg.moberg@mesacounty.us>

---------- Forwarded message ---------
From: **James Fletcher** <jj.fletcher@mesacounty.us>
Date: Mon, Aug 24, 2026 at 2:58 PM
Subject: Re: Proposed updates to the Mesa County LDC
To: Jeff Berino <jeff.berino@gmail.com>
Cc: <bobbie.daniel@mesacounty.us>, <cody.davis@mesacounty.us>

Jeff, thanks for the email. We'll enter your comments into the record and I will forward them to Greg Moberg at Community Development.

Thanks,

On Thu, Aug 20, 2026 at 1:39 PM Jeff Berino <jeff.berino@gmail.com> wrote:

> Commissioners,
>
> Please accept our request for approval of the proposed changes to the Mesa County Land Development Code. We applaud the efforts of the Planning Commission, the Planning department and the citizen concerns/input.
>
> Specifically, in Chapter 6 Section BB Use Regulation, Utility Regulation, We feel the proposed changes are extremely important for the safety of our citizens, first responders and to protect the quality of life that we enjoy in Mesa County, in addition to protecting our property values. We applaud the proposed increase in setbacks to 1/4 mile from existing residences, a required service agreement with a fire district, requiring data centers and battery energy storage systems to be constructed only in industrial zones as well as a required decommissioning bond.
>
> The proposed updates to Chapter 6 Section BB on utility production will have a positive impact on our country, the safety and quality of life we as citizens, empower you as elected officials to act on our behalf. Thank you for your attention to this matter and thank you to all parties involved in this collaborative effort for safety improvements in our county.
>
> *Respectfully,*
>
> Jeff & Janis Berino
> 3854 Montana Vista Ct.
> Palisade



--



James "JJ" Fletcher
Mesa County Commissioner (District 3)
970-244-1885
544 Rood Avenue, Grand Junction, Colorado

--



James "JJ" Fletcher
Mesa County Commissioner (District 3)
970-244-1885
544 Rood Avenue, Grand Junction, Colorado

Public Comment:
Proposed Changes for LDC Section 6.02.BB, Short-Term Rentals

Why we are commenting:

"It is kind of the wild, wild west right now for short-term rentals." Cody Davis said that, and it matches what we have lived with for three years.

Our home sits between two short-term rentals. Under the current code, as many as 48 guests can be staying in the homes on either side of ours. We do not believe anyone intended that for a residential neighborhood. And we do not want this to happen to anyone else in Mesa County.

We use the process the County provides. We document problems, file complaints, attend workshops, and in September appealed an occupancy increase next door from 20 to 32 guests. The BoCC denied the appeal 3–0, finding that staff had not erred in applying the code correctly. Staff's explanation was candid: "Because we don't have a definition of the occupancy per bedroom, we historically have counted beds."

We accept that result, and it is the reason for this comment. If the code as written allows this outcome, the code is what needs to change. And the code is what needs to be followed. Regarding the LDC, Commissioner Daniel has said, "If there is something that does not make sense, we want to hear from you." The current code and how it is enforced (or not enforced) does not make sense.

We ask for two things. First, adopt the revisions below. They are moderate, drawn from codes already working elsewhere, and they address problems that are currently in existence (not something that might happen in the future), while leaving owners ample room to operate. Second, apply them to every short-term rental at its next renewal, existing ones included. A fix that covers only future applicants would leave in place the very situations that expose the gap.

And finally, if the county does not have the staff or financial means to carry out the oversight needed for the management of short-term rentals, then do not allow anymore short-term rental permits until it can be appropriately managed and maintained.

Summary: We ask the Planning Commission to accept the below revisions to Section 6.02.BB. It adds three things the current code does not have. Every provision is drawn from a code already in force in Colorado or another state.

- **Capacity limits.** Occupancy is counted by permitted bedrooms, not beds. It is capped by septic capacity, by parking, and by a fixed maximum the Director cannot exceed. Daytime visitors and events are limited as well.
- **Density limits.** New short-term rentals in residential zones must be 1000 feet apart and may not exceed a set share of the homes in each area.
- **A complaint procedure with an evidence standard.** How to file, what evidence the County must accept, how fast the County must decide, and what three verified complaints trigger.

BB. Vacation Rentals

The ~~vacation~~ short-term rental of a private residence, either as a whole or as an individual room, shall be subject to the following requirements.

1. **Definitions.** For purposes of this section:
   a. "Short-term rental" means a dwelling unit, or any room in it, rented for fewer than thirty (30) consecutive days.
   b. "Bedroom" means a room that is shown as a bedroom in the approved building permit record for the dwelling, meets Building Code requirements for a sleeping room including egress, and, where an on-site wastewater treatment system (OWTS) serves the property, is counted in that system's permitted design capacity. The number of beds, bunks, sofa beds, or other sleeping surfaces shall not be used to calculate occupancy.
   c. "Occupant" means any person of any age present on the property in connection with the rental, including renters and their visitors.
   d. "Overnight hours" means 10:00 p.m. to 7:00 a.m.
   e. "Local representative" means the person designated under subsection 8.
   f. "Verified complaint" means a complaint that the Director has found, under subsections 11 and 12, to show a violation of this section by a preponderance of the evidence.
2. **Permit and Term.**
   a. ~~Vacation~~ Short-term rentals ~~shall be subject to~~ require a Site Plan Review and a short-term rental permit before being advertised or rented.
   b. A permit is valid for one (1) year. It is issued to the owner for one parcel and does not transfer on sale of the property.
   c. Renewal requires compliance with this section as amended, a current inspection under subsection 7, and review of the complaint record kept under subsection 11. There will be no grandfather clause instituted.
   d. A short-term rental approved before the effective date of this section shall obtain a permit within twelve (12) months and shall meet all the newly adopted code revisions.
3. **Where Allowed.**
   a. Short-term rentals shall be permitted in single-family dwellings (attached and detached), townhomes, accessory dwelling units and owner-occupied duplexes.
   b. The maximum length of stay shall be less than thirty (30) consecutive days.
   c. Only structures permitted for residential occupancy shall be used as ~~vacation~~ short-term rentals. Tents, recreational vehicles, temporary shelters, and other provisions intended for temporary occupancy shall not be used for sleeping by any occupant. ~~are not allowed as guest accommodations~~.
   d. Only one short-term rental is allowed per parcel. Where the parcel holds a duplex or a principal dwelling with an accessory dwelling unit, the owner shall reside in one of the units.
4. **Occupancy.**

~~3. Maximum occupancy of a vacation rental shall be determined at the time of site plan approval based on the number of parking spaces and bedrooms.~~

   a. Overnight occupancy shall not exceed the lowest of: (i) two (2) occupants per bedroom plus two (2) additional occupants for entire property; (ii) the design capacity stated on the OWTS permit, where an OWTS serves the property; (iii) the occupancy supported by on-site parking under subsection 6; and (iv) sixteen (16) occupants.
   b. The total number of people on the property at any time shall not exceed the permitted overnight occupancy. Visitors shall not be on the property during overnight hours.

c. The Director may set a lower occupancy at Site Plan Review. The Director shall not approve occupancy above the limits of this subsection.
d. Weddings, receptions, reunions, retreats, parties, and other pre-planned gatherings are prohibited. A short-term rental shall not be advertised as an event venue or express the capability of hosting events.
e. The permitted overnight occupancy and number of parking spaces shall be stated in every advertisement and rental agreement and posted inside the dwelling.

5. **Density and Separation.**
   a. In residential zoning districts, a new short-term rental shall be at least one thousand (1000) feet from any other permitted short-term rental, measured between the nearest property lines. This distance is not subject to variance or administrative adjustment.
   b. Short-term rental permits in residential zoning districts shall not exceed five percent (5%) of the dwelling units in each planning area, as counted by the Director each January.
   c. Where the limit in 5.b is reached, the Director shall keep a waiting list and shall issue no new permit in that area until the number falls below the limit.
6. **Parking.** The ~~vacation~~ short-term rental shall have a minimum of one (1) off-street parking space per bedroom ~~sleeping room~~ plus one (1) additional space. All vehicles shall be parked in designated parking areas only.
7. **Health and Safety.**
   a. Residential dwellings that are used for ~~vacation~~ short-term rentals shall meet Building Code requirements for smoke and carbon monoxide detectors. No room shall be rented that does not meet egress requirements.
   b. All accommodations shall have sanitary and bathing facilities available to guests within or in close proximity to the area of rental, and shall not be unduly restricted in access.
   c. The Building Division shall inspect the short-term rental before the first permit is issued and every year after.
8. **Local Representative.**
   a. The local property manager or representative shall be a county resident who can be contacted by telephone twenty-four (24) hours per day ~~and is available at all times~~ whenever the home is rented.
   b. The representative shall be available for resolution of conflicts, cleanup of the property, or issues with the home or occupants and shall respond to a complaint within sixty (60) minutes, or within thirty (30) minutes during overnight hours, and shall go to the property if needed to resolve it. Failure to respond within the designated time frame is a violation of this section. ~~be able to respond within a reasonable amount of time.~~
   c. If the local representative changes, it shall be the responsibility of the owner to immediately notify the Mesa County Planning Department of the new representative's name and phone number. Failure to do so within 24 hours is considered a violation.
   d. If the local representative is not available for a specific period of time, the property shall not be rented during that time.
   e. The owner shall mail the local representative's name and telephone number to the owners of all property within five hundred (500) feet when the permit is issued and whenever the representative changes.
9. **Residential Character, Classification, and Taxes.**
   a. No changes shall be made to the dwelling or site that would diminish or detract from the residential appearance in the neighborhood.
   b. If the proposed ~~vacation~~ short-term rental is more in-line with the standards set forth under Section 6.02 C. Bed and Breakfast, it may be required that the proposed ~~vacation~~ short-term rental be processed as a Bed and Breakfast.

c. The ~~vacation~~ short-term rental shall be subject to all applicable safety and health inspections, licenses, registrations, fees and taxes to which other licensed businesses or places of accommodation are subject.

10. Notice of Application. The County shall mail notice of a short-term rental application to the owners of all property within five hundred (500) feet of the parcel. The County shall accept public comment and respond. The county shall take public comment into consideration and may not issue a permit if concerns cannot be addressed.

11. Complaints.

a. Any person may file a complaint with the County through an online form. A complainant may first contact the local representative but is not required to.

b. Within three (3) business days of receipt, the County shall acknowledge the complaint and send a copy to the owner and the local representative.

c. Within fifteen (15) business days of receipt, the Director shall issue a written determination to the complainant and the owner. It shall state whether the complaint is verified and identify the evidence relied on.

d. The County shall keep a complaint record for each permit. The record shall be open to public inspection and reviewed at each renewal.

12. **Accepted evidence.** The Director shall accept and weigh each of the following. Any one of them, or a combination, may verify a complaint when it shows the date, time, and place of the violation.

a. Dated photographs or video taken from the complainant's property or a public place, including images showing the number of persons or vehicles on the property.

b. Dated audio recordings or sound-level readings.

c. A Sheriff's Office call-for-service record, incident report, or citation, or a report or notice of violation from any other agency.

d. A written statement signed by the complainant. Statements from two or more separate households describing the same event corroborate each other.

e. Advertisements, listing screenshots, online calendars, guest reviews, rental agreements, or receipts, including any advertisement that offers occupancy above the permitted number.

f. A telephone or message record showing that the local representative was contacted and did not respond within the time required by subsection 8.

g. Observation by County staff or a monitoring service retained by the County.

h. Observation by County staff is not required to verify a complaint. A complaint shall not be dismissed solely because the violation ended before staff could observe it.

13. Violations and revocation.

~~11. Failure to maintain compliance with the aforementioned standards shall result in revocation of approval.~~

~~Should a vacation rental receive three (3) or more formal, verified nuisance, health and/or safety complaints in a calendar year, the Planning Director may revoke the site plan approval.~~

a. Each of the following is a violation: exceeding permitted occupancy; holding a gathering prohibited by 4.e; advertising occupancy above the permitted number; failure of the local representative to respond as required; and renting without a permit or while a permit is suspended.

b. The Director shall begin revocation proceedings when a short-term rental has three (3) verified complaints in any twenty-four (24) month period, or one (1) verified complaint that shows a serious threat to public health or safety.

c. For two (2) years after revocation, the County shall not accept a new application for the same property, except from a new owner unaffiliated with the former permit holder

October 16, 2026

Mesa County Community Development Department
c/o Mr. Greg Moberg
Community Development Director
Greg.Moberg@mesacounty.us

Subject: Battery Storage Facilities for Solar Farms
Mesa County Land Development Code

Dear Mr. Moberg,

Regrettably, I was unable to attend the October 15, 2026 Planning Commission meeting; therefore, I wanted to share my concerns about solar farm battery storage facilities in this letter.

I am the owner of a parcel of land near Fruita, Colorado with an approximately 13-acre solar farm (Mesa County Parcel # 2697-161-00-113) operated by US Solar LLC. We feel that it would be beneficial to the community to allow battery storage facilities to be coupled with solar farms to provide power distribution throughout the day and night. With the advancement of solar technology, greater amounts of electricity will be able to be produced by each panel; however, like any other solar farm, ours is limited in how much electricity can be released into the grid at any time as not to overwhelm the system. With a battery storage facility tied to the solar farm, power could be released day and night regardless of when the electricity is generated.

As we enter the fall and winter seasons with darkness coming earlier in the evening, most residents are just getting home from work during peak electrical usage times. With the advancement and increased prevalence of electric cars and other devices, many of these people will want to charge their car overnight, operate electric heat, watch a television program, surf the internet, etc. An electric battery storage facility releasing electricity into the grid, day and night, would help combat the strain on the grid during these peak electricity usage hours.

With the advancement in battery technologies combined with the decline in battery costs, the use of battery storage facilities will only become more critical and viable in the future development of clean energy and the distribution thereof. Please contact me directly at (970) 250-4352 or donalcompton@gmail.com with any comments or questions. Thank you for consideration in this matter.

Sincerely,

Donal Compton Jr.
Concerned Landowner

MESA COUNTY 2020 LAND DEVELOPMENT CODE

Comprehensive Revision Draft

MESA COUNTY

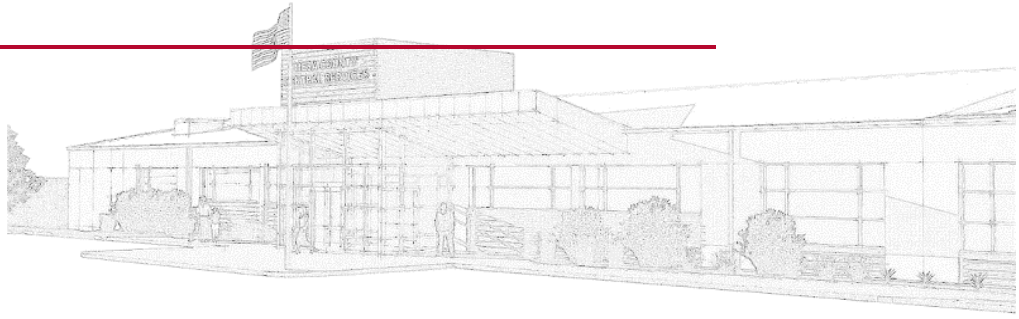
MESA COUNTY

~~2020~~ 2026

LAND DEVELOPMENT

DRAFT 7/24/25

CODE





~~January~~ November 1~~4~~, ~~2020~~2026

~~AMENDED SEPTEMBER 29, 2020~~
~~AMENDED FEBRUARY 16, 2022~~
~~AMENDED JUNE 28, 2022~~
~~AMENDED JUNE 14, 2023~~
~~AMENDED OCTOBER 17, 2023~~

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CHAPTER 1 | INTRODUCTORY PROVISIONS

SECTION 1.01 | TITLE

This Resolution shall be officially known and cited as the "2026 Mesa County Land Development Code," although it is referred to throughout this Resolution as the "Land Development Code" or "LDC."

SECTION 1.02 | AUTHORITY

This Land Development Code is adopted pursuant to the powers and authority conferred by the laws of the State of Colorado, including, but not limited to, the following Sections of C.R.S.: Article 28 of Title 30 (County Planning, Zoning, Subdivision); Article 65.1 of Title 24 (Areas of State Interest); Article 67 of Title 24 (Planned Unit Development); Article 68 of Title 24 (Vested Rights); Article 20 of Title 29 (Local Government and Land Use Control Enabling Act); and Articles 11 and 28 of Title 30.

SECTION 1.03 | APPLICABILITY AND JURISDICTION

The provisions of this Land Development Code apply to all development including but not limited to; buildings, structures, improvements, and uses of land throughout unincorporated Mesa County, to the extent allowed by law. It does not apply to land within the territorial limits of any incorporated municipality.

SECTION 1.04 | REPEALS AND ENACTMENT

A. All resolutions, or portions thereof, of the Mesa County Board of County Commissioners, relating to zoning, subdivisions, community plans and/or land use inconsistent herewith are hereby repealed to the extent of such inconsistency.

B. The repeal of any resolution, regulation, or ordinance does not revive any other resolution, regulation or ordinance or portions thereof repealed by said resolution, regulation, or ordinance.

C. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution hereby, for an offense committed prior to the repeal.

SECTION 1.05 | PURPOSE

This Land Development Code is adopted for the purpose of preserving and improving the public health, safety, and general welfare of the citizens and businesses of Mesa County. More specifically, it is the purpose of this Land Development Code to:

~~A. Implement the purposes, goals, and policies of the Mesa County Master Plan;~~

~~B.~~A. Promote timely, predictable, consistent, and efficient land development processes for residents, neighborhoods, businesses, ~~and~~ agricultural and development interests;

~~C.~~B. Provide appropriate opportunities for participation and involvement in the development process by all affected parties;

~~D.~~C. Promote development that is consistent and compatible with that of the municipalities within Mesa County within the joint municipal planning areas; and

~~E.~~D. Be fair to all by giving due consideration to protecting private property rights, the rights of individuals, and the interests of the community as a whole. In instances where an application to develop does not meet all applicable criteria of this LDC, and unique or special circumstances exist which would warrant the approval of the application to develop, and provided the proposed development: (a) poses no threat to health or safety; (b) provides for the mitigation of impacts to the maximum extent reasonable; and (c) is generally consistent and compatible with the allowed uses in the applicable Zoning District, the application to develop may be approved.

Commented [GM1]: CRS § 30-28-106 (3)(a)

"The master plan of a county or region is an advisory document to guide land development decisions; however, the master plan or any part thereof may be made binding by inclusion in the county's or region's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate."

SECTION 1.06 | RIGHT TO FARM AND RANCH POLICY

In addition to the purposes set out in Section 1.05, Mesa County has established, by resolution, a "Right to Farm and

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Ranch" policy which is summarized in this section. (See also Section 11.06 C.)

A. Any agricultural operation or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged.

B. Agriculture as a way of life benefits all residents of Mesa County. It is an important part of the economy and adds intrinsic value to life in Mesa County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences, such as weed burning, equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, lights and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain this way of life, Mesa County intends to protect agricultural operators from unnecessary, intrusive litigation. Therefore, no inconvenience shall be considered a nuisance so long as it occurs as a part of non-negligent and legal agricultural practice, as stated in C.R.S. §35-3.5-101, 102 and 103.

SECTION 1.07 | WORD USAGE AND CONSTRUCTION OF LANGUAGE

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Land Development Code shall be construed according to the Purposes set out in Section 1.05.

B. Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this Land Development Code and any heading, drawing, table, figure, or illustration, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," or "such as," or similar language, are intended to provide examples and are not to be exhaustive or exclusive lists of all possibilities.

D. Computation of Time

The time in which an act is to be completed shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the County. References to days are calendar days unless otherwise stated.

E. References to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, or document, unless otherwise specifically stated.

F. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

G. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Mesa County, unless otherwise indicated.

I. Mandatory and Discretionary Terms

The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are

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discretionary terms.

J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. And indicates that all connected items, conditions, provisions, or events apply; and
2. Or indicates that one or more of the connected items, conditions, provisions, or events apply.

SECTION 1.08 | TENSES AND PLURALS

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

SECTION 1.09 | CONFLICTING PROVISIONS

A. Conflict with State or Federal Regulations

If the provisions of this Land Development Code are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.

B. Conflict with Other County Regulations

If the provisions of this Land Development Code are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the County, the more restrictive provision will control.

C. Conflict with Private Agreements

It is not the intent of this Land Development Code to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this Land Development Code impose a greater restriction than imposed by a private agreement, the provisions of this Land Development Code will control. If the provisions of a private agreement impose a greater restriction than this Land Development Code, the provisions of the private agreement will control. The County shall not be responsible for monitoring or enforcing private agreements.

SECTION 1.10 | TRANSITIONAL PROVISIONS

A. Violations Continue

Any violation of the previous 2020 Mesa County Land Development Code, as amended, will continue to be a violation under this Land Development Code and be subject to penalties and enforcement under Chapter 11, unless the use, development, construction or other activity complies with the provisions of this Land Development Code.

B. Nonconformities Under Prior Code

Any legal nonconformity under the previous Mesa County Land Development Code will also be a legal nonconformity under this Land Development Code, as long as the situation that resulted in the legal nonconforming status under the previous Land Development Code continues to exist. If a legal nonconformity under the previous Land Development Code becomes conforming because of the adoption of this Land Development Code, then the situation will no longer be considered a nonconformity.

C. Completion of Development

1. Permit Issued Before ~~January~~ November 1, ~~2020~~2026

Any building, structure, or development for which a permit was issued before ~~January~~ November 1, ~~2020~~ 2026 or for which any pre-application meeting was conducted under the old Code, may, at the applicant's option, be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Land Development Code. If construction is not commenced or completed according to the applicable permit terms, the Community Development Director may, for good cause shown, grant an extension of up to one (1) year for such construction under the terms of the previous Land Development Code. If the building or structure is not completed within the time allowed under the

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original permit or any extension granted, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this Land Development Code.

2. Plats Approved Before ~~January~~ November 1, ~~2020~~2026

Any subdivision for which a concept or final plan was approved before ~~January~~ April 1, ~~2020~~ 2026 may, at the applicant's option, be completed according to the approved plan and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Land Development Code. If the subdivision is not completed within the time requirements established by prior code, or within any schedule included in the approval of the plat, the Community Development Director may grant one extension of not more than one (1) year for the completion of the subdivision under the terms of the previous Land Development Code. If the public improvements are not completed within the time required under the original approval or any extension of time granted, then the improvements shall be completed only in compliance with this Land Development Code.

SECTION 1.11 | VESTED RIGHTS

A. Final approval of an Administrative Review (except Residential/Agricultural Site Plans, Variances or Administrative Adjustments)~~,~~ ~~Major Subdivision Final Plan or PUD Final Plan~~or a Conditional Use Permit shall be considered approval or conditional approval of a "site specific development plan," as defined in C.R.S. §24-68-101 *et. seq*., and shall result in a vested right for a period of three (3) years as provided in C.R.S. §24-68-101 *et. seq*.

~~A.~~B. Within fourteen (14) days after the final approval of a site specific development plan, the Community Development Director shall publish notice of the creation of a vested property right as described in C.R.S. §24-68-103. Approved Administrative Reviews (except Residential/Agricultural Site Plans), ~~Major Subdivision Final Plans, or PUD~~ Final Plans or Conditional Use Permits approved as part of a site specific development plan, shall contain a note stating that the property right is vested for a period of three (3) years from the date that the required vesting notice is published. The County is authorized to approve vested rights for periods of longer than three (3) years through the Development Improvements Agreement~~s~~ procedure of Section 4.04.

Commented [GM2]: Administrative Review includes all land division processes so there is no need to list them separately.

Section 1.12 | MASTER PLAN ADVISORY

Simply by stating in this LDC a requirement or preference for Master Plan consistency, the Board of County Commissioners has not by such statement rendered the Master Plan a binding requirement or regulation for either zoning or subdivision matters. The Board of County Commissioners' intent as expressed in its various Master Plan elements that the Master Plan be advisory only, and that the Board of County Commissioners retains its considerable discretion in deciding how to apply the Master Plan in making land use decisions.

Commented [GM3]: Based on the language in CRS § 30-28-106 (3)(a), the addition of this Section ensures there is no misunderstanding regarding the distinction between the Land Development Code and the Master Plan.

~~Section 1.12 |~~ SECTION 1.13 | SEVERABILITY

If a Court of competent jurisdiction declares any part of this Land Development Code to be invalid, that ruling shall not affect any other provisions of this Land Development Code not specifically included in that ruling.

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CHAPTER 2 | REVIEW AND DECISION-MAKING BODIES

SECTION 2.01 | BOARD OF COUNTY COMMISSIONERS

A. Powers and Duties

The Board of County Commissioners' powers and duties under this Land Development Code are set out in this subsection.

1. The Board of County Commissioners shall be responsible for reviewing the following applications and for taking final action to approve, approve with conditions or deny such applications:
   a. Land Development Code Amendments (Section 4.09)
   b. Rezonings (~~Section 4.15~~Section 4.16)
   c. Planned Unit Developments Outline Development Plan and Rezoning (~~Section 4.12 C.~~Section 4.13 C.)
   d. Conditional Use Permits (Section 4.03)
   e. Vacation of Rights-of-Way (~~Section 4.20~~Section 4.21)
   f. Register of Historic Land Marks (~~Section 4.14~~Section 4.15)
   g. Renaming of Streets (~~Section 4.20~~Section 4.21)
2. The Board of County Commissioners shall be responsible for hearing appeals of the following administrative approvals, and for taking final action on such appeals:
   a. Administrative Reviews
   b. Major Subdivisions Concept Plans
      (1) Concept Plans
      (2) Final Plans
      (3) Final Plats
   c. Planned Unit Developments
      (1) Final Plans
      (2) Final Plats
   d. Agricultural land use appeals
   e. Written Interpretations

SECTION 2.02 | PLANNING COMMISSION

A. Powers and Duties

The Planning Commission's powers and duties under this Land Development Code are set out in this subsection.

1. Master Plan ~~Amendments~~

   The Planning Commission has the statutory duty to adopt a Master Plan for unincorporated Mesa County and shall be responsible for taking final action to approve, approve with conditions, or deny proposed text and/or map amendments to the Master Plan (~~Section 4.11~~Section 4.12).
2. The Planning Commission shall be responsible for reviewing the following applications, and for recommending that the Board of County Commissioners approve, approve with conditions, or deny such applications.
   a. Land Development Code Amendments (Section 4.09)
   b. Rezonings (~~Section 4.15~~Section 4.16)

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c. Planned Unit Development Outline Development Plan and Rezoning (~~Section 4.12 C.~~Section 4.13 C.)

d. Conditional Use Permits (Section 4.03)

e. Register of Historic Landmarks (~~Section 4.14~~Section 4.15)

3. Location and Extent

The Planning Commission has the statutory authority to review applications for Location and Extent and to approve, approve with conditions, or deny such applications (Section 4.11).

Commented [WU4]: This is a statutory process that has been added to the Land Development Code.

~~3.~~4. Other Matters

The Planning Commission shall also have such duties as determined by the Board of County Commissioners or as may otherwise be required by State Statutes.

SECTION 2.03 | BOARD OF ADJUSTMENT

A. Powers and Duties

The Board of Adjustment's powers and duties under this Land Development Code are set out in this subsection.

1. The Board of Adjustment shall be responsible for reviewing and taking final action to approve, approve with conditions, or deny Zoning Variance applications (~~Section 4.22~~Section 4.23).

2. The Board of Adjustment shall be responsible for reviewing and taking final action to approve, approve with conditions or deny applications to exceed the maximum size allowed by the Code for an accessory dwelling (~~Section 4.22~~Section 4.23).

~~3. In all matters where appeal powers have not been specifically assigned to the Planning Commission or Board of County Commissioners, thetThe Board of AdjustmentDistrict Court shall be responsible for hearing appeals of administrative decisions and for taking the final action to uphold or overturn the administrative official's decision related only to the enforcement of the zoning requirements of this Land Development Code in Chapters 5 and Chapter 7.~~

Commented [WU5]: The appeal process is already identified in Chapter 3 and does not need to be restated here.

SECTION 2.04 | FLOODPLAIN BOARD OF APPEALS

A. Powers and Duties

The Floodplain Board of Appeals' powers and duties under this Land Development Code are set out in this subsection.

1. The Floodplain Board of Appeals shall be responsible for hearing appeals of the Floodplain Administrator's decisions on Floodplain Development Permits, and for taking the final action to uphold or overturn the Floodplain Administrator's decision (Section 4.7).

2. The Floodplain Board of Appeals shall be responsible for reviewing and taking final action to approve, approve with conditions, or deny Floodplain Variance applications (Section 4.8).

SECTION 2.05 | FLOODPLAIN ADMINISTRATOR

A. Designation of Floodplain Administrator

The Public Works Director shall designate a staff person who shall serve as the Floodplain Administrator.

B. Powers and Duties

1. The Floodplain Administrator shall be responsible for reviewing Floodplain Development Permits to determine if the permit requirements of this Land Development Code have been satisfied and for acting to approve, approve with conditions, or deny such permits. In so doing, the Floodplain Administrator shall ensure that all other necessary permits have been obtained from those governmental agencies from which prior approval is required by federal or state law.

2. The Floodplain Administrator shall be responsible for making interpretations regarding boundaries of the Flood Prone, Flood Fringe, and Floodway Districts.

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3. The Floodplain Administrator shall be responsible for preparing reports in support of the Floodplain Board of Appeals' hearings on appeals and Floodplain Variances.

4. Decisions and Enforcement of Floodplain Development Permits are subject to the requirements of this Land Development Code.

~~3.~~5. Other Matters

a. The Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development or activities in flood hazard Zone A are administered in accordance with this Land Development Code.

b. In riverine situations, the Floodplain Administrator shall notify adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency. In such situations, the Floodplain Administrator shall also ensure that maintenance is provided within the altered or relocated portion of said watercourse so that flood carrying capacity is not diminished.

c. From all Floodplain Development Permit applicants, the Floodplain Administrator shall obtain and record the actual elevation of the lowest floor, including basement, of all new or substantially improved structures.

d. For new or substantially improved flood-proofed structures, the Floodplain Administrator shall obtain and record the actual elevation to which the structure has been flood-proofed and shall maintain all flood proofing certifications required by this Land Development Code.

e. The Floodplain Administrator shall maintain public records of all Floodplain Development Permits that have been approved or denied, which may in turn be submitted to the Federal Emergency Management Agency as required.

f. When a FEMA-mapped floodway has not been designated, the Floodplain Administrator must require that new construction, substantial improvements, or other development (including fill) shall not be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (1/2) foot at any point within the community.

SECTION 2.06 | ~~STORMWATER ADMINISTRATOR~~STORMWATER COORDINATOR

A. Designation of ~~Stormwater Administrator~~Stormwater Coordinator

The Public Works Director shall designate a staff person who shall serve as the ~~Stormwater Administrator~~Stormwater Coordinator.

B. Powers and Duties

1. The Stormwater Permit Administrator shall be responsible for reviewing Construction Stormwater ~~Construction~~ permits to determine if the permit requirements of this Land Development Code have been satisfied and for acting to approve, approve with conditions, or deny such permits. In so doing, the ~~Stormwater Administrator~~Stormwater Coordinator shall ensure that all other necessary permits have been obtained from those governmental agencies from which prior approval is required by federal or state law.

2. The ~~Stormwater Administrator~~Stormwater Coordinator shall be responsible for preparing reports for the Board of County Commissioners hearings on appeals.

3. Decisions and Enforcement of Stormwater Permitting are subject to the requirements of the Stormwater Permit Management Plan of this Land Development Code.

Commented [WU6]: Section 2.06 revised to include enforcement and reference to Mesa County Stormwater Management Manual

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SECTION 2.07 | AGRICULTURAL ADVISORY PANEL

A. Powers and Duties

The Agricultural Advisory Panel shall be responsible for investigating any complaint relating to an agricultural use (Section 1.06) and for preparing a recommendation to assist the Board of County Commissioners in their consideration of such complaint.

SECTION 2.08 | COMMUNITY DEVELOPMENT DIRECTOR

A. Powers and Duties

1. The Community Development Director, also referred to as "Director" throughout this LDC, shall be responsible for reviewing proposed text and map amendments to the Mesa County Master Plan, and for preparing a report to assist the Planning Commission in their consideration of such applications ~~(Section 4.11)~~.
2. The Director shall be responsible for reviewing the following applications, and for preparing a report to assist the Planning Commission and the Board of County Commissioners in their consideration of such applications.
   a. Land Development Code Amendments (Section 4.09)
   b. Rezonings (~~Section 4.15~~Section 4.16)
   c. Planned Unit Developments Outline Development Plan and Rezoning (~~Section 4.12 C.~~Section 4.13 C.)
   d. Conditional Use Permits (Section 4.03)
   e. Register of Historic Landmarks (~~Section 4.14~~Section 4.15)
3. The Director shall be responsible for reviewing the following applications, and for taking final action to approve, approve with conditions, or deny such applications.
   a. Administrative Reviews
      (1) ~~Major Subdivisions~~ Land Divisions (~~Section 4.10~~Section 4.9)
      (2) Site Plans (~~Section 4.16~~Section 4.17)
      (3) Administrative Adjustments (Section 4.01)
   b. Written Interpretations (~~Section 4.21~~Section 4.22)
   c. Planned Unit Developments (~~Section 4.12~~Section 4.13)
      (1) Final Plan (~~Section 4.12 D.~~Section 4.13 D.)
      (2) Final Plat (~~Section 4.12 E.~~Section 4.13 E.)
4. The Director shall be responsible for reviewing Vacation applications, and for preparing a report to assist the Board of County Commissioners in their consideration of such applications.
5. The Director shall be responsible for reviewing Zoning Variance applications, and for preparing a report to assist the Board of Adjustment in its consideration of such applications.
6. The Director shall be responsible for preparing reports to assist the Board of Adjustment or Board of County Commissioners in the consideration of appeals.
7. Other Matters

   The Director shall also have those powers and duties designated by the Board of County Commissioners, including the following:

   a. Keeping copies of each application filed, each plat submitted, and each development permit issued;
   b. Providing professional planning staff assistance to the Agricultural Advisory Panel, Board of

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Adjustment, Planning Commission, and the Board of County Commissioners;

c. Conducting short term planning studies and analysis to aid in the orderly development of the County; and

d. Engaging in activities designed to improve the economic development of the County. Including: grant applications and administration; policy analysis and recommendation; and functional planning (open space, transportation, utility and energy facility planning)

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CHAPTER 3 | GENERAL REVIEW PROCEDURES

The general provisions of this section apply to all development applications and procedures under this Chapter unless otherwise stated.

SECTION 3.01 | SUMMARY OF REVIEW PROCEDURES

The following table summarizes the procedures for review of applications for land use and development activity.

TABLE 3-1~~3-1~~: DEVELOPMENT REVIEW PROCEDURES SUMMARY TABLE
Review (R), Decision Maker (DM) and Appeal (A) Bodies
General Note: In cases where no Appeal Body is shown, or where the Board of County Commissioners is shown as the final Decision-Making Body (with no appeal), appeals shall be taken to the District Courts, as provided by law

Procedure	Community Development Director	Planning Commission	Board of County Commissioners	Board of Adjustment	Floodplain Administrator	Floodplain Appeals Board	Stormwater Administrator	Section
Conditional Use Permit	R	R	DM					4.03
Extinguishment of Public Utility Easement	R		DM					4.06
Floodplain Development Permit					DM	A		4.07
Register of Historic Landmarks	R	R	DM					~~4.14~~4.15
Land Development Code Amendment	R	R	DM					4.09
Land Divisions								
Minor Subdivision	DM		A					4.10 D.
Rural Land Division	DM		A					4.10 G.
Agricultural Division	DM		A					4.10 C.
Physical & Legal Separation	DM		A					4.10 F.
Subdivision for Public Purpose	DM		A					4.10 H.
Location and Extent		DM	A					4.11
Major Subdivision								
Concept Plan (Optional)	~~R~~DM		A					4.10 E.3.
Final Plan	DM	R	A					4.10 E.4.
Final Plat	DM		A					4.10 E.5.
Master Plan Amendment	R	DM						4.11
Planned Unit Developments								
ODP/Rezoning	R	R	DM					~~4.12 C.~~4.13 C.
PUD Final Plan	DM		A					~~4.12 D.~~4.13 D.
PUD Final Plat	DM		A					~~4.12 E.~~4.13 E.
Property Line Adjustment	DM		A					~~4.13~~4.14
Rezones	R	R	DM					~~4.15~~4.16
Site Plans	DM		A					~~4.16~~4.17
Construction Stormwater Permit			A				DM	~~4.17~~4.18
Vacation of ROW and Renaming of Streets	R		DM					~~4.20~~4.21
Variances								
Administrative Adjustment	DM			A				4.01

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TABLE 3-13-1: DEVELOPMENT REVIEW PROCEDURES SUMMARY TABLE
Review (R), Decision Maker (DM) and Appeal (A) Bodies
General Note: In cases where no Appeal Body is shown, or where the Board of County Commissioners is shown as the final Decision-Making Body (with no appeal), appeals shall be taken to the District Courts, as provided by law

Procedure	Community Development Director	Planning Commission	Board of County Commissioners	Board of Adjustment	Floodplain Administrator	Floodplain Appeals Board	Stormwater Administrator	Section
Zoning Variance	R			DM				4.224.23
Floodplain Variance					R	DM		4.08
Stormwater Variance			A				DM	4.18
Written Interpretation	DM		A					4.214.22

General Note:
In cases where no Appeal Body is shown, or where the Board of County Commissioners is shown as the final Decision-Making Body (with no appeal), appeals shall be taken to the courts, as provided by law.

Commented [WU7]: This process does not exist.

SECTION 3.02 | COMMON REVIEW PROCEDURES

Common review procedure may include up to seven (7) steps, not all of which may be applicable to each type of development application.

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A. Pre-Application Meeting

A Pre-Application Meeting is generally recommended but optional and intended to inform the applicant of applicable procedures, submittal requirements, development standards, alternatives, and other pertinent matters, before the applicant finalizes the development proposal.

1. A~~pplication forms and~~ checklist will be made available during Pre-Application Meetings. If additional information is presented or the request is found to be more complex than originally presented, a new checklist will be prepared and delivered to the applicant within three (3) working days of the meeting.

2. Staff opinions presented during Pre-Application Meetings are informational only and do not represent a commitment on behalf of Mesa County regarding the acceptability of the development proposal.

B. Application Submittal

1. Form of Application

Applications required under this Chapter ~~must~~ shall be submitted through the Customer Portal or if the applicant is unable to access the Customer Portal, in a form prepared by the Director.

2. Application Filing Fees

Applications must be accompanied by the fee that has been established by the Board of County Commissioners. Fees are not required with applications initiated by the Board of County Commissioners, Board of Adjustment, Planning Commission, or County agencies. Application fees may be refundable at the discretion of the Director.

3. Application Completeness

An application will be considered complete if it is submitted ~~in the required form; includes~~with all ~~mandatory~~ necessary information required at the time of submittal; and is accompanied by the applicable fee. A determination of application completeness shall be made within ten (10) working days of application filing. If an application is determined to be incomplete, written notice shall be provided to the applicant, along with an explanation of the application's deficiencies. If the deficiencies are not corrected by the applicant within thirty (30) days, the application may be considered withdrawn.

C. Application Review

In conducting required reviews, the Director shall comply with those referral requirements set forth in C.R.S. §30-28-136.(1)~~(c)~~, and shall be authorized to distribute the application and other submittals to County departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. ~~Comments received from reviewers shall be included in a report which shall be delivered to the applicant.~~

Figure 3-1: General Summary of Common Review Procedures



Commented [WU8]: This is no longer required as the applicant works directly with the review agency through the County's application software.

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D. Required Notice

Notice shall be required for applications as shown in Table 3-2 below unless otherwise expressly provided in state statutes or this LDC:

TABLE 3-2~~3-2~~: NOTICE REQUIREMENTS

[1]Unless otherwise required by statute, notice for Board of County Commissioner hearings shall be (two) 2 days.

Procedure	Type of Notice Required			Timing (number of calendar days before ~~hearing)final action~~Planning Commission)[1]
	Published[1]	Posted	Mailed	
Conditional Use Permits	✓	✓	✓	15
Extinguishment of Public Utility Easement	✓	✓	✓	15
Historic Landmarks	✓	✓	✓	15
Land Development Code Amendments	✓			15
Land Divisions				
Minor Subdivisions	✓	✓	✓	15
Rural Land Divisions	✓	✓	✓	15
Agricultural Divisions	✓	✓	✓	15
Physical & Legal Separations	✓	✓	✓	15
Location and Extent	✓		✓	15
Major Subdivision				
Concept Plan				
Final Plan	✓	✓	✓	15
Final Plat				
Master Plan				
Text Amendment	✓			15
Map Amendment	✓	✓	✓	15
Planned Unit Developments				
Outline Development Plan/Rezoning	✓	✓	✓	15
Final Plan	✓	✓	✓	15
Final Plat				
Property Line Adjustments	✓	✓	✓	15
Rezones	✓	✓	✓	15
Site Plans		✓	✓	15
Vacations (ROW/Access)	✓	✓	✓	15
Variances				
Administrative Adjustments	✓	✓	✓	15
Zoning Variances	✓	✓	✓	15
Floodplain Variances	✓	✓	✓	15
~~Stormwater Variance~~	~~✓~~	~~✓~~	~~✓~~	~~15~~

~~[1]Unless otherwise required by statute, notice for Board of County Commissioner hearings shall be 15 (two) 2 days.~~

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1. Mailed Notice

   a. When the provisions of this Land Development Code require that mailed notice be provided, the County shall be responsible for preparing and mailing the notice as provided below:

TABLE 3-3~~3-3~~: NOTICE RADIUS	
Application Property Location	Required Notice Radius
Within an Urban Zoning District	500 feet of subject property
Within one of the six (6) Rural Communities	500 feet of subject property
Within a Rural Zoning District and NOT within one of the six (6) Rural Communities	2,500 feet of subject property
Public right-of-way within a Rural Zoning District (for right-of-way vacations)	1 mile of the subject right-of-way
Public right-of-way within an Urban Zoning District or one of the six (6) Rural Communities (for right-of-way vacations)	500 feet of the subject right-of-way

   b. Ownership information shall be based on the records of the Mesa County Assessor's Office. ~~Notice shall also be mailed to Registered Neighborhood Associations whose boundaries lie within required notification areas and to registered recreational and trail user groups.~~

Commented [WU9]: Community Development Department does not have the means to verify the current status of Homeowners Associations (HOAs) or maintain an updated database of active associations and their respective mailing addresses for notices.

2. Posted Notice

   a. When the provisions of this LDC require that notice be posted on the subject property, the applicant shall: (1) post the notice using signs that have been provided by the County; and (2) place the signs on the property that is the subject of the application. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents and passers-by.

   b. Posted notice for rights-of-way vacations will be placed at each end of the rights-of-way section proposed for vacation. If the subject rights-of-way proposed for vacation is not County maintained or is maintained seasonally, posted notice containing the name of the subject rights-of-way will also be placed along and perpendicular to the nearest public road or roads as determined by the Director.

   c. All signs must be posted until a decision has been rendered. Applicants shall be responsible for maintaining the signs and removing them within one (1) week after the final decision.

3. Published Notice

Commented [WU10]: The following proposed amendments must be approved by the County Attorney's Office.

   Notice of all applications and meetings, as defined by C.R.S. § 24-6-402(2)(c), shall be posted on the Mesa County website at https://www.mesacounty.us/departments-and-services/community-development/planning.

   ~~a. When the provisions of this Land Development Code require that notice be published, the County shall be responsible for preparing the content of the notice, and shall ensure that notice is published in the newspaper that has been selected by the County.~~

   ~~b. Rights-of-way vacations will be advertised in the "A" section of the newspaper at the applicant's expense. The advertisement shall be a minimum size of two (2) inches by three (3) inches.~~

4. Constructive Notice

   Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this LDC before proceeding with the hearing.

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E. Community Development Director/~~Stormwater Administrator~~Stormwater Coordinator Action

1. Applications Subject to Community Development Director or ~~Stormwater Administrator~~Stormwater Coordinator Decision

   If an application is subject to final decision by the Director or the ~~Stormwater Administrator~~Stormwater Coordinator per Table 3-1, the Director or the ~~Stormwater Administrator~~Stormwater Coordinator shall make a decision based on the ~~review standards~~approval criteria applicable to the application type. The decision shall be in writing, accompanied by written findings of fact and shall clearly state the reasons the application has been approved, approved with conditions, or denied.

2. Applications Subject to Community Development Director or ~~Stormwater Administrator~~Stormwater Coordinator Recommendation

   a. If the application is subject to final decision by another decision-making or regulatory body per Table 3-1, the Director or the ~~Stormwater Administrator~~Stormwater Coordinator shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

   b. The Director or ~~Stormwater Administrator~~Stormwater Coordinator shall forward the completed request, staff report, recommendation, and any related materials to the decision-making or regulatory body.

F. Planning Commission Action

1. Applications Subject to Planning Commission Decision

   a. The Planning Commission shall hold a public hearing in accordance with this LDC and the Planning Commission bylaws.

   b. If an application is subject to final decision by the Planning Commission per Table 3-1, the Planning Commission shall consider the application, applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing.

   c. The Planning Commission shall approve, approve with conditions, or deny the application.

2. Applications Subject to Planning Commission Recommendation

   a. The Planning Commission shall hold a public meeting to review the application based on the applicable review criteria. The Planning Commission shall then make a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the application.

   b. Following Planning Commission review, the Director shall forward the completed request and any related materials, including the Planning Commission recommendation, to the Board of County Commissioners for final action.

G. Board of County Commissioners Action

1. The Board of County Commissioners shall hold a public hearing in accordance with this LDC.

2. The Board of County Commissioners shall consider the application, applicable review criteria, support material, Planning Commission recommendation (if applicable) staff report, and any evidence and/or comments from the public hearing.

3. The Board of County Commissioners shall approve, approve with conditions, or deny the application. The Board of County Commissioners may also remand the application back to the Director, the ~~Stormwater Administrator~~Stormwater Coordinator, or the Planning Commission, whichever is applicable, for further review.

H. Board of Adjustment Action

1. The Board of Adjustment shall hold a public hearing in accordance with this LDC and Board of Adjustment bylaws.

2. The Board of Adjustment shall consider the application, applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing.

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3. The Board of Adjustment shall approve, approve with conditions, or deny the application.

I. Floodplain Board of Appeals Action

1. The Floodplain Board of Appeals shall hold a public hearing in accordance with this LDC and Floodplain Board of Appeals bylaws.

2. The Floodplain Board of Appeals shall consider the application, applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing.

3. The Floodplain Board of Appeals shall approve, approve with conditions, or deny the application.

SECTION 3.03 | FINAL DECISION

A. Conditions of Approval

1. In approving development applications, the Decision-Making Body shall be authorized to impose such conditions as may be necessary to carry out the general purpose and intent of this LDC. Any discretionary conditions imposed on a development approval shall be based upon duly adopted standards that are:

   a. Contained in this LDC~~, the Mesa County Master Plan,~~ or ~~an~~other document or manual adopted by the County; and

   b. Sufficiently specific to ensure that the condition is imposed in a rational and consistent manner.

2. Any condition imposed on a development approval that would require the applicant to dedicate real property to the public, or to pay money to the public in an amount that is determined on an individual and discretionary basis, shall only be imposed if:

   a. There is an essential nexus between the dedication or payment and a legitimate local governmental interest; and

   b. The dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of such property. If the required amount of land dedications or fees in lieu have been established by a formula applicable to one (1) or more classes of land, rather than on an individual and discretionary basis, the foregoing sentence shall not apply to requirements for park or school land dedications, or fees in lieu of such dedications, as set forth in ~~Section 8.20~~Section 8.19 of this LDC, or to any other land dedication or fee in lieu of requirements adopted by the County.

3. Any assurances made by the applicant or the applicant's representative and contained within the record, shall be a requirement of approval regardless of whether the assurances have been stated as conditions of approval.

Commented [GM11]: This language has been added to ensure that when an applicant or representative pledges specific assurances—whether contained within the submitted narrative, agency review, or staff report—those assurances automatically become conditions of approval.

SECTION 3.04 | CONTINUATION OF APPLICATIONS

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this LDC, provided that the continuance is set for a date within forty (40) days, and the date and time of the continued hearing is announced at the time of the continuance.

SECTION 3.05 | APPEALS

A. Administrative Decision

Appeals of an administrative decision must be filed within thirty (30) days of the decision.

B. Board of Adjustment Decision

Appeals of decisions of the Board of Adjustment shall be made to the courts, as provided by law.

C. Floodplain Board of Appeals Decision

Appeals of decisions of the Floodplain Board of Appeals shall be made to the courts, as provided by law.

D. Board of County Commissioner Decision

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Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

E. Standing to Appeal

Any appeals to actions taken under this LDC may only be made to the Colorado Courts as allowed by Colorado law. The standing of any party to pursue such an appeal is only to the extent allowed by Colorado law.

Any other appeal contemplated in this LDC, besides those filed in Colorado Court proceedings, standing may only exist to those persons who are "Parties of Record," who shall be deemed to include the following:

1. The applicant;
2. The property owner or holder of any interest or easement in the subject property; or
3. Any person who submitted written comments on the application before final action was taken (excluding persons who have only signed petitions or form letters).

SECTION 3.06 | BURDEN OF PROOF OR PERSUASION

The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the County or other parties to show that the criteria have been met.

SECTION 3.07 | SIMULTANEOUS PROCESSING

Whenever two (2) or more forms of review are required, the Director may allow the applications to be processed simultaneously.

SECTION 3.08 | COMPLIANCE WITH MINERAL AND ENERGY RESOURCES MASTER PLAN

In any area containing a known commercial mineral deposit, no authorization, in any form, shall be given which would interfere with the present or future extraction of such deposit. Certain uses may be authorized, but only if said use does not permit erection of permanent structures upon, or otherwise permanently preclude, the extraction of commercial mineral deposits from, land subject to said use.

Nothing in this section shall be construed to prohibit: (a) the Board of County Commissioners from zoning for agricultural use, only, land not otherwise zoned on July 1, 1973; (b) a use of zoned land permissible under the zoning governing such land on July 1, 1973; and (c) the Board of County Commissioners from acquiring property known to contain a commercial mineral deposit and using said property for a public purpose; except that such use shall not permit erection of permanent structures which would preclude permanently the extraction of commercial mineral deposits.

SECTION 3.09 | GENERAL APPROVAL CRITERIA

In addition to specific approval criteria listed for each type of development review process, the Decision-Making Body shall consider if the proposal:

A. Complies with all applicable standards, provisions, and the Purpose (Section 1.05) of this LDC;

B. Is consistent with review agency comments; and

C. Is consistent with applicable intergovernmental agreements between the County and other entities.

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CHAPTER 4 | ZONING AND DEVELOPMENT PROCEDURES

SECTION 4.01 | ADMINISTRATIVE ADJUSTMENT

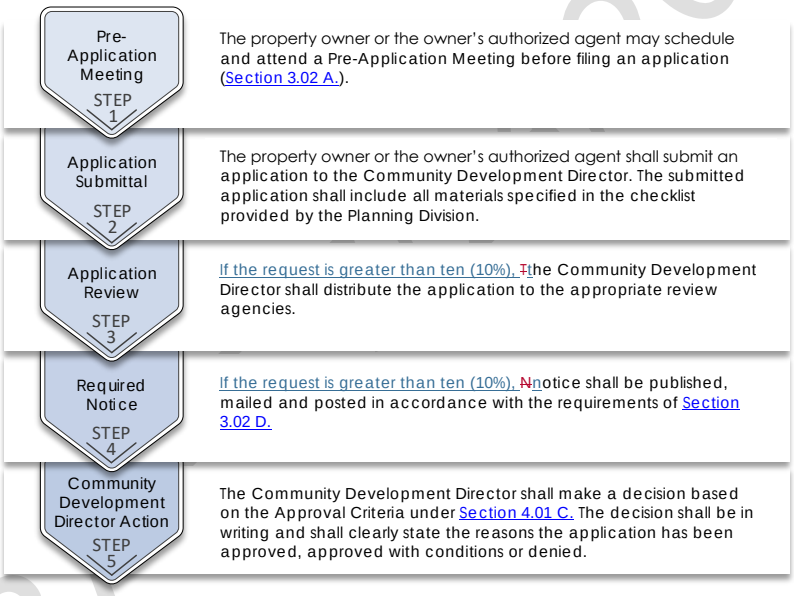
A. Applicability

This section sets out the required review and approval procedures for Administrative Adjustments, which are modifications of ~~up to~~ fifty (50) percent or less of any dimensional standard set out in Chapter 5 and Chapter 7, except those related to building height, residential density, or nonresidential intensity. Any other proposed modification, or any request the Director determines should be reviewed by the Board of Adjustment, shall be processed as a Zoning Variance as outlined under ~~Section 4.22~~Section 4.23.

B. Procedure

Figure 4-1 identifies the application steps which apply to the review of Administrative Adjustment applications. Additions or modifications to the general review procedures are noted below.

Figure 4-~~1~~1-~~1~~: Summary of the Administrative Adjustment Procedure



C. Approval Criteria

In evaluating the proposed request, ~~all of the following criteria must be met~~the following shall be considered:

Commented [GM12]: Language follows other approval criteria statements

1. The request will have no significant adverse impact on the health, safety or general welfare of the surrounding properties or the general public, or any adverse impacts will be mitigated to the maximum extent practical;
2. There are special circumstances or conditions that are peculiar to the land or building for which the request is sought that do not apply generally to land or buildings in the area;
3. The strict application of the provisions of this LDC would result in peculiar and practical difficulties in the use of the land or building; and
4. The request is the minimum necessary to relieve the applicant of the peculiar and practical difficulties in the use of the land or building.

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D. Appeals

Appeals of decisions of the Director may be taken to the Board of County Adjustment in accordance with the procedures of Section 4.02.

SECTION 4.02 | APPEALS OF ADMINISTRATIVE DECISIONS

A. Applicability

1. Board of Adjustment

Unless otherwise specifically provided in this LDC, the Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of the zoning requirements of this LDC in Chapters 5 and Chapter 7.

2. Floodplain Board of Appeals

The Floodplain Board of Appeals shall hear and decide appeals of decisions of Floodplain Administrator regarding interpretation of floodplain boundaries, issuance or denial of Floodplain Development Permits, conditions attached to Floodplain Development Permits, or any other provision of the Floodplain Regulations of ~~Section 8.14~~Section 8.13.

3. Board of County Commissioners

Unless otherwise specifically provided in this LDC, the Board of County Commissioners shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of this LDC, except as specifically provided for above in subsections 1. and 2.

B. Application Filing

Those individuals allowed to file an appeal may submit an application for an Appeal of Administrative Decisions to the Director.

C. Timing

Appeals of Administrative Decisions must be filed within thirty (30) days of the date of the decision or action being appealed.

D. Effect of Filing

Once a complete application for appeal has been received by the Director, no other development approvals or permits will be issued for the subject property, unless the official whose decision is being appealed certifies that such a hold on permits and approvals would cause immediate peril to life or property. If such a certification is made, development approvals and permits may be issued for the subject property, unless a stop work order is issued by the Board of County Commissioners, Board of Adjustment, or the Floodplain Board of Appeals, or a restraining order is issued by a court.

E. Required Notice

Notice shall be published, mailed, and posted, in accordance with the requirements of Section 3.02 D.

F. Record of Administrative Decision

Before the public hearing, the official whose decision is being appealed shall transmit to the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals all documents constituting the record of the decision being appealed.

G. Review and Action

The Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall hold a public hearing of a complete application and take action on the appeal.

1. Appeal Powers

In exercising the appeal power, the Board of County Commissioners, Board of Adjustment, or

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Floodplain Board of Appeals shall have all the powers of the official from whom the appeal is taken, and they may reverse or affirm wholly or partly or may modify the decision being appealed. If the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

2. Consideration of Evidence

In considering a request for appeal, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall consider only those facts, evidence, testimony and witnesses that were part of the official record of the decision-maker's action. No new evidence or testimony may be considered, except County staff may be asked to interpret materials contained in the record.

3. Burden of Persuasion or Error

In acting on the appeal, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall grant to the administrative official's decision a presumption of correctness; the burden of persuasion of error shall be on the appellant.

H. Approval Criteria

An appeal shall be sustained only if the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals finds that the administrative official erred.

I. Appeals

Appeals of decisions of the Board of County Commissioners, Board of Adjustments or Floodplain Board of Appeals shall be made to the courts, as provided by law.

SECTION 4.03 | CONDITIONAL USE PERMITS

A. Applicability

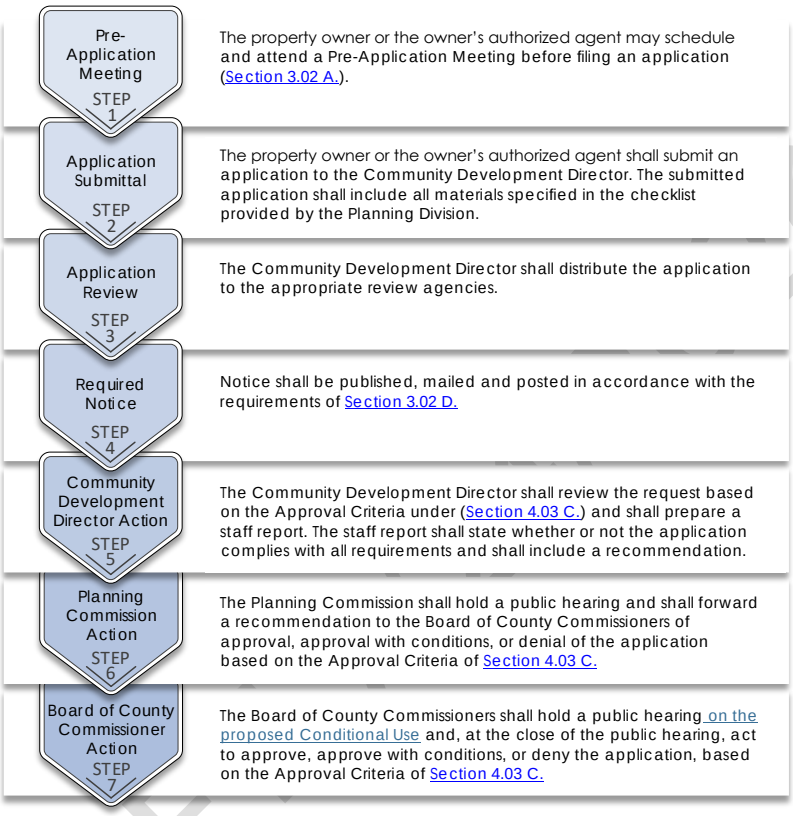
This section sets out the required review and approval procedures for a Conditional Use Permit. A Conditional Use Permit shall be required prior to the establishment of any conditional use identified in Table 6-1.

B. Procedure

Figure 4-2 identifies the application steps which apply to the review of Conditional Use Permit applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-2~~4-2~~: Summary of the Conditional Use Permit Procedure



C. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

1. ~~The proposed use is not significantly different from adjacent uses in terms of appearance, site design, operating characteristics~~The proposed use is of a scale and design and in a location that is, or can be made, compatible with surrounding uses;

2. Any adverse impacts resulting from the use (including but not limited to: hours of operation, traffic generation, noise, odor, dust, and other external impacts) will be mitigated to the maximum extent practical;

3. Public facilities and services shall be available upon completion of the project to serve the subject property; and

D. Modifications to Approved Conditional Use Permit

1. Minor deviations

The Director may approve minor deviations to a conditional use permit, if such changes are not contrary to the approving action of the Board of County Commissioners, but shall not have the authority to approve substantial deviations as set forth below.

Commented [GM13]: This language was added to clarify this criterion.

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2. Substantial deviations

Substantial deviations shall include but not be limited to the following:

a. A change in the boundaries of the approved site;

b. An increase greater than ten (10) percent in the approved floor area;

c. Significant change in the location of principal or accessory structures;

d. Significant structural alterations affecting the appearance of principal or accessory structures as shown on the approved site plan;

e. Significant change in pedestrian or vehicular access or circulation; and

f. Significant change in the amount or location of landscape and screening.

3. If a proposed amendment deviates substantially from the approved conditional use permit, the approved conditional use permit shall be amended in accordance with the procedure and standards which governed its approval.

E. Lapse of Conditional Use Permit Approval

1. An approved Conditional Use Permit shall lapse and be of no further force and effect if it has not commenced within three (3) years of the date of approval by the Board of County Commissioners.

2. Extensions of time, up to twelve (12) months, may be approved by the Director upon review of a written request when deemed necessary to resolve review comments or due to unforeseen circumstances.

Commented [WU14]: This language was added to allow the lapsing of a CUP when an owner or applicant does not following through with the approval.

~~E.~~F. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.04 | DEVELOPMENT AGREEMENTS

A. Purpose

In connection with any development approval, the Board of County Commissioners shall be authorized to enter into a Development Agreement with the applicant. Development Agreements may include provisions clarifying the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods of between three (3) and ten (10) years, assurances that adequate public facilities (including roads, water, sewer, fire protection, and emergency medical services), will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public.

B. Review Criteria

Any proposed Development Agreement shall be reviewed by applicable Review and Decision-Making Bodies at the same time that the Rezoning, Major Subdivision, or Planned Unit Development is reviewed. Review Bodies shall have the same power to make recommendations regarding the proposed Development Agreement as they do for the related development approval. Procedures for review and approval of Development Agreements shall be the same as for the related development approval. In reviewing and acting upon proposed Development Agreements, Review and Decision Making Bodies shall consider the Approval Criteria for the development application, and the following additional criteria:

1. Whether the benefit of the Development Agreement to the County outweighs its costs;

2. Whether the Development Agreement is required to mitigate impacts that would otherwise make the proposed development unacceptable; and

3. Whether the County has received adequate assurances that the development will go forward as planned in return for any vesting of property rights beyond the statutory three (3) year vesting period.

C. Contents

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Development Agreements may, without limitation, contain the following:

1. Descriptions of the acceptable and prohibited uses on the property;
2. The density of proposed uses, including maximum floor area and height of buildings;
3. Provisions for the reservation or dedication of land for public purposes;
4. Proposed schedule for the construction of public improvements, and assurances that public improvements will be available as needed to serve new development;
5. Proposed timing and phasing of the development project;
6. Provisions to mitigate the impacts of proposed development on the general public, including the protection of environmentally sensitive lands;
7. Provisions for public benefits or improvements in excess of what is required by current County policy or law;
8. Terms relating to applicant financing of facilities and subsequent reimbursement;
9. Terms for subsequent discretionary actions, provided such terms shall not prevent the development of the property for the uses set forth in the agreement;
10. A provision that construction shall begin by a specified date, or that certain phases shall be completed within a specified time; and
11. Termination date for the Development Improvements Agreement.

SECTION 4.05 | DEVELOPMENT IMPROVEMENTS AGREEMENTS (DIA)

Commented [WU15]: Public Works has proposed the modifications in this section.

A. Purpose

The County seeks to protect the health, safety, and general welfare of the community by requiring a timely completion of the required improvements and to limit the effects of uncompleted subdivisions or site plans. The Development Improvements Agreement, also referred to as Subdivision Improvement Agreement, is a requirement of the Colorado Revised Statutes. Therefore, the purpose of the Development Improvements Agreement is to protect the County from assuming the cost to complete a subdivision~~s and to abide by the Colorado Revised Statutes~~ and/or improvements for an approved site plan. Public improvements are inclusive of common private infrastructure that protects the public and/or supports that infrastructure that protects the public. Such private infrastructure is inclusive of but not limited to utility infrastructure, stormwater facilities, and landscaping.

B. Applicability

Whenever public or common private improvements are required, the developer shall enter into a Development Improvements Agreement, which shall be executed and recorded with the Final Plat. Staff may require a Development Improvements Agreement for other types of development applications.

~~C. Procedure~~

~~Development Improvements Agreements shall be reviewed together with the development to which they relate. The Agreement shall be administered and extinguished per the provisions of the Agreement.~~

~~D.~~C. Guarantees

~~1.~~ A Development Improvements Agreement shall be secured by one or a combination of the financial guarantees as described in the Development Improvements Agreement. Upon agreement by both parties, any guarantee options may be substituted for another guarantee.

a. Irrevocable Letter of Credit.

b. Development Improvement Cash Deposit Agreement (with a private bank).

c. Cash Agreement (with the County).

~~a.~~d. Performance Bond (County Attorney's Office review required).

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2. The financial security amount shall accurately reflect the quantities and costs of all public improvements and common private improvements and shall be sufficient to make reasonable provision for the completion of required development improvements in accordance with construction documents, design and time specifications.

D. Structure of the agreement

1. Agreement
2. Exhibit A – Property Legal Description
3. Exhibit B – Lien Holders' Ratification and Approval
4. Exhibit C – Construction Cost Schedule
5. Exhibit D – Guarantee

E. Development Improvements Agreement Options

1. Standard Development Improvements Agreement.
2. Construction Prior to Final Plat (Plat Hold) – Subdivision with Public Improvements.
3. Construction Prior to Final Plat (Plat Hold) – Subdivision without Public Improvements (will not require a financial guarantee as described above).

F. Procedure

Development Improvements Agreement's shall may be reviewed together with the development application to which they relate or after approval of the development application. The Agreement shall be administered and extinguished per the provisions of the Agreement.

1. DIA may be applied for using the Online Portal. A complete unexecuted agreement is required for review. See ~~below~~above for the required components of a Development Improvements Agreement. The Development Improvements Agreement will be reviewed for consistency with the project application. If revisions are needed the applicant will be given the opportunity to make the corrections via the Online Portal.
2. Upon verification of a complete Development Improvements Agreement the applicant will be prompted to provide the necessary financial security, recording fee, and executed documents accordingly.

Upon receipt of the financial security, recording fee, and executed documents the County will execute and record the Development Improvements Agreement accordingly.

G. Extinguishment of the Development Improvements Agreement (Close Out)

1. Extinguishment of the Development Improvements Agreement with Public Improvements – The applicant shall provide all documents identified per the Extinguishment of Development Improvements Agreement Checklist and request that a Final Construction Walkthrough be performed by Mesa County Staff. Any deficiencies identified during the walkthrough shall be addressed prior to the extinguishment of the Development Improvements Agreement.
2. Extinguishment of the Development Improvements Agreement without Public Improvements ~~– The applicant shall provide all documents identified as applicable by County Staff on the Extinguishment of Development Improvements Agreement Checklist. In addition to this documentation, a Final Construction Walkthrough may be performed by Mesa County Staff. Any deficiencies identified during the walkthrough shall be addressed prior to the extinguishment of the Development Improvements Agreement.~~ Will require the following from the developer:

   a. –Certification from the engineer of record that all of the proposed improvements have been completed per the approved construction drawings.

   b. Proof of contractor/sub-contactor payment for the proposed improvements.

   Additional documentation and/or a Final Construction Walkthrough may be required by Mesa County Staff.

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H. Warranty Agreement

Warranty agreements must be established at the time of Development Improvements Agreement extinguishment for all projects with public improvements. The warranty agreement must also be secured with a financial guarantee similar to the DIA. The same security options available for the DIA are also available with the warranty agreement. Similar to the DIA a Final Warranty Walkthrough be performed by Mesa County Staff. Any deficiencies identified during the walkthrough shall be addressed prior to the completion of the warranty.

I. Road Petitions

Upon completion of the development Warranty Agreement as described above public roads constructed by a developer shall be petitioned to the Board of County Commissioners for acceptance into the County's maintained road network. County staff will process petitions accordingly following the completion of the warranty.

SECTION 4.06 | EXTINGUISHMENT OF PUBLIC UTILITY EASEMENT

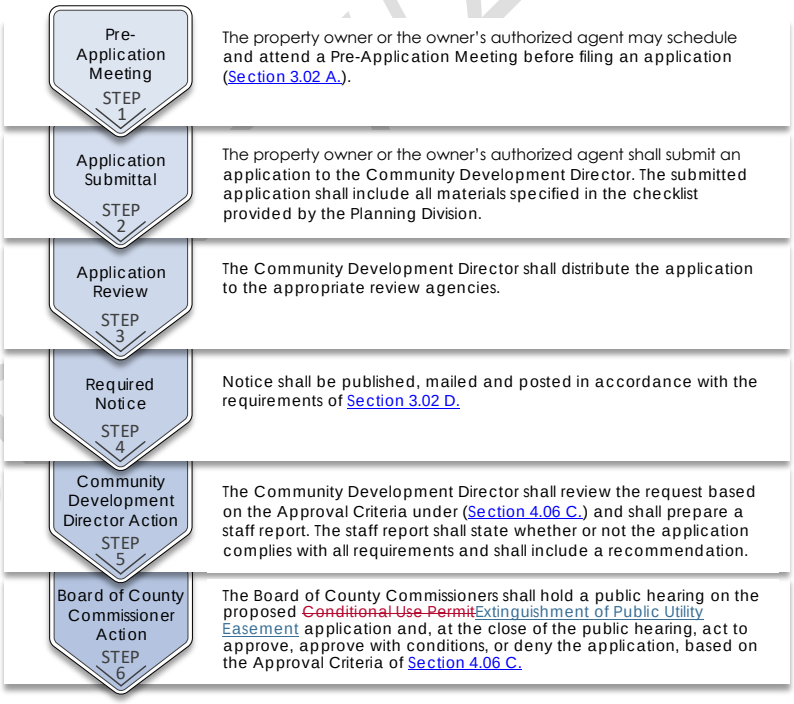
A. Applicability

This section sets out the required review and approval procedures for Extinguishment of Public Utility Easement.

B. Procedure

Figure 4-3 identifies the application steps which apply to the review of Extinguishment of Public Utility Easement applications. Additions or modifications to the general review procedures are noted below.

Figure 4-3~~4-3~~: Summary of the Extinguishment of Public Utility Easement Procedure



C. Approval Criteria

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An Extinguishment of Public Utility Easement application may be approved if no utility provider objects to the proposal and the request is consistent with the General Approval Criteria under Section 3.09.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.07 | FLOODPLAIN DEVELOPMENT PERMIT

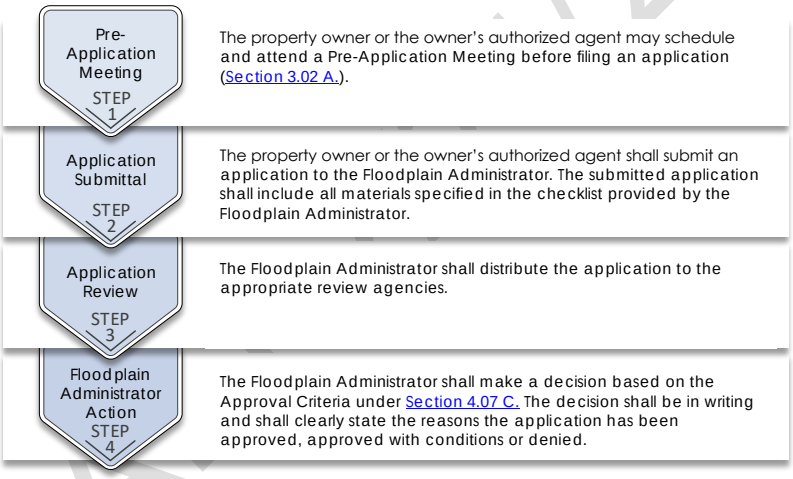
A. Applicability

A Floodplain Development Permit is required prior to any land disturbance and before construction or development begins within any area of special flood hazard area established in ~~Section 8.14~~Section 8.13 to ensure conformance to the stormwater quality provisions and other applicable requirements of this LDC.

B. Procedure

Figure 4-4 identifies the application steps which apply to the review of Floodplain Development Permit applications. Additions or modifications to the general review procedures are noted below.

Figure 4-~~44~~-4: Summary of the Floodplain Development Permit Procedure



C. Approval Criteria

In evaluating the proposed request, the following shall be considered:

1. The effect of the flood on the site itself, including:
   a. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
   b. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owners;
   c. Whether the proposed use will be inhabited or only used on a part time basis;
   d. The proposed water supply and sanitation systems, and the ability of these systems to prevent contamination or unsanitary conditions;
   e. The community importance of the services provided by the proposed facility;
   f. The requirements of the facility for a waterfront location, and the availability of alternative sites for the use;

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g. The compatibility of the proposed use with existing development and development anticipated in the future;

h. The precedent that would be set by granting the permit, and the cumulative effect of numerous similar permits, if issued;

i. The safety of access to the property in times of flood for emergency and non-emergency vehicles; and

j. Whether the property is endangered by channel relocation due to natural causes.

2. The effects conveyed downstream or upstream of allowing such a use, including:

a. The effect on depth and velocity of floodwater (i.e., peak flow characteristics);

b. The danger to life and property downstream due to increased flood velocities and heights caused by encroachment or obstruction upstream or downstream;

c. Whether the depth of floodwaters on neighboring parcels would be increased by more than the designated height above normally expected flood depths;

d. Increased probability of erosion to property, as opposed to normal stream bank erosion, because of accelerated flood velocities, or direction of floodwaters resulting from the obstruction or encroachment;

e. Whether additional public expenditures for increased flood protection may be necessitated, such as dike or bridge maintenance;

f. Whether the applicant would obtain an undue advantage compared to later applicants who might require a permit;

g. The danger that materials may be swept downstream and cause injury to persons or property; and

h. Possibility of contamination downstream from ruptured waste disposal systems, or stored treatment-related, toxic chemicals and/or bacteriological substances.

3. The preservation of the efficiency and capacity of the watercourse to transmit and discharge floodwaters, and the capacity of the floodplain area to absorb floodwaters.

D. Conditions of Approval

A Floodplain Development Permit may be approved if the request complies with Floodplain Regulations of ~~Section 8.14~~Section 8.13. The Floodplain Administrator shall be authorized to impose conditions necessary to ensure compliance with those standards, including those set out in ~~Section 8.14 K.~~Section 8.13 K. and the following:

1. Modification of waste disposal and water supply facilities to minimize or eliminate infiltration of flood waters.

2. Limitations on periods of use and operations.

3. Imposition of operational controls, sureties, and deed restrictions.

4. Requirements of prohibitions of channel modifications, dikes, levees, and other protective measures.

5. Placement of a structure on the site so that it offers minimum obstruction to flood waters by requiring that its longitudinal axis be parallel to the direction of the flood waters and on the same line as those of adjoining structures, or by requiring greater setbacks from the watercourse than would otherwise be required.

6. Location of building envelopes.

7. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rates of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The administrator shall require that the applicant submit a plan or document certified by a registered professional engineer or architect testifying that

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the Flood Proofing measures are consistent with the regulatory flood elevation and associated flood factors for the particular area. Flood Proofing measures may include:

a. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;

b. Reinforcement of walls to resist water pressures;

c. Addition of mass or weight to structures to resist flotation;

d. Use of paints, membranes, or mortars to reduce seepage of water through walls;

e. Installation of pumps to lower water levels in structures;

f. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall flood pressures;

g. Construction to resist rupture or collapse caused by water pressure from debris;

h. Installation of accessible valves or controls on sanitary and storm drains, which will permit the drains to be closed to prevent back-up of sewage and storm waters into the structure; and

i. Location of electrical equipment, circuits, and electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundation of flood waters.

E. Appeals

Appeals of decisions of the Floodplain Administrator's may be taken to the Floodplain Board of Appeals in accordance with the procedures of Section 4.08.

F. Approval/Lapse of Approval

An approved Floodplain Development Permit shall be valid for a period of one (1) year from the date of issuance. If construction has not been commenced and diligently pursued during the one (1) year period, the permit shall lapse and be of no further effect. An extension of a Floodplain Development Permit shall require review and approval of a new permit, pursuant to the procedures of this section.

SECTION 4.08 | FLOODPLAIN VARIANCES

A. Applicability

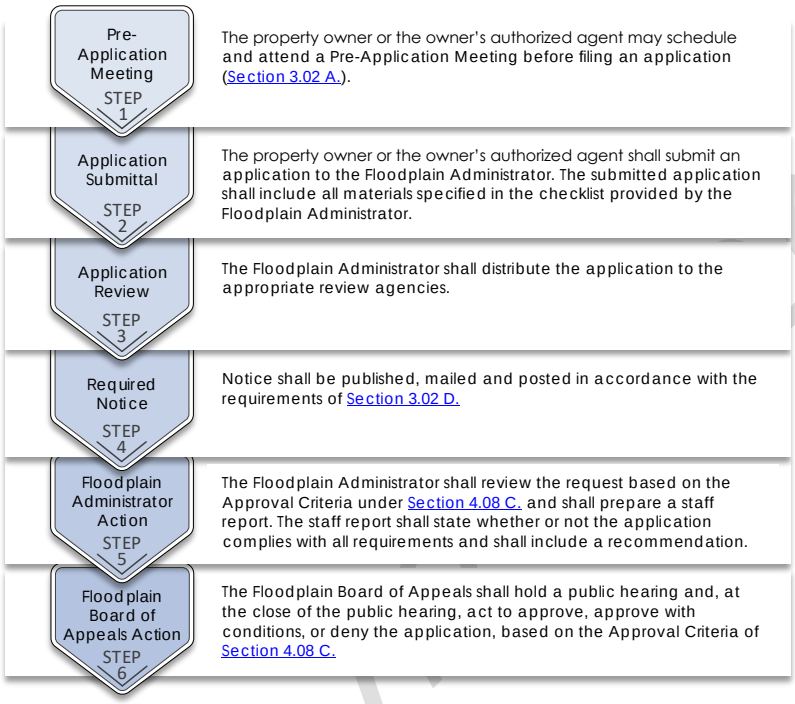
The Floodplain Board of Appeals is authorized to grant variances from the floodplain standards of this LDC, unless a variance is specifically prohibited. The granting of a floodplain variance shall not be contrary to the public interest or the purposes of this LDC where, owing to special conditions, a literal enforcement of the provisions of this LDC would result in unnecessary physical (not economic) hardship to the property owner.

B. Procedure

Figure 4-5 identifies the application steps which apply to the review of a Floodplain Variance applications. Additions or modifications to the general review procedures are noted below.

Figure 4-~~5~~4-~~5~~: Summary of the Floodplain Variance Procedure

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C. Approval Criteria

In evaluating the proposed request, the Floodplain Regulations of ~~Section 8.14~~Section 8.13; all technical evaluations; and the following criteria shall be considered:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding and erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
4. The importance of the services provided by the proposed facility to the community; and
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with the existing and anticipated development, and;
8. Whether the proposed use is consistent with the floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as gas, sewer, electrical, and water systems, streets and bridges.

D. Conditions of Approval

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In granting a Floodplain Variance, the Floodplain Board of Appeals may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially adverse effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this LDC. Any condition imposed must relate to a situation created or aggravated by the use or the proposed Floodplain Variance and must be roughly proportional to its impact. More specifically:

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 4.08 C. have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justifications required for issuing the variances increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
    a. A showing of good and sufficient cause;
    b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
    c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in Section 4.08 C. or conflict with exiting local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

E. Appeals

Appeals of decisions of the Floodplain Board of Appeals shall be made to the courts, as provided by law.

SECTION 4.09 | LAND DEVELOPMENT CODE AMENDMENTS

A. Applicability

The Board of County Commissioners may consider amendments to the text of this LDC as may be required from time to time. If an amendment is proposed by a citizen of Mesa County, the proposal will be forwarded to the Board of County Commissioners for their review and staff direction.

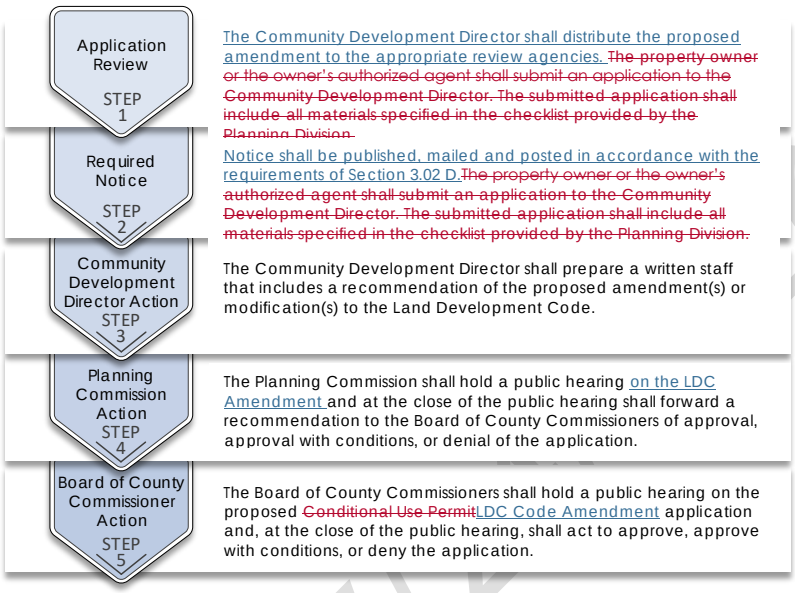
Commented [WU16]: This codifies the historic policy that has been in place for many years.

B. Procedure

Figure 4-6 identifies the application steps which apply to the review of LDC Amendment applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-64-6: Summary of Land Development Code Amendment Procedure



C. Corrections of Errors or Omissions

If it is discovered that there is a minor typographic or scrivener error or omission, the Director shall record an Affidavit of Correction in the records of the Mesa County Clerk and Recorder to be incorporated into the LDC. The Director and the County Attorney shall verify the Affidavit to ensure that the meaning and intent of the text approved by recorded resolution are not altered.

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A. Applicability

Land Division procedures provided in this Section outline the processes to evaluate the orderly and efficient division of land that promote the health, safety and welfare of the residents of the County.

B. General Provisions

1. Types of Land Divisions

TABLE 4-14-1: LAND DIVISION TYPES
(General standards, see appropriate sections for specific standards)

	Agricultural Division	Minor Subdivision	Major Subdivision	Physical and Legal Separation	Rural Land Division	Subdivision for Public Purposes
Allowed in:	AFT zone	All zones	All zones	All zones	AFT & AF-35 zones	All zones
Number of Lots:	One (1) additional lot per 25 acres	Up to six (6) total lots	Based on zoning	N/A	Only one (1) additional lot	One (1) lot for public purposes
Density:	Cannot exceed AFT maximum	Based on zoning	Based on zoning	Not subject to density	Not subject to density	Not subject to density
Lot Size:	Max five (5) acres Min one (1) acre	Based on zoning	Based on zoning	N/A	Minimum one (1) acre	N/A
Eligibility:	Minimum of fifty (50) acres ; Owned at least five (5) years; Assessed as "Agricultural"	Based on zoning	Based on zoning	Physical barrier is required; Barrier existed at least ten (10) years	Only one per parcel; Parcel must be at least 10 acres	N/A

2. Standards

a. If located within or adjacent to the Rural Planning Area, the recorded plat or site plan shall include a note reciting the County's Right to Farm and Ranch policy (Section 1.06).

b. Where applicable, the recorded plat or site plan shall include a note reciting the Notice of Traditional Hunting Activities (~~Section 8.07 H.~~Section 8.06 H.).

c. Any hazards identified on the property must be mitigated and where appropriate, no-build areas are shown on the site plan (~~Section 8.07~~Section 8.06 and ~~Section 8.14~~Section 8.13).

3. Acceptance of Improvements

Approval of a Land Division proposal shall not constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

C. Agricultural Division

1. Eligibility:

a. The applicant must own at least fifty (50) acres in contiguous parcels (the "Tract").

b. The Tract must be zoned Agricultural Forestry Transitional (AFT).

c. The applicant or the applicant's immediate family must have owned the Tract for a minimum of five (5) years.

d. The entire Tract must be classified as "Agricultural" in the County Assessor's parcel records and have retained that classification for a minimum of five (5) years consecutively prior to and up to the date of the application.

2. Frequency:

a. One (1) new parcel may be divided from the Tract for each twenty-five (25) acres owned in the Tract. (For example, if the applicant owns one hundred ten (110) acres in the Tract, a maximum of four (4) divisions could be permitted using this process.)

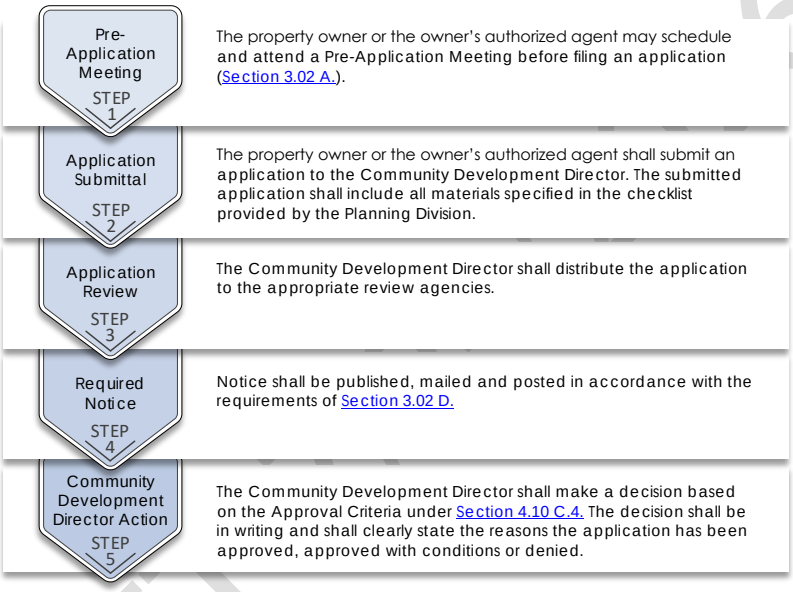
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b. Agricultural Division process may be used multiple times providing that the total number of parcels created does not exceed one parcel for each twenty-five (25) acres of the original/parent Tract.

3. Procedure

Figure 4-7 identifies the application steps which apply to the review of Agricultural Division applications. Additions or modifications to the general review procedures are noted below.

Figure 4-~~7~~4-~~7~~: Summary of the Agricultural Division Procedure



4. Approval Criteria:

In evaluating the proposed request, all of the following criteria shall be considered:

a. Either approval of service by a water district or a well permit is required for the new lots. This process is not considered an exempt subdivision for the purpose of compliance with ~~Section 8.09~~Section 8.08, Potable Water Supply, as amended in the LDC;

b. The division shall not detract from the integrity and efficiency of the agricultural operations;

c. New lots shall be less than five (5) acres in size unless an exception is approved by the Director for reasons related, but not limited to topography, natural or man-made features, or soils conditions. The minimum lot size will be established by compliance with the Wastewater Standards in ~~Section 8.11~~Section 8.10;

d. The number of lots created shall not exceed one (1) new parcel for each twenty-five (25) acres; and

e. New lots may be created with no street frontage in order to allow the agricultural use to continue.

D. Exempt Land Division

1. Applicability

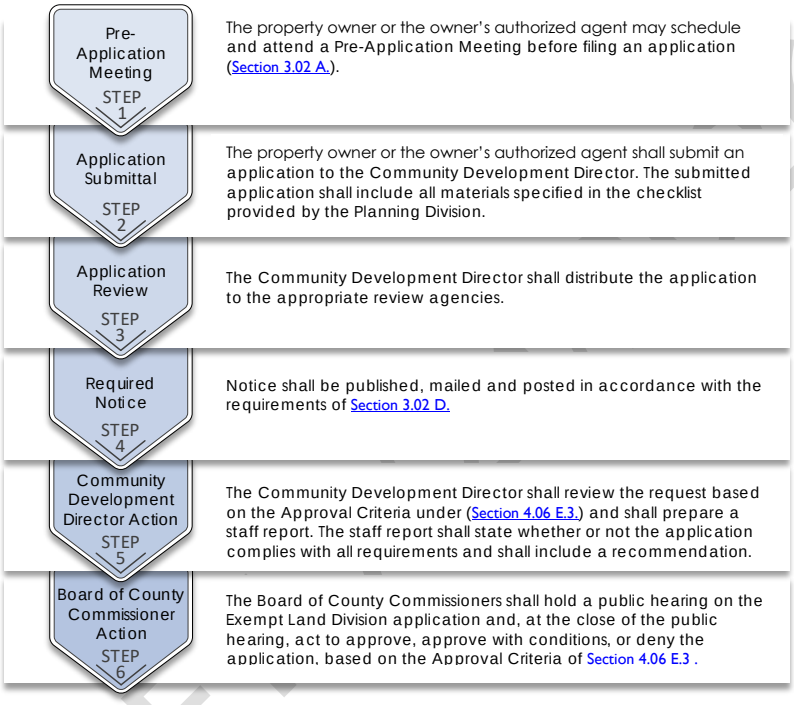
The Board may consider a request for an Exempt Land Division to correct an illegal division of Land which occurred after September 1, 1972.

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2. Procedure

Figure 4-8 identifies the application steps which apply to the review of Exempt Land Division applications. Additions or modifications to the general review procedures are noted below.

Figure 4-84-8: Summary of the Exempt Land Division Procedure



3. Approval Criteria

In evaluating the proposed request, the following criteria shall be considered:

a. The applicant was unaware of the illegality of the property purchased at the time of transfer and/or the improperly divided parcel has transferred two (2) or more times to different owners;

b. The applicant has demonstrated a diligent and unsuccessful attempt to obtain relief from the sale of the improperly divided parcel through normal procedure; or

c. The strict application of the this LDC would result in peculiar and practical difficulties to, and exceptional and undue hardship upon, the property owner and the use of the land; and

d. The improperly divided parcel has existed more than ten (10) years.

4. Appeal

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

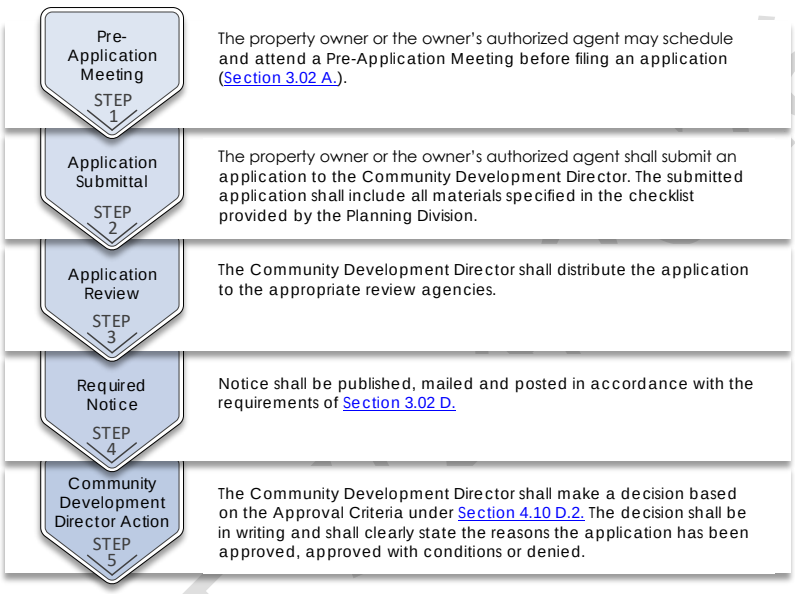
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E. Minor Subdivisions

1. Procedure

Figure 4-9 identifies the application steps which apply to the review of Minor Subdivision applications. Additions or modifications to the general review procedures are noted below.

Figure 4-94-9: Summary of the Minor Subdivision Procedure



2. Approval Criteria

In evaluating the proposed request, all of the following criteria shall be considered:

a. No more than six (6) platted lots are allowed;

b. Complies with applicable development standards of Chapter 5 and Chapter 8.

(1) For properties in the AFT zoning district, the density standards of Section 7.02 of this LDC shall apply.

(2) Density Bonus Subdivisions, as permitted in Section 7.02 C., shall not be eligible for Minor Subdivision; and

(3) Minimum lot frontage is not required if legal and approved access to a public road for all parcels or lots resulting from the Minor Subdivision is provided.

3. Appeal

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

F. Major Subdivisions

1. Eligibility

All land divisions that do not qualify for an Agricultural Land Divisions, Minor Subdivisions, Physical and Legal Separations, Rural Land Divisions, Subdivision for Public Purpose and thirty-five (35) Acre Parcels Created by Plat. The procedures of this Section 4.10 E. shall not apply to those exceptions provided for in C.R.S. §30-28-101(10).

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2. General Procedure

The following are the applications subject to the Major Subdivision process. These applications may be processed individually or combined upon approval of the Director.

a. Concept Plan (Section 4.10 E.3.);

b. Final Plan (Section 4.10 E.4.); and

c. Final Plat (Section 4.10 E.5.).

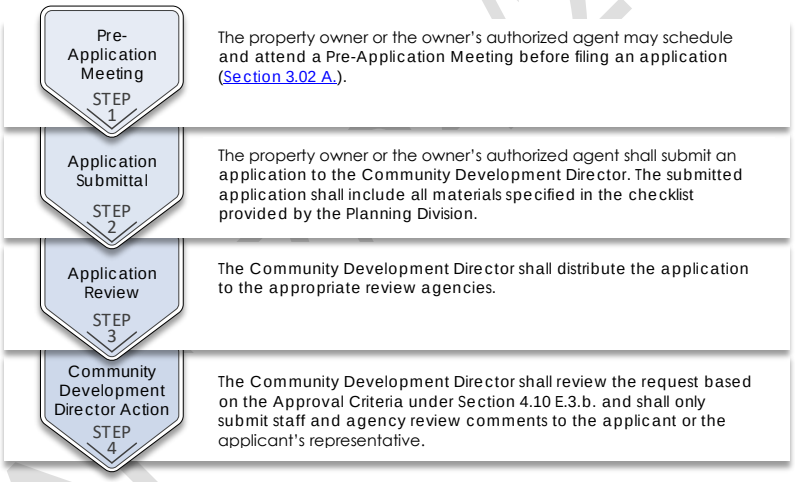
3. Concept Plan

An optional process intended to review the feasibility and design characteristics of the proposed subdivision plan.

a. Procedure

Figure 4-10 identifies the application steps which apply to the review of Concept Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-104-10: Summary of the Concept Plan Procedure



b. Review Criteria

In considering a Concept Plan proposal, the following shall be considered:

(1) Feasibility and design characteristics based upon compliance with the applicable standards contained within this LDC; and

4. Final Plan

A detailed subdivision plan, including supporting documents.

a. Neighborhood Meeting

The Applicant shall hold a meeting with area property owners after the Application Review step has been completed. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the Applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this LDC and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Director prior to Final Plan approval.

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b. Additional Notice

In accordance with the requirements of Section 3.02 D., C.R.S. §30-28-133(10) and §24-65.5-103, the Final Plan shall have submitted with it certification that the notice of the application has been sent to the mineral estate owners, and shall include the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of an application have been sent as their names may appear upon the plats or records in the County Clerk and Recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.

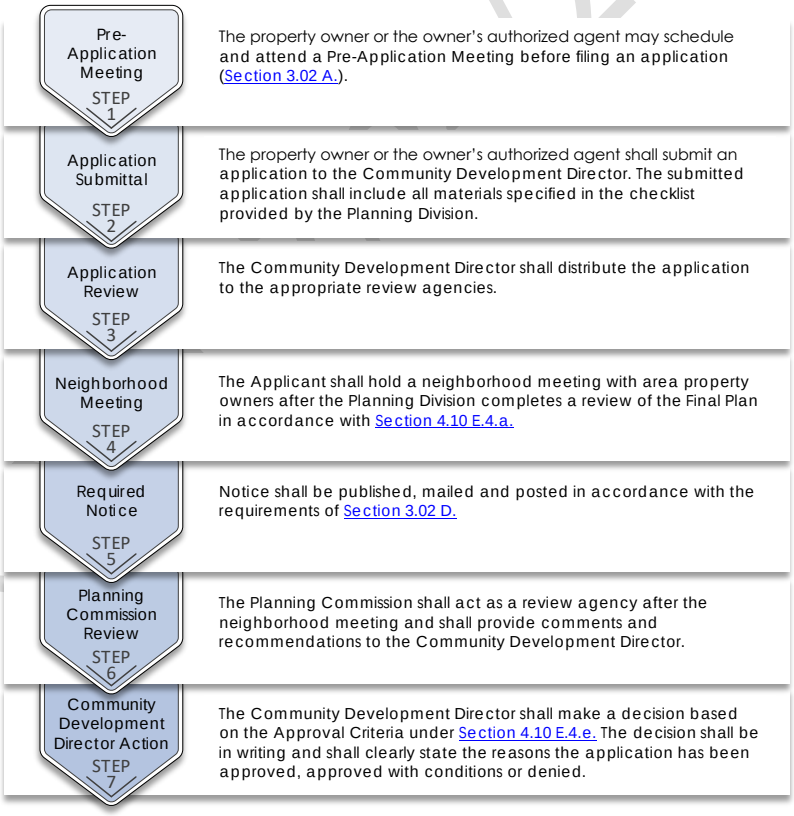
c. Phasing

If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies as a part of the development application.

d. Procedure

Figure 4-11 identifies the application steps from which apply to the review of Final Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-114-11: Summary of the Final Plan Procedure



e. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

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(1) Public facilities and services shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development;

(2) Complies with applicable development standards of Chapter 5, Chapter 7 and Chapter 8; and

(3) The proposed subdivision will have no adverse or negative impacts upon the natural or social environment or if adverse or negative impacts are present, those impacts shall be mitigated to the maximum extent practical.

f. Technical Disputes

As a means of resolving technical disputes between the applicant's licensed or registered professionals and the County, such disputes may be referred to a qualified employee of the appropriate state department for a recommendation pursuant to C.R.S §30-28-133.5.

g. Approval; Lapse of Approval

An approved Final Plan shall lapse and be of no further force and effect if a complete Final Plat application, or a phase has not been submitted within ~~one~~ three (~~1~~3) years of the date of Final Plan approval. ~~A maximum of three (3) twelve (12) month extensions may be approved by the Director upon review of a written request. An extension may be declined if the proposed development would no longer be consistent with the requirements of this LDC.~~

Commented [WU17]: A final plan is vested for 3 years under this LDC.

5. Final Plat

a. Public Improvements/Development Improvements Agreements

Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements, in accordance with Section 4.05.

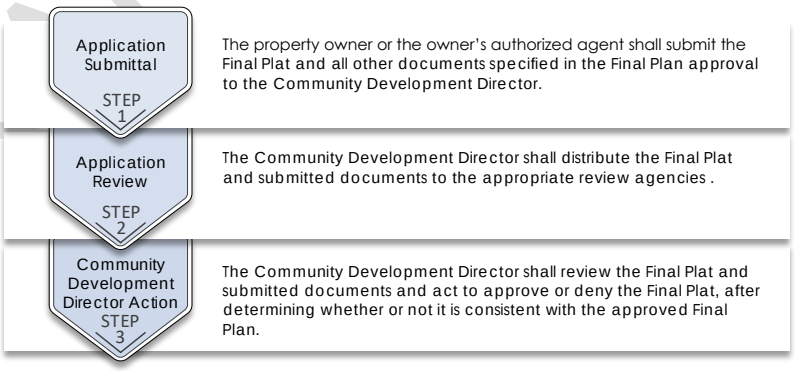
b. Acceptance of Improvements

Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

c. Procedure

Figure 4-12 identifies the application steps which apply to the review of Final Plat applications. Additions or modifications to the general review procedures are noted below.

Figure 4-12~~4-12~~: Summary of the Final Plat Procedure



d. Recording; Lapse of Approval

If the ~~approved~~ Final Plat is not approved and recorded with the Clerk and Recorder of Mesa County, unless a Development Improvements Agreement has been signed, within three (3) years

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of the date of approval of the Final Plan, ~~the Concept Plan and~~ Final Plan shall lapse and be of no further effect. Two (2) one (1) year extensions of time may be approved by the Director upon review of a written request when deemed necessary due to unforeseen circumstances. If approval lapses, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.

e. Corrections for Errors or Omissions for Minor Changes to Recorded Plats

If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, where upon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction. The completed Affidavit shall be submitted to the Mesa County Community Development Department to be recorded with the Mesa County Clerk and Recorder within ten (10) days of completion.

6. Appeals

Appeals of the decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

G. Physical and Legal Separations

1. Eligibility

In order to qualify as a Physical and Legal Separation, the following shall be considered:

a. Be in the form of an actual physical barrier, such as a public road, a railroad track, a river, an easement or a ditch or canal;

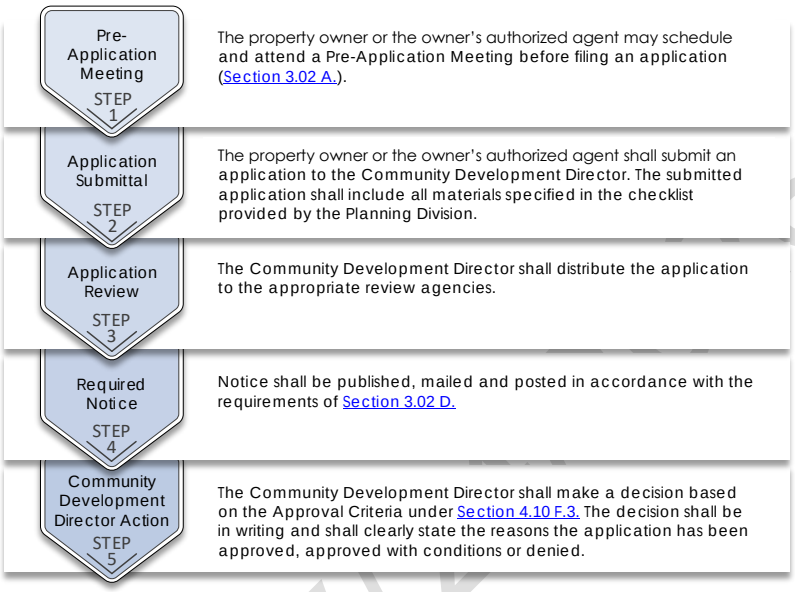
b. ~~The~~ With the exception of a river, the physical barrier must be owned by an unrelated third party; and

2. Procedure

Figure 4-13 identifies the application steps which apply to the review of Physical and Legal Separation applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-134-13: Summary of the Physical and Legal Separations Procedure



3. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

a. The proposal will neither create a nonconformity nor increase the degree to which a structure is nonconforming; and

b. Public facilities and services shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development.

H. Rural Land Divisions

1. Eligibility

The following may be processed as Rural Land Divisions:

a. The unplatted parcel must be located in an AFT or an AF-35 Zoning District;

b. No portion of the unplatted parcel has been divided through a Rural Land Division;

c. No more than one (1) additional parcel may be created, in accordance with the Rural Land Division procedures of this section; and

d. The eligible parcel must be at least ten (10) gross acres. The parcel is still eligible for the Rural Land Division if:

(1) Right-of-way was dedicated and resulted in less than ten (10) acres; or

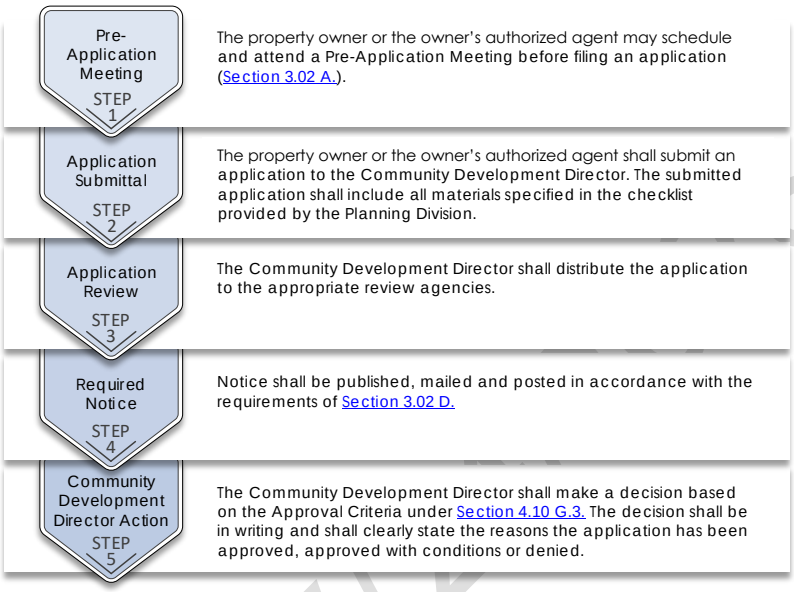
(2) The required dedication through the Rural Land Division process results in less than ten (10) acres.

2. Procedure

Figure 4-14 identifies the application steps which apply to the review of Rural Land Division applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-144-14: Summary of the Rural Land Division Procedure



3. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following has been met:

a. Public facilities and services shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development;

b. Access to a maintained public road shall meet ~~Section 8.16~~Section 8.15 and ~~Section 8.17~~Section 8.16 of this LDC; and

c. Minimum lot frontage is not required if legal and approved access to a public road for all parcels or lots resulting from the Rural Land Division is provided;

I. Subdivision for Public Purposes

1. Eligibility:

The lot must be used for a public purpose and the use must be permitted in the underlying zone district as an Allowed or as a Conditional Use.

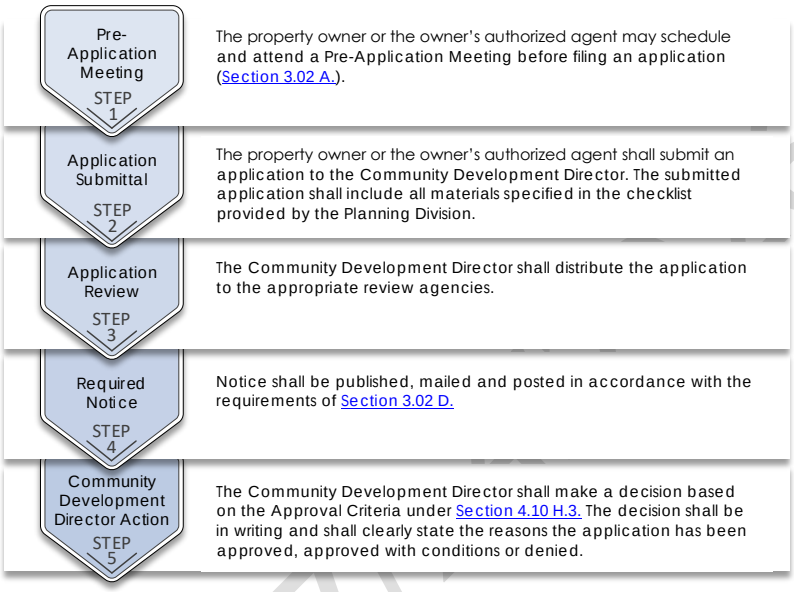
2. Procedure

Figure 4-15 identifies the application steps which apply to the review of Subdivision for Public Purpose

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applications. Additions or modifications to the general review procedures are noted below.

Figure 4-154-15: Summary of the Subdivision for Public Purposes Procedure



3. Approval Criteria:

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

a. Lots may be created with indirect access (no street frontage) depending on the proposed use. Public uses that do not generate traffic may not require street frontage;

b. Provision of potable water through service by a water district or a well permit may be required for the new lot. Depending on the public purpose, and upon demonstration that no water use is required, the application may be considered exempt from ~~Section 8.09~~Section 8.08, Potable Water, in the LDC;

c. The remainder lot (the lot not used for public purposes) shall meet all requirements in Chapter 5, Density and Dimensional Standards;

d. Screening for noise and visual issues may be required in order to mitigate impacts on the neighborhood; and

e. A legal restriction on the use of the land for only public purposes shall be recorded in the records of the Clerk and Recorder.

J. Thirty-five (35) Acre Parcels Created by Plat

The Director shall be responsible for reviewing thirty-five (35) acre parcels created by plat for zoning and access requirements.

K. Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

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SECTION 4.11 | LOCATION AND EXTENT

Commented [WU18]: This section codifies what currently exists in the State Statutes.

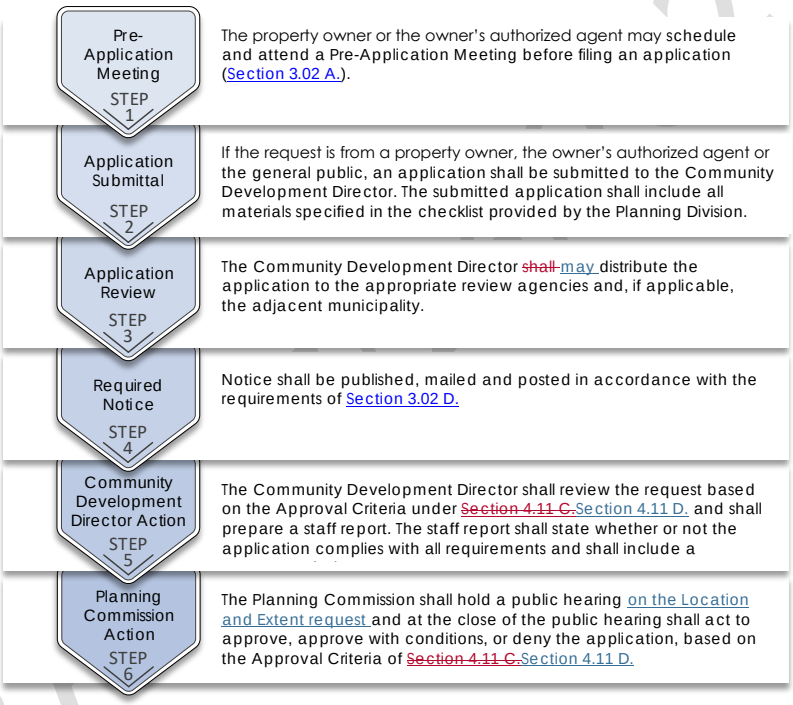
A. Applicability

Location and Extent review is mandated by Colorado law, including but not limited to C.R.S. Sections 30-28-110, 22-32-124 (1)(a) and 22-32-124(1.5)(a), as amended. In the event of any conflict between these procedures and applicable state law, state law shall govern.

B. Procedure

Figure 4-16 identifies the application steps which apply to the review of Location and Extent application. Additions or modifications to the general review procedures are noted below.

Figure 4-164-16: Summary of the Location and Extent Procedure



C. Eligibility:

The following projects shall be subject to location and extent review:

1. Roads, parks, or other public way, ground, or space;
2. Public and charter schools
3. Public buildings or structures;
4. Major Utilities, whether publicly or privately owned;
5. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, sale, lease, or acquisition of land for any road, park, or other public way, ground, place, property, or structure.

D. Approval Criteria

The Planning Commission shall determine whether the project conforms to the Mesa County Master Plan.

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E. Failure to Act

The failure of the Planning Commission to act within thirty (30) days after the date of the official submission shall be deemed approval, unless a longer period is granted in writing by the submitting board, body, or official.

F. Appeals

If authorization of the proposed activity falls within the province of an entity other than the Board of County Commissioners or other County officials or board, the Planning Commission's disapproval may be overruled by the body or official having such jurisdiction. In the case of a utility owned by an entity other than a political subdivision, the Commission's decision may be overruled by the Public Utilities Commission.

If the Board of County Commissioners is the body having jurisdiction, the Board of County Commissioners shall hold a public hearing on the appeal within thirty (30) days of receipt of a complete application and take action on the appeal within twenty (20) days of the public hearing. Notice of the hearing shall be in accordance with the requirements of Section 3.02 D. Such hearing shall be conducted de novo. The decision of the Board of County Commissioners shall be accompanied by written findings of fact specifying the reason for the decision.

~~Section 4.11 |~~ SECTION 4.12 | MASTER PLAN AMENDMENTS

A. Applicability

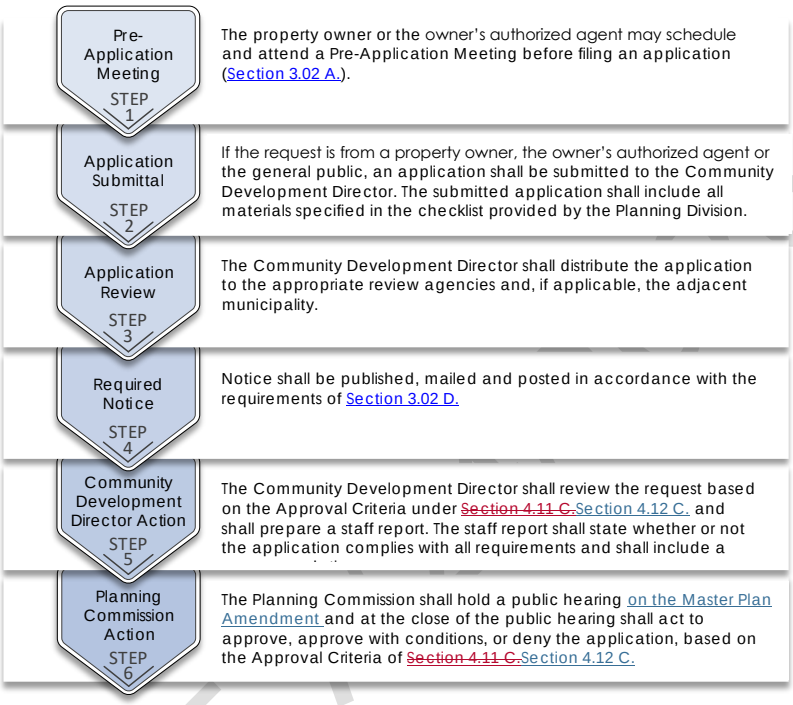
The Planning Commission ~~may~~ shall consider amendments to the Master Plan, as may be required from time to time.

B. Procedure

Figure 4-17 identifies the application steps which apply to the review of Master Plan Amendment application. Additions or modifications to the general review procedures are noted below.

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Figure 4-174-17: Summary of the Master Plan Amendment Procedure



1. Application Review

   a. Review and decision of a Master Plan amendment will be governed by geographic location as follows:

      (1) The municipality shall decide questions of amending the Master Plan for property within the corporate limits of the respective municipality.

      (2) Outside municipal corporate limits, the Mesa County Planning Commission shall have sole authority to amend the Master Plan. The appropriate municipality shall be given the opportunity to review and comment upon all such proposed amendments prior to action by Mesa County; and

      (3) Plans adopted jointly with a municipality, including area, neighborhood, sub-area, and community plans require the Mesa County Planning Commission and the appropriate municipality to jointly amend the plan.

   b. Review Process

      (1) When a municipality and the Mesa County Planning Commission must jointly amend the plan, at least one public hearing will be held and a vote shall be made within thirty (30) calendar days of the close of the hearing. A joint public hearing is permissible, but not mandatory. Such hearings shall be conducted as determined by the presiding chairperson. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing.

      (2) The Mesa County Planning Commission shall approve a Master Plan Amendment only if they determine that the Master Plan Amendment is consistent with the Approval Criteria under Section 4.11 C.Section 4.12 C.

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(3) When a municipality and the Mesa County Planning Commission both must act, failure to agree means the Master Plan is not amended.

C. Approval Criteria

In evaluating a proposed amendment, the following shall be considered:

1. There was an error in the original Master Plan such that then-existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;
2. Events subsequent to the adoption of the Master Plan have invalidated the original premises and findings;
3. The character and/or condition of the area has changed enough that the amendment is acceptable;
4. The amendment is consistent with the goals and policies of the Master Plan, including applicable special area, neighborhood, and corridor plans;
5. The amendment is consistent with any intergovernmental agreements in effect between the County and any other unit of government;
6. Public and community facilities are adequate to serve the type and scope of land use proposed;
7. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and
8. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

~~Section 4.12 |~~ SECTION 4.13 | PLANNED UNIT DEVELOPMENTS

A. Applicability

In accordance with Article 67 Title 24, C.R.S., Planned Unit Development (PUD) districts may be approved when the applicant demonstrates to the satisfaction of the Board of County Commissioners that a proposed planned development project would not negatively affect surrounding property and uses and/or that the PUD would result in a greater benefit to the County than would development under conventional zoning district regulations.

B. General Procedure

The following are the application steps required for a PUD. These application steps may be processed individually or combined upon approval of the Director.

1. Outline Development Plan (~~Section 4.12 C.~~Section 4.13 C.);
2. Final Plan (~~Section 4.12 D.~~Section 4.13 D.);
3. Final Plat (~~Section 4.12 E.~~Section 4.13 E.).

C. Outline Development Plan and Rezoning

1. Applicability

The purpose of an Outline Development Plan is to demonstrate general conformity with the Mesa County Master Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plan or plat. ~~At~~At Upon approval of an Outline Development Plan, zoning for the entire property or for each "pod" designated for development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities and/or uses assigned to individual "pods" that will be the subject of future, more detailed planning.

2. Neighborhood Meeting

The applicant shall hold a meeting with area property owners after the Department completes a

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review of the Outline Development Plan. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this LDC and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Director prior to Outline Development Plan approval.

3. Additional Notice

   In accordance with the requirements of Section 3.02 D., C.R.S. §30-28-133(10) and §24-65.5-103, the Outline Development Plan shall have submitted with it certification that the notice of the application has been sent to the mineral estate owners, and shall include the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of an application have been sent as their names may appear upon the plats or records in the County Clerk and Recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.

4. Phasing

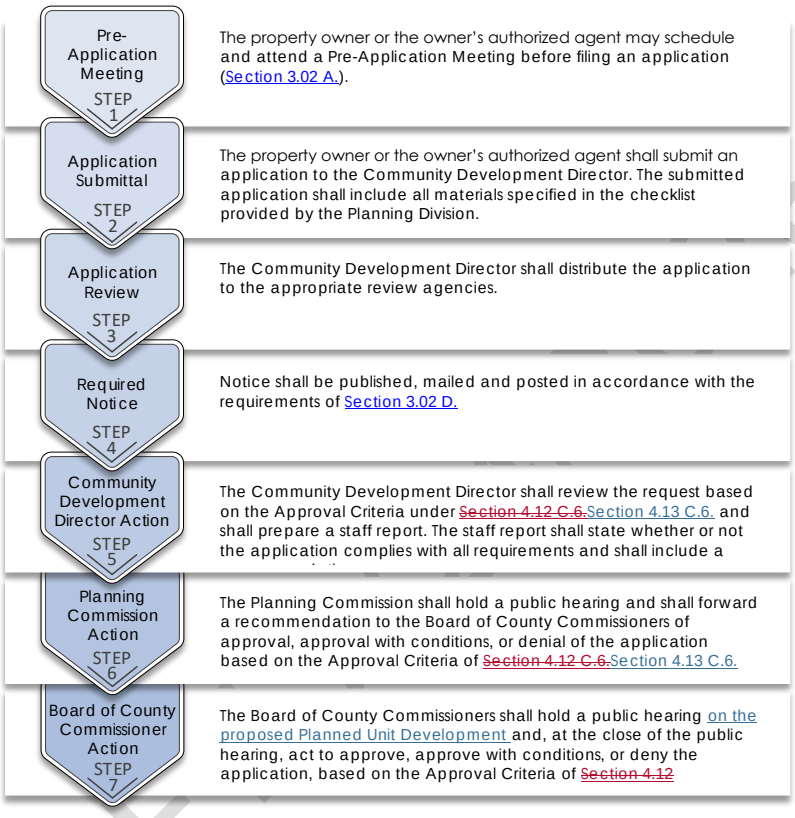
   If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies as a part of the development application.

5. Procedure

   Figure 4-18 identifies the application steps from which apply to the review of Outline Development Plan and Rezone applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-184-18: Summary of the Outline Development Plan and Rezone Procedure



6. Approval Criteria

   In evaluating the proposed request, all of the following criteria shall be considered:

   a. The proposed Outline Development Plan is in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104;

   b. The Outline Development Plan is necessary to address a unique situation or represents a substantial benefit to the County, based on the Purposes set out in Section 1.05;

   c. The Outline Development Plan complies with the PUD regulations of Section 5.05 A.;

   d. The proposal mitigates any potential adverse impacts to the maximum extent practical; and

   e. Public facilities and services shall be available upon completion of the project to serve the subject property, while maintaining adequate levels of service to existing development.

7. Effect of Outline Development Plan Approval

   Outline Development Plans shall be approved concurrently with PUD Rezonings. No Outline Development Plan may be approved without a PUD Rezoning, and no PUD Rezoning application may be approved until an Outline Development Plan for the development has been approved. Approval of an Outline Development Plan shall constitute acceptance of the uses, maximum development intensities, and general layout proposed for the PUD development. As such, the Outline Development

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Plan shall govern the preparation of the required Final Development Plan or Plat. The approved Outline Development Plan shall be supported by the project final design. Should the Outline Development Plan prove unbuildable or otherwise not feasible based on the final PUD Plans, the Outline Development Plan must be revised to reflect the limitations identified in the design of the final PUD Plans.

8. Lapse of Outline Development Plan Approval

An approved Outline Development Plan shall lapse and be of no further force and effect if a complete Final PUD Plan or Plat application for the PUD or a phase of the PUD has not been submitted within one (1) year1 of the date of Outline Development Plan approval by the Board of County Commissioners. One (1) extension of time up to eighteen (18) months may be approved by the Director upon review of a written request when deemed necessary to resolve review comments or due to unforeseen circumstances. In the event that approval lapses, the Outline Development Plan shall be of no effect, and the property may be developed only in accordance with the regulations of the underlying base zoning district. In the event of lapse of approval, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder, and initiate action to rezone the property to a zoning district that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of ~~Section 4.15~~Section 4.16.

9. Appeal

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

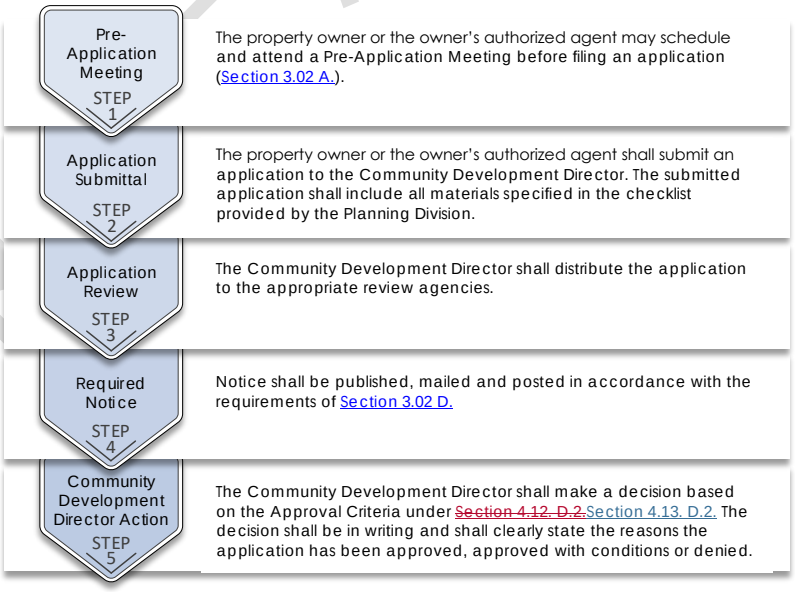
D. Final Plan

After approval of an Outline Development Plan, a Final Plan application may be submitted.

1. Procedure

Figure 4-19 identifies the application steps which apply to the review of Final Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-1~~9~~4-19: Summary of the Final Plan Procedure



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2. Approval Criteria

In evaluating the proposal, the request shall be consistent with the approved Outline Development Plan. A Final Plan is deemed to be consistent with the approved Outline Development Plan when;

a. The locations of connections to public roads and adjacent properties are not altered. Internal vehicle and pedestrian circulation may be modified;

b. Drainage and detention facility locations are retained within the general areas identified in the approved Outline Development Plan;

c. All applicable requirements of this LDC are met; and

d. Other modifications are determined by the Director to be consistent with the approved Outline Development Plan.

~~3. Time Frames~~

~~The Final Plan shall be approved within one (1) year of the date of submittal. One (1) extension of one (1) year may be approved by the Director upon review of a written request.~~

Commented [WU19]: There is no need for this expiration timeframe with the following added language.

3. Lapse of Final Development Plan Approval

Commented [WU20]: This follows the same lapsing language as in other sections of the LDC.

An approved Final Development Plan shall lapse and be of no further force and effect if a complete Final Plat or site plan application has not been submitted within three (3) years of the date of Final Development Plan approval. In the event that approval lapses, the Final Development Plan shall be of no effect, and the property may be developed only in accordance with the regulations of the underlying base zoning district. In the event of lapse of approval, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder, and initiate action to rezone the property to a zoning district that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 4.15. Add 2 one year extensions.

4. Appeal

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

E. Final Plat

A Final Plat application shall be submitted for a PUD when subdivision of the property is required.

1. Public Improvements/Development Improvements Agreements

Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements, in accordance with Section 4.05.

2. Application Filing

Final Plat applications shall be submitted to the Director.

3. Director's Action

The Director shall review each Final Plat application, and act to approve or deny the Final Plat, after determining whether or not it is consistent with the approved Final Plan.

4. Acceptance of Improvements

Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

~~5. Recording; Lapse of Approval~~

Commented [WU21]: A final plat does not lapse after it has been recorded.

~~If the approved Final Plat or Site Development Plan is not recorded with the Clerk and Recorder of Mesa County within three (3) years of the date of approval of the Final Plat, the Outline Development Plan and Final Plans shall lapse and be of no further effect. Two (2) one (1) year extensions of time may be approved by the Director upon review of a written request when deemed necessary due to unforeseen circumstances. If approval lapses, the Director shall record a lapse of approval affidavit~~

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~~with the Mesa County Clerk and Recorder.~~

~~6.~~5. Corrections for Errors or Omissions for Minor Changes to Recorded Plats

If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, where upon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. ~~If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction.~~ The completed Affidavit shall be submitted to the Mesa County Community Development Department to be recorded with the Mesa County Clerk and Recorder within ten (10) days of completion.

Commented [GM22]: Requested to be removed by the County Surveyor. Legally the County Surveyor cannot prepare an affidavit of correction for another surveyor.

~~7.~~6. Appeal

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

F. Expiration of Previously Approved Planned Unit Developments

If an Official Development Plan for a PUD that was approved before the effective date of this LDC (~~January~~ May 1~~4~~, ~~2020~~2026) lapses or has lapsed prior to adoption of this LDC, the subject property shall be governed by the regulations of the zoning district that existed on the property immediately before approval of the PUD. Applications to rezone such property to a zoning district that is consistent with the Mesa County Master Plan shall be accepted without the payment of a fee. If a previously approved Official Development Plan expires, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder. Within five (5) years of recording of such an affidavit, the Director shall initiate action to rezone the property to a zoning district that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of ~~Section 4.15~~Section 4.16.

~~Section 4.13 |~~ SECTION 4.14 | PROPERTY LINE ADJUSTMENTS

A. Applicability

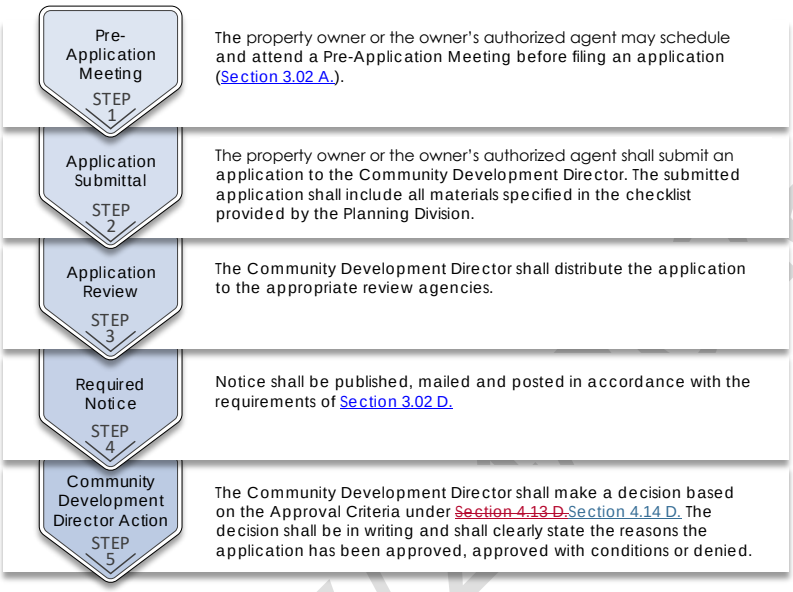
This subsection applies to Property Line Adjustments between adjacent parcels whether the parcels are platted or unplatted.

B. Procedure

Figure 4-20 identifies the application steps which apply to the review of Property Line Adjustment applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-204-20: Summary of the Property Line Adjustment Procedure



C. Eligibility:

1. Properties must be of sufficient size to allow for installation of a waste water system;
2. Minimum lot frontage as stated in Chapter 5, is not required if legal access to a public road for all parcels or lots resulting from the Property Line Adjustment is provided; and

D. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

1. Street locations shall not be changed; and
2. The proposal will not create a nonconformity nor increase the degree to which any structure is nonconforming.

E. Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

Section 4.14 | SECTION 4.15 | REGISTER OF HISTORIC LANDMARKS

A. Applicability

The Mesa County Register of Historic Landmarks is established to recognize the historic, architectural and cultural heritage of Mesa County; to increase public appreciation of Mesa County's unique heritage; and to enable owners of Historic Resources in the County to take advantage of opportunities, benefits and programs that may be available to assist in the recognition and preservation of the historic properties. Designation as a Historic Landmark will not impart additional regulatory control over the development of historic properties, i.e. the design of additions, alterations or new construction, or demolition, with respect to impacts on historic character or integrity.

B. County Register of Historic Landmarks Established

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1. The County Register of Historic Landmarks (County Register) is hereby established~~, and is contained~~ in ~~Appendix G of this LDC~~. Historic buildings, structures, sites, objects or districts may be listed on the County Register upon designation by the Board of County Commissioners.

2. All properties listed on the National Register of Historic Places or the State Register of Historic Properties are eligible for inclusion on the County Register but are not designated until approval is obtained pursuant to the requirements of this Section.

C. Designation of Historic Structures, Sites and Districts

1. The Board of County Commissioners pursuant to this LDC:

   a. May designate as historic an individual building, structure, site, object or other feature, or an integrated group of structures or features on a lot or site, having a special historical, architectural or cultural value, subject to the qualifications listed in ~~Section 4.14 E.~~Section 4.15 E.; or

   b. May designate as a historic district an area containing a number of buildings, structures or sites having a special historical, architectural or cultural value, subject to the qualifications listed in ~~Section 4.14 E.~~Section 4.15 E.

2. Each such designation shall include a description of the characteristics of the building, structure, site, object or historic district that justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the building, structure, site, object or district.

3. No individual structure or site shall be designated without the consent of all owners of record. Historic Districts may be designated with the consent of the owners of record of at least sixty (60) percent of the contributing properties.

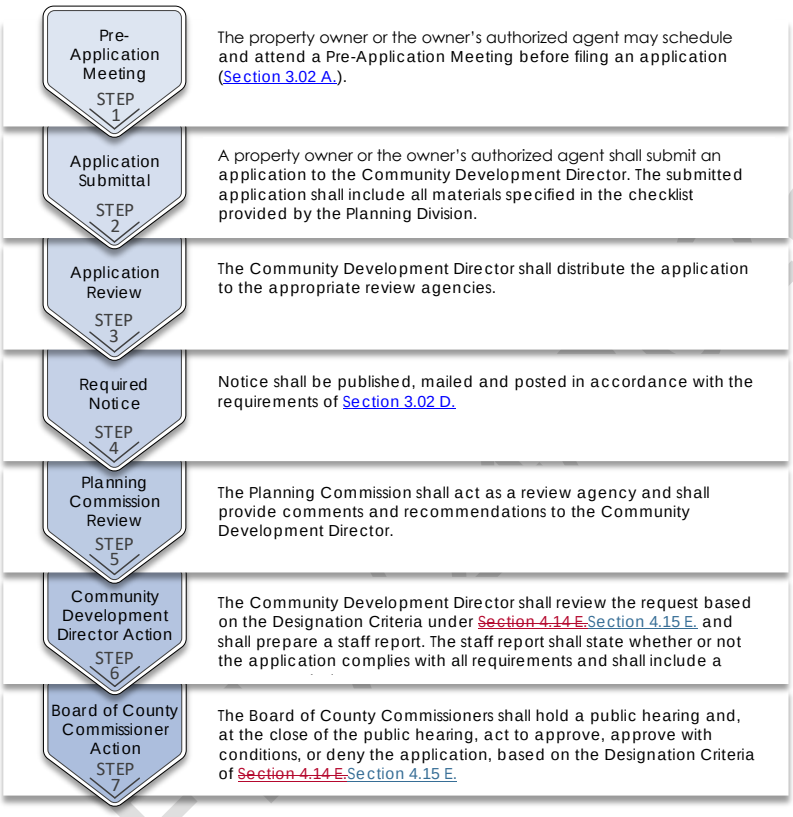
4. Properties within municipalities may be listed on the County Register, following consultation and coordination with the municipality. The listing of properties within municipalities on the County Register shall not confer on Mesa County the authority to regulate the land use or grant any development approvals or permits for those properties, except where otherwise allowed by law.

D. Procedure

Figure 4-21 identifies the application steps which apply to the review of Registration of Historic Places applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-214-21: Summary of the Registration of Historic Places Procedure



E. Designation Criteria

In order to be listed on the County Register of Historic Landmarks, buildings, structures, sites or objects must be at least fifty (50) years old. Contributing sites within a Historic District must be at least fifty (50) years old. Buildings, structures, sites, objects and districts less than fifty (50) years in age may be designated only if deemed to be of exceptional historical, architectural or cultural importance.

1. Approval Criteria

In designating a building, structure, site, object or district as a Historic Landmark, a finding shall be made that the designation satisfies one or more of the following criteria for historical, architectural or cultural significance:

a. Represents a specific architectural style or period;

b. Represents a unique example of a structure or building type;

c. Represents an innovation in construction, materials, or design;

d. Demonstrates superior craftsmanship or high artistic value;

e. Is an example of the work of a master architect or builder;

f. Represents the built environment of a group of people in an era of history;

g. Is associated with a significant historic event;

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h. Is associated with a notable person or the work of a notable person;

i. Exemplifies the cultural, political, economic, or social heritage of the community, region, state or nation;

j. Is an established and familiar natural setting or visual feature of the County; and/or

k. Has the potential to make an important contribution to the knowledge of the area's history or pre-history.

2. Physical Integrity

Each property shall also be evaluated based on physical integrity using one or more of the following criteria:

a. Retains original design features, materials and/or character;

b. Is in the original location or in the same historic context if it has been moved; or

c. Has been accurately reconstructed or restored.

3. Historic Districts

a. For the purposes of this Section, a Historic District is a geographically definable area including a concentration, linkage or continuity of buildings, structures, sites and/or objects. A Historic District is related by a pattern of either physical elements or social and cultural activities.

b. Significance is determined by applying the criteria of ~~Section 4.14 E.1.~~Section 4.15 E. 1. above, to the pattern and unifying elements.

c. Properties that do not contribute to the significance of the Historic District may be included within the boundaries so long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements shall be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.

d. Historic District boundaries shall be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.

F. Revocation or Amendment of Designation

1. Revocation of Historic Landmark Designation

If a building, structure, object or special feature on a designated site has been altered so as to negate the features necessary to retain designation, the owner may apply for a revocation of the designation. The Director or the Planning Commission may recommend revocation of the designation to the Board of County Commissioners in the absence of the owner's application to do so. If a designated building, structure or object is moved or demolished, the designation shall, without application or notice, be terminated by resolution of the Board of County Commissioners. If moved, a new application for designation at the new location must be made in order for designation to be considered.

2. Revocation or Amendment of Historic District Designation

a. If a significant number of contributing properties within a historic district have been altered, moved, and/or demolished so as to diminish the concentration, linkage or continuity necessary to retain the integrity of the district, an application to amend or revoke the historic district designation may be submitted by the owners of record of sixty (60) percent of the contributing properties. The Director or the Planning Commission may recommend revocation of the designation to the Board of County Commissioners in the absence of the owners' application to do so.

b. With the consent of the owners of record of sixty (60) percent of the contributing properties, the Board may amend the boundaries of the historic district to exclude the properties that no longer contribute to the historic district or may amend the description of the historic district to remove those features or properties that no longer contribute to the district. The approval criteria for designation of a historic district as set forth in ~~Section 4.14 E.~~Section 4.15 E. shall be used when considering an amendment of a historic district.

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3. Action

The Director shall prepare a resolution for revocation or amendment for adoption by the Board of County Commissioners, which shall be filed with the Planning and Economic Development Department and recorded by the Clerk and Recorder of Mesa County. Upon adoption of the resolution to revoke or amend a designation, the Director shall cause notice to be sent to the property owner(s) and shall amend the Register.

G. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

~~Section 4.15 |~~ SECTION 4.16 | REZONINGS (ZONING MAP AMENDMENTS)

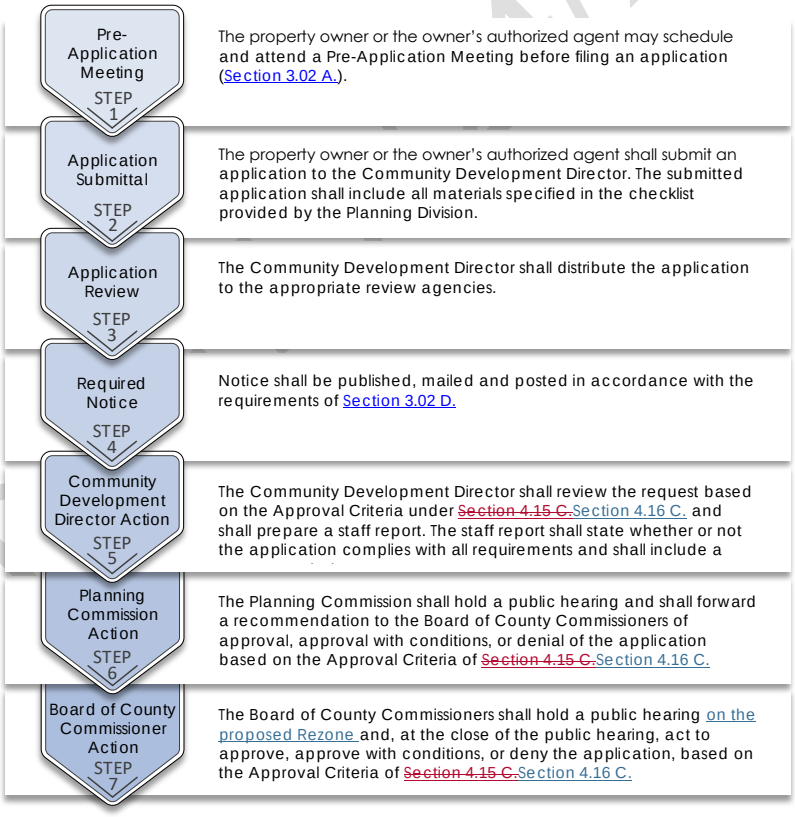
A. Applicability

Amendments to the Mesa County Zoning Map shall be made in accordance with the provisions of this Section.

B. Procedure

Figure 4-22 identifies the application steps which apply to the review of Rezoning applications. Additions or modifications to the general review procedures are noted below.

Figure 4-22~~4-22~~: Summary of Rezoning Procedure



DRAFT 2026

C. Approval Criteria

In evaluating the proposed request, the General Approval Criteria under Section 3.09, the stated purpose of the proposed zoning district and the following shall be considered:

1. The rezoning is consistent with the Mesa County Master Plan;
2. The land to be rezoned was previously zoned in error or conditions have changed so that the rezoning is consistent with the Mesa County Master Plan; and
3. Public facilities and services are or can be made adequate to serve the types and scope of land uses allowed in the proposed zoning district.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

~~Section 4.16 |~~ SECTION 4.17 | SITE PLANS

A. Applicability

Site Plan approval, in accordance with the procedures of this section, shall be required before issuance of a building permit for any of the following:

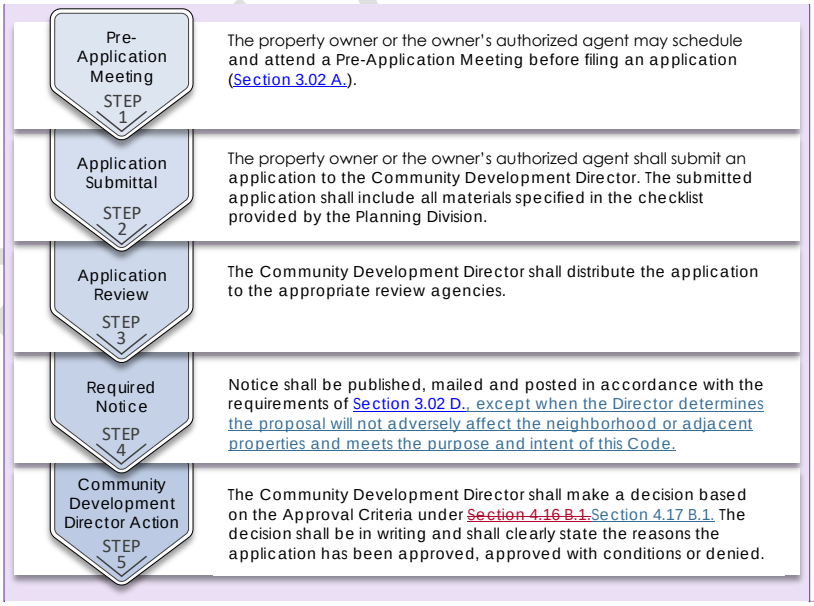
1. Any non-residential development;
2. Any residential or agricultural development (except as described under Section 4.16 C.);
3. ~~Any temporary use;~~

Commented [GM23]: A Temporary Use is already defined under Section 6.05.

B. Procedure

Figure 4-23 identifies the application steps which apply to the review of Site Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-23~~4-23~~: Summary of the Site Plan Procedure



Commented [GM24]: The added language codifies the historic use of "short forms" site plans. The short form has been used to approve those site plans that do not adversely affect neighborhoods or adjoining properties.

DRAFT 1/24/2026

1. Approval Criteria

   a. In evaluating the proposal, the request shall comply with any conditions of approval and all applicable requirements of this LDC, including, but not limited to:

      (1) The Use Regulations in Chapter 6:

      (2) Density and Dimensional Standards in Chapter 5; and

      (3) Development Standards in Chapter 8.

2. Lapse of Approval

   The right to develop in accordance with an approved Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within three (3) years of the date of Site Plan approval.

C. Residential/Agricultural Site Plans

Residential/Agricultural Site Plans are applications for development of new single-family detached, duplex or agricultural land uses. Accessory buildings with a footprint of less than two hundred (200) square feet shall not require a Residential/Agricultural Site Plan approval.

1. Review and action

   The Director shall review each application for Residential/Agricultural Site Plan approval, and act to approve, approve with conditions, or deny the application based on the Approval Criteria of ~~Section 4.16 C.3.~~Section 4.17 C.3.

2. Notice

   No notice of the application for Residential/Agricultural Site Plan is required.

3. Approval criteria

   The Director shall approve a Residential/Agricultural Site Plan application if the Director determines that the proposed development will comply with any conditions of approval and all applicable requirements of this LDC, including, but not limited to, the Use Regulations in Chapter 6, Density And Dimensional Standards in Chapter 5, the ~~Road Access Policy~~Mesa County Design Standards and Development Standards in Chapter 8.

4. Lapse of approval

   The right to develop in accordance with an approved Residential/Agricultural Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within the time frame required to complete construction according to a valid building permit.

~~Section 4.17 |~ SECTION 4.18 | CONSTRUCTION STORMWATER ~~CONSTRUCTION~~ PERMIT

Commented [WU25]: The following amendments are proposed by Public Works.

A. Applicability

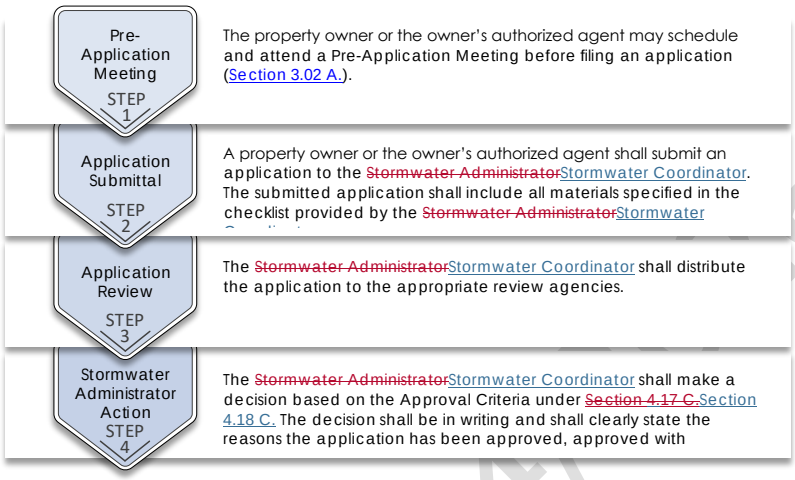
This section sets out the required review and approval procedures for Construction Stormwater ~~Construction~~ Permits.

B. Procedure

Figure 4-24 identifies the application steps which apply to the review of Construction Stormwater ~~Construction~~ Permit applications. Additions or modifications to the general review procedures are noted below.

DRAFT 7/24/2026

Figure 4-244-24: Summary of the Construction Stormwater ~~Construction~~ Permit Procedure



C. Approval Criteria

In determining whether to approve a Construction Stormwater ~~Construction~~ Permit, the ~~Stormwater Administrator~~Stormwater Coordinator shall consider if the Construction Site shall meet the Stormwater Discharge Limitations of Section 1503.1 of the Stormwater Management Manual, as amended, and the Stormwater Regulations of Section 8.22.

D. Appeals

Appeals of the ~~Stormwater Administrator~~Stormwater Coordinator's decision on the Construction Stormwater ~~Construction~~ Permit application may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.18, Appeals of Administrative Decisions.

E. Lapse of Approval

Earthwork, in compliance with the approved Construction Stormwater ~~Construction~~ Permit, shall commence on a site that has an approved Construction Stormwater ~~Construction~~ Permit within one (1) year from the date of issuance. If construction has not been commenced during the one (1) year period and diligently pursued, the permit shall lapse and be of no further effect. An extension of a Construction Stormwater ~~Construction~~ Permit shall require review and approval of a new permit.

~~Section 4.18 |~~ SECTION 4.19 | CONSTRUCTION STORMWATER ~~CONSTRUCTION~~ PERMIT VARIANCE

A. Applicability

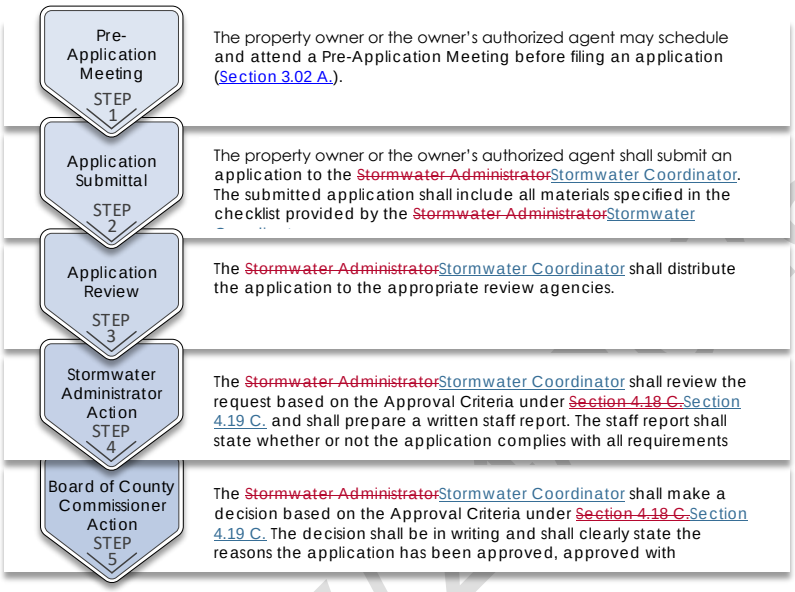
This section sets out the required review and approval procedures for Construction Stormwater ~~Construction~~ Permit Variances. The variance from permitting does not relieve the owner from meeting discharge limitations described in the Mesa County Stormwater Management Manual, as amended and the Stormwater Regulations in Section 8.22.

B. Procedure

Figure 4-25 identifies the application steps which apply to the review of Construction Stormwater ~~Construction~~ Permit Variance applications. Additions or modifications to the general review procedures are noted below.

DRAFT 7/24/2025

Figure 4-254-25: Summary of the Construction Stormwater ~~Construction~~ Permit Variance Procedure



C. Approval Criteria

In evaluating the proposed request, the Stormwater Regulations of ~~Section 8.22~~Section 8.21; all technical evaluations, and the following criteria shall be considered:

1. Land disturbance activities in areas where the topography would prohibit runoff from leaving the site or enter a waterway;
2. Agricultural and silviculture activities such as home gardening and tilling a field for weed control;
3. Maintenance activities, such as re-grading a dirt road, re-landscaping a lawn, cleaning out roadside ditches, and other land disturbances that do not alter original line and grade, hydraulic capacity or original purpose;
4. Re-paving a roadway, providing that underlying and/or surrounding soil is not cleared, graded, excavated or otherwise disturbed;
5. For small construction activity (i.e.: from 1- to 5-acres of earth disturbance) based on the Rainfall Erosivity Factor (i.e.: the R Factor) (see Colorado Discharge Permits System Regulation No. 61 @ 61.3(2)(f)(ii)(B)) and duration of the exposed disturbance. To obtain a waiver from the CDPS Construction General Permit, the applicant must submit calculations to the WQCD (see "Policy on the State Approved Method for Calculating the Rainfall Erosivity Factor" in SWMM, which can be obtained in pdf form at http://www.cdphe.state.co.us/wq/permitsunit/index.html; and
6. Grading or an excavation below finished grade for basements, footings, retaining wall, or other structures provided the land disturbance is less than one (1-acre) and are not part of a Larger Common Plan of Development or Sale.

D. Appeals

Appeals of the ~~Stormwater Administrator~~Stormwater Coordinator's decision on the Construction Stormwater ~~Construction~~ Permit Variance application may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02, Appeals of Administrative Decisions.

~~Section 4.19 |~~ SECTION 4.20 | STORMWATER QUALITY PROGRAM EXEMPTIONS

This section sets out exemptions from the stormwater quality program. The exemption from permitting does not relieve the owner from meeting discharge limitations described in the Mesa County Stormwater Management

Manual, as amended and the Stormwater Regulations in ~~Section 8.22~~Section 8.21.

A. The following activities are considered exempt:

1. Land disturbance activities in areas where the topography would prohibit runoff from leaving the site or entering waters of the state.
2. Agricultural and silviculture activities such as home gardening and tilling a field for weed control.
3. Maintenance activities, such as re-grading a dirt road, re-landscaping a lawn, cleaning out roadside ditches, and other land disturbances that do not alter original line and grade, hydraulic capacity or original purpose.
4. Re-paving a roadway, providing that underlying and/or surrounding soil is not cleared, graded, excavated or otherwise disturbed.
5. Grading or an excavation below finished grade for basements, footings, retaining wall, or other structures provided the land disturbance is less than one (1) acre and are not part of a Larger Common Plan of Development or Sale.

~~Section 4.20 |~~ SECTION 4.21 | VACATION OF RIGHTS-OF-WAY AND RENAMING OF STREETS

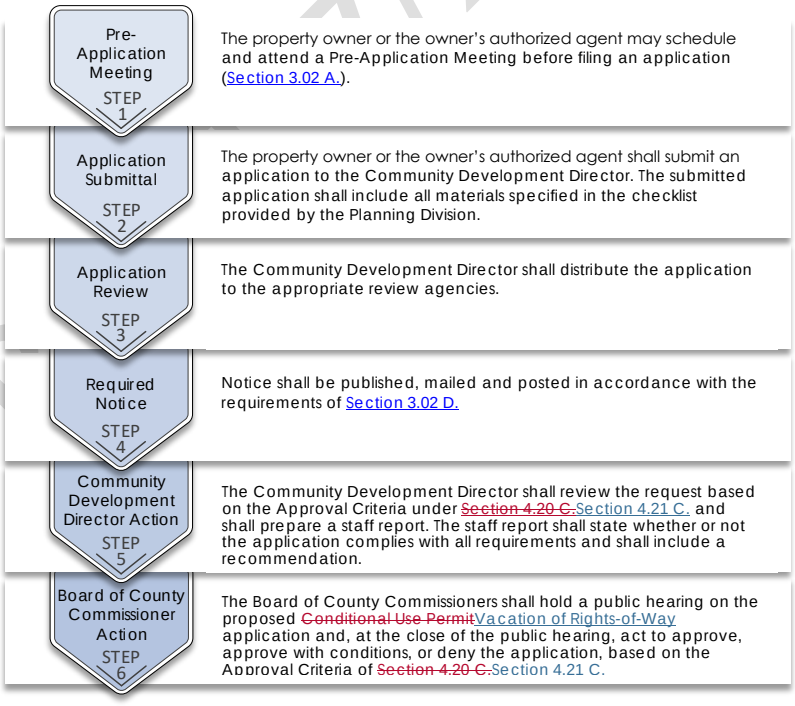
A. Applicability

The procedures of this section shall apply to the vacation of any right-of-way providing access to property and to the renaming of streets.

B. Procedure

Figure 4-26 identifies the application steps which apply to the review of a Vacation of Rights-of-Way or Renaming of Streets application. Additions or modifications to the general review procedures are noted below.

Figure 4-~~26~~4-26: Summary of the Vacation of Rights-of-Way or Renaming of Streets



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C. Approval Criteria

1. Rights-of-way Vacations

a. In evaluating the proposal, the request shall not:

(1) Create any landlocked parcels or restrict access to any parcel so that access is unreasonable or economically prohibitive;

(2) Negatively impact adjacent properties;

(3) Reduce the quality of public services to any parcel of land or negatively affect utility access or utility distribution networks;

(4) Be inconsistent with any adopted transportation plan;

(5) Affect the historic movement of livestock; or

(6) Create a circuitous alternate route for area residents or other members of the public;

b. A vacation of a rights-of-way may be approved on a Subdivision Plat as long as the above criteria are met, and:

(1) The rights-of-way being vacated is entirely within the plat being created; and

(2) Existing utilities are accommodated with sufficient easements.

2. Street Renaming

In evaluating a proposal to rename a street, all of the following criteria must be met:

a. The proposed new name for the street is not similar to the name of an existing street in the County or any town or city in the County that it would create public confusion as to the location of the street; and

b. The proposed renaming will not otherwise create any continuing confusion to drivers, public safety personnel, or area residents as to the location of the street.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

~~Section 4.21 |~~ SECTION 4.22 | WRITTEN INTERPRETATIONS

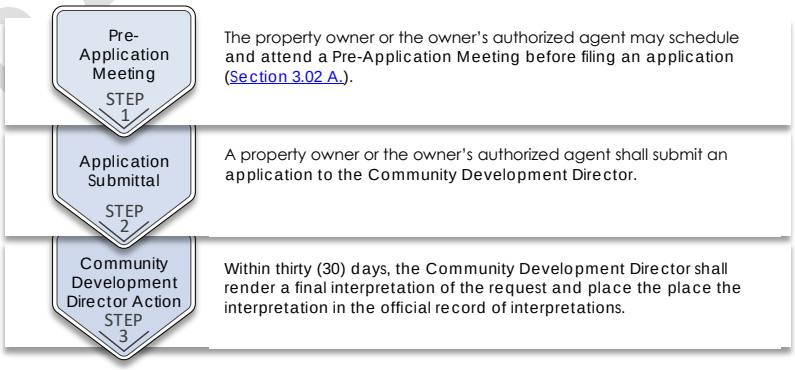
A. Applicability

When clarification is requested, the Director shall be authorized to make written interpretations concerning any section of this LDC.

B. Procedure

Figure 4-27 identifies the application steps which apply to the review of a request for Written Interpretation. Additions or modifications to the general review procedures are noted below.

Figure 4-~~27~~4-~~27~~: Summary of the Written Interpretation Procedure



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C. Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

~~Section 4.22 |~~ SECTION 4.23 | ZONING VARIANCES

A. Applicability

1. The Board of Adjustment is authorized to grant variances from the dimensional standards, ~~and the~~ off-street parking and loading standards, use-specific standards, overlay district regulations, landscape standards and sign regulations of this LDC.

2. No variance shall be granted which is a use variance and has the practical effect of rezoning property to a higher intensity of use than the district in which the property is located.

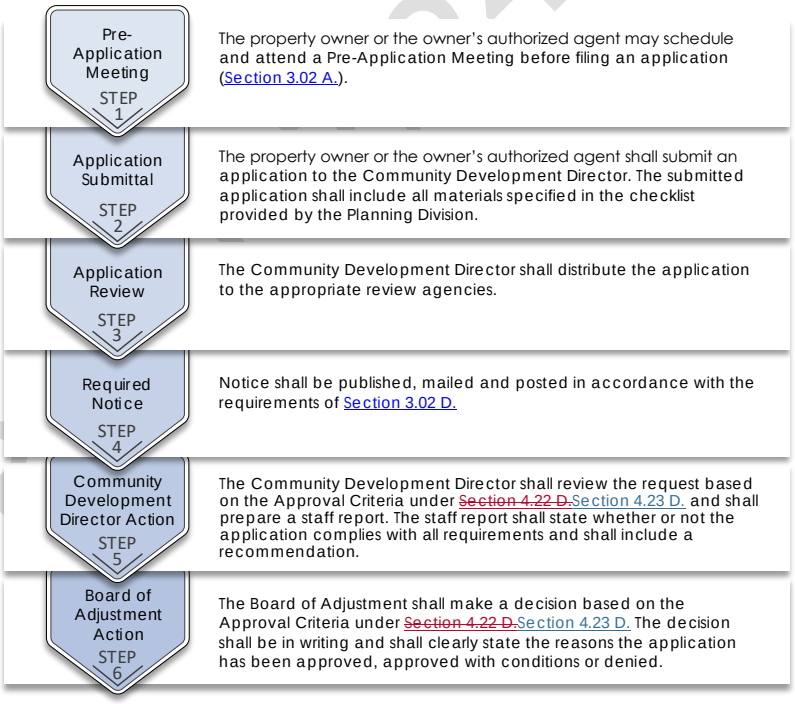
B. Use Variances Prohibited

No variance shall be approved that has the effect of allowing a use that is not allowed in the subject zoning district.

C. Procedure

Figure 4-28 identifies the application steps which apply to the review of Zoning Variance applications. Additions or modifications to the general review procedures are noted below.

Figure 4-~~28~~4-~~28~~: Summary of the Zoning Variance



D. Approval Criteria

In evaluating the proposed request, all of the following criteria must be met:

1. The requested Variance is consistent with the Purposes set out in Section 3.09 of this LDC;

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2. There are special circumstances or conditions (such as exceptional topographic conditions, narrowness, shallowness, or the shape of the property) that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the area;

3. The special circumstances and conditions that account for the need for a Variance are not the result of the owners' actions;

4. The special circumstances and conditions are such that the strict application of the provisions of this LDC would result in peculiar and practical difficulties to, and exceptional and undue hardship upon, the use of the land or building;

5. The granting of the Variance is the minimum necessary to relieve the applicant of the practical difficulties and exceptional and undue hardship in the use of the land or building; and

6. The granting of the Variance will not have an adverse impact upon the properties located within the written notification area defined in Section 3.02 D.

E. Approval Criteria for Accessory Dwellings

In evaluating the proposed request, the above criteria and all of the following criteria must be met:

1. The available building area of the property, as shown on a survey or site analysis map submitted by the applicant, would allow the construction of the proposed accessory dwelling, including adequate space for a septic system and replacement septic system as required by Mesa County;

2. Except for maximum size, the proposed accessory dwelling will meet all applicable requirements of the LDC;

3. The approval of the accessory dwelling is not sought to subsequently compel or influence approval of an application to subdivide the property or to circumvent subdivision regulations; and

4. Notice of the requirements and restrictions pertaining to the accessory dwelling will be provided to potential future owners by recording the variance approval resolution in the public records of the Mesa County Clerk and Recorder.

F. Structure Height Approval Criteria

In evaluating a proposal for a variance to the height limitations of a zone district, the request must demonstrate that:

1. The strict application of the provisions of this LDC would result in practical difficulties to, and exceptional and undue hardship upon, the proposed use, and

2. The proposal is compatible with features in the area such as vegetation, topography or similar structures and

3. The proposal will not have an adverse impact upon the properties located within the written notification area defined in Section 3.02 D. of the Code.

Proposals must address measures to blend the structure into the existing landscape and skyline and provide visual representation of such mitigation.

G. Appeals

Appeals of decisions of the Board of Adjustment shall be made to the courts, as provided by law.

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CHAPTER 5 | ZONING DISTRICTS

This chapter establishes Mesa County zoning districts and contains statements of purpose, density and dimensional standards, each of the district's future land use classification compatibility and overlay standards. The Consolidated Zoning District Map and the Master Plan Future Land Use Plan Map are maintained in the Community Development Department of Mesa County.

SECTION 5.01 | RURAL ZONING DISTRICTS

The following Districts shall be known as Rural Zoning Districts. These districts are generally appropriate for ~~application in the Rural Planning Area~~agricultural activities, low-density residential and designated commercial uses that are similar to agricultural activities while maintaining the rural character of the area.

A. Agricultural and Forestry District (AF-35)

The Agricultural and Forestry District is primarily intended to provide for the protection and continuation of agriculture and forestry operations, and the preservation of environmentally sensitive lands, while allowing very low-density single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
AF-35	1/35 Acres	n/a	35 Acres	500'	20	50/55	50/50	50/50	n/a	n/a	35

B. Agricultural, Forestry, Transitional District (AFT)

The Agricultural, Forestry, Transitional District is primarily intended to accommodate agricultural operations and very low-density single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[4]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
AFT	Section 7.02			130'	20	50/50 (20/25 for properties adjoining local roads)	10/10	30/10	n/a	n/a	35

~~Section 5.02 | SECTION 1.01 | URBAN RESIDENTIAL ZONING DISTRICTS~~

~~The following Districts shall be known as Urban Residential Zoning Districts. These districts are generally appropriate for application in the Urban Development Boundary of the Grand Junction Comprehensive Plan, in Rural Communities, and near municipalities.~~

~~A.~~C. Residential Single Family - Rural District (RSF-R)

The Residential Single Family - Rural District is primarily intended to accommodate low-intensity agricultural operations and very low-density single-family uses on large parcels. The district is appropriate for application in areas where very low-density, rural character development is desired, or where terrain, environmental resources or the absence of public facilities and services necessitates very low-intensity development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[4]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
RSF-R	1~~/~~ per 5 Acres	n/a	5 Acres	150'	50[1]	50/50 (20/25 for properties adjoining local road)	10/10	30/10	n/a	n/a	35

~~B.~~D. Residential Single Family - Estate District (RSF-E)

The Residential Single Family - Estate District is primarily intended to accommodate low-density, estate-type, single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[4]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area[3]	Width		Street	Side	Rear			
RSF-E	Section 7.03	n/a	~~1~~ Acre~~s~~ Section 8.10	100'	50[1]	20/25	15/5	25/10	25%	n/a	35

Commented [WU26]: The RSF-R, RSF-E and URR are proposed to be included with the AF-35 and AFT as Rural Zoning Districts. Each of these zones have a minimum density of 1 acres or greater.

Commented [GM27]: Look at OWTS standards

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E. Urban Residential Reserve District (URR)

The Urban Residential Reserve District is primarily intended to accommodate low density, single-family residential development. Subdivided lots are grouped together with a larger building lot "reserved" for future urban development when public sewer and other urban infrastructure/services are available to serve the subdivision in the reasonable foreseeable future.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
URR	1 ~~Dwelling~~ per 2 Acres	n/a	~~Section 8.11~~Section 8.10	100'	50[1]	20/25	15/5	25/10	50%	n/a	35

SECTION 5.02 | URBAN RESIDENTIAL ZONING DISTRICTS

The following Districts shall be known as Urban Residential Zoning Districts. These districts are generally appropriate for ~~application in the Urban Development Boundary of the Grand Junction Comprehensive Plan, in Rural Communities, and near municipalities~~land uses that are related to housing, including single-family homes, apartments, condos, and other residential structures, with potential for mixed-use.

~~C.~~A. Residential Single Family - 1 District (RSF-1)

The Residential Single Family - 1 District is primarily intended to accommodate low density, single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2, 4]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area (sq ft)	Width		Street	Side	Rear			
RSF-1	1	n/a	~~30,000~~n/a	~~100'~~n/a	50[1]	20/25	15/3	30/3	20%	n/a	35

Commented [WU28]: It is proposed to remove minimum lot size and width on all Urban Residential Zone Districts. Minimum densities will remain.

~~D.~~B. Residential Single Family - 2 District (RSF-2)

The Residential Single Family - 2 District is primarily intended to accommodate medium-low density, single-family and duplex residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2, 4]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area (sq ft) [3]	Width		Street	Side	Rear			
RSF-2	2	n/a	~~15,000~~n/a	~~100'~~n/a	50[1]	20/25	15/3	30/3	30%	n/a	35

~~E.~~C. Residential Single Family - 4 District (RSF-4)

The Residential Single Family - 4 District is primarily intended to accommodate medium-density, single-family and duplex residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2, 4]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area (sq ft) [3]	Width		Street	Side	Rear			
RSF-4	4	2	~~7,000~~n/a	~~75'~~n/a	20	20/25	7/3	20/10	50%	n/a	35

~~F.~~D. Residential Multi Family - 5 District (RMF-5)

The Residential Multi Family - 5 District is primarily intended to accommodate medium-density single-family, duplex, and low-density multi-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2, 4]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area (sq ft)	Width		Street	Side	Rear			
RMF-5	5	3	~~4,000 SF 6,000 2F~~	~~60'~~n/a	20	20/25	5/3	15/10	60%	n/a	35

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			n/a ~~MF~~								

~~G.~~E. Residential Multi Family - 8 District (RMF-8)

The Residential Multi Family - 8 District is primarily intended to accommodate medium-high-density single-family, duplex and multi-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2] ~~[4]~~			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area (sq ft)	Width		Street	Side	Rear			
RMF-8	8	5	~~3,000 SF 6,000 2F~~ n/a ~~MF~~	~~50'~~n/a	20	20/25	5/3	10/5	70%	n/a	35

~~H.~~F. Residential Multi Family - 12 District (RMF-12)

The Residential Multi Family - 12 District is primarily intended to accommodate medium-high-density duplex, multi-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
RMF-12	12	8	~~3,000 SF~~ n/a ~~MF~~	~~30'~~n/a	20	20/25	5/3	10/5	75%	n/a	60

~~I.~~G. Residential Multi-Family - 16 District (RMF-16)

The Residential Multi-Family - 16 District is primarily intended to accommodate medium to high-density multi-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
RMF-16	16	12	n/a	~~30'~~n/a	20	20/25	5/3	10/5	75%	n/a	60

~~J.~~H. Residential Multi-Family - 24 District (RMF-24)

The Residential-Multi-Family District is primarily intended to accommodate high-density multi-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
RMF-24	24	16	n/a	~~30'~~n/a	20	20/25	5/3	10/5	80%	n/a	72

~~K.~~I. Mixed Use - Residential - (MU-R)

The Mixed Use - Residential District is primarily intended to accommodate a mix of high-density multi-family residential and commercial uses. The Mixed Use Residential District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential and retail/service uses in close proximity to each other.

Zoning District	Density (units per acre)		Minimum Lot (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
MU-R	12	Section 5.05 H.									

~~L. Urban Residential Reserve District (URR)~~

~~The Urban Residential Reserve District is primarily intended to accommodate low density, single-family residential development. Subdivided lots are grouped together with a larger building lot "reserved" for future urban development when public sewer and other urban infrastructure/services are available to serve the subdivision in the reasonable foreseeable future.~~

~~Zoning District~~	~~Density (units per acre)~~		~~Minimum Lot Size (net)~~		~~Minimum Street Frontage (feet)~~	~~Minimum Setbacks (feet) Principal/Accessory~~			~~Maximum Lot Coverage~~	~~Maximum Building Size (square feet)~~	~~Maximum Height (feet)~~
	~~Max~~	~~Min~~	~~Area~~	~~Width~~		~~Street~~	~~Side~~	~~Rear~~			

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~~URR~~	~~1 Dwelling per 2 Acres~~	~~n/a~~	~~Section 8.11~~	~~100[1]~~	~~50[1]~~	~~20/25~~	~~15/5~~	~~25/10~~	~~50%~~	~~n/a~~	~~35~~

~~M.~~J. Density and Dimensional Standards Footnotes

[1]Minimum street frontage on cul-de-sac reduced to thirty (30) feet.

[2]Where rear lot lines are adjacent to a Utility or Landscape Outlot, the street setback(s) of the principal structure may be reduced to fourteen (14) feet, excluding the setback for a garage with doors facing any street.

[3]If the property is located within the Fruita Buffer (Cooperative Planning Area) south of the Colorado River, the minimum lot size shall be no less than two (2) acres.

~~[4]Structures containing accessory dwelling units shall meet principal structure setbacks.~~

Commented [WU29]: Required to be removed due to HB24-1152.

SECTION 5.03 | URBAN ~~NONRESIDENTIAL~~ COMMERCIAL/INDUSTRIAL ZONING DISTRICTS

Commented [WU30]: Changing the section name brings these zoning districts more inline with the uses that are and have historically been allowed as these zones are not "nonresidential".

The following Districts shall be known as Urban ~~Nonresidential~~ Commercial/Industrial Zoning Districts. These districts are generally appropriate land for commercial, industrial, or mixed-use activities, which may include residential areas, to support economic activities like businesses, offices, and retail.

A. Residential Office District (R-O)

The Residential Office District is primarily intended to accommodate very low-intensity office uses on small sites in or near residential areas, or between residential and commercial areas. The district regulations are intended to ensure that the scale and character of uses do not adversely affect nearby residential areas.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
R-O	~~8~~16	n/a	n/a	n/a	n/a	0/0	0/0	0/0	70%	10,000	35

Commented [GM31]: It is proposed to increase the residential densities in the Urban Commercial/Industrial Zoning Districts.

B. Limited Business District (B-1)

The Limited Business District is primarily intended to accommodate low-intensity neighborhood service and office uses that are compatible with the scale and character of residential neighborhoods.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
B-1	~~8~~16	n/a	n/a	n/a	n/a	0/0	0/0	0/0~~[3]~~	75%	30,000	40

C. Concentrated Business District (B-2)

The Concentrated Business District is primarily intended to accommodate concentrated retail, service, and office uses in community downtown settings. The district is not intended for major shopping centers or large outdoor sales areas. Pedestrian circulation is encouraged within the B-2 District through the use of flexible parking requirements and design standards.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
B-2	24+	n/a	n/a	n/a	n/a	0/0	0/0	0/0~~[3]~~	100%	n/a	65

D. Limited Commercial District (C-1)

The Limited Commercial District is primarily intended to accommodate retail, service, and office uses conducted entirely indoors. The district promotes well-designed development on sites that provide excellent transportation access.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
C-1	~~16~~24+	n/a	~~1~~ Acre n/a	n/a	n/a	14/14	0/0	0/0~~[3]~~	80%	n/a	40

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E. General Commercial District (C-2)

The General Commercial District is primarily intended to accommodate moderate- to high-intensity commercial uses, which may include outdoor display or storage.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
C-2	~~16~~24+	n/a	~~1~~ ~~Acre~~n/a	n/a	n/a	14/14	0/0	0/0~~[3]~~	80%	n/a	40

F. Limited Industrial District (I-1)

The Limited Industrial District is primarily intended to accommodate light manufacturing uses within enclosed structures or developments that provide for a mix of office, light industrial, and limited retail and service uses in attractive, business park settings.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
I-1	~~8~~n/a	n/a	~~1~~ ~~Acre~~n/a	n/a	n/a	14/14	0/0	0/0	80%	n/a	40/65~~[5]~~

Commented [GM32]: It is proposed to remove residential densities within the I-1 and I-2 zone districts.

G. General Industrial District (I-2)

The General Industrial District is primarily intended to accommodate areas of heavy and concentrated fabrication, manufacturing and industrial uses. The district is appropriate for application in areas that will not be adversely affected by the impacts of such activities, or where such impacts can be minimized to the maximum extent practical.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height Principal/ Accessory (feet)
	Max	Min	Area	Width		Street	Side	Rear			
I-2	~~8~~n/a	n/a	~~1~~ ~~Acre~~n/a	n/a	n/a	14/14	0/0	0/0	80%	n/a	40~~[5]~~

H. Mixed Use - Commercial District (MU-C)

The Mixed Use - Commercial District is primarily intended to accommodate a mix of commercial and high-density multi-family residential uses. The MU-C District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The MU-C District also permits a mix of residential and retail/service uses in close proximity to each other.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
MU-C	~~12~~24+	n/a	Section 5.05 H.								

I. Mixed Use - Old Town Clifton District (MU-OTC)

The Mixed Use - Old Town Clifton District is primarily intended to accommodate a mix of residential and commercial uses. The MU-OTC District is intended to ensure the Old Town Clifton Planning Area will become a mixed-use community and remain an attractive environment for business, offices, services and housing. It accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The MU-OTC District also permits a mix of residential and commercial uses in close proximity to each other. ~~Development in the MU-OTC District is subject to the mandatory design standards in Appendix C of this LDC.~~

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
~~MU-OTC~~	~~12~~24	~~8~~	~~See Appendix C – Old Town Clifton Mixed Use District and Design Standards~~								
MU-OTC	24+	n/a	n/a	n/a	n/a	14/14	0/0	0/0	80%	n/a	40

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SECTION 5.04 | MASTER PLAN IMPLEMENTATION

The following Tables shows which zoning district(s) appropriately implement(s) a given future land use classification of the Mesa County Master Plan. An "X" indicates that the zone district implements the corresponding future land use classification and is therefore an appropriate zone within that designated area on the Future Land Use Plan Map. The absence of an "X" indicates that the zone district is not an appropriate zone and therefore should not be allowed.

TABLE 5-~~15~~-1: ZONING DISTRICTS TO IMPLEMENT THE MESA COUNTY FUTURE LAND USE PLAN

ZONING DISTRICTS TO IMPLEMENT THE MESA COUNTY FUTURE LAND USE PLAN		RURAL PLANNING AREAS											URBAN PLANNING AREAS											
		RURAL MESA COUNTY											RESIDENTIAL			NON-RESIDENTIAL			MIXED USE		OTHER				
		ESTATE (EST, EST 2, EST 3)	URBAN RESIDENTIAL RESERVE (URR)	RURAL (RUR)	FRUITA 201 10 AC (FRU 10)	EAST ORCHARD MESA 10 AC (EOM 10)	RURAL/AGRICULTURAL 10 AC (R/A 10)	RURAL/AGRICULTURAL 17 AC (R/A 17)	RURAL/AGRICULTURAL 20 AC (R/A 20)	RURAL/AGRICULTURAL 35+ AC (R/A 35)	COOPERATIVE PLANNING AREA (CPA)	RESIDENTIAL LOW (RL)	RESIDENTIAL MEDIUM (RM)	RESIDENTIAL HIGH (RH)	COMMERCIAL (COM)	COMMERCIAL / INDUSTRIAL (CI)	INDUSTRIAL (IND)	BUSINESS PARK / MIXED USE (BPMU)	MIXED USE (MU)	MT. GARFIELD VIEW PRESERVATION (GVPA)[2]	CONSERVATION MINERAL EXTRACTION (CON)	~~PARKS AND OPEN SPACE (PK)~~	FRUITA GREENWAY BUSINESS PARK (GBP)	~~VILLAGE OF MESA OVERLAY DISTRICT~~
RURAL	AF35									X										X	X			
	AFT	X	X	X	X	X	X	X	X		X									X	X			
	URR		X																					
	RSF-R			X																	X			
	RSF-E	X										X												
URBAN RESIDENTIAL	RSF-1											X												
	RSF-2											X												
	RSF-4											X	X											
	RSF-5												X											
	RMF-8												X											
	RMF-12												X	X				X						
	RMF-16													X				X	~~X~~					
	RMF-24													X				X	~~X~~					
URBAN NON-RESIDENTIAL	R-O												X	X	X			X	~~X~~					
	B-1													X	X			X	~~X~~					
	B-2														X				~~X~~					
	C-1														X			X	~~X~~					
	C-2														X	X		X						
	I-1															X	X	X					X	
	I-2																X						X	
MIXED USE	MU-R																		X					
	MU-C														X				X					
	MU-OTC														X									
~~MESA~~	~~MESA / POWDERHORN PLAN~~																							~~X~~
~~POWDERHORN~~	~~MESA / POWDERHORN PLAN[2]~~	~~X~~	~~X~~																					

~~Section 5.05 | | ZONING AND POLICES TO IMPLEMENT FUTURE LAND USE TO BE DETERMINED FOR RECREATIONAL COMMERCIAL~~

~~[2]PUD zoning has implemented Powderhorn Sub-Area~~

Commented [GM33]: No other overly district is included in this matrix. All the overlay districts are defined in Chapter 5.

Commented [GM35]: The interim development policy (RESOLUTION NO. MCM 2012 – 048) limits the zoning to AF35 or AFT until services are available.

Commented [GM34]: Added URR, RSF-R and RSF-E to Rural.

Commented [GM36]: Should not be included under RL as the RSF-E densities are determined by the Estate classification in Chapter 7.

Commented [GM37]: The only MU classification outside of the 201/UDB is in Whitewater(Section 5.05 H.). The only zones allowed are the MU-R and the MU-C.

Commented [GM38]: Mesa/Powderhorn are not zoning districts they are overlays. There is no need to include them in the implementation table as no other overlays are included.

A. Planned Unit Development District (PUD)

The Planned Unit Development District is intended to encourage innovative land planning and site design concepts that implement and are in general conformity with the Mesa County Master Plan.

1. Developer's Statement of Intent

Each Outline Development Plan application shall contain a statement describing how the proposed development departs from the otherwise applicable standards of this LDC, and how the proposed development, on balance, is an improvement over what would be required under otherwise applicable standards.

2. Review and Approval Procedures

PUDs shall be reviewed and approved in accordance with the procedures of ~~Section 4.12.~~Section 4.13.

3. Use Regulations

The Board of County Commissioners shall determine the types of uses allowed within a PUD at the time of Outline Development Plan approval. Only uses that are in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, may be allowed within a PUD, and should generally be limited to uses allowed in the underlying Zoning District.

4. Development Intensity

The total number of dwelling units and level of nonresidential development allowed within a PUD shall be in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, and shall not exceed the level that can be adequately served by public facilities. The Director may require a traffic impact study or other infrastructure capacity analysis to provide information on the development's expected impacts on existing and planned facilities.

5. Other Standards

Otherwise applicable standards of this LDC may be modified by the Board of County Commissioners as part of the approval of a PUD, if modifications are in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, and if the development is found to be an improvement over what would be required under otherwise applicable standards.

B. Orchard Mesa Open Land Overlay District (OL)

1. Purpose

The Orchard Mesa Open Land Overlay District is intended to encourage preservation of open space, sensitive natural areas, irrigated agricultural lands and the rural character.

~~2. Orchard Mesa Open Land Overlay District~~

~~Orchard Mesa Open Land Overlay District referred to in this LDC is on file at the Public Works Department. The Orchard Mesa Open Land Overlay District is incorporated by this reference as if fully set forth.~~

Commented [GM39]: It is proposed that the standards and regulations codified within this section of the Land Development Code effectively manage land use in the Orchard Mesa Open Land Overlay District. Consequently, the Orchard Mesa Neighborhood Plan is no longer necessary and, after 11 years, should be rescinded.

~~3.~~2. Relationship to Underlying Zoning

Property owners shall have the option of developing in accordance with the underlying zoning or with the OL District standards of this section.

~~4.~~3. Standards

a. The OL Overlay District is applicable only to tracts of land ten (10) acres or larger in size.

b. Developments that use the OL Overlay District standards shall be required to retain a minimum of fifty percent (50) of the development tract in open land, and group dwellings in clusters.

c. A maximum density of one (1) dwelling unit per two and a half (2.5) gross acres is allowed.

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d. Permitted uses of the open land shall be determined by the Board of County Commissioners and may include but shall not be limited to:

(1) Agricultural uses;

(2) Conservation of open land in natural state;

(3) Passive recreation areas (trails, community gardens, lawn, picnic areas, etc.);

(4) Active recreation areas;

(5) Easements for drainage, access, sewer or water lines, stormwater management facilities;

(6) Parking for active recreation areas (ten (10) or fewer spaces); or

(7) "Homestead lots" that are at least five acres in size, of which a maximum of one acre may be developed with a single-family dwelling and accessory uses. The undeveloped portion of the lot may be counted toward the minimum fifty (50) percent open land requirement for the development, and must be restricted from future development and further subdivision by an open space easement. Dwellings on homestead lots count toward the maximum density permitted on a tract.

e. Above ground utilities and road rights-of-way areas may not be counted toward the required fifty (50) percent minimum open land requirement.

f. Designated open land should maximize common boundaries with open land on adjacent tracts.

g. Safe and convenient pedestrian access shall be provided to open lands where appropriate. Access to land used for agriculture may be restricted. Public access is not necessarily required and should be determined on a case by case basis.

h. Use of motorized vehicles within designated open land is prohibited except within approved driveways and parking areas. Maintenance, law enforcement, emergency, and farm vehicles are permitted, as needed.

i. Design of the development shall be such that natural features are generally maintained in their natural condition. Permitted modifications may include: buffer area landscaping, revegetation, streambank, riparian, wetlands protection and management.

j. All developments utilizing the OL Overlay Zone shall include provisions to ensure the designated open space remains in open land. The recorded subdivision plat for the development shall indicate the designated open land is to remain open land as an open space easement. Deed restrictions may be required for designated tracts of open land. Use of conservation easements is encouraged where appropriate.

k. All developments utilizing the OL Overlay Zone shall include provisions for the perpetual maintenance of the designated open land for appropriate uses as listed in this section (e.g. covenants for a homeowners association). All applicable weed, pest, and nuisance ordinances and regulations shall apply to all properties.

~~5.~~4. Residential Grouping, Design and Density

a. Developments shall be encouraged to preserve prime agricultural land to the greatest extent possible as defined by the Natural Resources Conservation Service.

b. Structures shall be located in areas least likely to block any scenic views, to the greatest extent possible.

c. An open land buffer area with a minimum width of one hundred (100) feet shall be provided between residential groupings (clusters), to the greatest extent possible.

d. A maximum density of one single-family, detached unit per two and a half (2.5) acres shall be permitted (based on gross density of the tract).

e. All lots shall be grouped into clusters of at least two and no more than twenty-five (25) lots.

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f. Minimum lot sizes:

(1) All lots utilizing Onsite Wastewater Treatment Systems (OWTS) shall meet the OWTS standards as determined by ~~Section 8.11~~Section 8.10 of this LDC.

(2) Minimum lot size for lots served by public sanitary sewer service shall be determined on a site specific basis through the subdivision review process, based on compatibility with surrounding land uses.

g. All lots within clusters shall be adjacent to designated open land to the extent possible.

h. Disturbance to mature trees and other significant vegetation shall be minimized.

i. All new lots should access internal roads.

j. Minimum setbacks between principal residential structures and the following designated open land uses shall be as follows:

(1) Pasture, croplands, orchards: one hundred (100) feet

(2) Barns and livestock buildings/pens: three hundred (300) feet

(3) Edge of drainages, wetlands, floodplains: one hundred (100) feet

(4) Active recreation area: one hundred fifty (150) feet

~~6.~~5. Other minimum setbacks for principal residential structures shall be:

a. Street Setback:

(1) Comply with AFT District standards

b. Side setback:

(1) 50 feet (lots over three acres)

(2) 25 feet (lots over one acre and up to three acres)

(3) 15 feet (lots one acre or less, or lot width of 150 feet or less)

c. Rear setback:

(1) 50 feet (lots over one acre in size)

(2) 25 feet (lots one acre or less, or lot width of 150 feet or less)

Other bulk and use requirements of the AFT Zoning District apply where there is no conflict with the above standards.

C. Village of Mesa Overlay District

1. Purpose

The Village of Mesa Overlay District is intended to encourage urban development where adequate services already exist; to simplify the development process in the Overlay District; to recognize the Mesa Sanitation District as the logical growth boundaries for the Mesa rural community; and to strengthen the existing village character of Mesa.

~~2. Village of Mesa Overlay District~~

~~3.~~2. ~~Village of Mesa Overlay District referred to in this LDC is on file at the Public Works Department. The Village of Mesa Overlay District is incorporated by this reference as if fully set forth. Areas annexed by the Mesa Sanitation District subsequent to the adoption of this LDC may be included in the Overlay District if approved by the Board of County Commissioners as a rezoning request pursuant to Section 4.15 of this LDC.~~ Relationship to Underlying Zoning

Property owners shall have the option of developing in accordance with the underlying zoning or ~~with~~ opting into the Village of Mesa Overlay District and the standards ~~of~~ contained within this section. If a property owner opts into the Village of Mesa Overlay District, new development shall comply with the

Commented [GM40]: It is proposed that the standards and regulations codified within this section of the Land Development Code effectively manage land use in the Village of Mesa Overlay District. Consequently, the Mesa/Powderhorn Plan is no longer necessary and, after 12 years, should be rescinded.

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standards in the Village of Mesa Overlay District zone and the property will be designated as Village of Mesa Overlay District on the Official Zoning Map.

4.3. Standards

a. Residential

One (1) dwelling unit per two-thousand five hundred (2,500) square feet minimum lot area is encouraged.

b. Manufactured Homes

Manufactured Home Parks should not be located along State Highway 65 and KE Road frontages.

c. Recreational Vehicle (RV) Parks

RV developments may be located along Highway 65 and KE Road. Proposals must comply with campground standards of this LDC.

d. Business

A minimum building lot size of two thousand five hundred (2,500) square feet is required to allow adequate parking, landscaping and circulation.

e. Mixed Use

A mixture of both business and residential uses on individual parcels is allowed along State Highway 65 frontage.

f. B-2Allowed Uses

All residential uses and business uses that are allowed in the B-2 district shall be allowed in the Village of Mesa Overlay District, including single-family attached and detached dwelling units.

Commented [GM41]: There is no B-2 zoning in the Mesa Overly, it is therefore assumed that it was meant to include all B-2 uses in the overlay.

g. Building Height

Maximum building height shall be thirty-five (35) feet or two (2) stories.

h. Setbacks:

(1) Front (street): ten (10) feet from front property line or curb line

(a) Front porches and canopies may extend five (5) feet into the front setback.

(2) Sides: zero (0) feet

(3) Rear: ten (10) feet

i. Architectural Features

Western style architecture is encouraged, e.g. liberal use of front porches, wood facades, false fronts, flat and pitched roof structures, non-reflective metal roofing, etc. Front porches are encouraged to be continuous with neighboring structures.

j. Signs

Every sign shall be in good proportion and visually integrated with buildings and surrounding uses. Each sign shall be compatible with adjoining premises and should not compete for attention. Use of wall, roof, hanging, and free standing monument signs are encouraged. Proposals must conform with all applicable sign regulations.

k. Landscaping

The Landscape Standards of this LDC apply to all new developments.

D. Airport Environs Overlay District

1. Purpose

The Airport Environs Overlay District is hereby created with the following purposes:

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a. Protect the public health, safety and welfare by regulating development and land use within noise sensitive areas and airport hazard areas;

b. Ensure compatibility between airports and surrounding land uses; and

c. Protect the airport from incompatible encroachment.

2. Applicability

The Airport Environs Overlay District shall serve as an overlay district that applies additional standards and requirements to properties located within an underlying zoning district. In case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

3. General Provisions

Every development application for property located within the Grand Junction Regional Airport Influence Area shall comply with all restrictions contained within the adopted Airport Master Plan as may be amended, and applicable sections of this LDC. In addition, any development application for property located within such Airport Influence Area, and any development application for property located within one-half (½) mile of any airport or air navigation facility other than Grand Junction Regional Airport, shall comply with any applicable restrictions contained in Title 14 of the Code of Federal Regulations, Subchapter I, Federal Aviation Regulations, including, without limitation, Part 77 (height restrictions) and Part 150 (noise compatibility planning).

4. Grand Junction Regional Airport Environs Overlay Maps

Maps shall be referred to as part of this Section 5.05 D. of the Mesa County Land Development Code.

5. Subdistricts

In order to carry out the provisions of this regulation, the AE, Airport Environs Overlay District is divided into four (4) subdistricts that represent the differing levels of noise impact and hazard from aircraft overflight. An area covered by more than one (1) zone shall be limited to the more restrictive use.

The zones are as follows:

a. Subdistrict A (Area of Influence)

An area surrounding the airport impacted or influenced by proximity of the airport, either by aircraft overflight, noise, and/or vibrations.

b. Subdistrict B (Noise Zone)

Includes the area within the 65 Ldn to 70 Ldn noise-exposure area as determined in the Grand Junction Regional Airport Master Plan.

c. Subdistrict C (Critical Zone)

A rectangular-shaped zone located directly off the end of a runway's primary surface, beginning two hundred (200) feet from the end of the pavement, which is critical to aircraft operations (i.e., more apt to have accidents within it because of the takeoff and landing mode of aircraft in that particular area) as determined in the Grand Junction Regional Airport Master Plan.

d. Subdistrict D (Clear Zone)

A triangular-shaped zone located directly off the end of a runway's primary surface, beginning two hundred (200) feet from the end of the pavement, which is clear of all above-ground obstruction or construction. The width is the same as the primary surface. The length is determined by the use of the runway, in accordance with Federal Aviation Administration (FAA) regulations.

6. Amendments

The boundaries of the Airport Environs Overlay District and its subdistricts, as adopted herein, shall be reviewed and amended whenever the Grand Junction Regional Airport Authority updates or amends the noise contour maps. It shall be the responsibility of the Grand Junction Regional Airport Authority to notify Mesa County of such updates or amendments and to provide a copy of same to Mesa County.

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7. Exemptions

Uses existing on May 1, 2000 shall not be required to change in order to comply with these regulations and are exempt from the provisions of this Section 5.05 D.

8. Land Use Compatibility

The following Land Use Compatibility Standards Matrix establishes requirements and limitations in addition to other requirements of this LDC. In the case of any conflict between this regulation and any other Section of this LDC, the more restrictive requirements shall govern.

a. Proposed Uses and Structures

The Land Use Compatibility Standards matrix identifies development standards that apply to proposed uses and structures within the Airport Environs Overlay District. All proposed uses and structures must comply with these standards.

TABLE 5-2~~5~~ ~~2~~: LAND USE COMPATIBILITY MATRIX

C: Conditional Use Permit Required, Y: Yes, N: No
C^{25}: Measures to achieve Noise Level Reduction (NLR) of 25 dB must be incorporated into the design and construction of structures.
C^{30}: Measures to achieve Noise Level Reduction (NLR) of 30 dB must be incorporated into the design and construction of structures.
[1]: Where possible, no residential development shall be permitted within Subdistricts B and C, provided that where properties are substantially or wholly burdened by these districts, residential development may be permitted at a density not to exceed one (1) unit per five (5) acres. Clustering of homes outside Subdistricts B and C shall occur whenever possible.

Land Use	A	B	C	D
Residential density less than or equal to 1 unit per 5 acres	Y	C^{30} [1]	C^{30}[1]	N
Residential density greater than 1 unit per 5 acres	Y	N	N	N
Hotel/Motel	Y	C^{25}	N	N
School, Hospital, Library	Y	C^{25}	N	N
Church	Y	C^{25}	N	N
Auditorium, Outdoor Amphitheater, Concert Hall	Y	C^{25}	N	N
Sports Arena	Y	C^{25}	N	N
Playground, Park, Open Space, Golf Course, Cemetery, Riding Stable	Y	Y	C	N
Office Building, Personal, Business and Professional Services	Y	C	N	N
Commercial Establishment: Retail	Y	C	C	N
Commercial Establishment: Wholesale, Manufacturing, Transportation, Communications and Utilities	Y	C	C	N
Manufacturing-noise sensitive	C	C	C	N
Communications-noise sensitive	C	C	C	N
Farming (livestock)	Y	Y	Y	N
Agriculture, Mining, Fishing (except livestock Farming)	Y	Y	Y	C
Poultry Production	Y	Y	Y	N

~~Legend:~~
~~C: Conditional Use Permit Required~~
~~Y: Yes~~
~~N: No~~
~~C^{25}: Measures to achieve Noise Level Reduction (NLR) of 25 dB must be incorporated into the design and construction of structures.~~
~~C^{30}: Measures to achieve Noise Level Reduction (NLR) of 30 dB must be incorporated into the design and construction of structures.~~
~~[1]: Where possible, no residential development shall be permitted within Subdistricts B and C, provided that where properties are substantially or wholly burdened by these districts, residential development may be permitted at a density not to exceed one (1) unit per five (5) acres. Clustering of homes outside Subdistricts B and C shall occur whenever possible.~~

Commented [SN42]: Legend moved to within table to address ADA compliance

b. Interior Day-Night Average Noise Level (Ldn)

All proposed uses and structures must comply with the Noise Level Reduction (NLR) standards as provided in the matrix. The standards in the National Technical Information Service (NTIS) report Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations (AD-A258 032), latest edition, shall be used in development of noise reduction methods for new development.

c. Use Restriction

Notwithstanding any other provision of this LDC, no use may be made of land or water within any zone or subdistrict established by this regulation that will:

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(1) Create electrical interference with navigational signals or radio communication between the airport and aircraft;

(2) Make it difficult for pilots to distinguish between airport lights and other lighting;

(3) Result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport; or

(4) Otherwise create a hazard or endanger landing, takeoff, or maneuvering of aircraft.

9. Avigation Easement

For any new development located within the Airport Environs Overlay District, an avigation easement shall be dedicated to the Grand Junction Regional Airport Authority with terms and conditions approved by the Grand Junction Regional Airport Administrator. Such grant shall not be required for repairing or maintaining existing structures.

10. Disclosure of Critical and Noise Zones

A notice of potentially high noise levels and/or location within a critical zone shall be affixed to and recorded with all final plats/plans. The wording shall be as follows:

a. All or part of this property is located in an area potentially subject to aircraft noise levels high enough to annoy users of the property and interfere with its unrestricted use."

b. If also in Critical Zone add: All or part of this property is also located in the approach and departure path of the airport in an area more apt to have accidents because of the takeoff and landing mode of aircraft."

11. Height Limitations

There are hereby established imaginary surfaces, above and around the airport, in order to limit height. Nothing, including structures and trees, shall be erected, altered, allowed to grow, or be maintained so that it crosses or enters into the applicable runway approach zones as defined in Federal Aviation Regulations (FAR) Part 77, as amended.

E. Mack Overlay District

1. Purpose

~~As detailed in the "Mack Community Plan", Mack wishes to maintain its own community identity. Residents desire to~~ The Mack Overlay District is intended to create a distinct community core with mixed uses comprised of business and services (home based occupation, farm related/supporting businesses) and higher density residential development. Areas that are identified as mixed use, higher density, commercial, or business, must have facilities and services that can serve them adequately and appropriately. Small businesses and neighborhood convenience centers are envisioned but large shopping centers and big box development are not appropriate.

~~2. Mack Overlay District~~

~~Mack Overlay District referred to in this LDC is on file at the Public Works Department. The Mack Overlay District is incorporated by this reference as if fully set forth.~~

~~3.~~2. Applicability

a. To implement this ~~vision~~ purpose an Overlay District is created for the Rural Community of Mack ~~(also known as the Mack Core Area).~~

b. The Overlay District provides for flexibility in the land use pattern within the Rural Community of Mack by providing property owners with the option of developing in accordance with the underlying zoning or with the Mack Overlay District standards of this section.

~~c. It is the intent of the Overlay District to allow reasonable use of property consistent with the goals and policies of the Plan.~~

~~4.~~3. Relationship to Underlying Zoning

Commented [GM43]: It is proposed that the standards and regulations codified within this section of the Land Development Code effectively manage land use in the Mack Overlay District. Consequently, the Mack Community Plan is no longer necessary and, after 13 years, should be rescinded.

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Property owners shall have the option of developing allowed uses in accordance with the underlying zoning or ~~with the Mack Overlay District zone as shown on the Overlay District Map~~opting into Tier 1 or Tier 2. If a property owner opts into the Tier 1 or Tier 2 designation, new development ~~uses the Mack Overlay District, it~~ shall comply with the standards in the Mack Overlay District zone. ~~The~~ and the property will be designated as Tier 1 or Tier 2 of the Mack Overlay District on the Official Zoning Map.

RURAL COMMUNITY	Future Land Use Classifications	TABLE 5-3~~5-3~~: ZONING DISTRICTS TO IMPLEMENT THE MACK COMMUNITY PLAN																				
		AF35	AFT	URR	RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RSF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	MACK TIER 1	MACK TIER 2
MACK	INDUSTRIAL																			X	X		
	CORE AREA (RURAL COMMUNITY AREA)																					X	X
	ESTATE					X																	

~~5.~~4. Standards ~~(Note: these apply to new subdivision lots)~~

a. Permitted Uses

(1) Intent is to promote mixed uses (business and residential) on individual parcels.

(2) Allowed uses have been customized to the community's needs and are listed in Table 6.-1 of the Land Development Code.

(3) Two (2) tiers have been developed

TABLE 5-4~~5-4~~: MACK OVERLAY DISTRICT LOT SIZE, WIDTH AND BUILDING HEIGHT STANDARDS			
	Minimum Lot Size	Minimum Lot Width	Maximum Building Height
Tier 1	5,000 square feet	40 feet	2 stories/not to exceed 35 feet
Tier 2	8,000 square feet	75 feet	2 stories/not to exceed 35 feet

b. Setbacks

All structures shall meet or exceed the following setbacks:

TABLE 5-5~~5-5~~: MACK OVERLAY DISTRICT SETBACK STANDARDS			
	Street Yard (feet) Principal/Accessory	Side Yard (feet) Principal/Accessory	Rear Yard (feet) Principal/Accessory
Tier 1	5[1, 2]	0	0[3]
Tier 2	20/25	7/3	25/10

[1]Front porches and canopies may extend five (5) feet into the front setback.
[2]Allowances for landscaping need to be considered (i.e., the building may need to be set back five to ten (5-10') to allow a tree to be planted, or a park bench or streetlight to be installed). ~~Refer to the Landscape Standards in Appendix B.~~
[3]Ten (10) foot setback if abutting a residential zone or use

c. Landscaping

The Landscape Standards of this LDC apply to all new developments.

~~c.~~ ~~Mack Streetscape Standards (Appendix B to the Land Development Code) Tier 1 and Tier 2~~

~~Requirements for development are listed under Development Standards in the Mesa County Land Development Code. Exceptions to the Development Standards (for parking, landscaping, etc.) may be requested using the Mack Streetscape Standards. These Standards are intended to allow design flexibility and retain the development history in Mack. The Standards encourage historical structure reuse, economic development, and design on a pedestrian-friendly level. These standards will help to increase property values and give Mack its own unique rural character.~~

Commented [GM44]: In 2020 the landscape standards in the LDC were amended and now the landscape standards set out in the Mack Streetscape Standards meet the new standards in the LDC.

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d. Development Standards for landscaping, parking, sidewalks, bike paths, signs, etc:

(1) Tier 1 – Use Mack Streetscape Standards in Appendix B. All other standards subject to Chapter 8 of the Land Development Code.

(2) Tier 2 – Landscaping standards in Appendix B apply. For all other standards, use Chapter 8 of the Land Development Code.

F. Gateway Overlay District

1. Purpose

The Gateway Overlay District is intended to continue the community of Gateway's As detailed in the "Gateway Rural Community Plan," Gateway wishes to maintain its own community identity based on its unique historic, scenic, and cultural qualities. The community center, church and school provide the primary cultural focal points of the small community of single-family homes and limited commercial endeavors. Residents desire to maintain their cultural identity yet create a community core with mixed use business and services and some higher density residential development. Areas within this rural community that are identified for mixed use, higher density, or commercial development must have adequate facilities and services that can service them.

2. Gateway Overlay District

Commented [GM45]: This subsection and Table 5-6 are no longer needed as Gateway "A" and "B" have been codified as zoning districts in Table 6-1 with associated uses.

Gateway Overlay District referred to in this LDC is on file at the Public Works Department. The Gateway Overlay District is incorporated by this reference as if fully set forth. RURAL COMMUNITY

TABLE 5-6: ZONING DISTRICTS TO IMPLEMENT THE GATEWAY OVERLAY DISTRICT

Future Land Use Classification	AE35	AFT	URR	RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RSF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	GATEWAY A	GATEWAY B
PARK																					X	
HISTORIC PRESERVATION																					X	
CIVIC EXISTING																					X	
RESIDENTIAL EXISTING																					X	
LOW DENSITY RESIDENTIAL																					X	

GATEWAY

	~~MEDIUM DENSITY RESIDENTIAL~~																			~~x~~	
	~~MIXED USE~~																			~~x~~	
	~~GATEWAY AREA B~~																				~~x~~

~~3.~~2. Applicability

The Overlay District provides for flexibility in the land use pattern within the Rural Community of Gateway by providing property owners with the option of developing in accordance with the underlying zoning or with the Overlay District standards of this section.

3. Relationship to Underlying Zoning

Property owners shall have the option of developing allowed uses in accordance with the underlying zoning or opting into Area A or Area B. If a property owner opts into the Area A or Area B designation, new development shall comply with the standards in the Gateway Overlay District zone and the property will be designated as Area A or Area B of the Gateway Overlay District on the Official Zoning Map.

4. Standards

a. Permitted Uses

Allowed uses have been customized to the community's needs and are listed in Table 6-1 of the Land Development Code. ~~It is the intent of the Overlay District to allow reasonable use of property consistent with the goals and policies of the "Gateway Rural Community Plan".~~

~~The Overlay District will provide property owners with a tool to address existing nonconforming uses and structures under current zoning.~~

~~In addition to the Code standards for all developments in either Area "A" or Area "B" district, said developments are subject to the mandatory standards and design guidelines in Appendix E of this LDC if a development proposes using the optional overlay district.~~

Commented [WU46]: It is proposed that the standards and regulations codified within this section of the Land Development Code effectively manage land use in the Gateway Overlay District. Consequently, the Gateway Rural Community Plan is no longer necessary and, after 21 years, should be rescinded.

TABLE 5-~~6~~5-~~6~~: GATEWAY OVERLAY DISTRICT RESIDENTIAL DENSITY AND DIMENSIONAL STANDARDS[1]

	Maximum Density (Dwelling Units/Acre)	Lot Size - Detached		Minimum Street Yard Setbacks (feet) Principal/Accessory[2,3]	Minimum Side Yard Setbacks (feet) Principal/Accessory	Rear Yard Setback (feet)	Maximum Height (feet)
		Minimum	Average				
Area A[4]	8	5,000 (sq ft)	5,000 (sq ft)	10/22	0[5] (Interior Side) 8 (Exterior Side)	35	35
Area B	1	1 Acre	n/a	25/25	25/0[5] (Interior Side) 25 (Exterior Side)	25	35

TABLE 5-~~7~~5-~~7~~: GATEWAY OVERLAY DISTRICT NON-RESIDENTIAL DENSITY AND DIMENSIONAL STANDARDS[1]

	Maximum Density (Dwelling Units/Acre)	Minimum Lot Size (Detached Units)	Minimum Street Yard Setbacks (feet) Principal/Accessory	Minimum Side Yard Setbacks (feet) Principal/Accessory	Rear Yard Setback (feet)	On-Site Parking Requirements (Spaces/sq.ft.)
Area A[4]	8	8,000 sq.ft.	15/22	15	20	1/2,000
Area B	1	2 Acre	25/25	25	50	1/5,000

[1]Duplex or other attached single-family dwelling units may be permitted as a conditional use. All Mesa County Land Development Code requirements pertaining to Onsite Wastewater Treatment Systems (OWTS) will apply.
[2]Front Porches and canopies may extend five (5) feet into the front setback.
[3]Allowances for landscaping need to be considered (i.e., the building may need to be set back five to ten [5-10] feet to allow a tree to be planted or a park bench or streetlight to be installed). ~~Refer to the Landscape Standards in Appendix E.~~
[4]Served by public sewer.
[5]Within Area "A" row-housing or attached residential dwellings shall be allowed a zero (0) foot side yard setbacks. Unattached residential units must have a side yard setback of eight (8) feet.

G. Loma Community ~~Design Guidelines and Standards~~Overlay

1. Purpose

The Loma Community Overlay District is intended to ~~Loma wishes to improve the visual image and~~

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~~identity of the community through design standards that recognize the Western and rural agriculture setting and incorporate natural features in project design. Residents desire to~~ create a community core, with mixed-use businesses and services and some higher density residential development that support the community's identity, and results in diversity in development density and patterns and in economic vitality.

2. Loma Community Overlay Implementation

The following Tables shows which zoning district(s) appropriately implement(s) a given future land use classification of the Loma Community Overlay. An "X" indicates that the zone district implements the corresponding future land use classification and is therefore an appropriate zone within that designated area on the Future Land Use Plan Map. The absence of an "X" indicates that the zone district is not an appropriate zone and therefore should not be allowed.

RURAL COMMUNITY	Future Land Use Classifications	TABLE 5-8~~5-8~~: ZONING DISTRICTS TO IMPLEMENT THE LOMA COMMUNITY ~~PLAN~~OVERLAY																				
		AF-35	AFT	URR	RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RSF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	MU-R	MU-C
LOMA	ESTATE					X																	
	MIXED USE RESIDENTIAL																					X	
	MIXED USE COMMERCIAL																						X
	MAIN STREET COMMERCIAL																X						X
	RESIDENTIAL LOW TO RESIDENTIAL MEDIUM HIGH							X	X	X	X	X											
	RECREATIONAL COMMERCIAL[1]																						
	HIGHWAY COMMERCIAL																	X	X				

~~Loma Community Design Guidelines and Standards~~

~~Loma Community Design Guidelines and Standards referred to in this LDC is on file at the Public Works Department. The Loma Community Design Guidelines and Standards is incorporated by this reference as if fully set forth.~~

Commented [WU47]: It is proposed that the standards and regulations codified within this section of the Land Development Code effectively manage land use in the Loma Community Overlay District. Consequently, the Loma Community Plan is no longer necessary and, after 16 years, should be rescinded.

~~2. Applicability:~~

~~a. The requirements of the zoning district in which the property is located shall apply. Where differences exist between Appendix F, Loma Community Design Guidelines and Standards, and other sections of the Land Development Code, Appendix F~~LDC ~~shall apply. Examples of where development standards may differ include, but are not limited to, front and side setbacks in the Main Street Commercial area, alternative parking standards, and signs.~~

~~b. New development or major rehabilitation in the Loma Community Plan area requiring Site Plan Review, pursuant to Section 4.16 of this LDC, is subject to the mandatory standards and design guidelines in Appendix F, Loma Community Design Guidelines and Standards, of this LDC.~~

H. Whitewater Mixed Use Zoning District

Commented [WU48]: It is proposed that the standards and regulations codified within this section of the Land Development Code effectively manage land use in the Whitewater Mixed Use Zoning District. Consequently, the Whitewater Community Plan is no longer necessary and, after 14 years, should be rescinded.

1. Purpose

The purpose of the Whitewater Mixed Use District is to encourage the development of a mix of commercial and residential uses within the Whitewater Community Plan Boundary. The Mixed Use District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The Mixed Use District also permits a mix of residential and retail/service uses in close proximity to each other. Within Mesa County, the Mixed Use District also promotes the health and wellbeing of residents by ensuring availability of adequate and concurrent urban infrastructure, utilities, and services while encouraging physical activity, alternative

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transportation, and greater social interaction.

2. Applicability

~~The design of a mixed use development in the Whitewater Planning Area shall conform to the Mesa County Design Standards adopted as Appendix D in the Land Development Code 2000, as amended.~~ In general, these standards require compact development built at a neighborhood scale. Rather than designing structures specifically for individual tenants, buildings within the mixed use district should be designed to function over the life of multiple tenants in a manner similar to a main street or community core. In the review of mixed use districts, the County shall consider the following:

a. Ability of the residential development to provide for a variety of housing types;

b. Inclusion of mixed use buildings with non-residential uses on the ground floor and residential units on the second floor;

c. Ability of the commercial development, either as proposed or in conjunction with surrounding development, to serve daily or frequent needs of the surrounding neighborhood;

d. Creation within the overall mixed use area of the Whitewater Plan area of a commercial core with supporting nodes supported by an adequate supply of residential development;

e. Provision of a variety of building sizes compatible with the character of mixed use district and the potential for the long-term function of those buildings;

f. Encouraging an orderly, phased pattern of development supported by adequate public facilities; and

g. Specific issues of the functioning of the development, including access, parking, drainage, landscaping, and design.

3. Description

The application of the Mixed Use District is grouped based on the predominant use of the proposed development. Two districts are available as Mixed Use, either Mixed-Use Residential (MUR) or Mixed-Use Commercial (MUC). In a Mixed Use Residential district, between sixty (60) and seventy-five (75) percent of the uses in the district are residential. In a Mixed Use Commercial district, between sixty (60) and seventy-five (75) percent of the uses in the district are commercial. Minimum lot sizes are established by use category and a mix of lot sizes and uses is encouraged. The goal of this approach is to permit buildings and uses for all property owners without mandating a specific mix, while recognizing that each lot must fit into the overall whole of the development pattern.

4. Uses

Permitted uses are divided based on the type of district, either Mixed Use Residential or Mixed Use Commercial, as set forth in ~~Table 6.1~~Table 6-1 of this LDC.

5. Required Mix of Uses

a. Mix of Uses

In the Mixed Use District, a mix of uses – either within a single building or on a development site – shall be provided unless it can be demonstrated that adjacent properties provide or will provide a complimentary diversity of uses. The uses of adjacent properties can be established through one of the following:

(1) Existing uses,

(2) Approved site plan for development, or

(3) Approved Comprehensive or Area Plan.

b. Residential

Residential uses are encouraged in the development, but are not permitted on the ground floor of mixed use structure.

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6. Layout, Dimensions and Size Requirements

a. Minimum Lot size

The minimum lot size of uses shall be as follows:

TABLE 5-9~~5-9~~: WHITEWATER MIXED USE ZONING DISTRICT LOT SIZE STANDARDS		
Use	Minimum Lot Size	
	Mixed Use (square feet)	Traditional Use (square feet)
Single-Family Detached	4,000	4,000
Duplex	4,000	4,000
Single Family Attached	2,000	2,000
Commercial up to 10,000 square feet	5,000	8,000
Commercial up to 25,000 square feet	12,500	20,000
Commercial up to 50,000 square feet	25,000	40,000

b. Floor to Floor Heights and Floor Area of Ground Floor Space

(1) All commercial floor space provided on a ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.

(2) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

(a) At least eight hundred (800) square feet or twenty-five (25) percent of the buildable lot area, whichever is greater, on lots with street frontage of less than fifty (50) feet; or

(b) At least twenty (20) percent of the buildable lot area on lots with fifty (50) feet or more of street frontage.

c. Setbacks

(1) Front and Side Street

Where possible, and in keeping with sight line requirements, the entire building facade shall abut front and side street property lines or be located within fifteen (15) feet of such property lines. Exceptions may be made for comer lots or commercial structures where outdoor seating may be provided.

(2) Rear

Where there is an alley, street, or public right of way behind the building, no rear setback is required. Where the MU district abuts a residential use or district, the rear setback shall be twenty (20) feet.

(3) Interior Side

No interior side setbacks are required in the MU district unless the interior side abuts a residential use or district. Where an MU district does abut a residential use or district, the MU interior setback shall be identical to that of the residential district.

d. Building Height

The maximum building height is thirty-eight (38) feet for mixed-use buildings and thirty-five (35) feet for all other buildings.

7. Parking

a. On Street

On-street parking within three hundred (300) feet of the proposed use may be counted to meet the parking requirements for non-residential uses. Assignment of on-street parking shall be allocated at the time of site plan approval. On-street parking shall not be allocated to more than one use.

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b. Off Street

(1) No off-street parking shall be required for nonresidential uses in the MU district unless such uses exceed two thousand five hundred (2,500) square feet of gross floor area, in which case off street parking must be provided for the floor area in excess of two thousand five hundred (2,500) square feet.

(2) Off street parking shall be provided as described in Section 8.01: Off-Street Parking.

~~Section 5.07 |~~ SECTION 5.06 | ZONING MAP

The boundaries of the zoning districts established by this LDC are shown on a map or series of maps titled the "Consolidated Zoning District Map of Mesa County, Colorado," which is to be considered a part of this LDC as fully as if it were set out here in detail. Original copies of the zoning district map are maintained in the Community Development Department. In case of any dispute regarding the zoning classification of property subject to this LDC, the original maps maintained by the Director will control.

A. Omitted Land

The zoning classification of any land that does not appear to be classified within any of the districts shown on the zoning map shall be considered to be AF-35 if it is located in the Rural Planning Area, and RSF-E if located in the Urban Planning Area or one of the Rural Communities where public sewer is available.

B. District Boundaries

1. Zoning district boundaries follow section lines; lot lines; streets; alleys; railroad right-of-way; municipal corporation lines; special district boundaries; natural boundary lines, such as streams, or other lines to be determined by the use of scale shown on the zoning map.

2. When a parcel of land is divided by a zoning district boundary line at the time of enactment of this LDC or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

C. Street Vacations

Whenever any street, alley or public way is vacated by official action of the Board of County Commissioners, the zoning district(s) of the land to which the vacated land becomes a part shall be automatically extended to the land subject to the vacation, and all area included in the vacation will be subject to the regulations of the extended district.

D. Uncertainties

Where physical features existing on the ground contradict those shown on the zoning map, or in case any other uncertainty exists regarding the boundary of zoning districts, the location of district boundaries shall be determined by the Director based on the rules of this Section 5.06.

E. Conflicts with Recorded Resolutions

1. Conflicts between the zoning map and any resolution which was entered into the records of the County Clerk and Recorder within the last ten (10) years shall be determined for correction on a case by case basis by the Director and shall be processed as an administrative review.

2. Where a land use was established based on a resolution entered into the records of the County Clerk and Recorder any time in the past and has continued without interruption to the present day and a conflict exists between the zoning map and that resolution, a determination for correction of the zoning map shall be made on a case by case basis by the Director and shall be processed as an administrative review.

3. All other conflicts will be brought before the Board of County Commissioners on a case by case basis. Some of the factors considered in determining whether the map or the resolution will control include:

a. The date of the resolution;

b. Reliance on the zoning map by the neighbors;

c. Reliance on the resolution;

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d. Surrounding land use; and

e. Surrounding zoning.

F. Appeals

Appeals of administrative decisions shall go to the Board of County Commissioners in accordance with Section 4.02 in the Mesa County Land Development Code. The Board of County Commissioners may consider the Director's decision, public comment and the criteria in Section 5.06 E.~~3.~~ above at their discretion.

~~Section 5.08 |~~ SECTION 5.07 | COMPLIANCE WITH DISTRICT STANDARDS

No building, improvement, or structure may be erected, converted, enlarged, reconstructed or altered for use, except in accordance with all of the district regulations established by this LDC for the zoning district in which the building or structure or land is located.

No land, building, improvement, or structure may be used, designated, or intended to be used for any use or activity except in accordance with all of the district regulations established by this LDC for the zoning district in which the building or structure or land is located.

No yard, setback or other open space provided about any building, improvement, or structure for the purpose of complying with provisions of this LDC shall be considered as providing a yard, setback or open space for a building, improvement, or structure on any other lot.

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CHAPTER 6 | USE REGULATIONS

SECTION 6.01 | USE TABLE

The principal uses allowed within all Zoning Districts are identified in Table 6.1 of this chapter.

A. Use Categories and Specific Uses

The first column of the Use Table contains the Use Category which is further defined under the specified Section identified under each use. The second column contains specific uses that are associated with the Use Category in the first column.

B. Allowed Uses

An [A] indicates that the listed use is allowed within the respective zoning district. Allowed uses are subject to site plan review and all other applicable standards of this LDC.

C. Conditional Uses

A [C] indicates that the listed use is allowed within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review procedures of Section 4.03. Conditional Uses are subject to all other applicable standards of this LDC.

D. Prohibited Uses

A blank cell (one without an "A" or "C") indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this LDC or by State regulation.

E. Uses Subject to Specific Regulations

Many uses are subject to Site Specific Standards (in addition to general regulations that apply to development in general). The final column of the use table contains references to applicable use-specific standards.

TABLE 6-1~~6-1~~: USE TABLE

Principal Uses Allowed

Use Category (Section)	Specific Use Type	Rural	Urban Residential											Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
Residential (Section 12.03)																												
Household Living 12.03 B.	Business Residence													A	A	A	A	A	A	A	A	A				A	C	6.02 D.
	Rooming/Boarding House									A	A	A	A	A	A	A	A				A	A	C	C	C	A	C	
	Single-Family Attached / Townhome							A	A	A	A	A	A	A							A	A	A	A	A	A	C	
	Single-Family Detached (includes manufactured homes)	A	A	A	A	A	A	A	A	A	A			A							A	A		A	A	A	A	
	Duplex						A	A	A	A	A			A							A	A	A	A	A	A	C	
	Tiny House	A	A	A	A	A	A	A	A	A	A	A	A	A														
	Multi-Family								A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	C	
	Agricultural Labor Housing	A	A	C																		A				A	A	6.02 B.
	Manufactured ~~Housing~~ Home Park								A	A	A	A	A	C	C							A				A	A	6.02 P.
	All Other Household Living								A	A	A	A	A	C	C	C					A	A	C	C	C	A	C	
	Temporary Employee Housing	C																										~~6.02 Y.~~ 6.02 X.
Group Living	Assisted Living Facility	C	C	C	C	C	C	C	C	~~C~~A	A	A	A	A	A	A	A	A			C	C	A	A	A	C	C	6.02 K.

Commented [WU49]: Added use and definition of "Tiny House" from DOLA Template County Land Development Code

Commented [WU50]: It is proposed to add multi-family as a use by right to the B-2, C-1 and C-2 zone districts. Currently there is a conflict as residential density is allowed in these zones under Chapter 4.

DRAFT 7/24/2026

TABLE 6-16 ~~-1~~: USE TABLE

Principal Uses Allowed

Use Category (Section)	Specific Use Type	Rural	Urban Residential											Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
12.03 A.	Treatment Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					C	C			C	C	C	6.02 K.
	Small Group Living Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	6.02 K.
	Large Group Living Facility								C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	6.02 K.
Institutional & Civic (Section 12.04)																												
Colleges and Vocational Schools 12.04 A.	Colleges and Universities/Vocational/ Technical/ Trade Schools									A	A	A	A	A	A	A	A	A	A	A	C	C	A		A	C	C	
	All Other Educational Institutions									C	C	C	C	A	A	A	A	A	A	A	A	A	C		C	C	C	
Community Service 12.04 B.	All Community Services	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	C	C	C	A	C	
	Museums/Art Galleries/Opera House	A	A											A	A	A	A	A	A	A	A	A	A	A	A	A	C	
Day Care 12.04 C.	~~Home Based Day~~ Family Care Home - Small	A	A	A	A	A	A	A	A	A	A	A	A	A	A						A	A	C	C	C	A	C	
	~~Limited Day~~ Family Care Home - Large	C	C	C	A	A	A	A	A	A	A	A	A	A	A	A					A	A	C	C	C	A	C	
	~~General~~ Day Care Center	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	C				C	C	A	C	C	A	C	
Hospital 12.04 D.	Medical and Dental Clinics											A	A	A	A	A	A	A	A		A	A	A	C	A	A	C	
	Counseling/Rehabilitation Centers (nonresident)													A	A	A	A	A			A	A	A	C	A	A	C	
	Hospital/ Mental Hospital													A	A	A	A	A			C	C	C	C	C			
	Physical and Mental Rehabilitation (residential)													A	A	A	A	A			C	C	C	C	C	C	C	
	All Other															C	C	C			C	C	C		C	C	C	
Parks and Open Space 12.04 E.	Cemetery	A								C	C	C					A	A			A	A			C	A	C	
	Golf Course	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A				C		A	A	C	C	
	Golf Driving Ranges	A	C	C	C	C	C	C	C	C	C	C	C			A	A	A	A	A	A	A		C	C	C	C	
	Parks/Lakes/Reservoirs	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	
	All Other	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	C	A	C	
Religious Institutions 12.04 F.	All	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Public Safety Facilities 12.04 G.	Jails, Honor Camps, Reformatories, Rehabilitation Centers															C		C	C	C		C						
	Police Station & Sub-Station/Fire Station/Ambulance	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Schools 12.04 H.	Boarding School	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	A	A			A	A	A	A	A	C	C	
	Elementary School	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	A	A	A	A	A	C	
	Secondary School	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	C	
Utilities (Section 12.04)																												
Utility, Basic 12.04 I.	Utility Service Facilities (underground)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Utility Treatment, ~~Production~~ or Service Facility	C																	C	C		C	C	C	C			
	Minor Basic Utilities	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Battery Energy Storage System (BESS)																		C	C								

Commented [WU51]: These use types were taken from DOLA's Model Code and verified on the Health Department's webpage. Child and adult care are combined under Day Care.

DRAFT - 7/1/2025

TABLE 6-1~~6-1~~: USE TABLE

Principal Uses Allowed

Use Category (Section)	Specific Use Type	Rural	Urban Residential											Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
	Basic Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	C	C	C	C	A	C	C	
Utility Corridors 12.04 J.	Transmission lines (above ground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	6.02 F.
	Transmission lines (underground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	C	C	A	A	A	C	C	
	Minor Utility Facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	All Others	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Production 12.04 K.	Community Solar Garden	C	A	C	A	C	A	C	A	C	A	C	A	C	A	C	A	A	A	A	C	A	C	A	C	A	C	6.02 BB.
	Private Energy System	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	6.02 BB.
	Energy Generation/Production Facility	C															C	C	A	A								6.02 BB.
	Agrivoltaics	A																										
Commercial (Section 12.05)																												
Retail Sales & Service 12.05 A.	Farm Implement/Equipment Sales/Service	C	C															A	A	A	A	A	C			A	C	6.02 T.
	Farmer's Market	A	A												A	A	A	A			A	A	A	C	C	A	C	
	Feed Store	C	C														A	A	A	A	A	A	A			A	C	6.02 T.
	~~Fuel sales, Automotive/Appliance~~														~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~C~~	~~A~~	~~C~~	~~C~~	
	Fuel sales, Heavy vehicle																	C	A	A					C			
	General Retail Sales and Leasing, Indoor operations, display and storage														A	A	A	A	C		A	A	A	A	A	A	C	
	General Retail Sales and Leasing, Outdoor operations, display, or storage																C	A	C	C	A	A	C		C			6.02 T.
	Landscaping Materials Sale	A	C	C													A	A	A	C		A			A	A	C	
	Marijuana Sales (Not Permitted)																											
	All Other Retail Sales and Service														A	A	A	A			A	A	C	C	C	C	C	
Office & Personal Service 12.05 B.	Animal Care/ Boarding / Sales, Indoor	A	A												C	A	A	A	A	A	A	A	A		A	A	C	
	Animal Care / Boarding / Sales, Outdoor	C	C														C	A	A	A	C	C				C	C	
	General Offices and Personal Services										C	C	A	A	A	A	A	A			A	A	A	A	A	A	C	
	Mortuary/Crematorium														C	C	A	A	A	A			A		A			
	Animal Crematorium	C																	A	A								
	All Other Office and Personal Service														A	A	A	A			A	A	C	C	C	C	C	
Entertainment 12.05 C.	Adult Entertainment																		A	A								6.02 A.
	Bar/Nightclub														A	A	A	A	A	A	A	A	A	A	A			
	Food Service, Restaurant (including alcohol sales)														A	A	A	A			A	A	A	A	A	A	C	
	Entertainment Business, Indoor Activity														A	A	A	A	C		A	A	A	A	A	A	C	

Commented [WU52]: It is proposed that Community Solar Gardens be required to go through the CUP process in all zones other than the 5 commercial and industrial zones.

Commented [WU53]: This use conflicts with "Vehicle Service" and is better defined under Section 12.05 I.

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TABLE 6-1~~6-1~~: USE TABLE

Principal Uses Allowed

Use Category (Section)	Specific Use Type	Rural	Urban Residential											Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
	Major Entertainment Event, Indoor Facilities	C	C													A	A	A	A	A	C	C	C		C	C	C	
	Minor Entertainment Events	C																										~~6.02 Z.~~ 6.02 Y.
	All Other Entertainment Business														A	A	A	A			A	A	C	C	C	C	C	
Recreation and Entertainment – Outdoor 12.05 D.	Swimming Pools		C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	A			A	A	A	A	A	A	C	
	Major Entertainment Event, Outdoor Facilities	C	C														C	C	C	C	C	C	C		C	C	C	
	Outdoor Shooting Ranges	C																								C	C	
	Outdoor Recreation and Entertainment Businesses																A	A				C	C		C			
	Riding Academy, Roping or Equestrian Area	A	C	C																	A	A				A	A	
	Zoo																C	C				C			C			
	All Other Outdoor Recreation	C	C	C													C	C	C	C	C	C	C	C	C	C	C	
Lodging 12.05 E.	Hotels & Motels														C	A	A	A			A	A	A	C	A	A	C	
	Bed & Breakfast (maximum 5 guest rooms)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	C	6.02 C.
	Resorts, Cabins, and Lodges	C	C														A	A			A	A		A	A	A	A	
	Campgrounds & Camps	C	C														A	A			A	A			C	A	A	6.02 E.
	Vacation Rentals	A	A	A	A	A	A	A	A	A	A	A	A	A														~~6.02 BB.~~6.02 AA.
Parking, Commercial 12.05 F.	All														C	A	A	A	A	A	C	C	C	A	A	C	C	
Self-Service Storage 12.05 G.	~~Mini-Warehouse~~Self-Service Storage - Indoors	C	C									C	C				A	A	A	A	C	C				C	C	~~6.02 V.~~
	Vehicle and Recreational Equipment Storage - Outdoors	C															C	A	A	A		C						~~6.02 V.~~
Vehicle Repair 12.05 H.	Auto and Light Truck Mechanical Repair	C	C													A	A	A	A	A	A							
	Body Shop																	A	A	A		A	C		C			
	Tire Recapping and Storage																	A	A	A		C						
	All Other Vehicle Repair																	A	A	A	C	C	C	C	C			
Vehicle Service 12.05 I.	Car Wash	C	C												C	A	A	A	A	A	C	C	C	C	A	A		
	~~Gasoline Service Station~~Fuel Sales - Vehicle/Appliance	C	C												C	A	A	A	A	A	A	A	A	A	A	A		
	Quick Lubrication														C	A	A	A	A	A	A	A	A	A	A	A		
	Truck Stop/Travel Plaza																A	A	A	A		C						
	All Other Vehicle Service, Limited															A	A	A	A	A	C	A		C	C			
Industrial (Section 12.06)																												
Industrial Service 12.06 A.	Industrial Service Business																C	A	A	A		C	C					6.02 M.
	Contractors and Trade Shops, Indoor operations and storage															A	A	A	A	A	A	A	A		C			

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TABLE 6-1~~6~~: USE TABLE

Principal Uses Allowed

Use Category (Section)	Specific Use Type	Rural	Urban Residential											Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
	Contractors and Trade Shops, Indoor operations and outdoor storage (including heavy vehicles)																C	A	A	A		C						6.02 M.
	Contractors and Trade Shops, Outdoor storage and Operations																	C	A	A		C						6.02 M.
	Delivery and Dispatch Services (vehicles on-Site)														C	A	A	A	A	A		C			C			6.02 M.
	Junk, Salvage, and Wrecking Yard	C																	C	A		C						6.02 M.
	Propane, Fuel, and Oil Storage/Distributor	C																C	A	A		C						6.02 M., 6.02 L.
	Towing and Vehicle Storage																	C	A	A		C						6.02 M.
	Welding and Machine Shop	C																C	A	A		C						6.02 M.
	All Other Industrial Service																	C	C	A								6.02 M.
Manufacturing and Production 12.06 B.	Indoor Operations and Storage: Assembly, Food Products, & Manufacturing/Processing	C															C	A	A	A	C	C	C	C	C	A		
	Indoor Operations with Outdoor Storage: Assembly, Food Products, & Manufacturing/Processing																	A	A	A		C				C		6.02 M.
	Outdoor Operations and Storage: Assembly, Food Products, & Manufacturing/Processing																	C	A	A		C				C		6.02 M.
	Marijuana Growing, Processing, Product Manufacture, Research, Development & Testing	C																										
Warehouse and Freight Movement 12.06 C.	Indoor Operations, Storage and Loading																C	A	A	A								
	Indoor Storage with Outdoor Loading Dock																	A	A	A								6.02 M.
	Outdoor Storage or Loading																	C	A	A						C		6.02 M.
	Sand or Gravel Storage	C																	A	A								6.02 M.
	Data Center																		C	C								
	All Other																	C	A	A								
Waste-Related 12.06 D.	Non-Hazardous Waste Transfer	C																	A	A	C	C				C	C	6.02 L., 6.02 M.
	Medical/Hazardous Waste Transfer Station	C																	A	A	C	C				C	C	6.02 L., 6.02 M.
	Solid Waste Disposal Sites	C																		C								6.02 M.
	Recycling Collection	C														C	A	A	A	A	C	C	C		A	C	C	
	All Other Waste-Related	C																		C		C						
Wholesales Sales 12.06 E.	Wholesale Business (No Highly Flammable Materials/Liquids)																	A	A	A		A	C					
	Agricultural Products	A																A	A	A	A	A	A			A	A	
	All Other Wholesale Uses																	A	A	A								

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TABLE 6-16-1: USE TABLE

Use Category (Section)	Specific Use Type	Rural	Urban Residential											Nonresidential								Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
Principal Uses Allowed																													
Other (Section 12.07)																													
Agricultural 12.07 A.	Animal Confinement	A	A	A																C						A	A	
	Dairy	A	C																							C	C	
	Confined Animal Feeding	C																								C	C	6.02 G.
	Boarding Stable	A	A																		A						A	
	Forestry, Commercial	A	A																		A					A	C	6.02 J.
	Forestry Support Services	C																		A								6.02 W.
	Marijuana Cultivation [1]	A																										
	Winery/Brewery/Distillery (production facilities)	A	C	C	C												A	A	A	A	A	A	C	C	A	A	A	6.02 U.
	Produce Stand	A	A	A	A																							6.02 R.
	All Other Agriculture	A	A	A	A	A	A	A	A																	A	A	
Aviation or Surface Passenger Terminal 12.07 B.	Airports/Heliports	C																C	C	C	A	A				C	C	
	Bus/Commuter Stops	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	
	Bus/Railroad Depot															C	C	A	A	A		C				A		
	Helipads	C														C	C	C	C	C		C				C	C	
	All Other Aviation or Surface Passenger Terminal																			C			C			C	C	
Mining 12.07 C.	Field Office Headquarters for Oil & Gas Field Operators	C																										6.02 W.
	Oil or Gas Drilling	A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	6.02 Q.
	Sand or Gravel Extraction	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	6.02 N.
	Support Services	A or C																										6.02 W.
	All Other Mining	C	C																	C	C	C				C	C	6.02 N.
~~Telecom~~ Wireless Communication Facilities 12.07 D.	Telecommunications Support Structures	C												C	C	C	C	C	C	C	C	C		C	C	C	C	6.02 S.
	Telecommunications Facilities	C	C						C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	6.02 S.

Footnotes:

[1] Cultivation of marijuana within 1000 feet of a school, as defined in the Colorado Marijuana Code will require a Conditional Use Permit. "School" means a public or private preschool or a public or private elementary, middle, junior high, or high school or institution of higher education. Colo. Rev. Stat. Ann. § 44-10-103(67).

SECTION 6.02 | USE-SPECIFIC STANDARDS

Because some uses have the potential to impact neighboring properties by generating noise, dust, odors, intrusive lighting and traffic if not properly managed, the following use specific standards are implemented. The use-specific standards in this section are intended to provide additional standards for certain land uses in order to mitigate any adverse impacts on the immediate neighborhood. All other requirements of the Land Development Code shall also apply unless otherwise stated.

A. Adult Entertainment

All adult entertainment establishments shall be subject to the following standards:

1. No entertainment establishment shall be allowed within one thousand (1,000) feet of a lot or parcel

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occupied by another adult entertainment establishment;

2. No entertainment establishment shall be allowed within one thousand (1,000) feet of a lot or parcel occupied by any religious institution, school, park, playground or public building; and

3. No entertainment establishment shall be allowed within one thousand (1,000) feet of any Rural or Urban Residential Zoning District.

B. Agricultural Labor Housing

Agricultural Labor Housing in Rural Zoning Districts shall be exempt from the zoning district density standards. Maximum density of Agricultural Labor Housing shall be based on the Mesa County Health Department standards and occupancy requirements of the Mesa County Building Department.

C. Bed and Breakfast

Bed and breakfast uses shall be subject to the following standards:

~~1. Structures shall maintain a residential appearance.~~

~~2.~~1. A minimum of one (1) parking space shall be provided for each guest bedroom, plus spaces required for the principal residence in accordance with Section 8.01. Additional parking shall be required if reception or party space is available. If four (4) or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.

~~3.~~2. One (1) sign shall be allowed, with a size limit of six (6) square feet. Internally illuminated signs are not allowed.

~~4.~~3. Receptions, private parties, or similar activities shall only be permitted when approved as part of the Conditional Use Permit or Site Plan application.

~~5.~~4. The maximum length of stay shall be thirty (30) days.

~~6.~~5. All guest rooms shall be located within the principal structure~~, except for properties located within Rural Zoning Districts~~.

~~7.~~6. Meals served to the general public shall only be permitted when approved as part of the Conditional Use Permit or Site Plan application. No cooking facilities shall be allowed in the guest rooms.

~~8.~~7. All bed and breakfast establishments must comply with Mesa County Health Department regulations and Fire Code requirements.

D. Business Residence

Business residence uses within Nonresidential Zoning Districts shall be subject to the standards listed below:

1. The intent of the business residence provision is to allow ~~mixed use development to occur in Nonresidential Zoning Districts~~one single family dwelling unit on property where the principal use is nonresidential.

2. A limit of fifty (50) percent of the building floor area may be developed as residential.

3. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit in addition to the required parking for the business(es).

E. Campgrounds and Recreational Vehicle Parks

In addition to the requirements of the Colorado Department of Public Health and Environment (CDPHE) regulations for Campgrounds and Recreation Areas (6 CCR 1010-9), Campgrounds and Recreational Vehicle Parks shall be subject to the standards listed below:

~~1. No person shall stay in any campground more than one hundred eighty (180) days per calendar year. The Director on an individual basis may grant an extension for each user for an additional 90-day period. An extension shall be requested, in writing, by the owner or manager of the campground.~~

~~2.~~1. The site shall be staffed with a minimum of one (1) attendant, twenty-four (24) hours a day.

~~3. Separate camping areas shall be maintained for tents.~~

Commented [WU54]: The County does not have a definition of "residential appearance".

Commented [WU55]: This is allowed under "Lodging - Resorts, Cabins, and Lodges" and is not a Bed and Breakfast.

Commented [WU56]: There is a difference between allowing one residential dwelling in commercial/industrial zones and mixed use developments. A business residence is one dwelling which is accessory to the commercial/industrial use of the property. Mixed use is a mix of residential units and commercial uses, both vertical and horizontal.

Commented [WU57]: This requirement is too difficult to administer and prove.

Commented [WU58]: It is proposed that this is up to the campground and should not be a requirement.

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~~4.~~2. Each campsite shall have a minimum area of one thousand two hundred fifty (1,250) square feet and be at least twenty-five (25) feet in width.

~~5.~~3. There shall be no more than twenty-five (25) campsites per acre.

~~6.~~4. Campsites shall be spaced so that there is at least: eight (8) feet from the interior roadways and walkways; fifty (50) feet from exterior roadways; and twenty (20) feet from property lines.

~~7.~~5. Roadways and walkways shall meet the following requirements:

a. Dust-free surfacing of parking spaces and interior roadways shall be required within the Grand Valley Air shed;

b. Interior roadways must meet the requirements of this LDC;

c. Walkways within the campground area shall be at least four (4) feet wide, with an all-weather surface; and

d. Interior roadways and walks shall be lighted at intersections and at a minimum of every four hundred (400) feet. Full cut-off lighting fixtures shall be used and shall comply with the requirements of ~~Section 8.07 F.~~Section 8.06 F. of this LDC. This requirement may be waived or modified if electricity is not available or it is desirable to follow "Dark Sky" lighting principles to protect the rural character or natural setting of the area.

~~8.~~6. If provided, electric and gas service shall meet all state and local electric and gas regulations. All utilities shall be underground.

~~9.~~7. Service buildings with restroom and other facilities shall comply with Colorado Department of Public Health and Environment (CDPHE) standards.

~~10.~~8. All trash collection areas shall be screened and if applicable, trash containers shall be wildlife-proof.

~~11.~~9. All areas within the campground must have an acceptable form of groundcover to prevent erosion and blowing dust.

~~12.~~10. One (1) tree of a species suitable for the area shall be provided for each two (2) camping spaces, and shall be located in close proximity to those spaces. Existing trees on the site may be used to satisfy this requirement. If the location is not suited to the planting of trees, a shade structure measuring at least ten (10) feet in each dimension may be provided for each camping space.

~~13.~~11. Where a Campground or Recreational Vehicle Park is adjacent to residentially developed property, a fence or wall with a minimum height of six (6) feet in height may be required as a visual barrier. Additional screening may be required if houses on adjacent properties are within one hundred (100) feet of the property line.

~~14.~~12. Each campground shall provide a recreational area consisting of one hundred (100) square feet per campsite. Exceptions to this requirement may be granted if the campground has direct access to public recreation areas.

F. Electric Power Transmission Lines

Above-ground electric power transmission lines transmitting one hundred fifteen (115kV) kiloVolts or more shall be located so as to:

1. Avoid passing through, or within one (1) mile of:

a. Any Urban Residential or Nonresidential zoning district; and

b. The Colorado National Monument, wherever possible; and

2. Avoid being visible on the skyline over any ridge, hill, mesa, or other natural landform within one (1) mile of the centerlines of US Interstate 70, US Highways 6 or 50, or Colorado State Highways 65, 139, 141, 330 or 340, or the Colorado National Monument Rimrock Road, wherever possible. This requirement shall not apply if the power line would cross the ridge, hill, mesa, or other natural landform at a point where the elevation of the ridge, hill, mesa, or landform has an elevation less than fifty (50) feet higher than the elevation of the nearest point on the centerline of the listed road.

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G. Confined Animal Feeding Operations

Confined animal feeding operations, animal waste collection systems, and animal waste treatment facilities shall be subject to the standards listed below:

1. Setbacks and Separations

Confined animal feeding operations, animal waste collection systems, and animal waste treatment facilities shall not be located within:

a. One-quarter (1/4) mile of an existing dwelling that is not in common ownership with the facility, and is in place at the time the facility is proposed;

b. One (1) mile of an existing public or private school (not including dwellings where children are home-schooled);

c. One-half (1/2) mile of any existing municipal boundary;

d. One-quarter (1/4) mile of any existing water well currently used for domestic purposes;

e. Two hundred (200) feet of a perennial stream and one hundred (100) feet from an existing drainage ditch owned and maintained by a governmental or quasi-governmental agency; and

f. As determined due to topography and other anticipated impacts on adjacent properties at the time a Conditional Use Permit is issued, but not less than fifty (50) feet from any property boundary.

2. Design, Operational, and Animal Waste Management Requirements

An applicant for a confined animal feeding operation, animal waste collection system, or animal waste treatment facility shall demonstrate that:

a. All runoff retention and containment facilities shall meet and be maintained in accordance with the Colorado Department of Public Health and Environment's Confined Animal Feeding Operation Control Regulations (5 CCR 1002-81), and the property owner shall be responsible for any additional requirements issued by the Colorado Department of Public Health and Environment, Water Quality Control Division, or the Mesa County Health Department; and all uses on the property shall comply with the Colorado Air Quality Commission's air quality regulations; and

b. Best management practices shall be used to control rodents and insects; odors from all aspects of the operation; fugitive dust; and liquid, solid and animal wastes to avoid nuisances. In addition, at all times, all equipment and areas of the property shall be constructed and maintained, and adequate means for scraping, grading and clearing the property shall be provided to prevent nuisance conditions.

3. Agricultural Advisory Panel Review

Applications for a Conditional Use Permit for a confined animal feeding operation, animal waste collection system, or animal waste treatment facility shall be reviewed by the Mesa County Agricultural Advisory Panel for their recommendations regarding the proposed facility and its compliance with the Right to Farm and Ranch policy described in Section 1.06.

H. Drive-Through Facilities

Drive-through facilities shall be considered accessory to the principal use and shall be permitted through the same process as the principal use, subject to the following standards:

1. The requirements of ~~Section 8.01 G.~~Section 8.01 H., Stacking Spaces for Drive-Through, shall be met;

2. The drive-through, including order boards and stacking areas, shall be screened from non-commercial uses, utilizing a combination of fences or walls and landscaping;

3. Illumination of reader boards and other drive-through specific lighting shall be turned off when the drive-through is not open; and

4. Site circulation shall be designed to minimize conflicts with vehicular traffic and pedestrian movement.

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I. Flea Markets

All flea markets are considered General Retail Sales, indoor or outdoor operations, and shall be subject to the standards listed below:

1. No booths, stalls or other display areas shall be placed or maintained within any required setback.
2. Sanitary facilities shall be provided on site.
3. All items for sale shall be stored indoors (or within an approved screened storage area), or removed from the site at the close of each business day.
4. Flea markets shall not be open for business in excess of sixteen (16) hours per day.

J. Commercial Timber Harvesting and Large Construction Projects

1. Commercial Timber Harvesting

Commercial timber harvesting on private lands (five thousand (5,000) board feet per month or more) shall comply with all State Forest Service best management practices guidelines and the following restrictions in Section 6.02 J.3. below.

2. Large Construction Projects

Any project hauling four thousand five hundred (4,500) tons of material or more within a one (1) month time frame is subject to the restrictions in Section 6.02 J.3. below.

3. Restrictions

Restrictions on the use of County roads may be required by the Public Works Director in terms of size of vehicles; allowable hours and days of use; number of vehicles per given time period (i.e., hour, day, week, month), and other conditions necessary to protect the integrity and condition of county roads.

K. Group Living

Group living facilities shall be subject to the standards listed below:

1. Twenty-four (24) hour supervision shall be provided by qualified staff at all group living facilities.
2. The number of residents occupying a group living facility at any one time, including staff and family of staff, shall not exceed one (1) person per two hundred (200) square feet of living space.
3. The number of residents residing in a group living facility shall be as follows:
   a. Small group living facility – a group living facility with ~~five (5) to nine (9)~~ not more than eight (8) residents.
   b. Large group living facility – a group living facility with ~~ten (10) or~~ more than eight (8) residents.
4. All group living facilities should be located near or provide access to; grocery and other retail stores and commercial services, public transportation, medical and emergency services, and public recreation facilities.
5. Group living structures shall be compatible with the character of the surrounding neighborhood.
6. The proposed facility must obtain all state licenses as required pursuant to Colorado Statutes.
7. If located in a rural or urban residential zone district, the facility shall not be located within seven hundred fifty (750) feet of another such facility, measured by the shortest distance between property lines of each facility.

Commented [GM59]: The proposed amendments bring the County's definition of group living into conformity with the State's definition

L. Hazardous Material Facility

No hazardous material facility shall be located:

1. Further than one-quarter (1/4) mile from the nearest right-of-way line of US Interstate Highway 70 or US Highways 6 or 50; or
2. Where the most direct driving route from the hazardous material facility to the nearest listed highway passes through an Urban Residential Zoning District. Where a hazardous substance user is currently

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operating, no land within one-quarter (1/4) mile of the most direct driving route from the hazardous substance user to the nearest listed highway shall be rezoned to an Urban Residential Zoning District. On-farm agricultural chemical users are exempt from this subsection.

M. Junk Yards, Salvage Yards, Heavy Equipment, Industrial, and Outdoor Storage

1. The following standards shall apply to all approved junk yards, salvage yards, heavy equipment, industrial and outdoor storage yards. Additional standards may be required as deemed necessary by the Planning Director and/or Board of County Commissioners:

   a. Such uses shall be screened with an opaque wall or fence with a minimum height of six (6) feet. An exception to constructing a fence or wall may be granted when natural terrain and/or vegetation will adequately screen the use.

   b. The entire length of the fence or wall shall be landscaped in compliance with the Landscape and Buffer Standards of this LDC (Section 8.02).

   c. No outdoor storage area shall be placed or maintained within a required setback unless allowed through conditions in the use permit.

   d. Stored items shall not project above the fence or wall used to screen the material unless allowed through conditions in the use permit.

   e. All automotive waste or petroleum waste shall be controlled and not permitted to seep or leak into the soil.

2. Exemptions:

   Accumulation and storage of junk and/or unlicensed/inoperable vehicles may be allowed without planning approval when all of the applicable criteria below have been met:

   a. No more than one (1) intact inoperable/unlicensed vehicle can be kept or stored outdoors in ordinary view upon any property that is not approved as a junk yard, salvage yard, industrial storage, or has a use permit that allows additional storage of junk and/or inoperable/unlicensed vehicles. This vehicle allowance includes trailers, campers, and other such vehicles that would otherwise require registration or licensing, and does not include vehicles that have been dismantled or wrecked as they are considered junk and require removal or screening.

   b. All areas of a property that are subject to ordinary view must be kept free of junk, rubbish, non-contained trash, garbage, and debris. Accumulations of junk, including more than one unlicensed/inoperable vehicle must be legally removed or maintained in a screened storage area that is visually shielded or obscured from ordinary view by means of a solid fence, evergreen trees or shrubbery, an enclosed structure, or other appropriate means provided that the outdoor storage area is for personal use and not commercial use. Tarp covering is not sufficient by itself. The screened storage area should not store uncontained trash, garbage, rubbish, or debris.

   c. No screened outdoor storage area shall be placed or maintained within a required setback nor should the area contain trash, garbage, or debris. In addition, screened items shall not project above the fence or wall used to screen the junk material, except for vehicles or items that are resting on the ground but have a height more than six (6) feet tall but less than twelve (12) feet tall.

   d. The screened area must not exceed more than five (5) percent of the total parcel size up to a maximum of twenty-two thousand (22,000) square feet or approximately one-half (1/2) acre.

   e. There shall be no limit on the number of active or serviceable agricultural vehicles or equipment on an agricultural parcel of land regardless of whether such vehicles have current registration or license plates, if that property owner or user is engaged in an agricultural operation that is historical, traditional, legitimate, and reasonable as protected under the County's Right to Farm and Ranch policy and require such vehicles for operation of that practice.

   f. Active agricultural operations may have scrap iron "bone yards", lumber stock piles or other essential collections in ordinary view if necessary for operations and stockpiled in a maintained and orderly fashion.

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3. Used or Waste Tires

   a. Used or waste tires may only be legally disposed of in a County-designated landfill or solid waste disposal facility authorized to accept used or waste tires for storage or disposal, provided, however, that no more than fifty (50) used or waste tires may be kept on property in any Rural Zone District (unless accessory to an ensilage pit), and no more than ten (10) used or waste tires may be kept on property in any Urban Residential Zoning Districts.

   b. Used or waste tires shall not be used as construction material unless a building permit has been issued by the Mesa County Building Department for such construction.

N. Mining and Extractive Uses

Mining and extractive uses shall be subject to the standards below:

1. An excavation and rehabilitation plan shall be required for any mining or extractive use.
2. An excavation permit, if applicable, issued by the State of Colorado in conformance with the Open Mining Land Reclamation Act, shall be required.
3. Excavation or deposit of overburden shall not be permitted within thirty (30) feet of a boundary of an adjacent property, easement, irrigation ditch, or right-of-way unless by written agreement of the owner of such property, easement, irrigation ditch, or right-of-way.
4. Excavation within one hundred twenty-five (125) feet of a dwelling unit shall be prohibited unless by written agreement of the owner and occupant of the residence. Excavation involving the use of rock crushers, asphalt plant, cement batch plant, and other similar equipment within two hundred fifty (250) feet of a dwelling unit shall be prohibited.
5. All excavation activities shall be set back at least one hundred (100) feet from road rights-of-way and the one hundred (100) year floodway of any watercourses. The watercourse setback may be varied, based on Colorado Department of Wildlife comments concerning site-specific factors. Existing trees and ground cover along public road frontage and drainage ways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce noise, dust and erosion.
6. The operator shall submit a route plan (haul road plan) to the Public Works Department and seek permission to use any public rights-of-way. The Public Works Department may place reasonable restrictions on such right-of-way use. Alternative haul routes shall be developed where the haul route impacts the health, safety, and welfare of the local area.
7. Haul roads within the premises shall be maintained in a reasonably dust-free condition and shall be contained within the pit (after excavation allows) to the maximum extent feasible.
8. Mining and extractive uses may be limited to specific days and hours of operation.
9. The operator shall not excavate, store overburden, excavate materials, or dike in such a manner as to damage to public facilities, or increase any drainage or flooding on property not owned by the operator.
10. Where the operation is adjacent to subdivided or developed property, fencing, buffering and/or screening may be required to prevent the visibility of the mining operation.
11. Unless approved as part of the Conditional Use Permit, once mining has been completed, the site shall not to be used as an area to stockpile sand or gravel resources, if the operation is adjacent to subdivided property or to developed commercial or residential property.
12. Operations shall comply with noise, vibration, and other standards of Mesa County and noise standards enumerated in C.R.S. §25-12-103.
13. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department, and the Colorado Air Quality Control Commission.
14. All water uses and discharges shall conform to standards established by the State Water Pollution Control Commission and the water laws of the State of Colorado.

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15. A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable), and, if applicable, the years per phase.

16. A Development Improvements Agreement (DIA) shall be required to ensure that any structures, roads, or landscaping necessary to mitigate the impacts of the operation on nearby property owners or residents will be constructed at those times stated in any related condition attached to the Conditional Use Permit. Where appropriate, a landscaping agreement may be used in lieu of the DIA.

O. Multi-family Development.

Multi-family developments shall be subject to the standards listed below:

1. Landscaped buffer requirements for multi-story multi-family development adjacent to single-family subdivisions shall be required as per ~~Table 8-7~~Table 8-6;

2. Designated trash collection area meeting the requirements of this LDC shall be required; and

3. Multi-family developments ~~shall~~ are encouraged to provide common area or open space ~~as per Section 8.06~~ for use and enjoyment by residents.

Commented [WU60]: Rather than require, it is proposed that providing common areas should be encouraged.

P. Manufactured Home Park

Manufactured home parks shall be subject to the standards listed below:

1. Site Area

A manufactured home park shall be a minimum of two (2) acres.

2. Density

Density standards of the underlying zoning district shall apply.

3. Setbacks

Minimum setbacks and separation shall be as follows:

a. Property boundary: twenty (20) feet

b. Street (public): twenty-five (25) feet

c. Interior street (private): ten (10) feet

d. Separation between manufactured homes: fifteen (15) feet

e. Separation between manufactured homes and other structures: fifteen (15) feet

4. Streets

Each manufactured home space within a manufactured home park shall abut and have access to a private street or drive that complies with the Standard Specifications for Road and Bridge Construction and all other applicable standards of this LDC.

5. Parking

Off-street parking shall be provided for each manufactured home, in accordance with the parking requirements for multi-family dwellings. All required parking spaces shall be paved. Off-street parking spaces shall be uniformly distributed through the manufactured home park.

6. Common Area/Open Space

Commented [WU61]: See above comment.

Manufactured home parks are encouraged to provide common area or open space for use and enjoyment by residents

Q. Oil and Gas Drilling

Oil, gas, and other drilling operations, on public or private lands, shall be subject to the standards below:

1. Financial assurance

a. The Director may require that the applicant provide financial assurance adequate to ensure that:

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(1) Any structures or roads necessary to mitigate the impacts of the operation on nearby properties, will be constructed at those times stated in any related condition attached to the Site Plan; and

(2) Any actions required to remove equipment, structures, or roads, or to otherwise rehabilitate the site after the end of drilling operations will be taken at those times stated in any related condition attached to the Site Plan.

b. Adequate financial security may include a deposit of money, an irrevocable bond, or letter of credit backed by a reputable bank or financial institution, as determined by the County, or another form of financial security acceptable to the County. The amount of financial security required shall not exceed one hundred twenty-five (125) percent of the estimated costs of taking the actions that it secures. The Director shall be authorized to execute a partial release or to reduce the amount of the financial assurance from time to time as required construction or rehabilitation activities are completed. The Director shall release all or any remaining amounts of any financial assurance within thirty (30) days after completion of the last construction or rehabilitation action that the financial assurance secures.

2. All oil and gas well wastes must be disposed of in an approved manner.

3. All State and Federal permits must be obtained and evidence of approval of applicable permits shall be submitted to Mesa County prior to commencing operations.

4. Abandonment of a well for a period of one (1) year or longer shall constitute abandonment of the use. (Abandonment is used here as defined by the Colorado Oil and Gas Conservation Commission.)

5. Permits pertaining to oversize/overweight vehicles shall be obtained by the operator from the Mesa County Public Works Department.

a. Oversize/overweight vehicles may be restricted from use of County roads during periods when roads are wet and damage to the roads could occur. Restoring roads to County standards after damage occurs is the responsibility of the applicant.

6. Permanent structures/facilities shall be painted or otherwise treated to blend with the surrounding area.

7. The applicant shall notify the nearest fire protection district of the location of the drill site and submit evidence to Mesa County of such notification prior to commencing operations.

8. Approval of the use in no way precludes Mesa County from seeking special field rules or other relief from the Colorado Oil and Gas Conservation Commission.

9. A reclamation plan shall be submitted.

10. The operator shall grant to Mesa County all rights of access to the project site for purposes of verifying compliance with the standards of this LDC and site inspection as held by said applicant.

R. Produce Stand

1. Produce stands are allowed only for products produced on the premises provided no hazards are created with parking, ingress, egress, and signage and the operation does not disrupt the peace, quiet and dignity of the neighborhood.

2. Produce stands in nonresidential zone districts may include products produced off-premises and require a temporary use permit.

S. Telecommunications Facilities

1. General

All telecommunications facilities shall comply with the standards of this LDC, all applicable standards of the Federal Telecommunications Act of 1996, as amended, and all applicable requirements of the Federal Aviation Administration.

2. Disputes

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If an applicant for a telecommunications facility claims that one (1) or more standards of this LDC are inconsistent with the Federal Telecommunications Act of 1996, as amended, or would prohibit the effective provision of wireless communications within the relevant market area, the Decision-Making Body may require that the application be reviewed by a qualified engineer for a determination of whether compliance with one (1) or more standards of this LDC would prohibit effective service. Any costs shall be charged to the applicant.

3. Rural Planning Area

   a. Attached Telecommunications Facilities

      Attached telecommunications facilities shall be allowed by right in the districts referenced in the Use Table as "C" provided that they comply with all applicable standards of the underlying zoning district, including any maximum height standards. If visible from Urban Residential or Rural Zoning Districts, attached telecommunications facilities shall be screened or painted to minimize their visibility from such areas.

   b. Telecommunications Facility Support Structures

      Telecommunications facility support structures shall not be subject to the maximum height standards of the underlying zoning district, but shall be subject to any height restriction imposed at the time of approval of the applicable Conditional Use Permit. In no case shall the maximum height of a telecommunications facility support structure exceed the height necessary to ensure effective telecommunications service within the relevant market area. All telecommunications facility support structures shall be screened or painted to minimize their visibility.

4. Urban Planning Areas

   a. Purpose

      The purpose of this section is to regulate the placement, construction and modification of towers and/or telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of competitive wireless telecommunications.

   b. Application

      No telecommunications facilities or towers shall be altered, added to, installed or permitted without an approved Site Plan or Conditional Use Permit for the property and the facility or tower.

   c. Exemptions

      This section does not apply to amateur radio equipment, as licensed by the FCC, that is less than ten (10) feet tall measured from grade, or ten (10) feet higher than the highest point of the roof.

   d. Telecommunications Facilities ~~(TF)~~ and Tower ~~(T)~~ Review.

      No application shall be approved until the applicant establishes, to the satisfaction of the decision maker, that the following are satisfied:

      (1) Towers and telecommunications facilities shall be located to minimize any visual and other adverse impact to the neighborhood, especially residential areas and land uses. If the proposed location is on leased property, proof of possession is required.

      (2) Telecommunications facilities and towers shall be set back from all residentially zoned or used property by a minimum of two hundred (200) feet, or two hundred (200) percent of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the ~~TF~~ Telecommunications Facilities or Tower higher than ten (10) feet, to any portion of the other property. If notice to the affected property owner is given, the decision maker may reduce any such setback by up to twenty-five (25) percent if such reduction will allow a tower to be located so that the visual impact on the neighborhood is reduced. For example, a setback could be reduced to allow a tower to be located next to trees in order to partially shield the tower from view.

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(3) All Telecommunication facilities and towers shall be set back a minimum of eighty-five (85) feet from the property line or at a 2:1 ratio (two (2) foot of setback for every foot of tower height from the property boundary of the facility) whichever is greater, from non-residentially zoned or used property.

(4) All Telecommunications facilities and towers on public utility structures, facilities, or property shall be exempt from the 2:1 setback requirement if they are no taller than the existing utility structure in said location and if approved by the Decision Maker.

(a) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of seven hundred and fifty (750) feet.

(b) Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one thousand five hundred (1,500) feet.

(c) Shared use/co-location of wireless communication facilities on existing structures, towers, or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunication facility may be issued by the Decision Maker.

(d) Towers or facilities that can be constructed as an integral part or component of light standards, buildings, utility structure, or other structures at County owned buildings or facilities are encouraged.

(e) No new tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the Decision Maker that no existing tower, structure, or utility facility can be used in lieu of new construction for the applicant's use. At a minimum, such applicant shall demonstrate that:

(i) No existing tower, facility, or utility structure is located within a distance which meets the applicant's engineering requirements;

(ii) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment;

(iii) The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or the antennas of existing Towers, Facilities, or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible;

(iv) There is some other reasonable factor that renders existing towers, facilities or utility structures unsuitable; and

(v) No owner of existing towers, structures or utility structures, including the County and other governments, within a distance which meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon or such owner is requiring unreasonable payment or terms.

(5) The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.

e. Interference

Every tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

f. Health Issues

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Every tower and telecommunication facility shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.

g. View Corridors

Only a concealed tower or telecommunications facility, the antennas of which all are located on existing vertical structures, is allowed within one-eighth (1/8) mile from the right-of-way of any portion of Monument Road, and other rights-of-way which may be designated by resolution of the Board of County Commissioners.

h. Historic Zones

Only a concealed tower or telecommunication facility is allowed within a historic zone or area as designated by the Board of County Commissioners by resolution.

i. Application Requirements

In addition to other requirements of this LDC, each applicant for a Tower or Telecommunication Facility shall provide the Director with an inventory of all of the applicant's existing Tower(s) and/or Telecommunication Facility(ies) or approved sites for the facilities.

(1) A vicinity map specific to the application from the County's zoning map drawn to scale, showing land uses and zoning designation of all uses within a quarter (1/4) of a mile.

(2) A computer-generated visual analysis from all adjacent rights-of-way, showing the relationship of the tower/facility to the topography and other spatial relationships deemed necessary or required by the decision maker to assess compliance with the Code. If there are more than four (4) such rights-of-way, the Decision Maker shall designate which rights-of-way shall be analyzed.

(3) A description of the tower/facility's capacity which declares the number and type(s) of antennae(s) that it can accommodate or an explanation why their facility cannot be designated to accommodate other users.

(4) An agreement retained by the County which commits the facility owner and its successors to allow shared use of the facility if additional users agree in writing to the reasonable terms and conditions of shared use. The applicant shall annually report to the Director the names, addresses, and telephone numbers of every inquiry for co-location, and the status of any such inquiry.

(5) The applicant shall provide evidence of mailed notice of a proposed tower or telecommunication facility to all abutting property owners within four (4) times the distance that the tower or facility is tall, or five hundred (500) feet, whichever is greater, and to any neighborhood association that would be entitled to notice under this LDC.

(6) Any other information as required by the Decision Maker to evaluate the request, especially technical information.

j. Public and Utility Structures

A tower or telecommunication facility mounted on existing structures of public utilities which have a franchise or other written permission from the County to use concealed towers/ telecommunication facilities are permitted in all non-residential zoning districts, unless otherwise specified by this LDC. The Decision Maker may approve the placement, extension, or replacement of a Tower or Telecommunication Facility on an existing public utility structure up to fifty (50) feet above the highest point on the same. The Decision Maker may waive public notice and may waive any other submission requirement if he deems that the public interest will not be harmed.

k. Design, Materials, and Color

Towers and telecommunication facilities shall be designed and maintained: to minimize visual impact; to carry gravity loads, and wind loads with safety measures as required by applicable

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regulations including adopted building codes; use concealment or stealth methods, such as camouflaging towers to look like light poles or trees, if at all possible; if co-located, to match the color, shape, and look of the structure or facility to which they are attached; to use only non-specular materials.

In order to be considered a concealed tower or telecommunication facility, the tower or telecommunication facility shall:

(1) Be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design, and shape;

(2) Be located to avoid a silhouette and preserve view corridors to the east and the west of the Grand Mesa and the Colorado National Monument, as determined from viewing the tower or facility from anywhere within the original square mile of the City of Grand Junction;

(3) Be located on existing vertical infrastructure such as utility poles and public buildings or utility structures;

(4) Roof-mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building;

(5) Equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building. Any deviation from this standard shall be reviewed and approved, disapproved, or approved with conditions;

(6) Be located in areas where the existing topography, vegetation, buildings, or other structures provide screening; and

(7) The applicant/developer shall be required to structurally design the footing of the tower or antenna to support a tower or antenna which is at least fifteen (15) feet higher than that proposed by the applicant to accommodate co-locations.

l. Landscaping and Screening

The property on which a telecommunication facility or tower is located shall be landscaped and screened as follows:

(1) A free-standing Tower or Telecommunication Facility shall include landscaping planted and maintained according to an approved landscaping plan and be subject to the screening requirements of Section 8.02.

m. Lighting and Signage

(1) Only lighting required by a federal agency is allowed. The location of the lighting fixture(s) shall be such that the lights do not shine directly on any public right-of-way and that the light emitted is otherwise in compliance with this LDC.

(2) Only signage that is required by state or federal law is allowed. No advertising shall be permitted.

n. Exterior Tower or Telecommunication Facility Equipment Building(s) or Cabinet(s)

Exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall not contain more than four hundred (400) square feet of gross floor area, shall not be more than twelve (12) feet in height, and shall maintain the minimum setback, landscaping, and screening requirements of the zone in which it is located.

o. Modification or Demolition

Any Tower or Telecommunications Facilities being modified, demolished, or rebuilt shall be brought into compliance with the standards adopted in this LDC.

p. Maintenance

Every owner of a Tower or Telecommunications Facility shall take special care to operate, repair,

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and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries, or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code; all FCC, FAA, state and local regulations, and in such a manner that will not interfere with radio communications, electronic transmissions, or all other electromagnetic communications or otherwise cause a safety hazard.

q. Review

Each new tower or facility will be subject to a two (2)-year review by the Director. The review will determine whether or not the originally approved number of antenna and design are still appropriate and necessary to provide adequate communications services.

r. Abandonment

The wireless telecommunication facility owner shall remove all wireless telecommunications facilities that are not in use for any six (6)-month period, within three (3) months of the end of such six (6)-month abandonment. As a part of such removal, the owner shall revegetate the site so that it is compatible with the neighborhood. Abandonment shall only be determined by the Board of County Commissioners after the owner has had notice and an opportunity to be heard.

s. Federal Aviation Administration (FAA)

(1) No person shall construct or alter a telecommunications tower or facility without a permit issued by the FAA and without having first obtained the approval of the Decision Maker. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration;

(2) Form 7460-1 shall not be required for the following:

(a) An amateur radio antenna if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antenna;

(b) Any existing tower and antenna provided a building permit was issued for a tower or antenna prior to the adoption of this LDC;

(c) Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire, and operation of governmental entities; or

(d) Any antennae used for FCC licensees engaged in AM, FM, or television broadcasting.

T. Outdoor Retail Sales & Storage

Outdoor retail sales and storage uses within Nonresidential Zoning Districts and Rural Communities (not applicable to Rural Zoning Districts) shall be subject to the following standards.

1. The stored materials shall be located behind a landscaped area meeting the buffer requirements of parking lots in Section 8.02.

2. No materials shall be displayed or stored within a required landscape area.

3. Not more than one (1) elevated display pad, which may be elevated up to three (3) feet in height, shall be permitted per one hundred (100) feet of street frontage.

U. Winery, Distillery or Brewery

Wineries, distilleries or breweries located in Rural Zoning Districts shall be permitted to include limited retail sales and restaurants (vintner's restaurant) as an accessory use, subject to the following conditions:

1. Restaurants shall be accessory to the use and shall meet all applicable requirements for food preparation and service and obtain all necessary state and local permits.

2. Retail sales shall be accessory to the use and shall be goods that are predominantly related to the primary business and/or local products (e.g. food products, arts and crafts).

~~V. Self-Service Storage/Mini-Warehouse~~

Commented [WU62]: It is proposed that this language is not needed as the use is identified as being allowed by right or by conditional use permit in Table 6-1 in specific zones. Development standards are based on the zone, surrounding land uses and type of storage.

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~~1. Self-service storage or mini-warehouse, uses within the Rural Zoning Districts, are permitted only within the six (6) Rural Communities of Loma, Mack, Whitewater, Mesa, Powderhorn, and Gateway.~~

~~2. Indoor storage in the Rural Zoning Districts is not limited to the Rural Communities.~~

~~W.~~V. Oil, Gas, and Forestry Support Services

1. Land uses that provide support service for forestry and oil and gas drilling operations shall be subject to Conditional Use Permit review. If the use is requested for a period of less than one (1) year, a Temporary Use Permit shall be applied for with a Major Site Plan application. The following information shall be submitted with an application for a conditional use permit or major site plan:
   a. The project narrative shall include:
      (1) The need for the facility in the location proposed including the lack of suitably zoned land in the project area, and
      (2) The adequacy of roads and access to the site, including the condition and construction of the roads.
   b. A letter from licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive sewage and/or refuse from the proposed use.
   c. An emergency management plan.
   d. A reclamation and re-vegetation plan.

      The reclamation and re-vegetation requirements may be modified if the operator has entered into an alternative agreement with the surface owner.
2. The following criteria will apply to all support services facilities:
   a. Dust shall be controlled on public roads as agreed upon with the Mesa County Road Department Supervisor.
   b. Existing driveways and private roads should be used to the greatest extent possible.
   c. The use should be located so that existing topography, vegetation and/or distance minimize visibility from interstate highways, arterial roads, or scenic byways.
   d. The facility should be located no less than one (1) mile (measured in driving distance on public roads) from another facility. The Director may allow the facility to be located less than one (1) mile from another facility provided that the application demonstrates a reasonable justification for locating the proposed facility within this one (1) mile distance.
   e. The facility must be located at least four hundred (400) feet from an existing residence unless a written waiver of this standard is obtained from the property owner.
   f. The grounds shall be kept free of weeds, junk, and trash at all times.
   g. Landscaping, fencing and berms shall be used in combinations that effectively screen the facility from existing residences visible from the proposed site. Fencing may be eight (8) feet in height to screen equipment storage.
   h. Wildlife-proof trash receptacles shall be used.
   i. Except as required for safety purposes, reflective materials shall not be utilized on any buildings, walls, or fencing. Reflective materials stored outdoors shall not be visible from roads or properties in the area.
   j. Engines, compressors, and motors shall be equipped with quiet design mufflers or equivalent. All mechanical equipment shall be placed and operated to contain vibration within the property boundary.
   k. A specific plan for containment and disposal of fuel and waste from heavy equipment maintenance shall be provided to meet local, state, and federal regulations.
   l. Ongoing vehicle and/or equipment repair and/or maintenance activity shall be conducted

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either within an enclosed building or between the hours of 8 a.m. to 5 p.m. seven (7) days per week. Emergency repair activities may be conducted outside those time frames.

m. The site will be designed as a containment area and shall maintain a minimum distance from perennial or intermittent streams or drainages as recommended by the project engineer or geologist. The operator shall comply with all applicable state and federal regulations regarding protection of waters of the state.

n. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.

3. Time Limitations

Conditional Use Permit approvals for support services facilities are valid for a period of three (3) years. The operator may submit a request for an extension of time before the end of the three (3) year period. The operator shall submit to the Director a written narrative describing the condition of the facility, its compliance with each of the County permit requirements, and demonstrate the continued need for the facility in accordance with this Section. Subsequent extensions may be applied for in the same manner.

4. Closure

When the need for the use is finished, the support services facility structures must be removed within ninety (90) days of closure except as stipulated in the surface use agreement. If the land owner desires that the structures remain on the property, he must apply for the appropriate County development permit within thirty (30) days of closure of the facility. The Director shall be notified at least ten (10) days prior to removal of improvements. Within ninety (90) days after the removal is completed, a reclamation report shall be submitted to the Director indicating that the site was reclaimed as set forth in the approved reclamation plan.

~~X.~~W. Field Office Headquarters for Oil and Gas Field Operators

All field office headquarter sites shall be designed to achieve the following:

1. Appropriate internal circulation for employees and visitors is provided for both vehicle and foot traffic. Buildings relate to each other in a campus-like clustered setting and are constructed to blend with the character of the area and surrounding vistas.

2. Outdoor storage of equipment and vehicles as well as parking areas are screened from adjacent land uses including public road frontages.

a. A landscape/fencing plan shall be proposed which is suitable to achieve the screening and in character with the area. Alternatively, buildings may provide screening.

b. Landscaping and screening is not required if the outdoor storage areas are not visible from adjacent properties.

3. Section 6.02 W.2.a. (above) criteria for Oil and Gas Support Services, shall be utilized. Section 6.02 W.2.b. (above) may not be applicable if modular structures, outdoor storage and parking are located on a portion of the site not visible from interstate highways, arterial roads and scenic byways.

~~Y.~~X. Temporary Employee Housing

The following information, standards and requirements shall be required for all temporary employee housing related to commercial, industrial, transportation, oil and gas, or mineral extraction projects:

1. The following information shall be submitted with an application for a Conditional Use Permit or Site Plan:

a. Demonstration of the need for the facility in the location proposed to serve oil and gas operations and documenting any lack of suitably zoned land in the project area.

b. Discussion of the adequacy of roads and access to the site, including the condition and construction of the roads.

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c. A letter from a licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive the development's refuse as applicable.

d. An emergency management plan.

e. A reclamation and re-vegetation plan.

2. The following standards will apply to all temporary employee housing facilities:

a. Dust shall be controlled on the site, public and internal roads, and on driveways serving the site in accordance with State and local regulations. Existing driveways and private roads shall be used to the greatest extent possible.

b. The use shall be located so that existing topography, vegetation, and/or distance render it not visible from interstate highways, arterial roads, or scenic byways.

c. The facility shall be constructed to minimize erosion, alteration of natural features, and removal of surface materials to the greatest extent practical. The following issues shall be taken into consideration when designing a facility on a specific site:

(1) The facility should be located at the base of slopes to provide a background of topography and/or natural cover.

(2) Cut and fill should be minimized when locating the facility.

(3) Surface use agreements shall be taken into consideration.

d. All State and County health standards and requirements must be met.

e. Campers, tents, and/or recreational vehicles (RV's) shall not be allowed as temporary employee housing.

f. Landscaping, fencing, and berms shall be used in combinations that effectively screen the facility from existing residences visible from the proposed housing site.

g. Wildlife-proof trash receptacles shall be used (where applicable).

h. Except as required for safety purposes, reflective materials shall not be utilized on any buildings, walls, or fencing. Reflective materials stored outdoors shall not be visible from roads or properties in the area.

i. Residential noise limits shall be complied with pursuant to the Colorado Oil and Gas Conservation Commission Eight Hundred (800) Series rules for noise abatement.

j. Engines, compressors, and motors shall be equipped with quiet design mufflers or equivalents. All mechanical equipment shall be placed and operated to contain vibration within the property boundary and shall be subject to the noise limits above.

k. The site will be designed as a containment area and shall maintain a minimum distance from perennial or intermittent streams or drainages as recommended by the project engineer or geologist.

l. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.

3. Time Limitations

Conditional Use Permit approvals for temporary employee housing facilities are valid for a period of three (3) years. The operator may submit a request for an extension of time before the end of the three (3) year period. As part of the request, the operator shall submit to the Director a written narrative describing the condition of the housing facility, its compliance with each of the requirements, and demonstrate the continued need for the housing facility in accordance with Section 6.02 X.1. above.

4. Closure

When the need for the use is finished, the facility and associated structure must be removed within ninety (90) days of closure. The Director shall be notified at least ten (10) days prior to removal of

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improvements. Within ninety (90) days after the removal is completed, a reclamation report shall be submitted to the Director indicating that the site was reclaimed as set forth in the approved reclamation plan.

5. Exception

Housing located near or on a well drilling pad to serve that well drilling pad, and houses up to twenty (20) workers, shall be reviewed as an accessory use to the drilling operation, provided that the Minor Site Plan for the well pad includes a narrative provision demonstrating a legitimate and temporary need for more than sixteen (16) workers. The intent of this language is to set the baseline standard for beds at sixteen (16) while also allowing an opportunity to place as many as twenty (20) provided the need can be demonstrated. The operator shall submit, with the Site Plan application, a checklist which addresses the review criteria in Section 6.02 Q. of this LDC and that includes the following:

a. A general description of facilities and structures located on the drilling pad during drilling activities and their uses;

b. A count of the number of beds proposed for essential personnel; and

c. A good faith estimate of the length of time that the drilling rig will be located on the property.

The operator shall also submit, with the Minor Site Plan application, a copy of a letter that notified the surface owner of the application and included a copy of the checklist and a generalized site plan.

~~Z.~~Y. Minor Entertainment Events

~~Applications for minor entertainment events shall address the following concerns, including mitigation, in a Conditional Use Permit application:~~

~~1. Vehicle access and circulation (including emergency access);~~

~~2. Noise limits set forth in C.R.S. §25-12-103;~~

~~3. Hours of operation with an appropriate time to end activities associated with proposed events;~~

~~4. Distance of the event footprint from adjacent residences to minimize, or eliminate if possible, potential impacts of noise, dust, lights, and other effects of the events;~~

~~5. Peak hour traffic generation; and~~

~~6. Screening of the event activities from residences on adjacent properties.~~

1. Minor entertainment event establishments shall be subject to the following standards:

Commented [GM63]: The following language was proposed by the Planning Commission.

a. Hours of operation:

(1) Sunday through Thursday from 8:00 a.m. to 8:00 p.m.;

(2) Friday, Saturday and Sunday (when followed by a federal holiday) from 8:00 a.m. to 10:00 p.m.;

b. Screening of the event activities from residences on adjacent properties shall require six (6) foot earthen berms or privacy fences.

c. The maximum number of attendees shall be limited based on the separation between the event facility (which shall include all components of the facility such as but not be limited to: general admission seating, reserved seating, parking, ceremony area, buildings, etc.) and the nearest outside wall of an existing occupied residential structure on an adjacent property:

(1) Minimum separation of five hundred (500) feet: maximum of fifty (50) attendees;

(2) Minimum separation of six hundred fifty (650) feet: maximum of one hundred (100) attendees; or

(3) Minimum separation of eight hundred (800) feet: maximum of one hundred fifty (150) attendees; or

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d. The allowed number of events will be limited to six (6) per month, not to exceed thirty-six (36) per calendar year

e. Any amplified sound or music shall be confined within a building with all doors and windows closed.

f. The property shall be owner occupied.

g. Neighborhood Meeting

The Applicant shall hold a in person meeting with area property owners after the Application Review step has been completed. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation at a location which is convenient to the surrounding property owners. The purpose of the meeting is for the Applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this LDC and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Director prior to Final Plan approval.

~~AA.~~Z. Industrial Development Design Standards

1. Purpose

These design standards are intended to ensure that all industrial development is well designed, sensitive to surrounding natural features, and positively contributes to the character and function of the entire community.

2. Applicability

These standards shall apply to all new industrial, commercial/industrial, and business park development and major rehabilitation of existing structures that abut roads designated as an existing or future collector or arterial, as depicted on the Functional Classification Maps of the ~~Road Access Policy~~Mesa County Design Standards, in the following locations:

a. Any property in an I-1 or I-2 zoning district, excluding those uses listed in Table 6-1 as "Residential" or "Institutional & Civic".

b. Any property in a C-2, MU-R, MU-C or PUD zoning district where the proposed use would also be an allowed use or a conditional use in an I-1 or I-2 zoning district, and where the use is listed in Table 5.1 as "Commercial" or "Other".

c. Any use classified as Industrial in Table 6-1, regardless of the zoning district.

3. Design Standards

a. Building Orientation

To the maximum extent possible:

(1) Primary building entry facades should orient towards the major access drive or street; and

(2) Structures should be oriented to screen outdoor storage areas from view from the street and adjacent residential areas.

b. Parking

All parking lots located within the front half of the parcel or in front of the principal structure shall only be used for parking of passenger vehicles and shall include no more than fifty (50) percent of the planned parking spaces. Fleet parking, equipment storage and loading docks shall not be located adjacent to the collector or arterial street. Placement in the rear half of the lot or behind the principal structure is encouraged. For purposes of this Standard, where properties have frontage on both a collector street (or a street of a higher classification level) and another street of a lower level, the collector or higher-level street shall be considered the front with respect to location of parking.

c. Building Style and Design

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These standards apply only to building facades facing collector or arterial streets. The inclusion of projected and recessed elements to provide architectural variety, such as entryways, special functional areas, rooflines, decorative treatments such as murals, and other features will help to meet the design intent.

(1) Where the construction of a blank or windowless wall facing a collector or arterial street is necessary, the wall shall be articulated or enhanced using architectural features and landscaping.

(2) Where walls facing collector or arterial streets are more than fifty (50) feet long, offsets in wall plane or roof line or features such as porches or recessed entries shall be used to break up the wall.

(3) The facades of buildings facing collector or arterial streets shall be architecturally finished or detailed. Examples include but are not limited to wall cladding with materials such as brick, decorative block, stone, or stucco; applied trim such as wainscoting and columns; contrasting trim details or two-tone color schemes; cornices and applied decorative features; murals or artwork; and similar design elements.

(4) A setback of fifty (50) feet or more, combined with the use of topography and other screening methods that substantially block the view of the building from the street, may be used to satisfy the standards listed above.

d. Screening

(1) Visual and acoustic mitigation alternatives shall be incorporated into the development through the use of built or natural screening along collector streets and pedestrian environments and adjacent to residential uses.

(2) All mechanical and utility equipment shall be screened from view from collector streets and residential uses.

e. Fencing, Walls, and Berms:

Fencing, walls, and berms are required as buffers to different uses and shall be integrated into the industrial development and surrounding uses. Security fencing shall meet all design standards set forth. The use of high quality fence materials, such as decorative blocks, brick, stone, treated wood, and ornamental metal, is encouraged at key locations where such designs can provide the most benefit with respect to screening of outdoor storage and parking from adjacent uses, intersections and other high-visibility areas.

~~BB.~~AA. ~~Vacation Rentals~~Short-term Rental

Commented [WU64]: The following amendments are proposed to assist in managing this use.

The ~~vacation~~ short-term rental of a private residence, either as a whole or as an individual room, shall be subject to the following requirements.

1. ~~Vacation~~ Short-term rentals ~~shall be subject to Site Plan Review~~ must obtain a Short-term Rental Permit prior to leasing.

2. Short-term rentals shall be permitted in single-family dwellings (attached and detached), townhomes, accessory dwelling units and owner-occupied duplexes.

~~a. The maximum length of stay shall be less than thirty (30) consecutive days.~~

~~b.~~a. Only structures permitted for residential occupancy shall be used as short-term ~~vacation~~ rentals. Tents, recreational vehicles, temporary shelters and other provisions intended for temporary occupancy are not allowed as guest accommodations.

3. Maximum occupancy of a short-term ~~vacation~~ rental shall be determined at the time of site plan approval based on the number of parking spaces and bedrooms. Total occupancy shall not exceed two (2) persons per bedroom plus two (2) additional renters, including the operator, not to exceed a total of sixteen (16) persons. Exceptions may be made if the Director determines that the size, configuration, and/or structural features of the unit allow for greater or lesser occupancy.

Commented [GM65]: Proposed by the Planning Commission.

~~3.~~4. Residential dwellings that are used for vacation rentals shall meet Building Code requirements for

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smoke and carbon monoxide detectors. No room shall be rented that does not meet egress requirements.

~~4.~~5. All accommodations shall have sanitary and bathing facilities available to guests within or in close proximity to the area of rental, and shall not be unduly restricted in access.

~~5.~~6. The short-term ~~vacation~~ rental shall have a minimum of one (1) off-street parking space per sleeping room plus one (1) additional space. All vehicles shall be parked in designated parking areas only.

~~6.~~7. The local property manager or representative shall be a county resident who can be contacted by telephone and is available at all times when the home is rented. The representative shall be available for resolution of conflicts, cleanup of the property, or issues with the home or occupants and shall be able to respond within a reasonable amount of time.

a. If the local representative changes, it shall be the responsibility of the owner to immediately notify the Mesa County Planning Department of the new representative's name and phone number.

b. If the local representative is not available for a specific period of time, the property shall not be rented during that time.

~~7.~~8. No changes shall be made to the dwelling or site that would diminish or detract from the residential appearance in the neighborhood.

~~8.~~9. If the proposed Short-term ~~Vacation~~ Rental is more in-line with the standards set forth under Section 6.02 C. Bed and Breakfast, it may be required that the proposed Short-term ~~Vacation~~ Rental be processed as a Bed and Breakfast.

~~9.~~10. Receptions, weddings, or similar activities shall only be permitted when approved as a Minor Entertainment Event facility (Section 6.02 Y.).

~~10.~~11. The Short-term ~~vacation~~ rental shall be subject to all applicable safety and health inspections, licenses, registrations, fees and taxes to which other licensed businesses or places of accommodation are subject.

~~11.~~12. Failure to maintain compliance with the aforementioned standards shall result in revocation of approval.

a. Should a Short-term ~~vacation~~ rental receive three (3) or more formal, verified nuisance, health and/or safety complaints in a calendar year, the Planning Director may revoke the site plan approval.

Commented [WU66]: The following amendments are proposed to assist in managing this use.

~~CC.~~BB. Utility, Production

1. Applicability

a. The following standards shall apply to all new energy production facilities to regulate the development and surface impacts that these facilities may have on the public health, safety, and welfare for any of the following:

(1) Private energy facilities

(2) Community solar garden as defined by CRS 40-2-127

(3) Energy generation/production facility

(4) Agrivoltaics

b. Any facility that exceeds the definition of a private energy or agrivoltaic facility ~~in C.R.S 40-2-124 or C.R.S 40-2-127~~, or ~~community solar garden in C.R.S 40-2-127~~ shall be processed as an energy generation/production facility.

2. Additional Submittal Requirements for Community Solar Garden or an Energy Generation/Production Facilities

Commented [WU67]: Inclusion was requested by a Citizen group and accepted by the Code Focus Group.

a. Narrative

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b. The applicant will provide a narrative describing the proposed facility including but not limited to; general description of the proposal, the height and location of equipment and ancillary structures, health and safety, decommissioning, traffic analysis, construction schedule, type and location of interconnection, rated capacity,

c. Site plan

The site plan map shall be provided in a legible format and shall include but not be limited to the location and arrangement of screening, fencing, existing and proposed structures, equipment, roadways and access points, wildlife corridors, floodplain, easements, existing utilities, and connection to the electrical grid.

d. Setbacks

(1) One quarter (1/4) mile from a Colorado designated Scenic By-way or from the Palisade Fruit and Vine Byway.

(2) A minimum of ~~one hundred fifty (150) feet~~ one quarter (1/4) mile from the nearest outside wall of an existing residential occupied structure on adjacent properties or a negotiated agreement is reached with the adjacent property owner.

Commented [GM68]: Proposed by the Planning Commission.

e. Fire Prevention and Safety Procedures

(1) The relevant Fire Protection District's adopted standards, based on current fire code, shall apply.

(2) A fire break or other facility perimeter design acceptable to the fire district shall be required to reduce or eliminate the interface risk from wildfire.

~~(3) If fenced, egress gates should be installed approximately every 300 feet along any perimeter fencing.~~

Commented [WU69]: It has been determined that this requirement is no longer necessary. Regardless of whether there are multiple gates or a single gate, wildlife would still need to be directed toward an open gate.

~~(4)~~(3)A vegetation management plan shall describe the operator's methods to maintain vegetation inside the facility to address wildfire which may include treatment, mowing, agrivoltaics or other methods of fuel reduction.

f. Visual Mitigation

(1) Reasonable efforts to mitigate visual impacts of an energy generation/production facility will be detailed in the project narrative. Visual impact mitigation may include opaque fencing, screening, berming, use of existing or planted vegetation of landscaping either on-site, or off-site.

(2) Solar System equipment shall be no higher than fifteen (15) feet at the solar panel mounting point. The height of the interconnection equipment may exceed 15 feet. Solar System Facilities within 50 feet of a property line of a residential zoned property should be designed with some form of visual mitigation, to include but not be limited to, opaque fencing, or landscaping.

~~(1) Agrivoltaics are exempt from height restrictions.~~

Commented [WU70]: This exemption is not needed as agrivoltaics are not included in the "Additional Submittal Requirements".

g. Wildlife, Wetlands, Riparian Areas and Stream Channel Measures

(1) The Operator shall address the recommendations of Colorado Parks & Wildlife (CPW) that address any site-specific site conditions. The Applicant shall avoid constructing in CPW-mapped High Priority Habitats (HPH) to the maximum extent possible.

(2) Operator shall inspect the interior of the facility at least once weekly, to potentially free any trapped animals.

(3) When fencing is necessary, the use of wildlife friendly fencing is encouraged.

h. Decommissioning Plan

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At the time of application, Operator shall include a decommissioning plan for the facility which will include detailed plans for management and removal of equipment, mounting systems, above and underground utilities, equipment and facilities as follows:

(1) Within twelve (12) months of ceasing operations, the operator shall complete decommissioning of the facility which may include removal of all aboveground and belowground equipment and structures ~~and removal of any access roads and fire breaks unless previous agreements have been made with the property owner~~.

(2) Any equipment that cannot be recycled shall be properly disposed in accordance with all State and Federal regulations.

(3) The site shall be revegetated in compliance with the property owner's specifications or to a minimum of 70% of predevelopment vegetative cover whichever is less.

i. Security

Commented [GM71]: Proposed by the Planning Commission.

Prior to construction, the owner/operator is required to submit an irrevocable standby letter of credit, bond, or alternative form of security in an amount sufficient to fund the estimated decommissioning costs with the County as beneficiary. Decommissioning cost shall include costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities.

The decommissioning cost estimates, shall be updated and delivered to the Community Development Director every five (5) years from acceptance by Mesa County. If the estimated costs change, the security amount shall be updated accordingly to reflect those changes.

~~i.~~j. Utility Interconnection

Even if no final agreement is yet in place, Applicant shall provide evidence of a utility company's actual interest in entering into a contract to receive energy. An Interconnection agreement with final details must be submitted prior to construction of the facility.

~~j.~~k. Insurance

The owner/operator shall provide proof of general liability insurance with commercially reasonable amounts of coverage for the permitted facility. Facility owners/operators shall maintain such insurance in place through all times the facility is in operation.

3. Approval Criteria

In evaluating the proposal, the request shall consider conditions of approval and all applicable requirements of this LDC, including, but not limited to:

a. The health, safety and welfare of the citizens of this jurisdiction will be protected and served;

b. The facility will not unreasonably impact the physical, economic, or social environment, except as permitted in Chapter 6 Use Regulations as applicable.

c. When an impact is expected to occur, reasonable modifications and programs and other reasonable mitigating actions will be implemented and maintained to minimize the degree of adversity of the impact;

d. There exists a need, or a reasonably foreseeable need, for the facility as proposed.

SECTION 6.03 | ACCESSORY STRUCTURES

No accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use, structure or activity have been obtained except as provided below:

A. Exception for Residential Accessory Structures

One accessory structure may be allowed without obtaining all required permits and approvals for the principal residential use as follows:

1. The use of the accessory structure shall be limited to storage of personal items prior to house

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construction; personal recreational equipment; and/or storage of equipment to maintain the property.

2. Rural Zoning Districts

Construction of ~~O~~one (1) accessory structure may be allowed ~~to be constructed~~ without a principal structure (residence) on property that is one (1) acre or greater in size.

~~a. Properties with an agricultural principal use are not subject to the limitation of one (1) accessory structure if the structures are clearly related to the agricultural use, e.g. barns and other out-buildings.~~

Commented [WU72]: This language was moved under "Agriculturally Used Properties" below.

3. Urban Zoning Districts

One (1) accessory structure may be allowed to be constructed without a principal structure (residence) in an urban zoning district that is one (1) acre or greater in size and that allows single-family residential use.

4. Agriculturally Used Properties

Regardless of the zoning, ~~P~~properties with a~~n~~ legitimate agricultural ~~principal~~ use are not subject to the limitation of one (1) accessory structure or that the structure be subordinate in size to the principal building, if the structures are clearly related to the agricultural use, e.g. barns and other out-buildings.

B. Dimensional and Operational Standards

The standards of this section shall apply in all districts unless otherwise expressly stated.

1. Height

The maximum height of accessory buildings or structures shall not exceed two (2) stories or twenty-five (25) feet, except within the I-1, I-2, or Rural Zoning Districts.

2. Setbacks

Accessory structures shall be subject to all setback requirements of the zoning district in which they are located Chapter 5 with the following exception:

a. Interior Side and Rear Setbacks

Accessory structures that are less than sixteen (16) feet in height and contain less than two hundred (200) square feet of floor area shall be setback no less than three (3) feet when located within the required rear setback area.

b. Easements

Regardless of the above setbacks, accessory structures shall not be located over any recorded easement.

3. Size

Accessory structures shall be subordinate in size, extent, and purpose to the principal building or use. Accessory structures on properties in rural, RSF-R, and RSF-E zoning districts that are one (1) acre or greater in size are allowed to be larger than the size of the principal dwelling on the property.

SECTION 6.04 | ACCESSORY USES

Permitted uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district unless otherwise expressly stated. No accessory use shall be established on the subject parcel until after all required permits and approvals for the principal use, structure or activity have been obtained.

A. Operation

Accessory uses shall be maintained and conducted to avoid production of noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, glare from artificial illumination, or from reflection of natural light.

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B. Animals

Unless otherwise expressly defined or identified as a principal use, the keeping of animals shall be considered an allowed accessory use subject to the provisions of this section.

1. Household Pets

Household pets inclusive of, but not limited to, dogs and cats shall be permitted in all zoning districts allowing for residential use, provided that no more than five (5) animals over four (4) months of age are kept by the occupant of any residential unit. This provision does not apply to tropical fish, small rodent animals (e.g., gerbils, hamsters), and small birds kept as pets, unless raised for commercial purposes, kept outdoors, or kept in an accessory structure.

2. Prohibited Animals

The keeping of nondomestic or exotic animals shall not be allowed as an accessory use. The keeping of nondomestic or exotic animals is considered Animal Care/Boarding/Sales and may be permitted in those zoning districts listed in Table 6-1 of this LDC.

3. Domestic Livestock

The keeping of domestic livestock shall be considered an accessory use and shall be measured in terms of animal units.

a. Existing Properties in Urban Land Use Areas

On properties designated for urban land uses on the adopted Future Land Use Plan Map, the keeping of domestic livestock may be allowed only on lots or parcels greater than one-half (1/2) acre in size except as provided for below in subsection (1).

Domestic livestock pens, fenced corrals, round pens, turnout areas, buildings, or other confined areas for keeping domestic livestock shall be set back a minimum distance of fifty (50) feet from rear and side property lines when adjacent to an existing residential use unless physically impossible, in which case the Director may approve an adjustment up to thirty (30) percent. Pastures are not considered confined areas.

(1) On parcels of land less than one-half (1/2) acre in size in the urban zoning districts, chickens and rabbits that are kept outside the residence shall be allowed under the following conditions:

(a) No more than six (6) chickens or six (6) rabbits over two (2) months old, or any combination of the two animals, are allowed per dwelling unit. No other domestic livestock or fowl shall be permitted.

(b) For properties that have an accessory dwelling unit, each unit shall be permitted to have up to six (6) animals, for a total of twelve (12) animals total on the property.

(c) Chickens and/or rabbits shall not be permitted on properties with duplexes or multi-family dwellings.

(d) No roosters are allowed.

(e) All animals shall be confined by a fence, cage, or pen. Appropriate shelter shall be provided.

(f) Animals shall be kept no closer than twenty (20) feet from rear and side property lines whenever there is an existing residential use on the adjoining property.

(g) There shall be no confinement of animals in the front setback area.

(h) The coop, hutch, cage, pen, and/or area where the animals are confined shall be kept in a clean condition so that any offensive smell and human health issues are minimized. Food supplies shall be secured in animal-proof containers to deter nuisance animals and vermin.

(2) Existing Properties in Rural Land Use Areas

On properties designated for rural land uses on the adopted Future Land Use Plan Map, the following criteria apply:

(a) No new domestic livestock pens, fenced corrals, round pens, turnout areas, buildings,

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or other confined areas for keeping domestic livestock shall be located nearer than one hundred (100) feet from dwellings existing on adjacent lots or parcels of land.

(b) No new dwellings shall be constructed nearer than one hundred (100) feet from existing domestic livestock pens, fenced corrals, round pens, turnout areas, buildings or other confined areas for keeping domestic livestock on adjacent lots or parcels of land unless this requirement effectively renders the property unbuildable; in which case the Director may approve an adjustment up to thirty (30) percent.

(c) Pastures are not considered confined areas.

Any agricultural operation or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged, as established in the "Right to Farm and Ranch" policy.

(3) Confinement of Domestic Livestock

On any parcel of land under ten (10) acres in size, all domestic livestock shall be confined, fenced, or controlled by the property owner in such a manner that prevents the animal or fowl from running or being at large.

4. Allowed Animal Units per Acre

For parcels of land one half (1/2) acre or larger in size: calculations are based on animal units times the suitable area available for the keeping of domestic livestock (i.e. lot area minus areas used for dwellings, access, residential and accessory uses, areas where the keeping of animals are not permitted or are unsuited for use, etc.)

TABLE 6-2~~6~~-2: ALLOWED ANIMAL UNITS PER ACRE	
Lot Area/Zoning District	Allowed Animal Units per Acre of Land*
Urban Zoning District except RSF-R, greater than ½ acre	3
RSF-R and Rural Zoning District, less than 10 acres	4
10+ acres in RSF-R, AFT and AF-35 Districts	4; may be subject to review by the Mesa County Agricultural Advisory Panel for compliance with the "Right to Farm and Ranch Policy"

5. Table of Animal Unit Equivalents

TABLE 6-3~~6-3~~: ANIMAL UNIT EQUIVALENTS				
Animal Species	Equivalency Factor Based on Animal Unit =1000 lb cow	4 animal units/acre (RSF-R, AFT, AF-35 Zoning Districts)	3 animal units/acre (All Other Urban Zoning Districts)	1,000 Animal Units Feedlot Threshold
Alpaca or Llama	0.50	8	6	2,000
Bison, buffalo (under 2 years old)	0.80	5	3.75	1,250
Bison, buffalo	1.00	4	3	1,000
Bison, buffalo - cow w/calf	1.00	4	3	1,000
Burro, Donkey	1.00	4	3	1,000
Burro, Donkey - Miniature	0.50	8	6	2,000
Cattle, Beef - Slaughter and Feed	0.80 (1-2 yrs old)	5	3.75	1,250
Cattle, Beef - Slaughter and Feed	1.00 (>2 yrs old)	4	3	1,000
Calves (under 6 months)	0.00	-	-	-
Cattle, Beef - cow w/calf	1.00	4	3	1,000
Cattle, Dairy (bulls or cows)	1.40 (>2 yrs)	2.9	2.1	714
Chickens, Broiler	0.02	200	150	50,000
Chickens, Layer	0.02	200	150	50,000
Elk, domestic (under 2 years old)	0.50	8	6	2,000
Elk, domestic	0.80	5	3.75	1,250
Elk, domestic - cow w/calf	0.80	5	3.75	1,250
Emu less than 100 lbs.	0.10	40	30	10,000
Emu more than 100 lbs.	0.20	20	15	5,000
Fallow Deer	0.50	8	6	2,000

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Geese, ducks, swans, turkeys, fowl	0.03	133	100	33,333
Goat, feeder (less than 80 lbs.)	0.10	40	30	10,000
Goat, mature brood stock	0.20	20	15	5,000
Goat, nanny w/kids	0.20	20	15	5,000
Goat, miniature	0.05	80	60	20,000
Horses, mules	1.30	3.1	2.3	769
Horses - mare w/foal	1.00	4	3	1,000
Horses - miniature	0.50	8	6	2,000
Ostrich	0.30	13.3	10	3,333
Rabbit, fryer and mature	0.02	200	150	100,000
Sheep, feeder less than 80 lbs.	0.10	40	30	10,000
Sheep, feeder more than 80 lbs.	0.20 (1 yr+)	20	15	5,000
Sheep, mature brood stock	0.20	20	15	5,000
Sheep ewes w/lambs	0.20	20	15	5,000
Swine, feeders (less than 50 lbs.)	0.10	40	30	10,000
Swine, feeders (50 lbs. to market)	0.20	20	15	5,000
Swine, mature brood stock	0.40	10	7.5	2,500
Swine, sow with litters	0.40	10	7.5	2,500

C. Caretakers and Security Guards

Housing for caretakers and security personnel shall specifically be allowed as an accessory use within all nonresidential zoning districts.

D. Home Occupations

1. General

The home occupation regulations of this section are intended to permit residents to engage in home occupations while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations remain subordinate to the allowed principal use and that the residential viability of the dwelling unit and property is maintained. Home Occupations shall require Site Plan review.

2. Exempt Home Occupations

Home occupations are not subject to the home occupations regulations where all criteria below are met:

a. Client/customer visits to the premises are limited to a maximum of ten (10) per week;

b. No nonresident employees visit the site;

c. No outdoor activities or storage are on the site;

d. Storage of hazardous materials/waste is not a primary use of the home occupation; and

e. Quantities and types of hazardous materials stored on site cannot exceed that of normal household use.

3. Home Occupations

a. Allowed Uses

The home occupation regulations of this subsection establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited. Consideration is given to differences in urban versus rural zone districts in the Summary of Home Occupation Regulations table below.

b. Where Allowed

Home occupations that comply with the regulations of this section shall be allowed as an accessory use to any allowed household living use. Home occupations may occur in either a permitted principal dwelling or a permitted accessory dwelling.

c. Prohibited or Limited Uses

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(1) Vehicle and Large Equipment Repair

Repair or assembly of vehicles or equipment with internal combustion engines (such as autos and motorcycles, excluding 'heavy equipment'), of large appliances (such as washing machines, dryers, and refrigerators), or any other work related to automobiles and their parts shall be allowed on parcels and lots of one (1) acre or greater within Urban Zone Districts. The use must be conducted entirely within a permitted structure and must be limited to one (1) vehicle at a time. The same repair or assembly activities may occur within Rural Zone Districts; outdoor storage is only allowed within the screened outdoor area defined within the summary table within this section.

(2) Animal Care or Boarding Facilities

Limited animal care or boarding facilities are allowed as home occupations. This includes grooming services, training, and in-home boarding of household pets provided that no more than a total of five (5) animals over four (4) months of age are present including those owned by the occupant of the residential unit. Outdoor activity shall be limited to normal play and exercise during daytime hours in a fenced area and to periods when animals are allowed outside to relieve themselves. Boarded animals shall not be housed in outside kennels, runs, or enclosures. Animal hospitals, kennels, stables, and all other board and care facilities are not allowed as home occupations. In the Rural Zoning Districts, the boarding of up to five (5) horses is allowed as a home occupation provided the total number of horses does not exceed the number allowed by Section 6.04 B. of this LDC. See also Table 6-1, Animal Care/Boarding/Sales.

(3) Industrial Uses

Industrial uses may only be allowed in zoning districts as indicated in Table 6-1.

d. Public Right-of-Way

e. Customers and delivery services may park in the public right-of-way limited to the area in front of the home occupation. All other activities and storage areas associated with home occupations (including employee and company vehicle parking) are prohibited within public rights-of-way.

f. Operational Impacts

No home occupation, or equipment used in conjunction with a home occupation, may cause odor, vibration, noise, dust, electrical interference, or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. Home occupations that generate hazardous waste shall register with the Mesa County Hazardous Waste Collection Facility in the Conditionally Exempt Small Quantity Generators (CESQG) program.

TABLE 6-4~~6-4~~: SUMMARY OF HOME OCCUPATION REGULATIONS

	Urban Zone Districts	Rural Zone Districts
Nonresident Employees	2 (Maximum)	
Resident Operator	Operator must be full time resident of dwelling unit	
Customers	12 per day (maximum) 8:00 am to 8:00 pm Monday through Saturday	
Floor Area	25% of dwelling unit -(maximum) attached or detached structure	25% of dwelling unit plus an additional 1,000 square feet of attached or detached structure
Signs	2 square feet (Maximum)	
Outdoor Activities	None	Allowed within a 1,000 square feet area if screened and all home occupation regulations are met.
Exterior Appearance	No change that makes the dwelling appear less residential in nature and no visible evidence of home occupation from the road or from adjacent properties. The occupation must be entirely contained within a permitted principal or accessory building. Outdoor parking is allowed but must be screened from view of adjoining properties and public roads; vehicles parked in	No change that makes the dwelling appear less residential in nature and no visible evidence of home occupation from the road or from adjacent properties. The use may be contained within outbuildings if the square footage utilized does not exceed 1,000 square feet. Outdoor parking is allowed but must be screened from view of adjoining properties and public roads; vehicles

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TABLE 6-4~~6-4~~: SUMMARY OF HOME OCCUPATION REGULATIONS		
	Urban Zone Districts	Rural Zone Districts
	the driveway are exempt from screening requirements.	parked in the driveway are exempt from screening requirements.
Small Engine Repair	Prohibited	Allowed – must maintain minimum setback of 200 feet from off-site dwellings and conduct activity within an enclosed structure.
Deliveries	Only between 8 a.m. and 8 p.m. Monday – Saturday	
Retail Sales	None except as accessory and incidental to the allowed home occupation	
Off Street Parking	1 space required per nonresident employee and per company vehicle. Company and employee vehicles that are not parked in the driveway must be screened from view of adjacent lots and streets and may not be parked within the setback areas. Customers and delivery services may park in the road right-of-way.	
Number of Home Occupations on Site	1 (maximum)	

E. Accessory Dwellings

1. Accessory dwelling applications are reviewed as a residential site plan in accordance with Section 4.17 C. and must additionally comply with applicable standards listed below.

2. General Standards

The following general standards shall apply to accessory dwellings:

a. Only one (1) attached or detached accessory dwelling shall be allowed per parcel or lot.

b. Size

The size of an accessory dwelling unit is computed using the total heated living area of the proposed structure.

(1) On parcels or lots less than one half (1/2) acre in size:

A maximum of nine hundred (900) square feet is allowed.

(2) On parcels or lots greater than one half (1/2) acre but less than one (1) acre in size:

A maximum of one thousand two hundred (1,200) square feet is allowed.

(3) On parcels or lots one (1) acre or greater in size:

A maximum of one thousand five hundred (1,500) square feet or fifty (50) percent of the heated living area of the principal dwelling whichever is greater.

(4) Combination Accessory Dwellings/Accessory Structures:

A combination accessory dwelling/accessory structure is an accessory dwelling contained within an accessory structure such as, but not limited to, a garage, shop, or barn.

c. Setbacks

Commented [WU73]: Subject to HB24-1152.

Accessory dwellings shall meet ~~principal~~ accessory structure setbacks.

d. Property Manager or Representative

If the principal dwelling or the accessory dwelling is not occupied by the owner of the parcel or lot on which the accessory dwelling is located, a local property manager or representative shall be required.

(1) The local property manager or representative shall be a county resident who can be contacted by telephone and is available at all times when the home is rented. The representative shall be available for resolution of conflicts, cleanup of the property, or issues with the home or occupants and shall be able to respond within a reasonable amount of time.

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(2) If the local representative changes, it shall be the responsibility of the owner to immediately notify the Mesa County Planning Department of the new representative's name and phone number.

(3) The property shall not be rented any time the local representative is not available.

~~e. Parking~~

~~At least one (1) off-street parking space must be provided for each bedroom in the accessory dwelling.~~

Commented [WU74]: Subject to HB24-1152.

~~f. Lot/Parcel Size~~

~~The minimum size of a parcel or lot on which an accessory dwelling may be approved is six thousand five hundred (6,500) square feet.~~

Commented [WU75]: Subject to HB24-1152.

~~g.~~e. Land Use

An accessory dwelling may only be approved on a lot or parcel that contains one (1) single-family detached dwelling. An accessory dwelling will not be allowed on a parcel or lot that contains a duplex or a multi-family dwelling.

~~h. Construction Material and Roof Design~~

~~The design and construction material of the accessory dwelling shall be complementary to those of the principal single-family dwelling.~~

Commented [WU76]: Subject to HB24-1152.

F. Camping

1. Location

a. A Recreational Vehicle (RV) or a temporary shelter may be occupied for recreational or vacation purposes on property located within a Rural or Urban Residential zoning district.

(1) For properties less than one (1) acre in size, a principal dwelling is required on the property.

(2) Occupancy of RVs or temporary shelters shall not be permitted on properties less than one half (1/2) acre in size.

(3) RVs and temporary shelters shall be prohibited in the required setbacks.

b. Occupancy of RVs and temporary shelters in Nonresidential and Mixed Use zoning districts shall be limited to permitted campgrounds and camps.

c. Occupancy of RVs in Mobile Home Parks and Manufactured Home Parks shall not be permitted.

d. Private non-commercial hunting camps in Rural zoning districts are exempt from these standards.

e. These standards shall not apply to Agricultural Labor Housing approved pursuant to Section 6.02 B. of this LDC.

2. Number Allowed

One (1) RV or temporary shelter may be occupied on a single property at a time.

~~3. Duration of Occupancy~~

~~RVs or temporary shelters may be occupied for a period not to exceed thirty (30) consecutive days. RVs or temporary shelters shall not be occupied more than a total of one hundred eighty (180) days in any calendar year.~~

Commented [WU77]: This is difficult to administer and has created problems for Code Compliance. In addition, the restriction only requires that the RV "shall not be occupied" not moved so the RV can remain year round. If the RV meets all other requirements I don't think that it's a problem allowing one RV to be occupied per one acre or greater property.

~~4.~~3. Standards

The following standards apply to the occupancy of all RVs and temporary shelters located in a Rural or Urban Residential zoning district:

a. RVs must have a current registration and/or vehicle license.

b. To protect public safety, all RVs & temporary shelters must remain readily mobile and meet the following requirements.

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(1) Nothing shall be attached to an RV or temporary shelter or placed in a manner that would prevent or hinder the immediate removal of the RV or temporary shelter.

(2) RVs and temporary shelters, inclusive of all slide-outs and other projections, shall maintain a separation of at least ten (10) feet from all buildings.

(3) RVs shall not be driven or be parked across, over, or on any part of the onsite waste water treatment system.

(4) The RV or temporary shelter's hook-ups must be in compliance with all applicable building, fire, electrical, mechanical, and related codes.

(5) Propane tanks must meet minimum fire code standards, including placement at least ten (10) feet from any source of ignition (open flame, window air conditioner, compressor, generator, or similar items).

(6) No generator shall be located within fifty (50) feet of a dwelling on an adjoining property.

(7) Generators shall not be used between 10:00 p.m. and 7:00 a.m. Generators shall be located so noise is not directed toward adjoining properties. Generators shall adhere to the noise limit requirements of Colorado Revised Statute §25-12-103.

(8) The placement of RVs or temporary structures in a floodplain shall meet the standards of ~~Section 8.14~~Section 8.13 of this LDC.

c. RVs or temporary structures ~~property~~ may not be leased or rented to another party for use on that property except as may be permitted by this LDC.

~~5.~~4. Temporary Dwelling

An RV or temporary structures may be used as a temporary dwelling during construction or remodel of a single-family residence in a Rural zoning district, or in an Urban Residential zoning district on a property that is one (1) acre or greater in size and where a valid building permit has been issued.

SECTION 6.05 | TEMPORARY USES

A. General Regulations

The general regulations of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.

1. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.

2. Unless otherwise expressly stated, temporary uses shall be subject to Site Plan Review pursuant to ~~Section 4.16~~Section 4.17.

B. Uses Allowed

Temporary uses shall be allowed in accordance with the standards of this subsection.

1. Real Estate Sales Offices

Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office for sites outside of the project is prohibited.

2. Fairs, Carnivals, and Other Public Gatherings

Fairs, carnivals, and other public gatherings shall be allowed as follows:

a. In Rural Zoning Districts, such uses shall be allowed for up to six (6) consecutive days. Two (2) events are allowed per calendar-year.

b. In Urban Residential Zoning Districts, such uses shall be allowed for up to four (4) consecutive days on the site of an institutional use. Two (2) events are allowed per calendar-year.

c. In Nonresidential Zoning Districts, such uses shall be allowed for up to eight (8) consecutive days. Two (2) events are allowed per calendar-year.

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3. Natural Disasters and Emergencies

   Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. No Site Plan Review or other review shall be required.

4. Parking Lot Sales

   Parking lot sales are allowed in Nonresidential Zoning Districts for up to two (2) consecutive weeks at any one time. Two (2) events are allowed per calendar year.

5. Seasonal Outdoor Sales

   Seasonal outdoor sales are allowed for up to one (1) month at any one time. One (1) event is allowed per calendar year. The Director may approve an application for seasonal outdoor sales, subject to a limited administrative review, considering the approval criteria for temporary uses. The limited administrative review does not require notice of the application to be published, posted, or mailed to surrounding property owners.

6. Other Uses

   The Director may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

7. Yard Sales

   Residential yard sales are allowed ~~in the AFT, RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-16, and RMF-24 zones~~on any residentially used property~~. Yard sales~~ and are exempt from permit requirements and from any administrative review. ~~A resident of a single-family or duplex may have a~~ Yard sales shall be limited to a maximum of six (6) yard sales per calendar year~~. Occupants of a multi-family building are limited to a maximum of six (6) yard sales per calendar year per structure~~. Each yard sale event ~~is allowed to run a maximum of~~ shall be limited to four (4) consecutive days and must be spaced a minimum of thirty (30) days apart.

Commented [WU78]: The addition and removal of the following language is only to make the restrictions easier to understand and administer.

C. Approval Criteria

The Director shall approve a temporary use if it is determined that all of the following conditions are met:

1. That the proposed site is adequate in size and shape to accommodate the temporary use;
2. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
3. That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on site or at alternate locations; and
4. That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

~~D. Conditions of Approval~~

~~In approving temporary use requests, the Director shall be authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact. For example, the Director shall be authorized to require:~~

~~1. Provision of temporary parking facilities, including vehicular access and egress;~~

~~2. Control of nuisance factors, such as the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;~~

~~3. Regulation of temporary buildings, structures and facilities, including placement, height and size,~~

Commented [WU79]: There is no need to list examples of "Conditions of Approval" as the Director is always authorized to imposed any conditions that are warranted. If any of the examples are needed they should be placed under "Approval Criteria".

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~~location of equipment, and open spaces, including buffer areas and other yards;~~

~~4. Provision of sanitary and medical facilities;~~

~~5. Provision of solid waste collection and disposal;~~

~~6. Provision of security and safety measures;~~

~~7. Regulation of operating hours and days, including the duration of the temporary use to a shorter time period than that requested or specified in this section; and~~

~~8. Submission of a performance bond or other financial guarantee to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.~~

SECTION 6.06 | OTHER USES AND ACTIVITIES

A. Restricted Uses and Activities

Certain uses and activities may be detrimental to the public health, safety and welfare, and as such are regulated or limited as described herein.

B. Accumulation and Storage of Vehicles

1. Only one (1) non-farm vehicle not having current Colorado license plates or registration may be stored in ordinary view on a property. This includes automobiles, motorcycles, trailers, campers, recreational vehicles and other such vehicles that would require registration or licensing.

   a. Additional vehicles may be stored on a property when contained within an approved enclosed structure or when screened from ordinary view by means of a solid fence, evergreen trees or shrubbery, berm, terrain, or other appropriate means.

      (1) Tarps, fabric, screen mesh such as that installed on a chain link fence, and similar materials are not considered sufficient screening. Deciduous vegetation may be considered sufficient, depending on the type, density, height, and placement of plantings.

      (2) The screened area shall not exceed more than five (5) percent of the total parcel size, up to a maximum of twenty two thousand (22,000) square feet or approximately one-half (1/2) acre.

      (3) Such screened storage areas shall be kept free of weeds, trash, debris, or other similar items.

      (4) Outdoor storage areas for such vehicles must be maintained in such a manner that they do not constitute a health, safety or fire hazard.

      (5) Screened vehicles shall not project above the fence or wall used to screen the vehicles, except for vehicles or items that are resting on the ground but have a height more than six (6) feet tall but less than twelve (12) feet tall.

      (6) Fences taller than six (6) feet that are required by this Section may be permitted within required setbacks, subject to site plan approval. The height and location of all fences shall comply with the requirements of the Intersection and Driveway Visibility standards of this LDC (~~Section 8.19~~Section 8.18).

   b. Subject to the limitations of Section 6.06 B.1., inoperable or unlicensed vehicles may be located in driveways and alongside driveways but shall not otherwise be placed in the required street setback. Inoperable or unlicensed vehicles shall not be placed in the required side or rear setbacks.

   c. Vehicles in an approved junkyard, auto repair garage, body shop, gas station or other similar commercial use where vehicle storage has been permitted pursuant to this LDC are not subject to the requirements of this section.

   d. Heavy equipment, both operable and inoperable, shall not be stored in ordinary view.

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e. Dismantled or wrecked vehicles are considered "junk" and are subject to the requirements of Section 6.02 M.

f. All automotive waste, petroleum waste, other regulated fluid, gas or liquid, or contaminants shall be controlled and properly contained and shall not be permitted to seep or leak into the soil.

2. There shall be no limit on the number or location of active or serviceable agricultural vehicles or equipment on an agricultural parcel of land regardless of whether such vehicles have current registration or license plates, if that property owner or user is engaged in an agricultural operation that is historical, traditional, legitimate and reasonable, as protected under the County's Right to Farm and Ranch policy, and requires such vehicles for operation of that practice.

C. Accumulations of Junk

1. All areas of a property that are in ordinary view must be kept free of junk.

a. Accumulations of junk must be contained within an enclosed structure or be visually screened from ordinary view by means of a solid fence, evergreen trees or shrubbery, berm, terrain, or other appropriate means.

(1) Tarps, fabric, screen mesh such as that installed on a chain link fence, and similar materials are not considered sufficient screening. In addition, canopies, tents, yurts and other types of temporary structures shall not be used for screening. Deciduous vegetation may be considered sufficient, depending on the type, density, and placement of plantings.

(2) The screened area shall not exceed more than five percent (5%) of the total parcel size up to a maximum of twenty two thousand (22,000) square feet or approximately one-half (1/2) acre.

(3) Such storage areas shall be kept free of weeds, trash, debris, or other similar items.

(4) Accumulations of junk shall not be stored within required setbacks.

(5) Outdoor storage areas for junk must be maintained in such a manner that they do not constitute a health, safety or fire hazard.

(6) Screened items shall not project above the fence or wall used to screen the materials, except for items that are resting on the ground but have a height more than six (6) feet tall but less than twelve (12) feet tall.

b. Active agricultural operations may have scrap iron "bone yards", lumber stock piles, or other essential collections in ordinary view if necessary for operations and stockpiled in a maintained and orderly fashion.

c. The keeping or storage of used or waste tires is subject to the requirements of Section 6.02 M. of this LDC. No more than fifty (50) used or waste tires may be kept on a property in any Rural zoning district (unless accessory to a silage pit or hay storage). No more than ten (10) used or waste tires may be kept on a property in any Urban Residential zoning district.

d. All automotive waste, petroleum waste, other regulated fluid, gas or liquid, or contaminants shall be controlled and properly contained and shall not be permitted to seep or leak into the soil.

D. Rubbish, Trash, Garbage and Debris

It is unlawful to deposit, accumulate, store, keep, abandon, or to permit the accumulation, storage, keeping or abandonment of rubbish, trash, garbage or debris on private property within unincorporated Mesa County, unless such area is approved specifically for that use and appropriately zoned for such deposit, accumulation, storage or keeping of rubbish or debris.

1. Any person having the ownership, occupancy, control or management of any property shall keep rubbish, trash, garbage and debris in tightly closed containers or within enclosed structures. Garbage and refuse shall be stored in a manner that will prevent entry by animals and vermin and thereby avoid the dispersal of such garbage and refuse by animals, wind, or any other means.

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a. The use of a manufactured or mobile home, recreational vehicle, or other vehicle for storage of rubbish, trash, garbage or debris is prohibited.

2. Any person having the ownership, occupancy, control or management of any property shall remove from the property or caused to be removed accumulated rubbish, trash, garbage and debris to an approved disposal site on a regular basis (at least once per calendar month) so as to prevent a fire hazard or to mitigate public health and safety concerns.

E. Cargo and Shipping Containers

It shall be permissible to use cargo or shipping containers as principle or accessory buildings, provided site plan approval has been granted and all applicable standards of this LDC are met. Additionally, the container shall comply with all applicable codes, including building code requirements, for the intended occupancy or use.

1. There shall be no signage, business or trade name on the container(s) unless a sign permit has been obtained pursuant to Chapter 9 of this LDC.

2. Storage containers temporarily placed on construction sites to be used for storage of materials and equipment related to work on the site or on adjacent lots shall not be subject to the requirements of this Section.

3. The display and sale of cargo and shipping containers as a commercial activity on a property that is permitted pursuant to this LDC is not subject to the requirements of this Section.

4. Portable moving containers/moving pods placed on private property for no more than ninety (90) days in a calendar year shall not be subject to the requirements of this section. Such containers are intended to be used for temporary short-term storage during construction or renovation of a structure, and are not intended to be used as long-term on-site storage.

F. Manufactured and Mobile Homes

1. Uninhabitable mobile homes and manufactured homes and those that have been removed from their foundation or pad and have not been occupied for a continuous period of one (1) year shall be considered junk and shall be subject to the requirements of this Section.

2. Mobile homes and manufactured homes are constructed specifically as dwelling units. The use of a mobile home or manufactured home for other than a dwelling is not permitted, unless the unit is brought into compliance with applicable building codes for a new structure. A mobile home or manufactured home shall not be used as an accessory structure except as may be permitted under Section 6.04 E., Accessory Dwellings. A mobile home or manufactured home shall not be used for storage or other non-dwelling accessory uses.

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CHAPTER 7 | MEASUREMENT AND DENSITY STANDARDS

SECTION 7.01 | MEASUREMENTS AND EXCEPTIONS

A. Density

Density is measured by dividing the number of dwelling units on a lot or parcel by the parcel's gross land area (in acres). Gross land area includes the entire parcel or property at the time a development application is filed. If a lot or parcel is located within an existing platted subdivision, the size of the parent parcel and the existing number of lots contained within the original subdivision will be used in calculating density unless further development is allowed through a change zoning of the parcel.

Commented [WU80]: This language has been used historically to determine whether additional density is available within an existing subdivision.

1. Exceptions to Minimum Density Requirements

   a. The Director shall be authorized to approve a minimum density of up to twenty (20) percent less than otherwise stated in Chapter 5 (using the Administrative Adjustment review and approval procedure of Section 4.01) when deemed necessary to accommodate unusually small or oddly shaped parcels, roads, right-of-way, floodplains, steep slopes, wetlands, hazard area, open space and other non-developable lands.

   b. Minimum density standards shall not apply to a minor subdivision in the RSF-4, RMF-5, or RMF-8 zone districts if:

      (1) One lot can be reasonably resubdivided or developed in a manner that complies with the underlying zone district's minimum density standards; and

      (2) The new lot(s) created are a maximum lot size of one half (.5) acre in RSF-4, or one third (.33) acre in RMF-5 or one fifth (.2) acre in RMF-8.

      (3) However, if sewer is unavailable, one (1) additional lot shall be allowed with a minimum lot size of one-half (1/2) acre or larger as long as both lots can be reasonably resubdivided or developed in a manner that complies with the underlying zone district's minimum density standards.

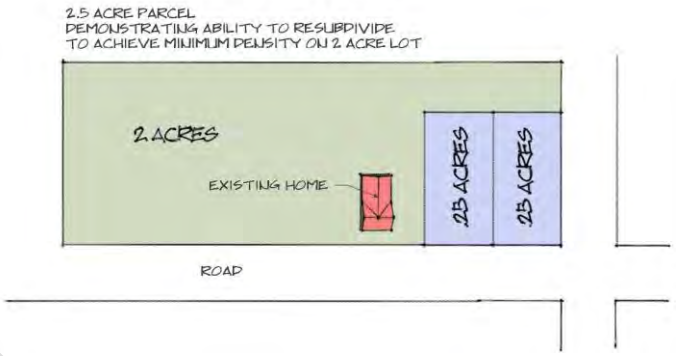


Figure 7-1: Minimum Density Standard

B. Lot Area

1. Lot area is measured as the amount of net land area contained within the property lines of a lot or parcel, not including streets or rights-of-way.

2. For the purpose of calculating density on existing parcels zoned RSF-4, RMF-5, RMF-8, RMF-16 and RMF-24 that are smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

3. Exceptions to Minimum Lot Area Requirements

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No building permit or development approval shall be issued for a lot that does not meet the minimum lot area requirements of this LDC, except in the following cases.

a. Utilities

Utilities using land or an unoccupied building covering less than one thousand (1,000) square feet of site area are exempt from minimum lot area standards.

b. Detached Single-Family Dwelling Unit Exemption

The minimum lot area standards of this LDC shall not prohibit the construction of a detached single-family dwelling unit on a lot or parcel that was legally platted or recorded prior to the adoption of this LDC, provided that the dwelling unit is constructed in compliance with all applicable dimensional standards.

C. Lot Width

Lot width is measured between side lot lines along a line that is parallel to the street lot line or its chord ~~and located the minimum street setback distance from the street lot line~~ measured perpendicularly to the maximum depth of the setback into the lot.

Commented [GM81]: Language suggested by the County Surveyor.

D. Street Frontage

Street Frontage is measured between side lot lines along the street lot line.

E. Setbacks

Setbacks are unobstructed, unoccupied open areas, measured as follows:

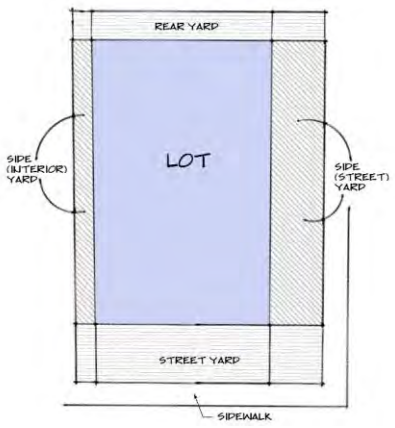


Figure 7-2: Setbacks

a. Street Setbacks

(1) Street setbacks shall be measured between the furthermost projection of a structure and any abutting rights-of-way line.

(2) In the event that lots or parcels abut streets or roads without rights-of-way or inadequate right-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan.

b. Side and Rear Setbacks

Side and rear setbacks shall be measured between the furthermost projection of a structure and the property lines of the lot on which such structure is located.

2. Exceptions and Permitted Encroachments

Setbacks must be unobstructed from the ground to the sky except that the following features may

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encroach into required setbacks:

a. Landscaping;

b. Bay windows, not to exceed three (3) feet;

c. Chimneys, not to exceed two (2) feet;

d. Clothesline post;

e. Driveways, curbs and sidewalks;

f. Flagpoles;

g. Heating and cooling units, not to exceed three (3) feet;

~~g.~~h. Swimming pool, not to exceed six (6) feet;

~~h.~~i. Mailboxes;

~~i.~~j. Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed three (3) feet;

~~j.~~k. Septic systems, wells and underground utilities;

~~k.~~l. Signs (in accordance with Chapter 9);

~~l.~~m. Steps, stairs or fire escapes (non-enclosed), not to exceed six (6) feet;

~~m.~~n. Uncovered, unenclosed terraces, porches, patios, or decks not to exceed six (6) feet if no surface is higher than thirty (30) inches from the average finished grade;

~~n.~~o. Accessory buildings, within required rear setbacks only;

~~o.~~p. Required parking where not specifically prohibited;

~~p.~~q. Open carports, up to one-half of the required side or rear yard setback for principal structures, but not closer than three feet to the lot line;

~~q.~~r. Fences or walls seven (7) feet or less in height, if otherwise allowed by County regulations

s. Yard and service lighting fixtures, poles.

t. Electric vehicle charging station.

Commented [WU82]: Required due to HB24-1173.

3. Exceptions allowed for structures within existing subdivisions

Commented [GM83]: The following language proposed by the Planning Commission.

a. Required side and rear setbacks may be reduced to a minimum of three (3) feet by the Director on lots abutting "tracts" where the following conditions are met, and to the extent the abutting tract provides for a portion of the minimum setback:

b. The abutting "tract" includes one or more of the following:

(1) A park, trail, or open space that has been dedicated to the County for the use of the general public;

(2) A required landscape buffer;

(3) A required drainage facility; or

(4) Open space (whether required by this Code or otherwise established), which is land within a development designed for and perpetually limited to the common use or enjoyment of the residents or occupants of the development and/or the public, but not including areas used for streets, alleys, driveways, or off-street parking or loading areas.

c. Only that portion of the proposed lot line that is contiguous with the abutting tract may be used for purposes of determining the proposed dimensional reduction;

d. The dimensional reduction shall be less than or equal to the open area provided by the tract;

e. Maintenance of the tract shall be provided for in a binding agreement approved by the County;

f. The tract is part of the subdivision or development that is the subject of the application.

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~~r.~~g. Abutting tracts may not be used to reduce any dimension of an easement.

~~3.~~4. Setback Averaging

Regardless of the minimum street setback required by the underlying zoning district, the minimum street setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the subject lot. The following rules apply in calculating the average setback.

a. Only the setbacks of the existing structures that abut each side of the subject lot and are on the same side of the street may be used.

b. When one abutting lot is vacant or the subject lot is a corner lot, then setback averaging is calculated using the setback of the existing abutting structure and the zoning district minimum setback.

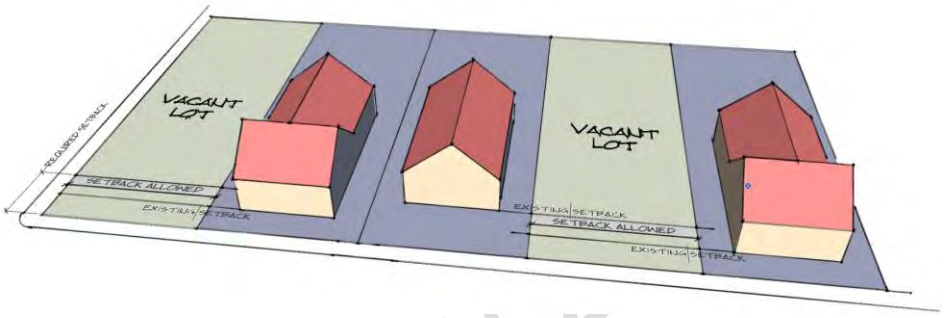


Figure 7-3: Setback Averaging

~~4.~~5. Nonconforming Setback

When an addition to an existing legal, nonconforming structure would not meet current setback requirements, the Director may approve such addition if the following criteria are met:

a. No reasonable alternative exists for the location of the addition on the subject property;

b. The location of the addition would follow and not encroach further than the existing nonconforming setback;

c. The addition would not encroach into any required street setback for garage access; and

d. The addition would not encroach on any existing easement.

F. Lot Coverage

Lot coverage is calculated by dividing the total square footage of all building footprints and all impervious surfaces by the square footage of the lot.

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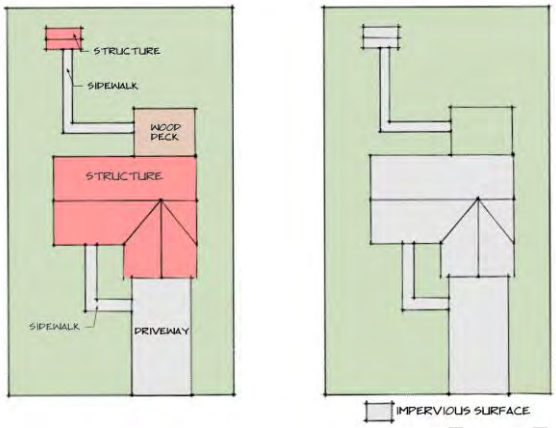


Figure 7-4: Lot Coverage

G. Height

1. Building height is measured as the vertical distance between the average finished grade at the base of the building along the side of the building being measured and:

   a. The average height between the eaves and ridge line of a gable, hip or gambrel roof;

   b. The highest point of a mansard roof; or

   c. The highest point of the coping of a flat roof.

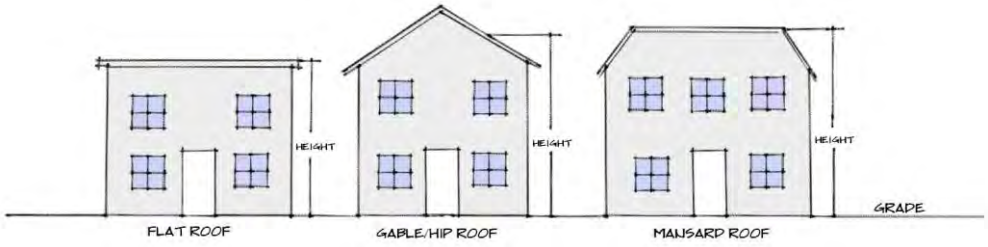


Figure 7-57-5: Building Height

2. Exceptions

   a. Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/ham communication towers, structures for essential services, windmills, flagpoles, chimneys, radio/television receiving antennas or chimney flues.

   b. Height limits also do not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than thirty-three and one-third (33 1/3) percent of the area of the roof.

Commented [WU84]: It is proposed to include "ham" communication towers as an exemption.

SECTION 7.02 | AFT DISTRICT DENSITY

A. Purpose

In order to provide more certainty regarding appropriate levels of development on land within the Rural

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Planning Area, the County has adopted the provisions of this section to govern density in the AFT Zoning District.

B. Density

The base density allowed on lots and parcels zoned AFT shall be no more than an average of one lot per five (5) acres unless a different base density is identified in Table 7-1 (see below). If density bonus is allowed, the maximum density may only be achieved when an application for density bonus is submitted and approved subject to the criteria listed in Section 7.02 C.

TABLE 7-1: AFT DENSITY

Future Land Use Classification	Density (acres per dwelling unit)		Minimum Lot Size (acres)	Density Bonus	Required Reserve
	Base	Maximum			
Rural Residential 5	5	N/A	~~Section 8.11~~Section 8.10	N/A	N/A
Fruita 201-10	10	N/A	10	N/A	N/A
EOM 10	10	N/A	10	N/A	N/A
Rural Ag 10 (R/A 10)	10	5	~~Section 8.11~~Section 8.10	Section 7.02 C.	Table 7-2
Rural Ag 17 A (R/A 17)	17	9	~~Section 8.11~~Section 8.10	Section 7.02 C.	Table 7-2
Rural/Ag/20 NB	20	N/A	20	N/A	N/A
Rural/Ag 35+ A	35	N/A	35	N/A	N/A
Large Lot Rural/Ag 35+	35	N/A	35	N/A	N/A
Fruita Buffer North of River (R/A 10)	10	5	~~Section 8.11~~Section 8.10	Section 7.02 C.	50%
Fruita Buffer South of River	N/A	Average of existing lot size within 2,500 feet (excluding public lands)	~~Section 8.11~~Section 8.10	N/A	N/A
Palisade Buffer North of River (R/A 10)	10	5	~~Section 8.11~~Section 8.10	Section 7.02 C.	50%
Palisade Buffer South of River (EOM 10)	10	N/A	10	N/A	N/A
Rural (RUR)	5	N/A	~~Section 8.11~~Section 8.10	N/A	N/A

C. Density Bonus Criteria

1. Eligibility

To qualify for a density bonus, the property must have a Future Land Use Classification depicted in Table 7-1 as appropriate for a density bonus.

2. Process

The Major Subdivision application process shall be followed (Section 4.10 E.). In addition to the standards and criteria required for approval of a major subdivision, subdivisions requesting density bonus must apply the following approval criteria in Section 7.02 C.3.

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3. Approval Criteria

a. The following ~~p~~reserved land minimums shall be required to achieve associated density bonuses:

TABLE 7-2: RESERVED LAND REQUIRED		
Future Land Use Classification	Density (acres per dwelling unit)	Reserved Land Requirement
R/A 17	15	30%
	12	40%
	9	50%
R/A 10	8.5	30%
	6.5	40%
	5	50%

b. The lots ~~must~~ should be located to avoid development of and minimize adverse impacts on agricultural land, steep slopes, ridgelines, wetlands, wildlife habitats, and public facilities;

Commented [WU85]: Criteria "b." has never been enforced?

c. The reserved land may be located within a tract designated as open space (in which case the tract is not included in the density calculation) or as a building lot (in which case the reserved building lot is included in the density calculation);

d. The reserved land should be located in areas adjacent to any existing agricultural operations;

e. A note shall be placed on the plat that the ~~p~~reserved land is reserved for future development until applicable revision or amendment of the Mesa County Master Plan and Land Development Code occur; and

f. Minimum lot size requirements shall be based on onsite wastewater treatment system regulations, fire protection standards, site-specific conditions, and the need, if any, to protect adjacent agricultural operations under the County's Right to Farm and Ranch Policy.

SECTION 7.03 | RSF-E DISTRICT DENSITY

A. Purpose

In order to provide more certainty regarding appropriate levels of development on land with a Future Land Use Classification of Estate, the County has adopted the provisions of this section to govern density in the RSF-E Zoning District.

B. Maximum Density and Minimum Lot Size Criteria

The maximum density and minimum lot size allowed within the RSF-E Zoning District shall be as follows:

TABLE 7-3: ESTATE FUTURE LAND USE CLASSIFICATION SUMMARY		
Future Land Use Classification	Density	Minimum Lot Size
Estate	1 acre / dwelling unit	1 acre
Estate 2	2 acres / dwelling unit	~~2~~ 1 acres
Rural Estate 3	3 acres / dwelling unit	1 acre

Commented [WU86]: One acre minimum lot is more compatible with the other Estate zones.

SECTION 7.04 | ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS

The alternative development options of this section allow for variety in development standards while maintaining the overall character of single-family residential developments.

A. Flagpole Lots

Flagpole lots shall be allowed in all Rural and Urban Residential zoning districts in accordance with the following standards:

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1. Frontage

   Each flagpole lot shall have at least twenty (20) feet of street frontage and at least twenty (20) feet of width for the entire length of the flagpole.

2. Number

   A maximum of one flagpole lot is allowed in subdivisions of four (4) lots or less. No more than twenty (20) percent of the lots within a subdivision containing five (5) or more lots shall be flagpole lots. No more than two (2) flagpole lots may be contiguous.

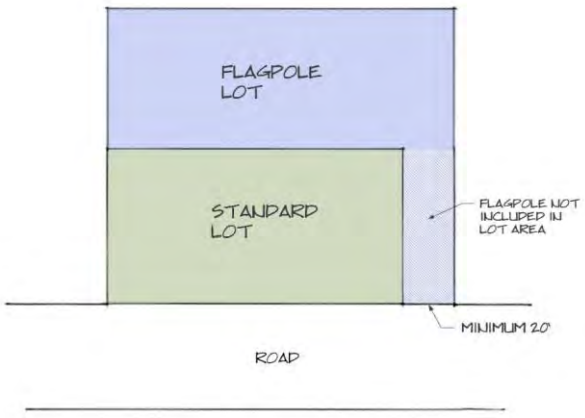


Figure 7-6: Flagpole Lots

3. Lot Area Calculation

   The area of the flagpole may not be counted as part of the lot area calculating minimum lot size.

4. Driveways

   Driveways shall be designed to allow vehicles to drive-out forward. Common driveways shall be required when two (2) flagpole lots are contiguous.

B. Attached Single-Family

Attached single-family development shall be allowed in accordance with the Table 6-1, subject to the following standards:

~~1. Lot Width~~

~~Attached housing is exempt from the lot width standard of the underlying zoning district, but it is not exempt from minimum lot area requirements.~~

Commented [WU87]: Due to the removal of minimum lots widths, this exemption is no longer needed.

~~2.~~1. Setbacks

No interior side setback is required on the "attached" side of a lot containing an attached house. The street, side, and rear setback standards shall apply around the perimeter of an attached housing development.

~~3.~~2. Number of Units

In the RSF-4~~ and more restrictive districts~~, no single structure may contain more than eight dwelling units.

Commented [WU88]: More restrictive districts (i.e. RSF-2, RSF-1, etc.) do not allow "single-family attached" units. Therefore there is no need for this language.

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C. Zero Lot Line Development

The following additional standards shall apply to Zero Lot Line development:

1. Applicability

Zero lot line developments are allowed by-right in any Urban Residential zoning district.

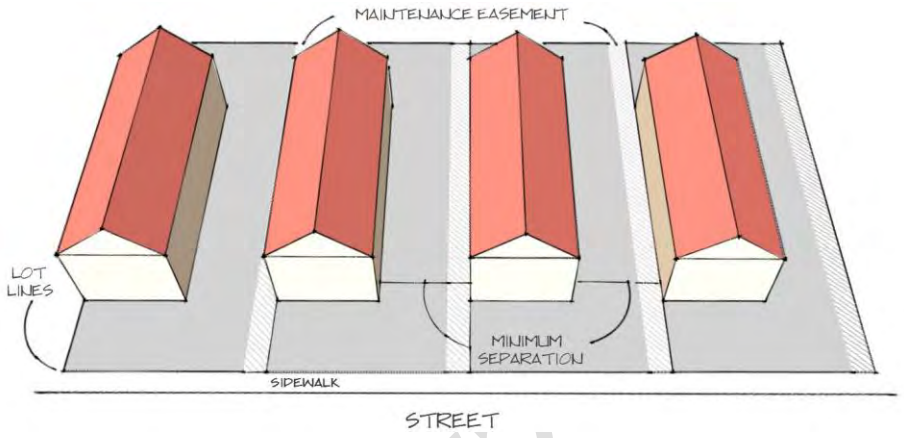


Figure 7-7: Zero Lot Line Development

2. Review and Approval

Review for compliance with the standards of this section shall occur during the Major Subdivision process.

3. Standards

a. Building envelopes

To assure the minimum distance between structures, building envelopes shall be shown on the plat.

b. Setbacks

The side setback on one side of the building may be reduced to zero. This reduction does not apply to interior side setbacks adjacent to lots that are not part of the zero lot line project, development, or subdivision.

c. Distance Between Houses

The minimum distance between all buildings in the development must be equal to twice the required side setback of the underlying zoning district.

d. Eaves

The eaves of a house may project a maximum of twenty-four (24) inches over the adjacent property line

e. Maintenance Easement

An easement to allow for maintenance or repair is required when the eaves or side wall of a building are within four (4) feet of the adjacent property line. The easement on the adjacent property must provide at least ten (10) feet of unobstructed space between the furthermost projection of the structure and be wide enough to allow five (5) feet between the eaves or side wall and the edge of the easement.

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f. Privacy

If the side wall of the house is on the property line, or within three (3) feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

D. Cluster Developments

The following additional standards shall apply to cluster development:

1. The number of lots shall not exceed the maximum density of the underlying zoning district.
2. Minimum lot size shall be based on the underlying zoning or if utilizing Onsite Wastewater Treatment Systems, lot size shall be determined by ~~Section 8.11~~Section 8.10 of the Land Development Code.

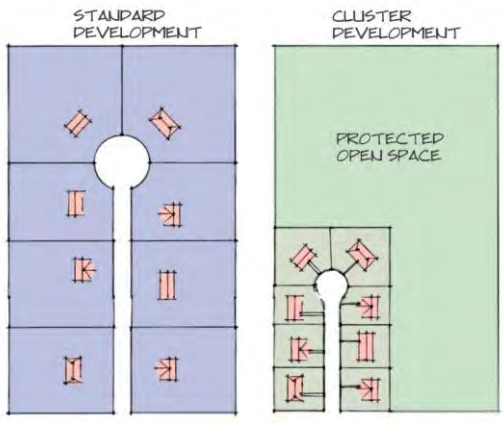


Figure 7-8: Cluster Development

3. The lots and building sites must be located to avoid adverse impacts on steep slopes, ridge lines, wetlands, and wildlife habitats, wildfire hazard areas, floodplains, and, within the Rural Planning Area, any prime, or prime and unique agricultural land.
4. Dimensional standards shall be determined by the closest applicable Zoning District that allows the minimum lot size proposed in the Cluster Development (e.g., if the property is zoned AFT and the proposed minimum lot size is 1 acre, the setbacks and other dimensional standards for the RSF-1 Zoning District shall apply).

E. Urban Residential Reserve (URR) Subdivision Standards

The following standards shall be met for applications for Minor Subdivisions and Major Subdivisions in the URR zone district:

1. The lot or parcel must be a minimum of ten (10) acres to qualify for subdivision. (Previously subdivided lots created under AFT zoning may apply individually without averaging density back to the total acreage of the recorded subdivision.)
2. A minimum of forty (40) percent of the gross site area shall be retained in a single building lot (the Reserve Lot). Two (2) Reserve Lots may be allowed if necessary to accommodate natural physical divisions of the property or necessary rights-of-way dedication.
3. Land in agricultural production shall be located in the Reserve Lot(s) to the greatest extent possible.
4. If outlots or easements are necessary to supply sewer in the future to the developed lots or to the Reserve Lot(s) as determined by the project engineer or the municipality, they shall be designated on

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the subdivision plat.

5. A site plan may be required to show options for access, utility corridors and circulation for future redevelopment of the Reserve Lot(s).
6. Provisions for weed control on outlots and common areas shall be proposed in the Concept Plan phase of review and approved by the Mesa County Weed and Pest Inspector.
7. Future Development of the Reserve Lot
   a. If the service district that will provide sewer confirms that sewer can be extended to serve a URR subdivision, the Reserve Lot(s) may be considered for redevelopment at higher densities.
   b. If sewer is not available within ten (10) years from the date the subdivision is first platted under URR zoning, the Reserve Lot(s) may be redeveloped ~~to the maximum density allowed (without the requirement of setting aside a Reserve Lot) in the URR zone district~~ at a maximum of one (1) dwelling unit per one (1) acre density.

Commented [WU89]: This language has historically caused confusion, as the original development typically utilized the maximum density.

Commented [WU90]: Generally the clustered lots are approximately one acre in size. Requiring the reserve lot to be developed at a one unit per two acre density would create two acre lots adjacent to one acre lots or one acre lots with another reserve lot.

SECTION 7.05 | NON-RESIDENTIAL SUBDIVISIONS

Consideration of the following standards may allow non-residential subdivision lots to be less than the minimum size allowed as defined in Chapter 5 of this LDC, where lots will be connected to a public sewer system:

A. Standards
   1. Shared detention facilities shall be pre-determined and location sited on plans. Alternative designs such as open space areas or belowground vaults are accepted for review.
   2. Pedestrian connections shall be provided.
   3. Shared access points shall be required in order to reduce congestion and to mitigate traffic circulation and parking problems. Access shall be permitted in accordance with the requirements of the ~~Road Access Policy~~Mesa County Design Standards.
   4. Shared parking and circulation shall be shown on the plat through ingress/egress easements.
   5. Lots shall be of sufficient size to accommodate requirements of this LDC, including but not limited to those in Chapter 6, Chapter 7 and Chapter 8.

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CHAPTER 8 | DEVELOPMENT STANDARDS

The standards in this Chapter apply to all new development unless otherwise stated.

SECTION 8.01 | OFF-STREET PARKING

A. General

1. New Development

The off-street parking standards of this Section apply to all new buildings and uses.

2. Expansions and Alterations

The off-street parking standards of this Section apply when an existing structure or use is expanded or enlarged. Additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces provided for the entire use (preexisting plus expansion) must equal at least seventy-five (75) percent of minimum ratio established in Table 8-1.

3. Changes of use

A change of use that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this LDC. Where this calculation results in the addition of less than five (5) spaces, no additional spaces shall be required.

B. Minimum Required Off-Street Parking

The following Off-Street Parking Schedule establishes the minimum number of off-street parking spaces to be provided for the use categories described in this LDC. The Bicycle Parking requirements shall apply only within the Urban Zoning Districts.

TABLE 8-1: OFF-STREET PARKING SCHEDULE

Use Categories	Specific Uses	Minimum Number of Spaces	
		Vehicle Spaces	Bicycle Spaces
Residential			
Group Living	Boarding/Rooming Houses	1 per bedroom	N/A
	Dormitories/Fraternities/ Sororities	1 per 2 beds	0.5 per unit
	Nursing Homes	1 per 4 beds + 1 per each 3 employees	N/A
	Other Group Living	1 per 4 beds	N/A
Household Living	Single-Family and Duplex	2 per unit	N/A
	Multi-Family – 1 bedroom	1.25 per unit	0.5 per unit
	Multi-Family – 2 bedroom	1.5 per unit	0.5 per unit
	Multi-Family – 3+ bedroom	2 per unit	0.5 per unit
Civic			
Colleges and Vocational Schools		1 per 2 students	1 per 5 vehicle spaces
Community Service		1 per 250 square feet or 1 per 4 patrons, whichever results in more spaces	1 per 20 vehicle spaces
Day Care		1.5 per employee	N/A
Hospital/Clinic		1 per 2 beds + 1 per employee	1 per 20 vehicle spaces
Parks and Open Space	Golf Course	4 spaces per hole	N/A
	All Other	20 spaces per athletic field or ball diamond or 1 per 4 seats, whichever results in more spaces	1 per 10 vehicle 1 per 4 seats

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TABLE 8-1: OFF-STREET PARKING SCHEDULE			
Use Categories	Specific Uses	Minimum Number of Spaces	
		Vehicle Spaces	Bicycle Spaces
Religious Assembly		1 per 4 seats	1 per 20 vehicle spaces
Public Safety Facilities		1 per employee	N/A
Schools	Elementary and Middle Schools	1 per classroom	1 per 10 students
	High Schools	6 per classroom	1 per 20 students
Utilities, Basic		1 per employee	N/A
Commercial			
Retail Sales and Service	Convenience Store	1 per 250 square feet	1 per 10 vehicle spaces
	Funeral Home/Mortuary	1 per 4 seats	N/A
	Shopping Centers Less than 15,000 sq. ft.	1 per 200 square feet	1 per 20 vehicle spaces
	15,000 to 400,00 sq. ft.	1 per 250 square feet	
	400,000 to 600,000 sq. ft.	1 per 225 square feet	
	600,000 + sq. ft.	1 per 200 square feet	
	Vehicle Sales	Spaces equal to ten (10) percent of vehicle display area	N/A
	Other Retail Sales, High Volume, Stand-Alone (e.g., supermarkets, clothing and department stores, shopping complexes, hardware building supplies, and similar uses)	1 per 300 square feet	1 per 10 vehicle spaces
	Other Retail Sales, Low Volume, Stand-Alone (e.g., appliance sales, repair shops and similar uses)	1 per 500 square feet (includes employee parking)	1 per 20 vehicle spaces
	Other Service Business, Stand-Alone (e.g., beauty/barber shops, frozen food lockers, laundries, and similar uses)	1 per 300 square feet (includes employee parking)	1 per 20 vehicle spaces
Office and Personal Service		1 per 300 square feet	1 per 10 vehicle spaces
Entertainment	Bars/Nightclubs	1 per 2 seats	1 per 10 vehicle spaces
	Restaurants	1 per 3 seats	1 per 20 vehicle spaces
	Theaters	1 per 4 seats	1 per 20 vehicle spaces
	Clubs/Lodges	1 per 3 seats	1 per 20 vehicle spaces
	Bowling Alleys	4 per lane	1 per 10 vehicle spaces
Recreation and Entertainment, Outdoor	Driving Range	1 per 20 feet of driving area	N/A
	Minor Entertainment Events	1 per 2 customers + space for musicians and servers at the events	N/A
	Miniature Golf	2 per hole	N/A
Lodging	Hotels/Motels	1 per room + 75 percent of spaces required for other associated uses	N/A
Self-Service Storage		1 per 300 square feet of office space; or the County may require submittal of a parking study~~1 per 8 storage units~~	N/A
Vehicle Repair		2 per service bay + 1 per employee	N/A
Vehicle Service, Limited	Car Wash, Self-Service	3 per bay	N/A
	Car Wash, Full-Service	1 space per employee	N/A

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TABLE 8-1: OFF-STREET PARKING SCHEDULE			
Use Categories	Specific Uses	Minimum Number of Spaces	
		Vehicle Spaces	Bicycle Spaces
	Service Stations	4 per service bay + required stacking spaces	N/A
	Other Limited Vehicle Service	2 per service bay + 1 per employee	N/A
Industrial			
Industrial Service		1.1 per employee	1 per 20 vehicle spaces
Manufacturing and Production		1.1 per employee	1 per 20 vehicle spaces
Warehouse and Freight Movement		1 per 1.5 employees	1 per 20 vehicle spaces
Waste-Related Use		1.1 per employee	1 per 20 vehicle spaces
Wholesale Sales		1.1 per employee	1 per 20 vehicle spaces
Other			
Agriculture		None	N/A
Aviation, Surface Passenger Terminals		1 per employee + spaces required to satisfy projected peak parking needs	N/A
Detention Facilities		1.1 per employee	N/A
Mining		1 per employee	N/A
Telecommunications Facilities		None	N/A

C. Rules for Computing Parking Requirements

The following rules apply when computing off-street parking requirements.

1. Multiple Uses

Lots containing more than one use must provide parking in an amount equal to the total parking required for all uses.

2. Area Measurements

Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area.

3. Employment and Occupancy-Based Standards

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

4. Unlisted Uses

Upon receiving a development application for a use not specifically listed in Table 6-1, the Director shall apply the off-street parking standard specified for the listed Use Category or a use that is most similar to the proposed use.

5. Parking Study

A parking study may be submitted with an application if the applicant does not agree with the parking standard applied to the development. The parking study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates. The study must document the source of data used to develop the recommendation and shall be prepared by a Registered Professional Engineer.

a. Review

The Director shall review the parking study and any other traffic engineering/planning data relevant to the establishment of an appropriate off-street parking standard for the proposed use(s). After reviewing the parking study, the Director shall establish a minimum off-street parking

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standard for the proposed use(s).

D. Location of Required Parking Spaces

Except as expressly allowed in this Section, required off-street parking spaces must be located on the same lot or parcel as the principal use. No off-street parking shall be allowed within required street setbacks, except that parking for single-family, duplexes and townhomes may be located in driveways. This requirement may be modified by the Director, provided the intent of this Section is met.

Commented [WU91]: Adds flexibility when needed.

E. Accessible Parking for Physically Handicapped Persons

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

1. Number of Spaces

The minimum number of accessible spaces to be provided shall be determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling the overall off-street parking standards.

TABLE 8-2: ACCESSIBLE PARKING SPACE SCHEDULE

Total Parking Spaces Provided	Minimum Number of Accessible Spaces	Minimum Number of Van-Accessible Spaces	Minimum Number of Car-Accessible Spaces
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6
301-400	8	1	7
401-500	9	2	7
501-1000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1000	20 + 1 per each 100 spaces over 1000		

2. Minimum Dimensions

All parking spaces reserved for persons with disabilities shall comply with the parking space dimensional standards as follows:

a. Car-Accessible Spaces

Car-accessible spaces shall have at least a five (5) foot wide access aisle located adjacent to the designated parking space.

b. Van-Accessible Spaces

Van-accessible spaces shall have at least an eight (8) foot wide access aisle located adjacent to the designated parking space.

3. Location of Spaces

Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

4. Signs and Marking

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than sixty (60) inches and no more than seventy-two (72) inches above pavement level.

F. Electric Vehicle (EV) Charging Stations

Commented [WU92]: Required due to HB24-1173. Definition from DOLA Template County Land Development Code

1. Where a new parking lot or garage is constructed for multi-household dwellings or for any nonresidential uses, the lot or garage shall be provided with electric vehicle power transfer infrastructure in compliance with the Colorado Model Electric Ready and Solar Ready Code.

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2. Electric vehicle charging stations shall be counted toward satisfying minimum off-street parking space requirements.

3. Electric vehicle charging stations shall be reserved for parking and charging electric vehicles only, and shall be signed accordingly. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.

4. Vehicle charging equipment must be designed and located so as to not impair pedestrian, bicycle, or wheelchair movement or create safety hazards on sidewalks.

5. Information shall be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.

6. A phone number or other contact information for the equipment owner and/or operator shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

TABLE 8-3: ELECTRIC VEHICLE PARKING SPACE SCHEDULE

Building Type/Space Type	EVSE Installed Spaces	EV Ready Spaces	EV Capable Spaces	EV Capable Light Spaces
All commercial buildings, except for R-2[1] occupancies, with 10 or less parking spaces.	0	2	0	0
Commercial buildings, except for R-2[1] occupancies, with greater than 10 parking spaces.	2% of total spaces	8% of total spaces	10% of total spaces	10% of total spaces
R-2[1] occupancies with 10 or less parking spaces.	0	15% of total spaces	10% of total spaces	10% of total spaces
R-2[1] occupancies with greater than 10 parking spaces.	5% of total spaces	15% of total spaces	10% of total spaces	30% of total spaces

[1]R-2 occupancy as defined in the International Building Code.

Commented [WU93]: These are the space requirements as outlined in the Colorado Model Electric Ready Code.

~~F.~~G. Parking Area Layout and Design

1. Parking Area Dimensions

a. The dimensions of required off-street parking areas shall comply with standards shown in the following Parking Dimensions Table, unless otherwise specifically stated.

~~Table~~ TABLE 8-4: PARKING DIMENSION TABLE

Parking Angle	Stall Width (feet)	Stall Depth (feet)	Aisle Width (feet)
0°	8	22	12
30°	9	18	11
	9.5	18	11
	10	20	11
45°	8.5	20	13
	9		12
	9.5		15
60°	8.5	21	18
	9		16
	9.5		15
75°	8.5	19.5	25
	9		23
	9.5		22
90°	8.5	18.5	28
	9		25
	9.5		24

b. Parking is permitted to overhang into perimeter landscape or a landscape divider a maximum

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of two feet.

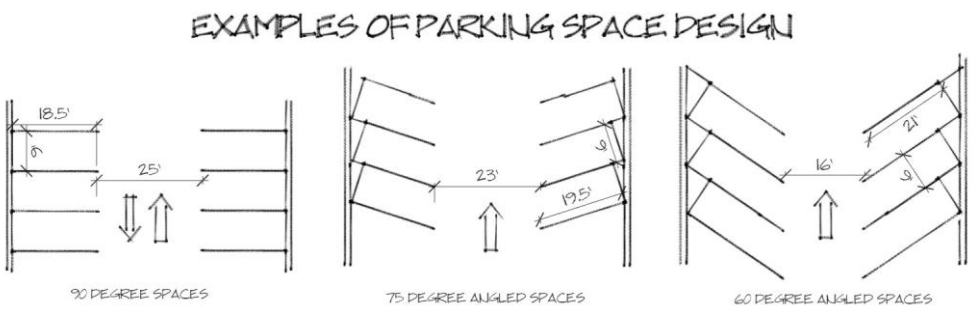


Figure 8-1: Parking Space Design

2. Protective Curbing

Parking spaces abutting a street shall be provided with bumper blocks or curbing to prevent vehicle overhang into the public right of way or over any sidewalk. Vehicles may not overhang landscape areas more than twenty-four (24) inches.

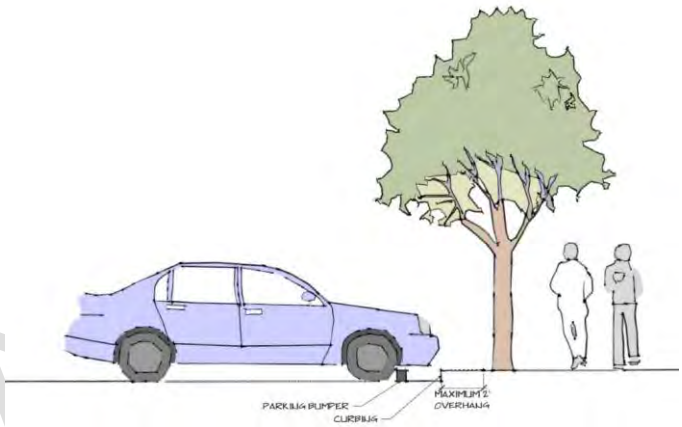


Figure 8-2: Protective Curbing

3. Paving and Striping

a. All required off-street parking areas within the Urban Zoning Districts shall be striped and paved with concrete, asphalt, pavers, or other material approved by the Director. Within Rural Communities, parking areas with more than five (5) spaces shall be paved and striped.

b. In the Rural Zoning Districts, dust suppression shall be required for all non-paved off-street parking areas located within the Grand Valley Airshed.

4. Circulation

a. All required off-street parking areas shall be designed to provide safe, efficient circulation for vehicles and pedestrians.

b. When an individual parking area is adjacent to another individual parking area, the design shall

accommodate a cross-connection between them if possible.

~~G.~~H. Stacking Spaces for Drive-Through

Drive-through facilities shall comply with the following minimum stacking and design standards.

1. The minimum number of stacking spaces shall be as follows:

~~Table~~ TABLE 8-5: REQUIRED STACKING SPACES

Use Type	Minimum Spaces	Measured From
Bank teller lane	~~4~~3	Teller or Window
Automated teller machine	3	Teller Machine
Personal/Business Service/Retail Sales	3	Window
Restaurant drive-through	~~8~~5	Order Box
Car wash stall, automatic	~~6~~3	Entrance
Car wash stall, self-service	~~3~~1	~~Entrance~~Per washing bay
Other	Determined by a Traffic Study	
Gasoline pump island	30 feet from each end of pump island	

Commented [WU94]: Current standards are too high, changes base on DOLA Template County Land Development Code

2. Design and Layout

   a. Stacking spaces shall be a minimum of eight (8) feet by ~~twenty-five~~nineteen (~~25~~19) feet in size.

   b. Stacking spaces shall be designed not to impede on-site and off-site traffic movements or movements into or out of parking spaces.

   c. Stacking spaces may require separation from other internal driveways and pedestrian circulation areas by raised medians, as deemed necessary by the Director for traffic movement or safety.

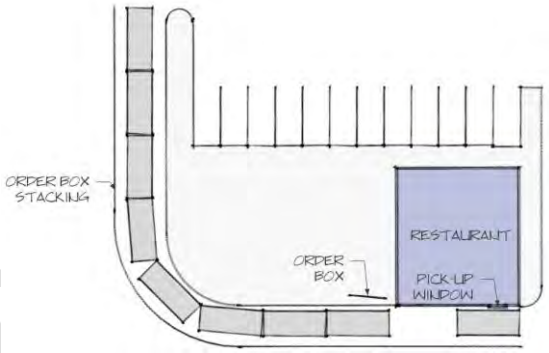


Figure 8-3: Stacking Spaces

~~H.~~I. Alternative Parking Plans

An Alternative Parking Plan represents a specific proposal to meet vehicle parking needs by means other than providing parking spaces on-site in accordance with Section 8.01 B.

1. Procedures

   An Alternative Parking Plan shall be submitted using the site plan approval process and shall be reviewed using the Eligible Alternatives and Approval Criteria of this Section.

2. Enforcement

   In the event that the Alternative Parking arrangement is not adequately serving the parking and access needs of the subject property, the County shall make a determination of inadequate service and the alternative parking plan shall be revoked and the use shall provide off-street parking spaces

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in accordance with Section 8.01 B.

3. Eligible Alternatives and Approval Criteria

Using the following alternatives and approval criteria, the applicant shall demonstrate that the proposed plan will protect surrounding neighborhoods, maintain existing traffic circulation patterns and promote quality design that strict compliance with otherwise applicable off-street parking standards would yield.

a. Bicycle Parking

The number of required off-street parking spaces may be reduced for uses that provide bicycle parking and make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities and dressing areas for employees.

b. Valet Parking

Valet parking may be used to satisfying otherwise applicable off-street parking standards, provided that the following conditions are met:

(1) An automobile shall be retrievable from its parking space with the movement of a maximum of two (2) additional vehicles; and

(2) Valet parking will not cause interference with the public use of streets or imperil the public safety.

c. Transportation Demand Management

The number of required off-street parking spaces may be reduced for developments or uses that institute and commit to maintain a transportation management program, in accordance with the following standards:

(1) Required Study

The applicant must submit a study approved by the Director that clearly indicates the types of transportation management activities and measures proposed.

(2) Transportation Demand Management

Applicants are encouraged to use any transportation demand management techniques or studies adopted by the Grand Valley Metropolitan Planning Organization as references.

d. Off-Site Parking Plan

Off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of following standards;

(1) Ineligible Activities

Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

(2) Location

Off-site parking space should be located no more than five hundred (500) feet or one thousand (1,000) feet for employees, from the primary entrance of the use served. Off-site parking spaces should not be separated from the use served by a street right-of-way with a width of more than eighty (80) feet, unless a grade-separated pedestrian walkway, other traffic control, or safety device is provided.

(3) Zoning Classification

Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

(4) Agreement for Off-Site Parking

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An off-site parking plan will be enforced through written agreement among all owners of record. The agreement must have a minimum term of ten (10) years. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation. Recordation of the agreement must take place before issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Section 8.01 B.

e. Shared Parking

Developments or uses with different operating hours or peak business periods may share off-street parking spaces and if the shared parking complies with all of following standards:

(1) Location

Shared parking spaces must be located within five hundred (500) feet of the primary entrance of all uses served.

(2) Zoning Classification

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

(3) Shared Parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements shall submit an analysis to the Director that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(4) Agreement for Shared Parking

A shared parking plan will be enforced through written agreement among all owners of record. The agreement must have a minimum term of ten (10) years. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation. Recordation of the agreement must take place before issuance of a building permit for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Section 8.01 B.

4. Violations

Violations of an approved Alternative Parking Plan constitute a violation of the Land Development Code and will be subject to the enforcement and penalty provisions of Chapter 11.

SECTION 8.02 | LANDSCAPING AND BUFFERING

The purpose of this Section is to enhance the aesthetic appeal of new development. Landscaping reduces heat and glare, facilitates movement of traffic within parking areas, shades cars and parking surfaces reducing local and ambient temperatures, buffers and screens cars from adjacent properties, promotes natural percolation of surface waters, improves air quality, buffers and screens potentially incompatible uses from one another, and conserves the value of property and neighborhoods within the County. These requirement may be modified by the Director, provided the intent of this Section is met.

A. General Landscape Standards

1. This Section applies to all new development within the Urban Zoning Districts and for non-residential development along State Highways or arterial roads. Conditional Use Permits may be subject to this section as deemed appropriate by the Director.

2. Landscape Plan Requirement

a. Landscape plans shall be stamped by a licensed landscape architect. Inspection and

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compliance with approved landscape plan must be certified by ~~a~~ the licensed landscape architect of record prior to ~~issuance of a certificate of occupancy~~ Zoning Inspection sign-off/approval. ~~Inspection and compliance with approved landscape plan must be certified by a licensed landscape architect prior to issuance of a certificate of occupancy.~~

3. Acceptable Plant Material

a. Vegetation must be suitable for Mesa County's climate and soils.

b. The Director may allow the use of any plant if sufficient information is provided to show suitability including salt tolerance, sun and shade requirements based on planting locations, growth habit, etc.

4. Prohibited Plant Material

a. Plants listed on the Colorado Department of Agriculture Noxious Weed list or in the Mesa County Weed Noxious Weed Plan;

b. Nonfunctional turf; or

c. Artificial turf.

~~4.~~5. Minimum Plant Requirements

~~Table~~ TABLE 8-6: LANDSCAPE PLANT REQUIREMENTS

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping
~~Single family Residential Subdivision (except when only one additional lot is created or when located in a Rural Zone District or zoned URR, RSF-E and RSF-R)~~	~~One tree per forty (40) linear feet of street frontage, with no more than fifty (50) percent of any one variety. One shrub per one hundred (100) square feet of landscaped area.~~	~~Street frontages abutting roadways designated as an arterial or major collector~~
Urban Zone Districts (Multi-family and Nonresidential Uses)	One tree per 2,500 square feet of improved area, with no more than fifty (50) percent of any one variety. One shrub per 300 square feet of improved area	Street frontage, parking lots, and required buffers
I-1, I-2	One tree per 3,000 square feet of improved area, with no more than twenty (20) percent of the total being ornamental trees or evergreens. One shrub per 400 square feet of improved area.	Street frontage, parking lots, and required buffers

~~5.~~6. Minimum plant size requirements

a. Shade tree, two (2) inch caliper (measured (6) six inches above root ball) at time of planting. If two (2) inch caliper trees are not available, the Director may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees.

b. Ornamental tree, one and one half (1 1/2) inch caliper (measured six (6) inches above root ball) at time of planting.

c. Evergreen tree, six (6) feet tall at time of planting.

d. Deciduous shrub, five (5) gallon container.

e. Evergreen shrub, five (5) gallon container.

f. Perennials and ground covers, one (1) gallon container.

g. ~~Turf mix, n~~Nonfunctional turf is not allowed, however, native grasses and wild flower mix ~~are the only vegetation that~~ may be ~~planted as seed~~ used as ground cover.

~~6.~~7. Irrigation

Plant selection shall emphasize drought-tolerant plant species and shall limit the use of high water use plant species. All required landscapes, with the exception of dry landscapes, shall include a designed irrigation system.

Commented [WU95]: The County cannot hold up a CO for landscaping.

Commented [WU96]: Required due to HB25-1113. Definition from DOLA Template County Land Development Code

Commented [WU97]: Buffer and landscape strips are only required on the perimeter of new single family subdivisions as per Table 8-7. Landscaping of single family lots is not required.

Commented [WU98]: As required by HB25-1113. Added definition to Chapter 12.

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~~7.~~8. Fire Hydrants and Utility Facilities

a. A three (3) foot clear space shall be maintained around the circumference of fire hydrants.

b. Design of landscaped beds should accommodate access and maintenance of utility facilities.

~~8.~~9. Preservation of Significant Landscape Features

Significant landscape features, areas of healthy native vegetation, natural environments or habitats to be preserved, shall not be required to meet the plant coverage or plant type requirements.

~~9.~~10. Sight Distance.

All vegetation, fences, walls and berms shall be designed and maintained so that there is no site distance hazard nor road or pedestrian hazard.

B. Parking Lots.

1. Interior Landscaping Requirement

a. The interior of all parking lots shall be landscaped as follows:

(1) One parking lot island, parallel to parking spaces, is required for each twenty (20) parking spaces;

(2) Parking lot islands must be at least one hundred forty (140) square feet;

(3) A parking lot island is required at the end of every row of parking spaces, regardless of length or number of spaces; and

(4) In lieu of the standard parking lot island, one "orchard style" island may be used for every six parking spaces. The orchard style islands shall be evenly spaced between end parking lot islands.

(5) One divider island, parallel to the parking lot drive aisles shall be located for every three (3) parking lot drive aisles.

(6) Parking lot islands, orchard style islands and divider islands should include shrubs and trees. Shrubs shall be maintained at thirty (30) inches or lower where visibility of oncoming vehicles is a concern. Tree canopies shall be maintained no lower than six (6) feet above grade. Landscaping is not required when a parking lot island is used as a pedestrian refuge island. A maximum of one third (1/3) of the required parking lot islands may be used as pedestrian refuge islands.

2. Parking Lot Perimeter

Perimeter parking lot landscaping shall include a wall, fence, planter, earthen berm, plant material or a combination of such elements and shall meet the following standards:

a. The minimum dimension allowed for the parking lot perimeter landscape strip is six (6) feet. The width of a landscape strip can be modified by the Director, provided the intent of this Section is met.

b. Where two or more adjacent parking lots are shared and designed to function as one, perimeter landscaping is only required around the perimeter of the combined lots.

c. When utilities conflict with required planting, the applicant shall propose an alternate solution.

C. Street Frontage

With the exception of single-family and two-family residential lots, street frontages shall be landscaped with trees and plantings giving consideration to historic ~~or vernacular~~ character of the location, continuity with native vegetation and the natural landscape, and with the ability to provide water for irrigation.

1. All new development shall provide and maintain a minimum fourteen (14) foot wide street frontage landscape area adjacent to the public right-of-way.

2. A minimum of seventy-five (75) percent of the street frontage landscape area shall be covered by

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plant material at maturity.

3. All unimproved right-of-way adjacent to new development projects shall be landscaped and irrigated.
4. Landscaping within the street frontage shall include trees and shrubs.
5. Where detached walks are provided, a minimum street frontage landscape of five (5) feet is acceptable.
6. The Director may approve a screen wall between a parking lot and a right-of-way if the following criteria are met:
   a. A screen wall must not be taller than 30 inches, unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30 inches higher than the adjacent roadway;
   b. A column or jog or equivalent architectural feature is required for every twenty-five (25) linear feet of wall;
   c. The back of the wall must be at least thirty (30) inches from the face of curb for bumper overhang; and
   d. Shrubs must be planted on the street side of the wall.
7. Dry Landscape Substitutions

   The following Table identifies materials that may be substituted for required landscaping in the Street Frontage Landscape Area:

~~Table~~ TABLE 8-7: DRY LANDSCAPE SUBSTITUTIONS			
Material	Minimum Size or Example	Substitution	Maximum Substitutions
Boulders	24" x 30"	Six (6) shrubs per boulder	Twenty-five (25) percent of required shrubs
Dry creek bed or other significant landscape feature.		One (1) shrub per twelve (12) square feet	Fifty (50) percent of required shrubs
Western collectibles-small.	Wagon wheel, antlers, etc.	One (1) shrub per collectible	Twenty-five (25) percent of required shrubs
Large western antiques.	Mining cart, wagon, etc.	One (1) shrub per twelve (12) square feet	Twenty-five (25) percent of required shrubs
Shade structure or other structure.	Small bridge, pavilion, etc.	One (1) shrub per twelve (12) square feet	
Fine art/sculpture	Small garden ornaments are not included.	One (1) shrub per twelve (12) square feet	Twenty-five (25) percent of required shrubs
Xeric Shrubs: density to attain fifty (50) percent bed coverage after three (3) years	Two (2) gallon container size	Per one (1) shrub	No limitation.

D. Detention Facilities

Commented [WU99]: Additions and deletions requested by Public Works.

Detention facilities shall be designed and installed in accordance with the Mesa County Stormwater Management Manual. ~~The detention facility shall be landscaped with trees, shrubs, rock or cobble.~~

~~1. Up to fifty (50) percent of detention basin and bank may be rock or cobble unless retaining walls are used.~~

~~2. Slopes shall be no steeper than thirty-three (33) percent.~~

~~3. The following shall be encouraged:~~

~~a. Dispersed detention by use of multiple smaller ponds.~~

~~b. Bioretention facilities such as vegetated drainage swales or stormwater planters.~~

~~c. Parking islands and/or landscape beds designed to capture stormwater.~~

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~~d. Detention capacity under parking lots or underground~~

E. Buffer and Screening Requirements

The purpose of buffers and screening is to mitigate the view, lighting, noise, heat, and odor impacts of vehicles, pavement, and higher intensity uses. All types of buffering, planting strips, and screening between differing land uses and activities shall be accomplished by separation and by combinations of opaque fences or walls and plant material. Planting dense stands of evergreen trees, canopy shade trees, ornamental trees and shrubs will soften the impact between uses. Integrating plantings into the architectural theme of buildings and their outdoor spaces to lessen differences in architecture or mitigate building scale is encouraged.

~~Table~~ TABLE 8-8: BUFFER, LANDSCAPE STRIP, & SCREENING REQUIREMENTS

Proposed Use	Adjacent Use	Baseline Requirements	Exceptions & Notes
Residential Subdivision	Street or Right-of-Way	Where rear and side lots abut street frontage: ten (10) foot wide landscape strip ~~-~~with trees and shrubs and six (6) foot fence or wall.	Single-family and duplexes are exempt from any landscape requirement. In addition, subdivisions in rural zones ~~and subdivisions zoned URR, RSF-R and RSF-E~~ are exempt from the requirements of this Section.
Industrial or High Impact Commercial	Residential or Institutional	Fifteen (15) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	If lower intensity property is developed last, the fifteen (15) foot buffer is waived but the structural screen must be built.
Multi-story Multi-family Residential	Single-Family	Six (6) foot fence or wall.	
Low Impact Commercial	Residential or Institutional	Six (6) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	If lower intensity property is developed last, the six (6) foot buffer is waived but the structural screen must be built.
Outdoor storage	Residential, or Institutional	Fifteen (15) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	If lower intensity property is developed last, the fifteen (15) foot buffer is waived but the structural screen must be built.

Commented [WU100]: The zoning districts deleted are now grouped as "rural zones" in Chapter 5.

1. When an existing fence or wall substantially meets the requirements of this Section an additional fence on the adjacent developing property shall not be required. Fences or walls required by this Section must meet the following:

   a. Solid opaque wood or material with a similar appearance, finished on both sides.

   b. A wall must have a column or other significant architectural feature every thirty (30) feet of length.

   c. No person shall construct or maintain a fence or a wall without first obtaining a building permit from the Building Department.

   d. Berms.

   A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six (6) feet. Minimum requirements for berms are as follows:

   (1) Maximum slope of 4:1 for turf areas and 3:1 for shrub beds; and

   (2) To control erosion and dust, berm slopes must be stabilized with vegetation or by other means consistent with the requirements for the particular landscape area.

SECTION 8.03 | FENCES

Any fence or wall that exceeds seven (7) feet in height shall be considered a structure requiring a planning clearance and building permit.

A. Fence Height Measurement

1. The height of fences shall be determined by measurement from the ground level upon which the

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fence is located. Grade shall not be altered for the sole purpose of increasing fence height.

2. Pillars or other support structures for a fence shall be allowed to exceed the maximum fence height by up to one (1) foot at intervals no closer than eight feet.

~~2.~~3. Wildlife fencing shall be exempt from the seven (7) foot height limitation.

Commented [WU101]: Historically this has been allowed.

B. Fence Materials

1. Acceptable materials include wire, wrought iron, plastic, wood and other materials with a similar look.

2. Unacceptable materials that are visible include glass, bottles, cans machinery parts or appliances, tires, razor wire and concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain ~~large~~ animals.

Commented [WU102]: Proposed by the Planning Commission.

3. Nothing in this Section shall prohibit the agricultural practice of fencing using field stone or woody vegetation removed from the property upon which the fence is constructed nor shall this Section prohibit the use of antique wagon or antique agricultural machinery wheel for fencing.

4. Fences and walls constructed of alternative materials may be approved by the Director.

C. Nonresidential and Multi-Family Uses

1. Required screening fences in nonresidential districts and for multi-family uses shall meet the following standards:

a. Location of these fences must be shown on the site plan or landscape plan and approved by the Community Development.

b. Screening fences shall be a minimum of ninety-five (95) percent opaque. Cloth or plastic mesh cannot be used for screening.

D. Maintenance

All fences or walls shall be maintained in good repair. Fences in common areas of subdivisions shall be maintained by the property owners' or home owners' association.

SECTION 8.04 | LARGE RETAIL PROJECTS

A. Applicability

The standards of this Section apply to any retail sales and service uses with a total gross floor area of:

1. Fifty thousand (50,000) square feet or more, if the proposed use is adjacent to any Urban Residential Zoning District; and

2. One hundred thousand (100,000) square feet or more, if the proposed use is adjacent to only Nonresidential Zoning Districts.

3. When the provisions of this Section conflict with other standards of this LDC, the provisions of this Section shall control.

B. Community Spaces Site Design

Developments shall provide outdoor spaces and amenities to link structures with the remainder of the community. Bus stops, and drop-off/pick-up points shall be integrated with the traffic patterns on the site. Special design features shall enhance the building's function as a center of community activity.

1. Each development shall provide at least two (2) of the following design features constructed of materials that match the principal structure and linked to the principal building by pedestrian connections: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other approved feature.

2. Each development shall provide an off-street bus stop for customers and employees when located on a bus route.

C. Setbacks

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The minimum street setback shall be thirty-five (35) feet.

D. Landscaping

1. Perimeter Buffers

A landscaped buffer with a minimum width of thirty (30) feet shall be provided along all street lot lines with breaks for approved access points. A minimum fifteen (15) foot wide landscape buffer shall be planted along all other property lines and along all internal roadways, except where adjacent to residential or institutional uses; then the buffer shall be twenty (20) feet. No parking or vehicular circulation is permitted within these required buffer or landscape areas.

E. Pedestrian Circulation

1. Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and, where appropriate, be adjacent to landscaped areas that includes trees, shrubs, benches, flower beds, groundcover, or other such materials.

2. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks may be located an average of six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows or entryways are part of the facade.

3. Internal pedestrian walkways should be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

F. Parking Lot Orientation

Parking areas shall provide safe, convenient, and efficient access. They shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. No more than seventy-five (75) percent of the off-street parking area for the entire property shall be located between the front facade of the principal building and the primary abutting street unless approved by the Director.

G. Building Design

The following standards shall apply to all building facades and exterior walls that are visible from adjoining public streets or properties.

1. Facades greater than one hundred fifty (150) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade, and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred fifty (150) horizontal feet.

2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length. If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.

3. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets. The average height of such parapets shall not exceed one third (1/3) of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than one hundred fifty (150) feet.

4. Overhanging eaves, extending no less than three (3) feet past the supporting walls, for no less than thirty (30) percent of the building perimeter are allowed.

5. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less

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than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run are required.

6. Three (3) or more roof slope planes are required.
7. Predominant exterior buildings materials shall be high quality materials. These include, without limitation:
   a. Brick;
   b. Wood;
   ~~b.~~c. Architectural metal;
   ~~c.~~d. Sandstone;
   ~~d.~~e. Other native stone; and
   ~~e.~~f. Tinted, textured, concrete masonry units.
8. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is discouraged.
9. Building trim and accent areas may feature brighter colors, including primary colors.
10. Predominant exterior building materials shall not include the following:
    a. Smooth-faced concrete block;
    b. Smooth-faced tilt-up concrete panels; or
    c. Pre-fabricated steel panels.
11. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
    a. Canopies or porticos;
    b. Overhangs;
    c. Recesses/projections;
    d. Arcades;
    e. Raised corniced parapets over the door;
    f. Peaked roof forms;
    g. Arches;
    h. Outdoor patios;
    i. Display windows;
    j. Architectural details such as tile work and moldings which are integrated into the building structure and design; and
    k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

SECTION 8.05 | OUTDOOR STORAGE, TRASH COLLECTION AND LOADING AREAS

A. Standards

The following standards shall apply in all Nonresidential and Multi-family Residential Zoning Districts.

1. Areas for truck parking and loading shall be screened by a combination of structures and evergreen landscaping, to minimize visibility from adjacent streets and neighboring urban residentially zoned properties.
2. Areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located in the rear of the lot. If that is not feasible, then the side yard may be used, but in no case shall such areas be located within twenty (20) feet of any public street, public sidewalk, or internal pedestrian

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walkway.

3. Outdoor storage, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping plan. Views of these areas shall be screened from visibility from all property lines and separated from pedestrian areas.

4. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.

5. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) db, as measured at the lot line of any adjoining property.

6. All trash collection and loading areas shall be located and designed to ensure adequate on-site maneuvering area for delivery and trash collection vehicles.

7. All developments, including multi-family housing, shall provide a designated trash collection area meeting the requirements of this Section.

~~Section 8.06 | PUBLIC LAND AND OPEN SPACE DEDICATION REQUIREMENTS~~

~~A. Public Land Dedications~~

~~Dedication of land for public Open Space/Park purposes shall be required of any development if such development includes within it land that is necessary for implementing an adopted park, bikeway, trails, or open space plan, provided that every land dedication shall be related both in nature and extent to the impact of the proposed development. Wherever feasible, required Open Space/Park areas shall be located adjacent to public lands and connected to trails and other open space areas. These shall be designed as outlots on the plat, with a dedication statement for the proposed use.~~

Commented [WU103]: The County hasn't required dedication of open space for many years. In addition, common/open space has been generally addressed under multi-family and manufactured home parks.

~~B. Open Space Requirement~~

Commented [WU104]: This standard should not be a requirement.

~~1. All Manufactured Home Parks and all multi-family residential developments shall provide common open space based on the project's net site area.~~

~~2. The open space requirement shall be a minimum of twenty (20) percent of the net site area of the project. Net site area shall be defined as the gross land area of the site, less any lots used for nonresidential development and the land area devoted to street rights-of-way. Open spaces shall be designated as outlots on a plat with a dedication statement for the proposed use. If extenuating circumstances exist that prohibit the ability of the development to achieve a minimum of twenty (20) percent open space, the Director may approve a reduction in the open space requirement.~~

~~3. Whenever possible, the land set aside as open space shall include significant natural features or recreation resources, such as water courses, rock outcroppings, significant geological features, stands of trees, hills and flood plains. Driveways, perimeter sidewalks, garages, carports and parking areas may not be counted as open space. Open space shall be no less than fifteen (15) feet in any one dimension and no less than five hundred (500) square feet per segment.~~

~~4. It is encouraged that at least fifty (50) percent of the open space shall be suitable (by location and topography) for active recreational use, pedestrian pathways, or shared patios. Land occupied by active recreational uses such as clubhouses, pools, playgrounds, tennis courts, benches, tot-lots or other play areas, and jogging trails (but not required sidewalks) may be counted as active recreational use common open space. Detention areas that are designed to be multi-functional and allow active recreational use may be counted as open space.~~

~~5. Open space required by this Section shall be dedicated to and maintained either by a Property Owner's Association, or other legal entity approved by the County, and shall be maintained by such association or entity unless it is dedicated to and accepted by the County. If dedicated to a Property Owners' Association, there shall be covenants running with the land restricting the use of open space to such, and prohibiting subdivision or separation of ownership of the open space, except as noted in~~

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~~this Section. Such restriction shall be noted on the recorded Site Plan and/or Final Plat.~~

~~Section 8.07 |~~ SECTION 8.06 | GENERAL SITE PLANNING STANDARDS

New construction shall comply with the following standards, unless compliance with a particular standard would (1) prevent the construction of any permanent structure for a primary use on the land, or (2) require the construction to violate another requirement of this LDC. Where more than one buildable site exists on a parcel and all buildable sites would violate at least one of the following standards, the construction shall be located so as to comply with as many standards as possible. These standards are considered reasonable for regulatory purposes and do not create liability on the part of, or a cause of action against, the Board of County Commissioners.

A. Hazard Areas

Land subject to hazardous conditions such as wildfire, landslides, gamma radiation, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, steep slopes, soil creep, seismicity, expansive, hydrocompactive and erodible soils, and polluted or nonpotable water supply, shall be identified in all applications, and development shall not be permitted in these areas unless the application provides for the avoidance of the particular hazards. If avoidance is impossible or would require the construction to violate other development standards, then such hazards shall be minimized or mitigated. Land subject to severe wind and water erosion shall be identified on all plans and shall not be subdivided unless the problems are mitigated by density limitation or some other practical method.

B. Slope Conditions

1. Only after a subsurface soils investigation conducted by a licensed professional civil engineer is reviewed by the Colorado Geological Survey and the licensed professional civil engineer has adequately addressed the recommendations of the Colorado Geological Survey to the satisfaction of the Mesa County Building Department, may new structures be built on any parcel of land within a building envelope, (i.e., within twenty-five (25) feet of any portion of the proposed structure) that contains an average slope of thirty (30) percent or more, as measured from the points with the highest and lowest elevation.

2. Cuts, fills, grading, excavation, vegetation removal, and building construction shall be confined to the footprint of the proposed building plus a working area of thirty (30) feet around each such footprint, plus any site disturbance necessary for installation and maintenance of utilities, access ways, trails, irrigation ditches, and fences, and for landscaping, agriculture, and similar activities. Any site disturbances that remove existing vegetation from a property and leave large areas of soil exposed for more than sixty (60) days shall not be permitted unless an erosion control and revegetation plan has been previously approved by the Director.

C. Wildfire Hazards

Commented [WU105]: As required by SB23-166.

If the development is located within a designated low, moderate or high Fire Intensity Classification as designated on the adopted Fire Hazard Map, the development must follow the requirements of the adopted Colorado Wildfire Resiliency Code.

~~1. Defensible Space~~

~~It is encouraged that new development located on lands containing predominantly woods or brush, should be developed so as to minimize the potential for the structures to be ignited by fire, or for a structure fire to ignite surrounding structures or vegetation following the two (2) part zone system set forth below.~~

~~a. Zone 1~~

~~On parcels of land that contain an average slope of less than thirty (30) percent, Zone 1 shall consist of the thirty (30) foot area immediately surrounding the primary structure, not to extend beyond the property line. On parcels of land that contain an average slope of thirty (30) to fifty-five (55) percent, Zone 1 shall consist of the area extending forty-five (45) feet to the sides and up slope of the primary structure and sixty (60) feet down slope of the primary structure, not to extend beyond the property line. On parcels of land that contain an average slope of more than fifty-five (55) percent, Zone 1 shall consist of the area extending sixty (60) feet to the sides and up~~

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slope of the primary structure and one hundred twenty (120) feet down slope of the primary structure, not to extend beyond the property line.

For purposes of this provision, average slope shall be measured from the points with highest and lowest elevation within twenty-five (25) feet of any portion of the footprint of the proposed primary structure. No dead trees or other dead vegetation may remain in Zone 1 at the time of initial construction. Zone 1 shall be further subdivided into two (2) segments:

(1) Segment A shall consist of the five (5) feet immediately surrounding all sides of the structure. All vegetation shall be removed from this area at the time of initial sale. No new vegetation shall be planted in Segment A if the structure is sided with combustible materials such as wood or logs. However, if noncombustible siding is used, low-growing shrubs may remain or be installed. In no case may shrubs be planted so as to be contiguous with grass areas. No above-ground propane tanks, firewood or other combustible materials may be installed or stored in Segment A.

(2) Segment B shall consist of the area immediately beyond Segment A and continuing to the outer boundary of Zone 1. At the time of initial construction vegetation shall be thinned as follows to break up the horizontal and vertical continuity of fuels:

(a) Spacing between clumps of brush or trees, as measured between the crown of each clump, shall be no closer than two (2) times the height of the taller clump. The maximum width of any clump of brush or trees shall be no greater than two (2) times the height of the clump. Thinned material shall be removed from the site; and

(i) All branches of trees or brush shall be pruned to a minimum height of ten (10) feet above the ground or one-half the total height of the tree or bush, whichever is less. Pruned material shall be removed from the site.

(ii) Propane tanks and firewood may be located in Segment B, but in no case shall such tanks and/or firewood be located within twenty (20) feet of the primary structure. Propane tanks shall be located on gravel pads and shall not be located immediately adjacent to grass-covered areas.

2. Zone 2

Zone 2 shall consist of the area immediately beyond Zone 1 and extending to seventy (70) feet from the primary structure, not to extend beyond the property line. Trees shall be initially thinned in this area to maintain a minimum of five (5) feet between tree crowns. All dead trees must be removed from Zone 2 initial construction, and subsequent dead trees shall be removed annually, except that two (2) dead trees per acre may remain to serve as wildlife habitat.

3. Maintenance

Persons owning, leasing, or otherwise maintaining new residential structures covered by provisions of this LDC are responsible for proper maintenance of the defensible space. Maintenance shall include modifying or removing flammable vegetation, keeping leaves, needles, and removing other dead vegetative material annually from roofs of structures.

D. Ridge Lines

The purpose of these ridge line development standards is to preserve the character of identified ridge lines, and to minimize soil and slope instability and erosion.

1. Applicability

These provisions apply to lots platted after May 2000 and to structures built after the adoption date of this LDC. These provisions shall not apply to parcels of land and structures existing prior to May 2000.

2. Grand Junction Comprehensive Planning Area

Within the Grand Junction Comprehensive Planning Area, new buildings and walls located within the mapped ridge line areas (within one (1) mile of the centerline of US Interstate 70, US Highway 6 and US Highway 50, Colorado State Highway 141 and Colorado State Highway 340, Monument Road,

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South Camp Road, and South Broadway) shall be setback a minimum of fifty (50) feet from the ridge line.

a. Setbacks shall be measured to the building envelope as established at the time of platting or site plan review.

b. Ridge lines shall be determined on a site specific basis and shall be that point at which the line of sight intersects the slope profile.

c. Line of sight shall be measured from the nearest point on the centerline of the road most parallel with the ridge line.

d. This setback shall not apply if the applicant produces adequate visual representation that a proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped road corridors, or that mitigation can be provided, such as vegetation, building height, color, or orientation, that sufficiently minimizes the view of the structure from the road corridor. In no case shall a structure be set back less than thirty (30) feet from the ridge line.

3. Rural Planning Area

Within the Rural Planning Area, new buildings that are located more than one-quarter (1/4) mile and less than one (1) mile from the centerline of US Interstate 70, US Highway 6 or US Highway 50, or Colorado State Highways 65, 139, 141, 330, or 340, and so that any portion of their roof line (excluding chimneys and antennas) is visible against the skyline when viewed from the centerlines of the listed highways, shall conform to the standards set forth below.

a. To the maximum extent feasible, predominant exterior wall colors and roof surfacing materials shall repeat the colors found most commonly in the land and vegetation around the building, including browns, tans, maroons, dark greens, whites, and grays. Bright colors that contrast dramatically with the colors of the land and vegetation around them shall not be used as predominant colors on any wall or roof surface visible from the centerlines of the listed highways.

b. When viewed from the closest centerline point on a listed highway, the shape of the roofline shall taper down on each end in order to reduce the apparent discontinuity between the end of roofline and the ridge line of the surrounding terrain against the sky.

c. To the maximum extent feasible, native vegetation and trees shall be planted within forty (40) feet of the building and visible from the closest centerline point on a listed highway.

E. Grading

1. If applicable, ~~N~~no site grading for development shall occur before ~~approval is granted by the Director~~ of a construction stormwater permit is issued. If public infrastructure is proposed, no site grading for development shall occur prior to the execution of a DIA.

2. New development shall not alter natural watercourses/drainages except in compliance with the Mesa County Floodplain Regulations (~~Section 8.14~~Section 8.13) and the Mesa County Storm Water Management Manual.

3. Driveways and access roads shall follow the natural contours of the site, so as to minimize the need for significant grading, and shall be located behind existing land forms and vegetation so as to minimize visibility from nearby roads.

4. When grading for new construction, water shall not be added to the top of a slope, weight shall not be added to the top of slopes over ten (10) percent slope, and existing slope grades shall not be steepened over ten (10) percent slope.

F. Nighttime Light Pollution

All light sources that are located outside of a building shall conform to the standards set forth below; however, all agricultural uses are exempt from these standards:

1. Floodlights shall not be used to light all or any portion of any building facade between the hours of 10:00 p.m. and 6:00 a.m.

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2. No outdoor light sources shall be mounted more than thirty-five (35) feet above the ground.

3. All outdoor light sources mounted on poles, buildings, or trees to illuminate streets, sidewalks, parking lots, or other outdoor areas between the hours of 10:00 p.m. and 6:00 a.m. shall use full cutoff light fixtures.

G. Protection of Agricultural Lands

1. Land Development applications shall demonstrate that existing, adjacent agricultural operations will not be limited or adversely impacted by the development. Where residential development (this term, as applied in this Section of the Land Development Code, excludes applications for individual single-family dwellings, duplexes and accessory structures) is proposed adjacent to existing agricultural operations, the following criteria shall apply:

   a. The Right to Farm Act notice shall be placed on the recorded plat and/or site plan;

   b. Subdivision covenants shall be recorded requiring dogs and other household pets be controlled and not allowed to interfere with domestic livestock operations in the area; and

   c. Subdivision covenants shall be recorded stating that subdivision perimeter fences and walls shall be maintained and any breaks in fences shall be repaired within seventy-two (72) hours.

2. Separation of New Residential Development from Existing Domestic Livestock Enclosures

   Residential developments proposed on properties designated for urban land uses on the adopted Future Land Use Plan Map shall be designed to maintain a separation of one hundred (100) feet between proposed new residences and pens, fenced corrals, legal buildings or other confined areas used to keep domestic livestock that exist on adjacent lots or parcels at the time of the initial application for development. Pastures are exempt from this requirement. Such residential developments may substitute any of the following measures for the one hundred (100) feet distance requirement:

   a. Construction of a six (6) foot high opaque wall or fence along the entire length of the common property boundary of the proposed lots that border the property(ies) on which the domestic livestock pens, corrals, buildings or other confined areas are less than one hundred (100) feet from proposed residences. The wall or fence must have a subsurface barrier that will prevent dogs from digging underneath. The proposed development is designed so that residential lots do not adjoin domestic livestock pens, corrals, buildings or other confined areas. Improvements that may be placed adjacent to these areas instead of residential lots include non-habitable areas such as, but not limited to:

      (1) Road right-of-way,

      (2) Detention facilities,

      (3) Common area, and

      (4) Flagpole portions only of new residential lots;

      (5) Improvements such as items 1 through 4 above must be a minimum width of twenty (20) feet.

   b. The applicant for the residential development may present an agreement with the domestic livestock property owner which addresses the impacts of the proposed development on the adjacent domestic livestock pens, corrals, buildings or other confined areas for such time as the domestic livestock confinement areas exist. Such agreement must be incorporated into subdivision covenants when appropriate.

   c. In cases where the applicant has demonstrated that above options are not feasible under the circumstances, the applicant for the residential development may present another solution that meets the intent of the options within this ~~Section 8.07 G.4.~~Section 8.06 G.4. and has an equal or greater effect.

3. If the domestic livestock and agricultural use ceases on land adjacent to the residential development, ~~Section 8.07 G.~~Section 8.06 G. regarding protection of agricultural lands will no longer apply to either

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proposed or previously approved residential development adjacent to that land.

4. See Section 6.04 B.3. Domestic Livestock for additional information.

H. Right to Hunt

The following notice shall be recorded on approved site plans and/or plats when the notice is applicable:

"NOTICE OF TRADITIONAL HUNTING ACTIVITIES

This property is potentially within an area which is traditionally hunted; therefore noise and activity associated with lawful hunting and people moving through the area to hunt is normal and may be expected."

~~Section 8.08 |~~ SECTION 8.07 | DRAINAGE

Drainage facilities shall be designed and installed in accordance with the Mesa County Stormwater Management Manual.

~~Section 8.09 |~~ SECTION 8.08 | POTABLE WATER

A. General

New development shall provide an adequate, domestic, potable water supply that is sufficient in terms of quality, quantity, and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the Decision Making Body shall give substantial weight to the recommendations of the State Water Quality Division, Mesa County Health Department, the State Engineer, other appropriate agencies, and County staff.

B. Municipal, Private and District Water Systems

If a proposed development falls within the service area of a municipality, private water service company, or water service district, or if drinking water is to be provided to the development by any of these systems, then the proposed development may be approved by the County only if the following are met:

1. The applicant submits to the County a written certification from the proposed water service provider, on forms provided by the County, stating:

   a. That it is able and willing to provide an adequate supply of drinking water;

   b. The specific quantity, quality and pressure it will provide to meet the needs of the proposed development based on the projected water usage of that development; and

   c. If an expansion to the existing system is required to obtain adequate service.

2. The applicant agrees in writing to connect the proposed development to such system.

   If a proposed development is unable to obtain service from such a system, then the development may be approved only if a new system is created through formation of a Metropolitan District, Water District local improvement district, or other public legal entity approved by the Board of County Commissioners.

C. Wells

If private wells are proposed for new development, the following shall be required to determine the adequacy of such system before approval:

1. Evidence of ownership and water court decree, including an augmentation plan where applicable, proof of a well permit, amenability of existing rights for the proposed use, and evidence concerning the potability of the proposed water supply; and,

2. A geologic report shall be submitted by a qualified groundwater geologist, which indicates:

   a. The probability of ground water withdrawal of wells or on-site supply systems within the proposed subdivision;

   b. The expected long-term yield of such wells or systems;

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c. The expected depth to potable water;

d. The expected quality of anticipated water;

e. Any expected significant problems of long-term supply; and,

f. Alternate arrangements available in the event of well or treatment system failure.

D. Cisterns

Cisterns are a permitted source of potable drinking water only for individual dwelling units on unplatted parcels of land, unless approved by the Director, and must comply with applicable Colorado Health Department standards and the ~~Uniform~~ most recently adopted International Building Code.

~~Section 8.10 |~~ SECTION 8.09 | FIRE PROTECTION

A. Applicability

All major subdivisions, minor subdivisions, major site plans, planned unit developments, commercial developments, and industrial development shall comply with the fire protection standards of this Section. With the exception of the aforementioned project types, all other Administrative Reviews as listed in Chapter 4 of this LDC shall be exempt from the standards of this Section.

B. Development Located Outside of Fire Protection District

If a development that is subject to the terms of this Section is proposed in a location that is outside of the boundaries or service area of any fire protection district or volunteer fire department, then the development shall only be allowed if the applicant provides evidence that the property will be annexed to the applicable district, or that a service agreement has been entered into between the applicant and the applicable fire protection district or volunteer fire department.

For existing platted properties, including lots therein which may be further subdivided. In the event that neither inclusion in a fire district nor a service agreement is practicable, the Director may determine that sprinkling of all habitable structures in accordance with the International Fire Code is acceptable if all of the following is true or can be met:

a. The development is for single-family detached residential structures;

b. Each residential lot is at least one acre in size;

~~c. Each residential structure shall be set back a minimum of fifty feet (50) from all property lines;~~

~~d.~~c. Fire hydrants shall be installed in the development in accordance with the Land Use Code;

~~e.~~d. Water supply for fire flows shall provide at least twenty (20) pounds per square inch residual and one thousand (1,000) gallons per minute;

~~f.~~e. There shall be recorded covenants, conditions and restrictions that prohibit brush, weeds, wood piles and similar combustible materials within thirty feet (30) of the outside of each structure;

~~g.~~f. The covenants, conditions and restrictions shall also contain a provision that substantially provides notice that "The lots subject to these covenants, conditions and restrictions are NOT within a fire protection district, nor is there a contract with a fire protection district, to provide fire suppression on the properties subject to these covenants, conditions and restrictions.

~~h.~~g. Final plats recorded after the effective date of this amendment shall also contain the statement described in g, above.

~~i.~~h. The findings of items a. through e. above, may be satisfied by the written statement of a licensed fire protection engineer.

C. Water Supply Standards

1. Fire Hydrants

Fire hydrants shall be installed in any Subdivision or Planned Unit Development where dwellings will be separated by a distance of two hundred (200) feet or less, or in any commercial and industrial

Commented [GM106]: Structures should only be required to meet minimum setbacks established in the zoning district upon which the property is located.

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development, and shall comply with the following standards:

a. Fire Flows

Water supply shall comply with the standards adopted by the applicable fire protection district. In cases where the local fire authority has not adopted specific standards, water supply shall comply with the fire flow standards set out in the most recent edition of the ~~Uniform Fire Code~~International Fire Code.

b. Minimum Pipe Size

The minimum pipe size serving the system shall be six (6) inches for development comprised solely of single-family and duplex dwellings, and eight (8) inches for all other development, unless the applicant submits evidence, prepared by a registered professional engineer, demonstrating that the minimum fire flow requirements may be met with a six (6) inch line.

c. Maximum Distance Between Hydrants

The maximum distance between hydrants in all developments shall be five hundred (500) feet.

d. Hydrant Locations

Fire hydrants shall be located as specified by the responsible fire chief. Generally, fire hydrants shall be located in the public rights-of-way at road intersections.

2. Alternative Fire Protection Plan

Whenever installation of fire hydrants is not practical, as determined by the responsible fire chief, the applicant shall agree to an alternative fire protection plan. Applicants for any type of development that is not required to install fire hydrants pursuant to ~~Section 8.10~~Section 8.09 shall also agree to an alternative fire protection plan.

a. Alternatives

An alternative fire protection plan may include, but not be limited to, providing on-site fire flows, or installing sprinklers within proposed structures. Water may be supplied by a natural water body, or by man-made facilities, such as a cistern, above ground tank, or man-made water body, provided the supply is available year-round.

b. Review by Fire Chief

The alternative fire protection plan shall only be allowed when the responsible fire chief determines it will afford the same level of fire protection to the proposed development as would strict compliance with the fire flow standards of this Section, or will comply with the adopted fire code of the district or volunteer fire department.

c. Accessibility

The location of the alternative firefighting supply and fire protection facilities shall be easily accessible to fire protection personnel and vehicles and shall be identified with a visible sign.

d. Fitting and Connections

All fittings and connections to the fire hydrants or to the alternative water supply shall be provided by the applicant, and shall be compatible with specifications established by the applicable district.

D. Roads and Driveways

Roads and driveways shall be designed to comply with the standards in the ~~Mesa County Standard Specifications for Road and Bridge Construction, its appendix, the Road Access Policy~~Mesa County Design Standards, the Land Development Code and the Fire Apparatus Access Roads section of the International Fire Code, as may be amended. Shared driveways over one hundred fifty (150) feet in length shall also meet the standards listed in the most recently adopted Fire Code in regards to width, grade, turn radius for curves and turnaround standards.

1. Access Points

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Developments containing one or two family dwellings where the number of dwelling units exceeds thirty (30), shall provide two separate and approved fire apparatus access roads.

a. An exception may be granted where more than thirty (30) dwelling units are proposed on an approved single public or private fire apparatus access road if all dwelling units are equipped with approved automatic sprinkler system. An alternative to the exception above may be approved if the responsible fire chief determines the alternative will afford the same level of fire protection to the proposed development as would strict compliance with this LDC.

~~Section 8.11 |~~ SECTION 8.10 | WASTEWATER

A. Service by Grand Junction–Mesa County Wastewater Collection and Treatment System

Any development located within the Persigo Wastewater Treatment Plant Service Area shall be required to connect to the Grand Junction-Mesa County Wastewater Collection and Treatment System if a major sewer line exists or is built within four hundred (400) feet of any part of the property on which the development occurs, as measured via any public right-of-way or utility easement. If Onsite Wastewater Treatment Systems are to be utilized by a development on a temporary basis, such use must be in conformity with all County and State Health Department laws and regulations. An estimate of the funds necessary to cover the cost of such a connection shall be prepared by a registered civil engineer and certified as adequate by the City or County Engineer. The funds shall be placed in escrow by the applicant or a bond shall be posted in a form acceptable to the County, prior to the issuance of a development permit, or the recording of a final plat or plan, and shall be utilized by the Board of County Commissioners to contract for and construct such connection if the applicant fails to comply with the provisions of this paragraph. New developments shall be subject to the Mesa County Sewer Trunk Line Extension Policy.

B. Service by Other Systems

1. If a proposed development is located within the service area of an existing wastewater collection and treatment system other than those listed in ~~Section 8.11 A.~~Section 8.10 A., and if that system is willing and able to provide sewage collection and treatment service to the development, then the development must provide for hook-up to that system.

2. If, in the opinion of the Colorado Department of Health, it would be appropriate for a development to obtain sewage collection and treatment service from an existing system by an enlargement of the capacity of that system, then the development shall be required to obtain services from that system; provided that the cost of the development's hook-up is roughly proportional to the cost of the increase in capacity.

C. Development Outside Service Areas

Any development that is outside the service area of an existing system, that proposes to provide sewage disposal by the creation of a new system, or the expansion of an existing system, shall create a Metropolitan District, Sanitation District or Water/Sanitation District, or local sewer improvement district, or other public legal entity.

D. Onsite Wastewater Treatment Systems

All onsite wastewater treatment systems, where allowed, shall be located, installed, and operated in accordance with the regulations of the Colorado Department of Health and the requirements of the Mesa County Onsite Wastewater Treatment System Regulations.

1. The following minimum lot sizes and dimensional standards for Onsite Wastewater Treatment Systems (OWTS) apply to all newly created lots:

a. The minimum lot size for all development applications (except site plans) served by OWTS and a public water system shall be one half (1/2) acre.

b. All lots within proposed major subdivisions, planned unit developments, or administrative review applications served by OWTS and a public water system must meet the requirements of the Mesa County Onsite Wastewater Treatment System Regulations (May 23, 2019, as amended).

2. Lots not served by a public water system:

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The minimum lot size for a lot not served by public water service and/or utilizing wells, springs, or cisterns shall be based on the Colorado Department of Natural Resources well permit requirements, or as required by engineered OWTS design, or one (1) acre, whichever is greater.

3. Existing lots served by Onsite Wastewater Treatment Systems:

   Existing lots that do not conform to the minimum standards of this Section shall not be made more nonconforming by a Property Line Adjustment.

4. If the provisions of this Section conflict with zoning district standards or other provisions of the Land Development Code, the minimum lot size shall default to the larger lot size.

5. Existing lots (uses) may request a deviation from the standards of this ~~Section 8.11~~Section 8.10, subject to approval from the Director.

~~Section 8.12 |~~ SECTION 8.11 | MONUMENTATION

Monuments shall be provided for all Major Subdivision Plats and Administrative Reviews. They shall be set pursuant to Colorado Revised Statutes 38-51. Materials Specifications shall be as required by Colorado Revised Statutes and the Mesa County surveyor. In addition to any other requirements of a plat permitted or required by this LDC, all plats shall meet the minimum standards for land survey plats, as defined in Colorado Revised Statutes 38-51-102(12) and as provided in Colorado Revised Statutes 38-51-106, and shall include all recorded or apparent rights-of-way and easements. ~~See The Handbook for plat requirements.~~

~~Section 8.13 |~~ SECTION 8.12 | IRRIGATION CANALS AND LATERALS

A. Encroachments

   No new development shall be permitted to encroach in, under, upon, or interfere with the recorded or apparent easements or rights-of-way of irrigation canals, laterals, or irrigation drainage channels without the written consent of the property owner and the responsible irrigation or drainage company, or district or lateral association.

B. Standards

   All new development must comply with the standards of the responsible irrigation or drainage company, or district or lateral association. New development shall be required to use irrigation water for irrigation purposes wherever irrigation water is physically and legally available, rather than use potable domestic water.

~~Section 8.14 |~~ SECTION 8.13 | FLOODPLAIN REGULATIONS

Commented [WU107]: Additions and deletions requested by Public Works.

A. Findings

   ~~The Board of County Commissioners finds that certain areas of unincorporated Mesa County are subject to periodic inundation by flood waters that may result in loss of life, property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which may adversely affect the public health, safety and general welfare. Further, the Board of County Commissioners finds that such flooding may pose a serious hazard to properties and persons, that development within affected areas may increase the degree of hazard to other people situated both upstream and downstream, and that appropriate regulations addressing the use of such hazard areas are therefore necessary.~~

B. Purpose and Intent

   It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas, by provisions designed to:

   1. Protect the public from the burden of avoidable financial expenditures for flood control projects, flood relief measures, and damages to public utilities, streets, and bridges;

   2. Protect people and property within the floodplain by regulating the construction of buildings;

   3. Protect the people downstream and/or upstream by restricting those uses that may be hazardous to

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life or property in time of flood, and to insure that structures placed in the floodplain be adequately flood proofed;

4. Protect and preserve the natural water carrying and storage characteristics, and capacities of all water courses;
5. Restrict uses which may be hazardous to the public health in time of flood;
6. Minimize or eliminate discharges or infiltration from waste disposal systems into flood waters;
7. Discourage people from purchasing lands which are unsuitable for building purposes due to flood hazards;
8. Protect human life and health;
9. Minimize prolonged business interruptions;
10. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard, so as to minimize future flood blight areas;
11. To notify potential buyers that property is in an area of special flood hazard; and
12. To notify those who occupy the areas of special flood hazards that they assume responsibility for their actions.
13. ~~12.~~Determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

C. Methods

In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which helps accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

D. Applicability

The floodplain regulations of this Chapter shall apply to all lands adjacent to any watercourse that would be inundated by the 100-year flood, or that is determined to be flood prone on the basis of on-site evidence. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this regulation, and other applicable regulations of the Land Development Code.

E. Official Floodplain Maps

1. For the purpose of this Section, floodplain and other pertinent boundaries shall be those shown on the October 16, 2012 Federal Emergency Management Agency Flood Insurance Study. Those boundaries are hereby incorporated into this LDC along with related explanatory matter, water surface elevations, profiles, and cross sections.
2. The Board of County Commissioners has incorporated the boundaries of flood regulatory areas shown on the October 16, 2012 Federal Emergency Management Agency Flood Insurance Studies into County Regulations, after holding public hearings prior to the adoption of the official maps.
3. Official maps, as designated by the Board of County Commissioners, shall be recorded with the Mesa

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County Clerk and Recorder immediately following official designation. Amendments to any official maps shall be accomplished by giving public notice of a public hearing by publication in newspaper of general circulation within the County, at least thirty (30) days prior to the Board of County Commissioners' hearing. The public notice shall identify the watercourse involved, and shall state in a general fashion the lands which are proposed for inclusion within the flood regulatory area. The public notice shall also state the map proposed for designation is available in the County Engineering Division for public inspection during normal working hours.

F. Flood Boundary Interpretation

1. Official maps, on file in the Public Works Department and recorded with the Mesa County Clerk and Recorder, define only approximate boundaries of the floodplain. Precise determination of boundaries can only be made by a comparison of flood water elevation at a particular site with the actual ground elevation at that site. Projected flood water elevation data is normally obtained from the Flood Insurance Study.

2. Profile data or other technical information as provided from an approved engineering study, may be used as interpretation of flood boundaries. Where such profile data or other technical data becomes available at any particular site, that data will take precedence over boundaries shown on official floodplain maps, only after a Letter of Map Revision has been submitted to and approved by the Federal Emergency Management Agency. Submittal of Letter of Map Revision shall be the responsibility of the applicant.

3. Correction of an error on any official floodplain map, as proven by data from a registered professional engineer, may be proposed for correction through the procedures defined in this Section.

G. Interpretation

In the interpretation and application of these floodplain regulations, all provisions shall be considered as minimum requirements, liberally construed in favor of the County, and deemed neither to limit nor repeal any other powers granted under State statutes.

H. Warning and Disclaimer of Liability

The degree of flood protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on occasion, or the flood height may be increased by manmade or natural causes, such as ice jams and bridge opening restricted by debris. This Section does not imply that areas outside floodplain area boundaries, or land uses permitted within such areas will always be totally free from flooding or flood damages. This Section shall not create any liability on the part of, or a cause of action against the Mesa County Board of Commissioners or any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that may result from reliance on this regulation or any administrative decision lawfully made thereunder.

I. Floodplain Nonconformities

The existing lawful use of a structure or premises that does not comply with the floodplain regulations of this Section, may be continued subject to the following conditions:

1. No such use shall be expanded or enlarged except in conformity with the provisions of this Section.

2. Substantial improvements, as herein defined, to any nonconforming structure or use must result in the permanent change of the structure or use to a conforming use.

3. If such use is discontinued for twelve (12) consecutive months, any future use of the building and premises shall conform to this Section.

J. Floodplain Land Use Regulations

1. Prohibited Uses

Any land use within a designated floodplain that is not specifically allowed or conditionally allowed by means of a Floodplain Development Permit is prohibited.

2. Uses Allowed in Floodplain Areas

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Designated floodplain areas are usually divided into two subdistricts: the floodway and the flood fringe. Where this distinction has not yet been made, a site-specific comparison between flood water elevation and ground elevations will be necessary to make such distinction. Until such distinction has been made, the land shall be considered to lie within the floodway.

3. Flood Prone Areas

Flood prone areas may require a detailed hydrological engineering study in order to define and map the actual 100-year floodplain, to determine site-specific flood elevations and ground elevations, and to distinguish between the floodway and the flood fringe. Until such a distinction has been made, the land will be considered to lie within the floodway.

4. Floodway Districts

a. Uses Requiring Floodplain Development Permits

Any human-made change to improved or unimproved real estate with the floodway district, including, but not limited to, the following, shall require a Floodplain Development Permit:

(1) Private and public recreational uses, such as, but not limited to, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, target ranges, shooting trap and skeet ranges, fish hatcheries, swimming pools and open air theaters;

(2) Utility transmission lines, pipelines, roadways, water monitoring devices and railroad rights-of-way, but not including railroad sidings and freight or passenger transfer or holding areas;

(3) All open pit sand or gravel extraction, including related offices;

(4) Original construction of bridges, dams, and irrigation structures;

(5) Any type of change, filling, or realignment of a watercourse channel;

(6) Subdivision of land;

(7) Water and wastewater treatment facilities or storage;

(8) Buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations;

(9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted Regulatory Floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision through FEMA; and/or

(10) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than 0.00-foot (zero-foot) rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with paragraph i, above.

(11) The level of analysis required for a Floodplain Study depends on the severity of the proposed impacts and the flood zone being impacted. For projects with no permanent surface impacts (e.g., subsurface utilities), no hydraulic analysis is necessary: the Floodplain Study may consist of documentation that the proposed project will have no permanent alterations to existing grade, and the required no-rise/no-impact certification. For projects with permanent surface impacts (e.g., buildings, grading, fill, roadway crossings, above-ground utility infrastructure, etc.), a hydraulic analysis must be performed. The hydraulic analysis should demonstrate compliance with floodplain regulations. For development in the floodway, the hydraulic analysis should show that the proposed development will not cause an increase in BFEs. For development in the 100-year floodplain/flood fringe, the hydraulic analysis should instead show that the proposed development does not cause an increase in BFEs or 100-year WSELs in excess of 0.3 foot. If the hydraulic analysis shows that the

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proposed development will cause greater than 0.00 foot of rise in the floodway, or greater than 0.3 foot of rise in the 100-year floodplain/flood fringe, a CLOMR will be required prior to a Floodplain Development Permit being issued (2 CCR 408-1, Rule 12G). Moreover, for proposed developments which result in BFE increases or decreases greater than 0.3 foot, a post-project LOMR will also be required (2 CCR 408-1, Rule 12H).

b. Prohibited Uses

The following land uses and activities are specifically prohibited in the Floodway District:

(1) Any alteration or relocation of a watercourse which reduces its flood carrying capacity;

(2) Any use, obstruction, or encroachment which would result in any increase whatsoever in the elevation of flood waters during the 100-year flood at any point;

(3) Habitable dwellings, including manufactured homes;

(4) Storage or processing of materials that are flammable, radioactive, poisonous, explosive, corrosive, or which would pose a hazard to life and property during times of flooding;

(5) Public or commercial overnight campgrounds or travel trailer parks;

(6) Junk yards, salvage yards, and wrecking yards of any kind; and

(7) Any new or existing and unapproved encroachment, including but not limited to any structure or other development, in a FEMA-mapped floodway which would cause any increase in the base flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the base flood discharge.

5. Flood Fringe Districts

a. Uses Allowed Without a Floodplain Development Permit

The following uses are allowed in the Flood Fringe District without a Floodplain Development Permit, provided that the use complies with underlying zoning and does not involve any human-made change to improved or unimproved real estate:

(1) Growth of agricultural crops or animals, but not including the processing of agricultural products;

(2) Private and public recreational uses; and

(3) Wildlife and nature preserves, game farms, and fish hatcheries, but not including related structures.

b. Uses Requiring Floodplain Development Permits

Unless specifically prohibited, there is no restriction on which uses may locate in the Flood Fringe District. All development that is not specifically exempt from Floodplain Development Permit requirements shall require a Floodplain Development Permit in the Flood Fringe District.

c. Prohibited Uses

The following uses shall be prohibited in the Flood Fringe District:

(1) Any residential structure or substantial improvement in which the lowest floor, including the basement, is lower than one foot above the elevation of the 100-year flood;

(2) Junk yards, salvage yards and wrecking yards of any kind; and

(3) New construction and substantial improvement of any commercial, industrial or other nonresidential structure in which the lowest floor (including basement) is lower than one foot above the elevation of the 100-year flood or not flood proofed below a flood protection elevation of one foot above the elevation of the 100-year flood together with attendant utility and sanitary facilities.

K. Floodplain Development Permit Conditions

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The Floodplain Administrator shall require all of the following to assure the development is reasonably safe from flooding and require the following:

1. New construction or Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure due to hydrostatic and hydrodynamic loads; be constructed with materials and utility equipment resistant to flood damage; and constructed by methods and practices to minimize flood damage.

~~1.~~2. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during the conditions of flooding.

~~2.~~3. All manufactured homes shall be ~~elevated and anchored to resist flotation, collapse or lateral movement~~ installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame-to-ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific anchoring requirements are:

a. Over-the-top ties at each of the four (4) corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie;

b. Frame ties at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long required four additional ties per side;

c. That all components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds each; and

d. Any additions to the manufactured home be similarly anchored.

~~3.~~4. New and replacement sewer and water systems shall be designed to minimize infiltration.

~~4. All new construction and substantial improvement shall be constructed at least 1 foot above the base flood elevation for all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities for all residential buildings, including manufactured homes, constructed, substantially improved and/or reconstructed due to substantially damage, throughout the Special Flood Hazard Areas where base flood elevations have been determined on the FIRM or in the Flood Insurance Study.~~

5. Required utility conditions shall be as follows:

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems, into flood waters.

c. On-site waste disposal systems shall be located to avoid their impairment or contamination from flooding.

6. Required subdivision ~~conditions~~ proposals and other development including manufactured home parks or subdivisions to determine whether such proposals will be reasonably safe from flooding shall be as follows:

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities (such as sewer, gas, electrical, and water systems) located and constructed to minimize flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

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d. ~~Base flood elevation data must be provided for subdivision proposals and other proposed development that contains at least fifty (50) lots or five (5) acres, whichever is less.~~If the subdivision or other development exceeds 50 lots or 5 acres, whichever is less, the applicant must provide a determination by a licensed P.E. of the 100-year flood WSELs if they are not otherwise available, i.e., if the affected floodplain is Zone A or otherwise does not have established 100-year WSELs/BFEs.

7. In the instance of an individual manufactured home which is to be elevated on pilings, the piling foundations shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for any piers extending more than six (6) feet above the ground.

8. All manufactured homes, on a single lot or in a new or expansion to an existing manufactured home park or subdivision, that are placed or substantially improved within Zones A1-30, AH, and AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor elevation of the manufactured home is elevated to at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse or lateral movement.

9. All manufactured homes in an existing manufactured home park or subdivision prior to the time these regulations are implemented, that are placed or substantially improved on sites in existing manufactured home parks or subdivision within zones A1-30, AH, and AE that are not subject to the provisions of the previous paragraph shall be elevated so that either (i) the lowest floor of the manufactured home is at least one (1) foot above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade, and, shall be securely attached to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

10. New construction and substantial improvement of any residential structure shall have the lowest floor (including the basement) elevated to at least one foot above the projected water surface elevation of the 100-year flood.

11. Within the AO and AH Zones on the Flood Insurance Rate Map (FIRM) require that all new construction and substantial improvements of residential structures have the lowest floor (including basement, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one foot (1) above the depth number specified in feet on the FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.~~as high as the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified).~~

12. Within Zones AO and AH require that adequate drainage paths be provided around structures on slopes to guide floodwaters around and away from proposed structures.

13. Within any AO and AH Zones on the FIRM require that all new construction or substantial improvements of nonresidential structures have the lowest floor elevation (including basement) the highest adjacent grade at least 1 foot above the highest the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or together with attendant utility and sanitary facilities be completely flood proofed to that level to meet the requirements of this Section.

14. Nonresidential elevation requirements (Commercial):

    a. Have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork), elevated to at least 1 foot above the BFE/100-year WSEL; or

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b. Together with attendant utility and sanitary facilities, be designed so that, at 1 foot above the BFE/100-year WSEL, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A P.E. or architect registered in the State of Colorado must certify that the design and methods of construction are in accordance with accepted standards of practice.

~~12.~~15. With the exception of Critical Facilities, outlined in Article 5, Section H, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator. ~~New construction, and substantial improvement of any commercial, industrial and other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the projected 100-year flood elevation; or, together with attendant utility and sanitary facilities, shall:~~

~~a. Be flood proofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;~~

~~b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy; and~~

~~c. Be certified by a registered professional engineer or architect that the design and methods of constriction are in accordance with accepted standards of practice for meeting the provisions of this regulation.~~

~~13. Within any AO and AH Zones on the FIRM require that all new construction or substantial improvements of nonresidential structures have the lowest floor elevation (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or together with attendant utility and sanitary facilities be completely flood proofed to that level to meet the requirements of this Section.~~

~~14.~~16. Fully enclosed areas of all residential, commercial, industrial or other structures below the lowest floor (to be used solely for the parking of vehicles, building access or storage in an area other than a basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two (2) openings with a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding shall be provided; and

b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

~~15.~~17. A permit shall be required for all proposed construction or other development including placement of manufactured homes to determine whether such construction or development is in a floodplain and reasonably safe from flooding.

L. Standards for Recreational Vehicles

Recreational vehicles within numbered or unnumbered A zones, AO, AE and AH zones shall:

1. Be defined as:

a. Be built on a single chassis;

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b. Be four hundred (400) square feet or less when measured at the largest horizontal projections;

c. Be designed to be self-propelled or permanently towable by a light duty truck;

d. Be designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and

2. Recreational vehicles within numbered or unnumbered A zones, AO, AE and AH zones shall either:

a. Comply with the permitting, elevating and anchoring requirements for manufactured housing units and manufactured homes as set out in this Section; or

b. Be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and legal for highway use.

For the purpose of this Section, a recreational vehicle shall be deemed ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-connect type utilities and securing devices, and has no permanently attached additions.

M. Properties Removed from the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one (one) foot of freeboard that existed prior to the placement of fill.

N. Standards for Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. Classification of Critical Facilities

It is the responsibility of Mesa County to identify and confirm that specific structures in their community meet the following criteria.

2. Critical Facilities are classified under the following categories: (1) Essential Services; (2) Hazardous Materials; (3) At-risk Populations; and (4) Vital to Restoring Normal Services.

a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

(1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);

(2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctor's offices, and non-urgent care medical structures that do not provide these functions);

(3) Designated emergency shelters;

(4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

(5) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

(6) Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air

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traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of Mesa County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to Mesa County on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

(1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

(2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

(3) Refineries;

(4) Hazardous waste storage and disposal sites; and

(5) Above-ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations.

(a) Specific exemptions to this category include:

(i) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

(ii) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

(iii) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

(b) These exemptions shall not apply to buildings or other structures that also function as

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Critical Facilities under another category outlined in this Section.

c. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

(1) Elder care (nursing homes);

(2) Congregate care serving twelve (12) or more individuals (day care and assisted living);

(3) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children);

d. Facilities vital to restoring normal services including government operations. These facilities consist of:

(1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

(2) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to Mesa County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to Mesa County on an as-needed basis upon request.

3. Protection for Critical Facilities

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

a. Location outside the Special Flood Hazard Area; or

b. Elevation or floodproofing of the structure to at least two (2) feet above the Base Flood Elevation.

4. Ingress and Egress for New Critical Facilities

New Critical Facilities shall, when practicable as determined by Mesa County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

~~Section 8.15 |~~ SECTION 8.14 | TRAFFIC ~~IMPACT ANALYSES (TIA)~~STUDIES

Commented [WU108]: Additions and deletions proposed by Public Works.

~~A. Traffic Impact Analysis Thresholds~~

A Traffic Study shall be required per Chapter 4 of the Mesa County Design Standards.~~Impact Analysis shall be required to be submitted with applications for development review when trip generation is expected to exceed one hundred (100) peak hour trips, based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation manual, unless local trip generation data demonstrate a higher trip rate. A TIA is also required for:~~

~~1. Any project that proposes access to a street with Level of Service (LOS) "D" or below;~~

~~2. Any case in which the original TIA is more than two years old, or where increased land use intensity will result in an increase in traffic generation by more than fifteen (15) percent or an increase of directional distribution of traffic by more than twenty (20) percent.~~

~~B. Traffic Impact Analysis Guidelines~~

~~Guidelines for TIAs are found in Article VII of the Mesa County Standard Specifications for Road and Bridge~~

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Construction. Traffic Impact Analyses must be prepared by a registered professional engineer with experience in Transportation Engineering. A statement of qualifications shall accompany all Traffic Impact Analysis submittals.

Section 8.16 | SECTION 8.15 | STREET ACCESS

Commented [WU109]: Additions and deletions proposed by Public Works.

A. Access to Public Roads

Street access shall be controlled by the Mesa County Design Standards.All new lots/parcels shall have direct or indirect access (no street frontage) to a maintained public road. If indirect access is proposed then access easements shall be identified. Easements shall be of sufficient width to provide for fire access, utility installation and drainage improvements. All new lots/parcels shall have direct or indirect access to a maintain public road. If indirect access is proposed, then access easements shall be identified. Easements shall be of sufficient width to provide for fire access, utility installation, and drainage improvements. Access standards shall be controlled by the Mesa County Design Standards.

B. Driveways

Driveway access to collector and arterial streets shall be discouraged. Standards shall be as described in the Mesa County Standard Specifications for Road and Bridge Construction, its appendix, the Road Access Policy, the Land Development Code and the International Fire Code, as may be amended.

C. Common Driveways

A driveway that provides access to a public street or road within the rural or urban zoning districts serving two (2) residential lots meeting the following design standards:

1. A common driveway shall be at least twelve (12) feet wide and be located in an access easement at least sixteen (16) feet wide.
2. Common driveways shall be surfaced with a stable material; such as, but not limited to asphalt, reprocessed asphalt, concrete, brick, cobblestone, or Class 6 aggregate six (6) inches thick.
3. If the common driveway is over one hundred fifty (150) feet in length, pullouts shall be required every one hundred (100) feet to allow vehicles to pass.

D. Loop Lane

Driveways that provide access to a public street or road within the urban zoning districts must meet the following design standards:

1. The surface of the loop lane shall be a minimum of fourteen (14) feet wide, edge of pavement to edge of pavement. The lane may need to be a one-way lane and parking may not be allowed on the lane.
2. The loop lane and the common area surrounded by the loop lane shall be at least sixty (60) feet wide and shall be labeled as an outlot.
3. The loop lane must be surfaced with concrete, not asphalt, and both the loop lane and the common area surrounded by the loop lane shall be dedicated to a property owners' association with responsibility for maintaining the loop lane and the common area.
4. Individual driveways leading from the loop lane to each home shall be at least twenty-five (25) feet long, as measured between the front of the garage or carport and the closest edge of the loop lane.
5. The design of the loop lane shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction. The AASHTO turning template for a "P" design vehicle shall be used to confirm that this standard is met.
6. Four (4) guest-parking spaces, located in the public right-of-way, are required at the end of the loop.
7. Each residence shall provide and maintain four (4) off-street parking spaces, a maximum of two (2) tandem spaces per dwelling unit is allowed.

E. Shared Driveway Standards

1. The shared driveway is designed to provide access to lots where a full public street is not practical or

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~~economical. Shared driveways shall comply with the following standards:~~

~~a. Not more than six (6) single-family lots may access a shared driveway.~~

~~b. Shared driveways are allowed in locations approved per the Road Access Policy, provided that consideration of Public Right-of-way Dedication Requirements in Section 8.17 does not require a public right-of-way to be dedicated and/or a public road to be built by the developer.~~

~~c. Shared driveways shall be designed by a Professional Engineer licensed in the State of Colorado, and shall meet the following minimum specifications. Shared access within the Grand Junction Rural Fire District shall comply with the Fire Department Access requirements of the Grand Junction Transportation Engineering Design Standards (TEDS).~~

~~d. Minimum Specifications:~~

~~(1) Unobstructed driving surface width of twenty (20) feet, exclusive of shoulders;~~

~~(2) Proper drainage;~~

~~(3) Turning radii at the intersection with public roads are built in accordance with the Road Access Policy;~~

~~(4) Provision of a turnaround area in compliance with Appendix D. of the International Fire Code where shared driveways exceed one hundred fifty (150) feet in length;~~

~~(5) An all-weather surface is constructed, meaning a road surface over which emergency and typical passenger vehicles can pass at all times and in any weather condition, maintained in a dust-free condition (exception: properties within the GJ Rural Fire District where TEDS is adopted must be finished with hot mix asphaltic concrete or concrete pavement over a flexible base); and~~

~~(6) Paved aprons are constructed at intersections with paved public roads where required by the Road Access Policy within the Urbanized Area of the Mesa County Municipal Separate Storm Sewer Systems (MS4s) Authorization (Stormwater Urbanized Area).~~

~~e. Each residence shall provide and maintain four (4) off-street parking spaces, a maximum of two (2) tandem spaces per dwelling unit is allowed.~~

~~f. The shared driveway shall be contained within a tract dedicated to the Home Owner's Association or an easement and maintained by the Home Owner's Association or the owners of the parcels or lots that abut the shared driveway.~~

~~g. Multi-purpose easements shall be dedicated contiguous to the shared driveway for utility service lines. Alternative provisions for utilities must be approved by the utility providers.~~

~~Section 8.17 |~~ SECTION 8.16 | STREETS AND ROADS

Commented [WU110]: Additions and deletions proposed by Public Works.

A. Standards

1. When a development ~~plan~~ proposes improvements to a street or road that requires rights-of-way in excess of the minimum requirements of the Mesa County Design Standards~~Standard Specifications for Road and Bridge Construction~~, additional rights-of-way will be required from the developer to accommodate the proposed plan.

2. Streets, roads and pedestrian/bicycle paths shall be designed as shown in any adopted Transportation or Circulation Plan and constructed in conformance with the current Mesa County Design Standards~~Standard Specifications for Road and Bridge Construction and its appendix, the Road Access Policy~~. All new public or private roads constructed within the Grand Valley Airshed shall be paved. Farm service and canal/ditch/drainage maintenance roads are exempt from this paving requirement.

3. Access and construction specifications shall comply with either urban or rural improvements, as specified in the Mesa County Design Standards~~Standard Specifications for Road and Bridge Construction and its appendix, the Road Access Policy~~.

B. Public Rights-of-Way Dedication Criteria

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1. Since the need for public rights-of-way are different for every developing property or area, the following criteria will be considered when subdivision or re-subdivision of properties is proposed:
   a. The development includes the construction of new roadways that will be petitioned for acceptance into the County road system.
   b. The development application proposes more than six (6) lots on one access or more than six (6) lots on a shared driveway.
   c. The property that is the subject of the development application is able to develop additional lots in the future according to the existing zoning on the property or designated future land use.
   d. Adjacent properties are currently physically or legally landlocked from public rights-of-way.
   e. Adjacent properties are otherwise constrained by access regulations from direct access on existing public rights-of-way.
   f. Public rights-of-way is necessary on the subject property to provide development improvements to the surrounding area either presently or in the future.
   g. Adopted transportation plan(s) show anticipated road circulation that involves the subject parcel.
2. The Mesa County Public Works Department will consider the above criteria prior to requiring dedication of public rights-of-way. Required rights-of-way connections to adjacent properties shall be located as effectively as possible, considering topography, environmental constraints, and adopted policies and regulations.
3. If the developer believes that dedication of public rights-of-way internal to the subdivision would not be beneficial to the current or future property owners or to the planned development of the area, then the developer or their engineer shall prepare a report for consideration by the Public Works Department certifying why public rights-of-way should not be required.
4. The applicant may be required to submit a conceptual lay out of the subdivision at the density allowed by the zoning on the property or the Future Land Use classification.

C. Improvements

Limited improvements to adjacent roads shall be required of all types of development (excluding Property Line Adjustments and Residential Site Plans) that are not covered by the Transportation Impact Fee regulation ~~(i.e., local roads)~~.

1. Required Improvements
   a. Streets/Roads

      If a development is adjacent to a local street or road (as defined in the Mesa County Design Standards~~Road Access Policy~~) and if the street/road provides primary access, the developer shall be responsible for all improvement costs (see 2. below).

   b. Primary Access Street/Road

      When a development is not adjacent to a street/road and a Primary Access Street/Road is required to access the development, the developer shall be responsible for the entire cost of the design and construction of said Primary Access Street/Road.

   c. Internal Streets/Roads

      The developer shall be responsible for the entire cost of the design and construction of internal streets/roads and connection stubs. In the rural zoning districts, the Developer may have their engineer prepare a specific proposal for reduced improvements when constraints (e.g. the need exists for additional rights-of-way from an adjoining property or when a responsibility to share road construction costs with an adjoining property exists) are identified. When six (6) or fewer residential lots will use the internal road for access, ~~the improvements required in the rights-of-way may be reduced, upon request by the Developer, to~~ a private shared driveway shall be used for lot access. T~~t~~he minimum standard for shared driveways ~~as~~ are specified in ~~Section 8.16.E~~ the Mesa County Design Standards.

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2. Urban Street Improvements

Development within all Urban Zoning Districts and Rural Communities, shall construct required improvements ~~(Section 8.17 B.)~~ to streets/roads that are in conformance with the urban road sections ~~in the Mesa County Standard Specifications for Road and Bridge Construction, and~~ Mesa County Design Standards.

3. Rural Road Improvements

a. Development located in the Rural Zoning Districts shall construct limited improvements ~~(Section 8.17 B.)~~ to County maintained roads when the development:

~~(1)~~ Has boundaries with frontage on a "public road" as defined in the Mesa County Design Standards~~Road Access Policy; and~~

~~(2)(1) Has adjacent roads that are designated as local roads as defined in the Mesa County Design Standards Road Access Policy~~.

b. Development that satisfies the criteria in ~~Section 8.17 B.~~Section 8.16 B. shall provide the following road improvements to adjacent County roads classified as local roads:

(1) Install all or portions of gravel shoulder along adjacent roads in compliance with the Mesa County Design Standards~~Standard Specifications for Road and Bridge Construction~~; and

(2) Ensure that drainage along roads is not adversely affected by any road improvements installed or accesses constructed.

~~Section 8.18 |~~ SECTION 8.17 | CIRCULATION AND STREET LAYOUT

A. Sidewalks and Trails

All principal structures in Nonresidential zoning districts, and all Urban Residential zoning districts except the URR, RSF-R and RSF-E district shall have direct access to a sidewalk or trail without having to cross a street.

B. Transportation Plans

The layout of streets, highways, sidewalks and trails shall comply with all adopted transportation plans. Where proposed development adjoins other property, the dedicated rights-of-way and improvements required to connect Local, Arterial or Collector streets within the proposed development shall extend to the adjacent property line in conformance with any adopted Transportation Plan.

C. Private Streets

Private streets within a development shall comply with the requirements of the Mesa County Design Standards~~Standard Specifications for Road and Bridge Construction~~, and the development shall have a Property Owners' Association and covenants sufficient to ensure road maintenance is performed. Private streets/roads shall only be created through the Major Subdivision Process.

~~Section 8.19 |~~ SECTION 8.18 | INTERSECTION AND DRIVEWAY VISIBILITY

Commented [WU111]: Additions and deletions proposed by Public Works.

Intersection and driveway visibility shall be designed and installed in accordance with the Mesa County Design Standards.

~~A. Intersections~~

~~1. No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of three (3) feet and eleven (11) feet shall be erected, placed or maintained within the triangular area formed by an imaginary line starting at the point of intersection of property lines and extending twenty-five (25) feet from their point of intersection.~~

~~2. The Director may require an increase in the visibility triangle standards when deemed necessary for traffic safety.~~

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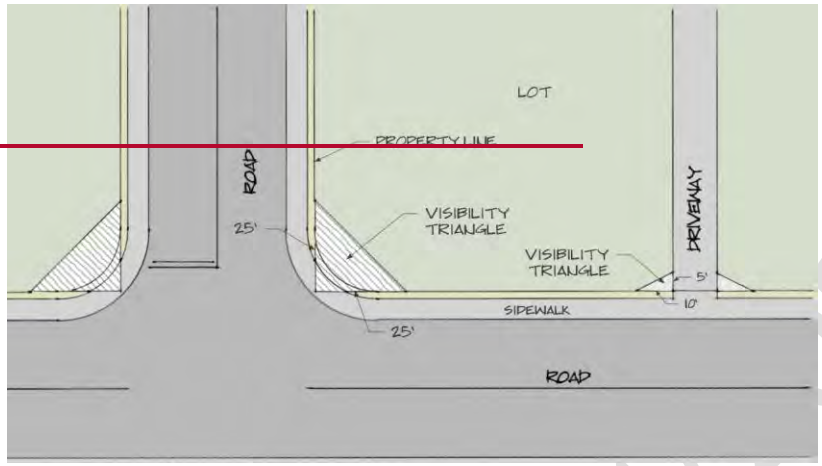


Figure 8-3: Visibility Triangle Standards

B. Driveways

1. No structure, fence, wall, hedge, or planting that will obstruct vision between a height of three (3) feet and eight (8) feet shall be erected, placed or maintained within the triangular area formed by the edge of the driveway and the lot line.

2. The provisions of this Section shall be waived for fences, walls, hedges or other plantings if it can be shown that visibility will not be restricted either because of a turnaround driveway or a parkway greater than eight (8) feet.

C. Dedication Required

The area within required intersection visibility triangles shall be dedicated to the County at the time of subdivision approval.

D. Enforcement

Upon official written notification of noncompliance, the property owner shall remove any obstructions. If the owner has not done so within a reasonable time as determined by the Public Works Department, Mesa County shall take steps to have the obstruction removed.

Section 8.20 | SECTION 8.19 | LAND DEDICATIONS AND FEES IN-LIEU

A. Park Land Dedication

Commented [WU112]: The County no longer requires dedication of parkland.

1. Land Dedications

Dedication of land for park purposes shall be required of any development if such development includes within it land that is necessary for implementing an adopted park, bikeway, or open space plan, provided that every land dedication shall be roughly proportional both in nature and extent of the proposed development.

2. Fees In-Lieu of Land Dedications

A fee in lieu of park land dedication shall be paid by all developments except those required to dedicate park land in accordance with this Section. Revenues from such fees shall be used only to acquire park land or construct park or recreation related capital improvements that are necessary to serve the fee-paying development and other developments within the area. Fees are payable upon the filing of a final plat for a platted residential development. Developments containing residential and other uses shall pay the appropriate fees on each part of the development.

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~~3. Required Fees~~

~~The required fees for all types of development shall be calculated in an amount roughly proportional to the need or demand generated by the proposed development, as determined by one or more studies commissioned and approved by the Board of County Commissioners.~~

~~4. Credit Permitted Against Fee~~

~~The development shall be allowed credit against any fees due for the actual costs of any park related capital improvements constructed by the applicant, for the development, at the request of Mesa County that are not on or directly adjacent to land owned by the applicant.~~

~~B.~~A. Schools

1. Land Dedications

Dedication of Suitable School Lands for school purposes shall be required of any development if the affected School District determines that such development includes within it land that is necessary for implementing a school plan, provided that every land dedication shall be roughly proportional both in nature and extent of the proposed development, in accordance with the requirements of this Section.

2. Fees In-Lieu of Land Dedications

A fee in-lieu of school land dedication shall be paid by all residential developments except those required to dedicate land for schools in accordance with this Section. The fee per dwelling unit shall be determined by resolution of the Board of County Commissioners, calculated in an amount roughly proportional to the need or demand generated by the proposed development, as determined by one or more studies commissioned and approved by the School District. School Land Dedication (SLD) fees shall be collected by the County for the exclusive use and benefit of the School District in which such development is located, and shall be expended by the School District solely to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities, or to reimburse the School District for sums expended to acquire such property or interests.

a. School Land Dedication Fees shall be collected and held in trust for the use and benefit of the School District containing the Residential Development for which the fee is collected. Such fees shall be expended by such School District to acquire additional real property for expansion of school facilities and construction of new school facilities necessitated by new Residential Development in such School District, or to reimburse the School District for sums expended to acquire such property. The amount of the SLD Fee shall be based on a methodology which takes into account the student generation rates of new Residential Development, the quantity of land required to build new school facilities on a per pupil basis, and the anticipated cost of acquiring Suitable School Lands in the School District to expand existing school facilities and construct new school facilities to accommodate new Residential Development without decreasing current levels of educational services.

b. At the time SLD Fees are initially adopted and once every five years thereafter, the Board of County Commissioners shall determine the average cost per acre of Suitable School Lands, after a public hearing. The County shall give each School District of the County sixty (60) days' prior written notice of the hearing. Such hearing shall consider the School Districts' long range capital improvement plans and any other evidence, comments or recommendations submitted by the School Districts and the public in making such determination.

c. The SLD Fee shall then be set, by resolution of the Board of County Commissioners, in accordance with the following formula:

Cost per Acre of Suitable School Lands within each School District	×	Student Generation Fee Factor of .023	=	SLD Fee Per Dwelling Unit

Figure 8-~~4~~8-~~4~~: School Land Dedication Fee

[For example, if the average cost of Suitable School Lands is $15,000 per acre, the SLD Fee per Dwelling Unit would $15,000 X .023, or $345.] See ~~Section 8.20 B.2.~~Section 8.19 A. 2. above for

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determination of factor.

The student generation fee factor may also be modified at the hearing, provided that either the subject School District gives notice to the Board of County Commissioners that it requests such a modification at least thirty (30) days prior to the hearing, or the Board adopts a motion providing for consideration of a modification of said fee factor, and its hearing notice to the subject School District pursuant to this subsection. Said hearing shall consider the School District's school facilities plan currently in place, the methodology and data supporting the proposed modification, and any evidence, comments or recommendations submitted by the County Planning Department, the subject School District and interested members of the public.

3. Payment of School Land Dedication Fee

   a. No building permit shall be issued for a dwelling unit or a multi-family dwelling structure that is or contains one or more dwelling units, until the SLD fee in effect at the time the permit is applied for has been paid.

   b. Nothing in this Section shall preclude a holder of a Development Permit for a Residential Development or Mixed Use Development containing a Residential Development component from pre-paying the SLD fees to become due under this Section for one or more Dwellings, Multiple-Family Dwellings or Multi-Family Dwellings to be constructed in such development. Such prepayment shall be made upon the filing of a final plat for a platted Residential Development, at the SLD fee rate then in effect and in the amount which would have been due had a building permit application for such dwellings been pending at the time of prepayment. A subsequent building permit for a Dwelling, Multiple-Family Dwelling or Multi-Family Dwelling that is, or contains, one or more Dwelling Units for which the SLD fees have been prepaid shall be issued without payment of any additional SLD fees. However, if such permit would allow additional Dwelling Units for which SLD fees have not been prepaid, the permit shall not be issued until the SLD fees for the additional Dwelling Units have been paid at the rate per Dwelling Unit in effect at the time the building permit application was made.

   c. Any prepayment of SLD fees in accordance with this Section shall be documented by a Memorandum of Prepayment that contains the following minimum components:

      (1) The legal description of the real property subject to Residential Development for which an SLD fee is being prepaid;

      (2) A description of the development permit issued concerning such real property, and a detailed statement of the SLD fees being prepaid;

      (3) The notarized signatures of the owners of record or their duly authorized agents; and

      (4) The notarized signature of the County Administrator, indicating approval of the prepayment plan.

4. Exemptions

The following shall be exempted from payment of SLD fee:

   a. Alterations or expansion of existing buildings except where the use is changed from nonresidential to residential and except where additional Dwelling Units result;

   b. The construction of accessory buildings or structures;

   c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;

   d. The installation of a replacement manufactured home on a lot or other parcel when a fee in lieu of land dedication for such manufactured home has previously been paid pursuant to this Section or where a residential manufactured home legally existed on such site on or before the effective date of this Section;

   e. Nonresidential buildings, nonresidential structures, or nonresidential manufactured homes;

   f. Nursing homes, Adult Foster Care Facilities, or Specialized Group Facilities;

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g. County approved Residential Developments that are subject to recorded covenants restricting the age of the residents pursuant to the Federal Fair Housing Amendments Act of 1988; and

h. Residential construction on unsubdivided land.

5. Credits

a. An applicant for a development permit (or a holder of such a permit) who owns other Suitable School Lands within the same School District in which the development is located may offer to convey such lands to such district in exchange for credit against all or portion of the SLD fees otherwise due or to become due. the offer must be in writing, specifically request credit against fees in lieu of SLD, and set forth the amount of credit requested. If the County and the School District in which the development is located accept such offer, the credit shall be in the amount of the value of the Suitable School Lands conveyed, as determined by written agreement between the County, the School District and the permit holder or applicant.

b. Credit against SLD fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this subsection is conveyed to and accepted by the School District in which the development is located. Upon such conveyance, the School District in which the development is located, and the County, shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and a description of the project or development to which the credit shall be applied.

c. Credits shall not be transferable from one project or development to another.

6. Refund of Fees Paid

a. Any SLD fee which has not been expended by a School District within five years of the date of collection shall be refunded, with interest at the rate of five (5) percent per annum compounded annually, to the current owner of the land for which the fee was paid. Prior to such refund, such amount shall be reduced by an amount equal to two (2) percent of the principal amount to be refunded, for the costs incurred by the County in the refund of such fee. The County shall give written notice by first class mail to the person who paid the fee at his or her address as reflected in the records of the Mesa County Clerk and Recorder. If such person does not file a written claim for such refund with the County within ninety (90) days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in this ~~Section 8.20.~~Section 8.19.

b. The Board may, upon a School District's request, extend the 5-year period of time upon a showing that such extension is reasonably necessary in order for the School District to complete or close a purchase transaction entered into in writing by such district prior to expiration of such period, or to give such district an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the Board. In no event shall any extension of time exceed an additional 5-year period.

~~Section 8.21 |~ SECTION 8.20 | ~~FEES~~ PAYMENTS IN LIEU OF IMPROVEMENTS

Commented [GM113]: Additions and deletions proposed by Public Works.

A. ~~Escrow of Funds~~ Payment in Lieu of Improvements

When specific public improvements are required by the Board of County Commissioners and/or identified in the County's Capital ~~Investment~~ Improvement Program and/or any adopted Transportation Plan, ~~a fee (based on the~~ a payment in the amount determined by cost of design, construction, and construction administration~~)~~ may be collected in lieu of the construction of improvements~~ construction~~ required for a development. ~~The County may hold funds for up to seven (7) years,~~

A developer may request that this section be applied to a development. It is entirely at the discretion of Mesa County whether to allow for a payment arrangement under this section.

B. ~~Use of Funds~~Agreement Required

If both Mesa County and the developer agree to allow for a payment under this section, a separate written agreement shall be required that sets forth the terms that are agreed upon by the parties. The agreement shall set forth the terms of the payment, including describing which specific improvements are subject to

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the agreement, the total amounts that will be paid, and any other details the parties deem necessary to achieve the intent of this Section. Any such agreement shall be generated in a manner so as to work in harmony to the maximum extent possible with the other provisions of this Code.

At the discretion of Mesa County, if deemed necessary and appropriate, the finalized agreement may be recorded to memorialize its terms.~~Fees paid pursuant to this Section shall be deposited in an escrow account held by the Mesa County Treasurer. Fees shall be expended by Mesa County only to construct the specific improvement for which the fee was collected.~~

~~C. Credit Permitted Against Fee for Certain Off-Site Improvements~~

~~Any development shall be allowed credit against any fees or funds due under this Section for actual costs of any public improvements constructed by the applicant for the development at the request of Mesa County, which are not on or directly adjacent to land owned by the applicant.~~

~~D.~~C. Impact Fees

All traffic-generating developments are subject to assessment and payment of a Transportation Impact Fee (TIF). Transportation Impact Fees are based on one or more studies commissioned and approved by the Board of County Commissioners. The TIF Regulation (MCM 2004-107) was adopted by the BOCC on June 7, 2004. All requirements of MCM 2004-107 and any amendments shall be implemented though this LDC.

~~Section 8.22 |~~ SECTION 8.21 | CONSTRUCTION STORMWATER ~~CONSTRUCTION~~ PERMIT

Commented [WU114]: Additions and deletions proposed by Public Works.

A. Purpose and Intent

It is the purpose of these regulations:

1. To protect and preserve surface water from pollutants associated with stormwater runoff.
2. To meet the terms of the Colorado Department of Public Safety permit regulations.
3. To regulate the contribution of pollutants to the municipal separate storm sewer system from stormwater discharges;
4. To establish legal authority to carry out all inspection, observation, and monitoring procedures necessary to ensure compliance with the regulations of this Section;
5. To promote public awareness of the hazards involved in the improper discharge of pollutants into the municipal separate storm sewer system;
6. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges from construction activity and development and to facilitate compliance with state and federal standards.
7. To reduce pollutants in stormwater discharges from construction activities by regulating the design, construction, use, and maintenance of any development or activity that disturbs more than one (1) acre of land or is part of a larger common plan of development or sale.~~To reduce pollutants in stormwater discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land that results in a disturbance of greater than one (1) acre or is part of a larger common plan of development or sale~~;
8. To require permanent stormwater quality runoff controls measures to be constructed along with development to prevent the deterioration of water quality;
9. To establish provisions for the long-term responsibility for and maintenance of structural stormwater quality control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and do not threaten public safety.
10. To establish timely and appropriate enforcement actions for violations of the regulations of this Section.

B. Methods

In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:

1. Requiring a ~~Local Stormwater~~Mesa County Construction Stormwater Permit as identified in the

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Stormwater Management Manual, when applicable.

2. Require the installation and maintenance of permanent stormwater quality runoff controls measures to be constructed along with development to prevent the deterioration of water quality as identified in the Stormwater Management Manual, when applicable.

C. Applicability

1. The regulations of this Chapter shall apply to all lands designated as an urbanized areas or located within the Mesa County Growth Area, as defined by according to the Colorado Department of Public Health and Environment and the U.S. Census Bureau.

2. No new development or redevelopment, which disturbs one (1) acre or more of land and disturbs less than one (1) acre but is part of a larger common plan of development, shall hereafter be allowed without full compliance with the terms of this regulation, the Mesa County Stormwater Management Manual, and other applicable regulations of the Land Development Code.

3. Disturbance includes any activity that disturbs the soil on the site, including: grading, clearing, excavation activities, areas receiving overburden (e.g. stockpiles), demolition areas, and areas with equipment/vehicle traffic and storage that disturb vegetative cover.

D. Interpretation

In the interpretation and application of these stormwater regulations, all provisions shall be considered as minimum requirements, liberally construed in favor of the County, and deemed neither to limit nor repeal any other powers granted under State statutes.

E. Warning and Disclaimer of Liability

The degree of water quality protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based upon the engineering and scientific methods of Construction Stormwater Management Plan and the Drainage Report. This Section shall not create any liability on the part of, or a cause of action against the Mesa County Board of Commissioners or any officer or employee thereof, for any water quality damages that may result from reliance on this regulation or any administrative decision lawfully made thereunder.

F. Nonconformities

The existing lawful use of a structure or premises that does not comply with the stormwater regulations of this Section, may be continued. If the property is redeveloped, and disturbs an acre of land or less than one (1) acre but is part of a larger common plan of development, activities must conform with this Section.

G. Construction Stormwater Construction Permit Conditions

The Stormwater Administrator Coordinator shall require that the requirements of Section 1506.115.3 of the Stormwater Management Manual be adhered to. This Section covers the requirements of inspections, reporting, and changes to the Construction Stormwater Management Plan.

Section 8.23 | SECTION 8.22 | INTERIM DEVELOPMENT POLICIES

A. Findings

The Board of County Commissioners may adopt by resolution Interim Development Policies, stipulating development standards and uses for properties in specific areas prior to availability of infrastructure and services. The purpose of interim development policies is to allow land owners some development potential while ensuring that development does not occur that cannot be adequately served by water, sewer, roads and other appropriate services and infrastructure.

B. Applicability to Development

All development within an area subject to an Interim Development Policy shall be required to meet all applicable standards and limitations set forth in the Policy.

C. Effect on Future Development

New development in an area subject to an Interim Development Policy shall be designed in a manner so as not to interfere with future development or redevelopment consistent with the Future Land Uses and Goals, Policies and Objectives of the Mesa County Master Plan.

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1. As a condition of approval of any development in an area planned for urban development, a note will be placed on the site plan indicating that urban uses are planned for the subject property in the future as designated on the adopted Future Land Use Plan Map and referencing the adopted Policy Resolution number.

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CHAPTER 9 | SIGNS

SECTION 9.01 | PURPOSE

The sign regulations of this chapter are intended to promote traffic safety and to protect the visual appearance of the County. Signs placed by a governmental entity or approved to be located on public property or in public rights-of-way are exempt from this Chapter.

SECTION 9.02 | PROHIBITED SIGNS

A. The following signs shall be prohibited:

1. Signs that contain statements, words, or pictures of an obscene or indecent nature.
2. Signs that contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning," or similar words;
3. Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
4. Signs that create a hazard for, or impede safe or efficient movement of, motorists or pedestrians;
5. Signs that contain or consist of portable signs, tent signs and strings of light bulbs not permanently mounted on a rigid background;
6. Signs that swing or otherwise move as a result of wind pressure because of the manner of their suspension or attachment; or
7. Signs placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills, except as may otherwise expressly be authorized by this section.

SECTION 9.03 | EXEMPT SIGNS

A. Signs That Do Not Require a Permit

The following signs are allowed on a lot/parcel in any zone district:

1. One sign that is integral to or flush-mounted on a building or structure that is no greater than four (4) square feet in area.
2. Signs that cannot be read from street rights-of-way which inform or instruct customers or visitors on-site. This may include but is not limited to menu boards, directional signs, rear entrance signs and warning signs.
3. Temporary decorations or displays clearly incidental, customary and commonly associated with national or local holiday celebrations.
4. A sign that is not illuminated, not digital or electronic and not permanent in nature; for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, with the following limitation:
   a. On a parcel of less than one (1) acre, up to six (6) such signs are allowed, so long as each sign is not greater than six (6) square feet in area, except in that one of these signs may be up to thirty-two (32) square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
   b. On a parcel of one (1) acre or larger, up to six (6) such signs per acre are allowed, so long as each sign is not greater than six square feet in area, except that one sign per acre can be up to thirty-two (32) square feet in area.

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SECTION 9.04 | WIND DRIVEN SIGNS AND BANNERS

A. Standards

1. Banners and wind driven signs may be displayed for up to thirty (30) consecutive days up to four (4) times in a twelve (12) month calendar year. Permit periods may run consecutively.
2. All banners must be secured directly to the structure, fence, or post that is permanently affixed to the ground.
3. All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public rights-of-way.
4. In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit.

SECTION 9.05 | DIGITAL OR ELECTRONIC SIGN

A. Standards

1. The maximum brightness levels for signs shall not exceed three tenths (0.3) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a footcandle meter, brightness shall be in conformance with the following distance table:

TABLE 9-1: BRIGHTNESS STANDARDS

Area of Sign (square feet)	Measurement Distance (feet from sign)
0 – 10	30
10 – 24	45
25 – 49	55
50 – 99	90
100 – 149	110
150 – 199	135
200 – 300	150

2. The measurement shall be conducted at least thirty (30) minutes after sunset or thirty (30) minutes before sunrise.
3. Interactive signs are prohibited.
4. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

SECTION 9.06 | GENERAL STANDARDS FOR ALL SIGNS

The following requirements shall apply to signs in all zoning districts unless otherwise indicated.

A. Standards

1. Permits shall be required for all new signs except those Exempt Signs listed in Section 9.03.
2. Maintenance, touch-up, repainting or repair of a legal sign shall not require a sign permit.
3. All signs shall be located on the same lot as the use to which it is associated, unless they qualify as off-premise signs under this section.
4. All signs shall be permanent in nature except for those signs allowed as Exempt Signs in under Section 9.03.

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5. The total surface area of one (1) sign face of free-standing signs, roof signs and projecting wall signs shall be counted as the maximum total surface area allowance. Off-premise signs shall not be counted in maximum square foot allowance.

6. Illumination of all signs shall comply with the following standards:

   a. The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity does not generate glare onto nearby residential areas between the hours of 8 p.m. and 8 a.m.

   b. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares, as determined by the Department of Public Works.

   c. No exposed reflective type bulbs or incandescent lamps which exceed forty (40) watts shall be used on the exterior surface of a sign.

7. Each sign requiring a permit hereafter erected or remodeled shall bear, in a permanent position, an identification plate stating the date the sign was erected and the name of person, firm or entity responsible for the construction and erection.

8. Touching up, repainting or changing existing letters, text, symbols, graphics, or other content, that does not alter the existing sign area, is considered maintenance and repair and does not require a permit.

SECTION 9.07 | RURAL AND URBAN RESIDENTIAL ZONING DISTRICTS

Signs shall be allowed in Rural and Urban Residential zoning districts in accordance with the standards of this section.

A. Sign Types Allowed

1. A bulletin sign, not to exceed twenty-five (25) square feet per face, may be erected upon the premise of any public institution for the purpose of displaying the name of the institution and its activities or services.

2. One identification sign shall be allowed for each entrance to a subdivision, institutional or multi-family development, provided that:

   a. Such sign shall not to exceed thirty-two (32) square feet per face;

   b. If lighted, such sign shall utilize indirect illumination only.

B. Location

Permitted signs may be located anywhere on the property.

C. Height

The height of free-standing signs shall not exceed ten (10) feet. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roof line.

D. Illumination

Only indirect or internal illumination shall be used for letter faces and logos.

SECTION 9.08 | AFT ZONING DISTRICT

The following signs shall be allowed for nonresidential uses in the AFT zoning district.

A. Allowed Sign Area

A total of thirty-two (32) square feet of signage shall be allowed for each nonresidentially used property. Total signage allowed may be divided between flush wall and freestanding signage. Allowed signage for uses that require approval of a Conditional Use Permit shall meet the standards set forth under Section 4.03.

B. Flush Wall Signs

1. Flush wall signs may be placed on a building facade that faces a dedicated public street.

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2. In the event a building does not have frontage on a dedicated public street, the owner shall designate the building façade where wall signs shall be located.

3. Flush wall signs may extend up to twelve (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. Window signs incorporated with a window display will not be considered part of the total sign allowance.

4. A maximum of two (2) flush wall signs may be located on a building facade.

C. Freestanding Signs

1. No more than one (1), twelve (12) foot high free-standing sign shall be permitted for any parcel on each street frontage.

2. Signs may be installed at street rights-of-way line but no part of the sign shall project into the rights-of-way. In the event that lots or parcels abut streets or roads without rights-of-way or inadequate rights-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan.

3. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

SECTION 9.09 | NONRESIDENTIAL ZONING DISTRICTS

Signs shall be allowed in Nonresidential zoning districts in accordance with the standards of this subsection.

A. Signs Types Allowed

Signs in Nonresidential zoning districts may include flush wall signs, free-standing signs, projecting signs, and roof signs. All signs allowed in Rural and Urban Residential Zoning districts are also allowed in Nonresidential zoning districts.

B. Location and Size

Permitted signs may be located anywhere on the premises except as specifically restricted in this section. The total amount of signage to be allowed on any property shall not exceed the sign allowance standard of this section. No single sign may be larger than three hundred (300) square feet.

C. Flush Wall Signs and Roof Signs

1. The sign allowance shall be calculated on the basis of the length of the building facade which is most nearly parallel to the street it faces. Each building facade that faces a dedicated public street shall have its own sign allowance.

2. In the event a building does not have frontage on a dedicated public street, the owner of the building may designate the one (1) building facade which shall be used for the purpose of calculating sign allowance. In the event the only building facade that faces on a dedicated street contains no commercial display area, a property owner may designate another building facade to serve as the basis for calculating the total amount of sign area allowed.

3. Up to two (2) square feet of sign area shall be allowed for each linear foot of building facade for flush wall signs and roof signs. Flush wall signs may extend up to twelve (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. Window signs incorporated with a window display, will not be considered part of the total sign allowance.

4. If a flush wall sign and roof sign are used, the total sign allowance may be divided between the signs.

5. Roof signs shall be manufactured in such a way that they appear to be a part of the building with no visible guy wires, braces or secondary supports. Maximum height for roof signs shall be forty (40) feet above grade.

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Figure 9-1: Signage

D. Projecting Signs

1. Signs may project up to six (6) feet from the face of the building if located eight (8) feet or more above grade but shall not project beyond the back of curb. Total area per sign face shall not exceed one-half (½) square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, it need not be less than twelve (12) square feet per face.

2. On places of public entertainment such as theaters, arenas, meeting halls, etc., where changeable copy signs are used which project over public domain, the projection may be one-half (½) foot for each linear foot of building frontage provided that it does not extend further than four (4) feet back of the curb face.

E. Freestanding Signs

1. No more than one (1) free-standing sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage.

2. Maximum sign allowance shall be calculated by the linear front foot of property on a public right-of-way in accordance with the following:

TABLE 9-2: FREESTANDING SIGN AREA STANDARDS		
Number of Traffic Lanes	Maximum Sign Face Area (per foot of street frontage)	Maximum Height
2	0.75	25
3+	1.5	40

3. Signs may be installed at street rights-of-way line but no part of the sign shall project into the rights-of-way line. In the event that lots or parcels abut streets or roads with inadequate rights-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan. Single legs of one-way pairs shall be treated as four-lane roads.

4. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

SECTION 9.10 | PLANNED UNIT DEVELOPMENTS AND CONDITIONAL USES

Properties in an approved Planned Unit Development or part of an approved Conditional Use Permit shall have the

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signs on the property reviewed and approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

SECTION 9.11 | OUTDOOR ADVERTISING SIGNS

A maximum of one (1) outdoor advertising sign, erected on the ground or affixed to a wall shall be allowed per parcel of land in the C-2, I-1 and I-2 zoning districts, subject to the following conditions:

A. Height Limitations

No outdoor advertising sign shall be erected higher than forty (40) feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No outdoor advertising sign shall have a surface or facing exceeding three hundred (300) square feet in area or containing less than fifteen (15) square feet in area. Off-premise signs shall not be denied permits because of maximum size limitations for on-premise signs on the same parcel.

B. Distance

For each square foot of surface or facing of the sign, two (2) feet of space from adjacent outdoor advertising signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no sign can be erected closer than six hundred (600) feet to an existing three hundred (300) square foot sign.

C. Illumination

Outdoor advertising signs that are illuminated by indirect or external illumination shall use only downward facing, downcast light to confine direct light beams to the sign and out of the direct vision.

SECTION 9.12 | REMOVAL AND DISPOSITION OF SIGNS

A. Maintenance and Repair

1. No person shall retain on any premises owned or controlled by them, any sign which is in a dangerous or defective condition. The Director shall require the removal or repair of any sign by the owner of the sign or the owner of the premises upon which it is located. In cases of immediate danger to the public due to the defective nature of a sign, the Director may cause the immediate removal of the sign and may assess the costs of the removal against the owner of the property.
2. The appearance and safety of all signs shall be maintained by the replacement of all defective parts and by periodic painting, repainting, cleaning and other acts required for proper maintenance.

B. Abandoned Signs

1. Signs are allowed on otherwise vacant property so long as a permit is obtained (unless a permit is otherwise expressly not required) and so long as the sign allowance for the zone district is adhered to. However, a sign structure that has no content or is "blank" and has fallen into disrepair and which is located on property which is unoccupied for a period of 12 consecutive months or more shall be deemed abandoned.
2. An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this section.

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CHAPTER 10 | NONCONFORMITIES

SECTION 10.01 | GENERAL

A. Purpose

The purpose of this Chapter is to regulate uses, structures, improvements, lots, and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this LDC.

B. Nonconformities Regulated

The regulations of this Chapter address the following types of situations, all of which are collectively referred to as nonconformities.

1. Nonconforming Uses

A "nonconforming use" is one that was legally established but which no longer complies with the use regulations that apply within the zoning district in which the use is located.

A use that was legally established without a Conditional Use Permit shall be deemed to have a Conditional Use Permit and shall not be deemed nonconforming solely because a Conditional Use Permit is now required for the use.

2. Nonconforming Structures

A "nonconforming structure" is a building, improvement, and/or structure, not including signs, that was legally established but which no longer complies with the dimensional or development standards that apply within the zoning district in which the building, improvement, or structure is located.

3. Nonconforming Signs

A "nonconforming sign" is one that was legally established but which no longer complies with the sign regulations of Chapter 9.

4. Nonconforming Lots

A nonconforming lot is a tract of land, designated on a duly recorded plat, or by a duly recorded deed, or by other lawful means, that complied with the lot area, lot width, and other dimensional standards of the zoning district in which it was located at the time of its creation, but that does not comply with the minimum lot area, minimum width or other dimensional requirement of the zoning district in which it is now located.

C. Policies

1. Nonconforming Uses, Structures, Signs and Lots

a. It is the general policy of the County to allow uses, structures, signs, and lots that came into existence legally and in conformance with then-applicable requirements and do not have a negative impact on public health or safety, but that do not conform to all of the applicable requirements of this LDC, to continue to exist and be put to productive use while bringing as many aspects of the use or structure into conformance with the LDC as is reasonably practicable, all subject to the limitations of this Chapter. The limitations of this Chapter are intended to recognize the interests of the property owner in continuing to use the property in a safe and beneficial manner and allow changes and modifications to specified nonconformities, while working to reduce or eliminate nonconformities that may be detrimental to the public welfare.

b. Property owners shall be encouraged to pursue all remedies available within this LDC, including but not limited to Administrative Adjustments, Rezoning, Variances, or Subdivision in order to reduce or eliminate nonconformities.

2. Authority to Continue

Nonconformities shall be allowed to continue in accordance with the regulations of this Chapter.

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3. Determination of Nonconformity Status

   The burden of establishing that a nonconformity lawfully exists shall be on the owner, not the County (Section 10.07).

4. Maintenance

   Normal maintenance required to keep nonconforming uses, nonconforming structures, nonconforming signs, and nonconforming lots in a safe condition shall be permitted, provided that no changes or expansion shall be made unless specifically allowed by this Chapter or allowed by law or ordinance.

5. Change of Ownership, Tenancy, or Management

   Changes of ownership, tenancy, or management of an existing nonconformity shall be permitted, and in such cases the nonconforming situation shall continue to be subject to the standards of this Chapter.

6. Appeals

   The Director's decisions regarding nonconformities as set forth in this Chapter may be appealed to the Board of Adjustment, in accordance with the provisions of Section 4.02 of this LDC.

SECTION 10.02 | NONCONFORMING USES

Nonconforming uses shall be subject to the following standards.

A. Nonresidential Uses

1. Expansion

   In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded provided all other provisions of this LDC are met.

   a. A nonconforming nonresidential use shall not be expanded in any residential zoning district.

   b. Any expansion of a nonresidential use that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:

      (1) An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection 2. below.

      (2) For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area, as set forth in this LDC.

2. Change of Use

   The Director may approve a different use, provided such use is deemed by the Director to be less intense and/or have fewer negative impacts on public health or safety than the existing use. Prior to approval, the Director shall consider traffic generation, parking, and screening requirements for the new nonconforming use. No change to a more intense nonconforming use is allowed.

   a. A nonconforming use may be changed to a conforming use subject to the processes identified in this LDC.

3. Abandonment

   A nonresidential nonconforming use that has been discontinued for a period of one (1) year, ~~period~~ for whatever reason, shall be considered ~~to be~~ abandoned and shall not be reestablished. Any use on the property after that time shall conform to all provisions of this LDC. Evidence of intent to abandon is not required.

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4. Relocation

A nonresidential nonconforming use may be moved in whole or in part to another portion of the property, provided the relocation will bring the use into conformance with applicable development standards or otherwise reduce the degree to which the use is nonconforming or impacts to neighboring properties.

5. Damage or Destruction

A nonconforming nonresidential use that is damaged or destroyed may be reestablished in accordance with the following:

a. A use may only be reestablished within a conforming structure, except as may be permitted in Section 10.03 of this chapter;

b. All restorative and other work must be in compliance with current fire and building codes and other applicable regulations;

c. A building permit must be issued within one (1) year from the date of the damage; and

d. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.

e. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the claim beyond the applicant's control.

B. Residential Uses

A "nonconforming residential use" is a structure or property that contains more dwellings than allowed by the zone or is a dwelling located in a nonresidential zone that does not permit residential uses.

1. Expansion

In all zones, a residential use may be expanded if no additional dwelling units are created and all other provisions of this LDC are met. Accessory structures for a nonconforming residential use such as a garage or storage shed shall be allowed if all applicable provisions of this LDC are met. Accessory dwelling units shall not be permitted.

a. Any expansion of a residential use that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:

(1) An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection (2) below.

(2) For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area, as set forth in this LDC.

2. Abandonment

a. A nonconforming residential use, other than a single-family dwelling, that has not been occupied for a continuous period of one (1) year, for whatever reason, shall be considered to be abandoned and shall not be reoccupied except in conformance with all applicable provisions of this LDC. Evidence of intent to abandon the nonconforming use is not required.

b. A nonconforming single-family dwelling that has not been occupied for a continuous period of one (1) year or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use, and unless reoccupying the structure poses a risk to public health and safety.

c. Removal of a nonconforming mobile home or manufactured home, not in a mobile home park,

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from its foundation or pad for a continuous period of one (1) year shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this LDC. Evidence of intent to abandon the nonconforming mobile home or manufactured home use is not required.

3. Damage or Destruction

Nonconforming residential uses that are damaged or destroyed may be reestablished in accordance with the following:

a. All portions of the structure being restored are not and were not on or over a property line;

b. The number of dwelling units does not increase;

c. All construction must be in compliance with current fire and building codes and other applicable regulations;

d. A building permit must be obtained within one (1) year from the date of the damage; and

e. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.

f. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the loss beyond the applicant's control.

C. Agricultural Uses

Agricultural uses, as defined in Section 12.07 A. of this LDC, that are located in the Rural zoning districts shall not be deemed to have been abandoned regardless of how long the use has been abandoned.

D. Accessory Uses

No use that is accessory to a principal nonconforming use shall continue after the principle use is abandoned, damaged or destroyed and not reestablished according to this Section.

SECTION 10.03 | NONCONFORMING STRUCTURES

Nonconforming structures shall be subject to the following standards.

A. Enlargement

1. Any expansion of a nonconforming structure that increases the degree of nonconformity shall be prohibited. Expansions of the structure that comply with applicable dimensional standards shall be permitted. (For example, adding to a building within the allowable setbacks when another part of the building is encroaching into a setback is permissible. Increasing the height of a building over the portion of a building that is encroaching in a setback would not be permitted.) The determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Director.

2. Any expansion of a structure that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:

a. An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection (b) below.

b. For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area as set forth in this LDC.

B. Damage or Destruction

In the event that any nonconforming structure is damaged or destroyed, such structure may be reconstructed in accordance with the following:

1. All portions of the structure being restored are not and were not on or over a property line;

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2. The number of dwelling units does not increase;

3. All construction is in compliance with current construction codes, such as the fire and building codes and other applicable regulations;

4. A building permit must be obtained within one (1) year from the date of the damage;

5. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit; and

6. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the loss beyond the applicant's control.

C. Relocation

Nonconforming structures shall not be moved unless the movement or relocation will bring the structure into compliance or closer to compliance with applicable dimensional standards.

SECTION 10.04 | NONCONFORMING LOTS

A. Uses

A parcel of land with an area or other dimension less than prescribed in the applicable zone may be used for any purpose permitted in the zoning district if:

1. The owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created;

2. No reasonable alternative exists to make the nonconforming lot conforming, such as the addition of adjoining land under the property owner's control; and

3. The use meets all other regulations prescribed for the zoning district prior to occupancy or use.

B. Vacant Lots

Vacant nonconforming lots may be developed with uses permitted in the underlying zoning district, provided that they comply with the minimum setback standards of this LDC. If the underlying zoning district allows a variety of uses and one or more uses and intensities that would comply with applicable lot area, lot width, or other dimensional and development standards while others would not, then only the uses or intensities that comply with applicable dimensional standards shall be permitted.

C. Developed Lots

If a developed nonconforming lot is occupied by a building or structure, then the owner may continue the use of that building or structure in any way that does not increase the extent of nonconformity. An increase in building size shall not be deemed to increase the extent of nonconformity unless it encroaches into a required minimum setback, exceeds the maximum allowed height or otherwise violates a required zoning district intensity, density, dimensional, or development standard.

D. Dimensional Standards

Development on nonconforming lots shall comply with the dimensional standards of the underlying zoning district. If the owner is able to demonstrate to the satisfaction of the Director that there would not be sufficient area to build a structure on a nonconforming lot in compliance with the dimensional standards, the following alternative setbacks may be used:

1. Interior Side and Rear Setbacks

The minimum interior side and rear setback shall be permitted to be three (3) feet.

2. Street Setbacks

The minimum street setback shall be permitted to be twenty (20) percent of the lot depth.

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SECTION 10.05 | NONCONFORMING SIGNS

A. Change of Copy; Repairs

Change of copy or the substitution of panels or faces on nonconforming signs shall be permitted. Repairs and maintenance of nonconforming signs, such as repainting, electrical repairs, and neon tubing replacement shall be permitted. Alterations to nonconforming signs that change the structure, character, or function of the sign shall not be permitted, except in accordance with Chapter 9 of this LDC.

B. Discontinuance

Any nonconforming sign that ceases being used for a continuous period of one (1) year or more shall not be reused for sign purposes until it is brought into full compliance with the standards of Chapter 9. Any nonconforming sign that pertains to a business or institution that ceases operation for a period of one (1) year or more shall not be reused for sign purposes until it is brought into full compliance with the sign regulations of Chapter 9.

SECTION 10.06 | NONCONFORMITIES CREATED BY PUBLIC ACTION

When lot area or setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose and the remaining area is at least seventy-five (75) percent of the required minimum standard for the district in which it is located, then that lot is deemed to be in compliance with the minimum lot size and setback standards of this LDC.

SECTION 10.07 | CERTIFICATION OF NONCONFORMING STATUS

Owners of nonconforming uses, structures, or signs may request a "Certificate of Legal Nonconforming Status" by filing an application with the Director in accordance with the "Written Interpretation" procedures of ~~Section 4.21~~Section 4.22. The application shall be accompanied by documentation that establishes the approximate date that the use, structure, lot, or sign was established. The Director shall be authorized to require additional information if deemed necessary to permit an accurate determination. "Certificates of Legal Nonconforming Status" shall not be required. Once issued, a certificate shall be recorded with the Mesa County Clerk and Recorder, clearly identifying the land by parcel number and/or a legal description of the property. The certificate shall "run with the land;" and its status shall not be affected by changes of tenancy, ownership, or management.

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CHAPTER 11 | VIOLATIONS AND ENFORCEMENT

SECTION 11.01 | RESPONSIBILITY FOR ENFORCEMENT

The Director shall be responsible for enforcing this Land Development Code, unless otherwise specifically stated.

SECTION 11.02 | TYPES OF VIOLATIONS

Any of the following shall be a violation of this LDC and shall be subject to the remedies and penalties provided for in this LDC:

A. Use, Structure or Sign Without Permit or Approval

To place any use, structure, improvement, or sign upon land that is subject to this LDC without all of the approvals required by this LDC;

B. Activities Inconsistent with Land Development Code

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, improvement, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this LDC;

C. Activities Without Permit or Approval

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this LDC, without all of the approvals required by this LDC;

D. Activities Inconsistent with Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity;

E. Activities Inconsistent with Conditions

To violate, by act or omission, any term, condition, or qualification placed by a Decision Making Body upon any permit or other form of authorization;

F. Making Lots or Setbacks Nonconforming

To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this LDC;

G. Increasing Intensity of Use

To increase the intensity of use of any land, improvement, or structure, except in accordance with the procedural requirements and substantive standards of this LDC;

H. Removing or Defacing Required Notice

To remove, deface, obscure or otherwise interfere with any notice required by this LDC;

I. Failure to Remove Signs or Other Improvements

To fail to remove any sign or other improvement installed, created, erected or maintained in violation of this LDC, or for which the permit has lapsed.

J. Violation of National Flood Insurance Program (NFIP) Standards

To fail to be fully compliant with ~~Section 8.14~~Section 8.13, Floodplain Regulations, within this LDC. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is in violation of this LDC.

SECTION 11.03 | CONTINUING VIOLATIONS

Each day that a violation remains uncorrected after receiving notice of the violation from the County shall constitute a separate violation of this LDC.

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SECTION 11.04 | REMEDIES AND ENFORCEMENT POWERS

The County shall have the following remedies and enforcement powers:

A. Withhold Permits

The County may deny or withhold all permits, clearances, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this LDC, or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County, until the violation is corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The County may deny or withhold all permits, clearances, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this LDC, until the violation is corrected. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

B. Permits Approved with Conditions

Instead of withholding or denying a permit or other authorization (as described in Section 11.04 A.), the County may grant such authorization subject to the condition that the violation be corrected.

C. Revoke Permits

Any development permit or other form of authorization required under this LDC may be revoked when the Director determines:

1. That there is departure from the plans, specifications, or conditions as required under terms of the permit;
2. That the development permit was procured by false representation or was issued by mistake; or
3. That any of the provisions of this LDC are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

D. Stop Work

With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this LDC or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

E. Revoke Plan or Other Approval

Where a violation of this LDC involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of County Commissioners may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), and after a public hearing, revoke the plan or other approval or condition its continuance on (1) strict compliance with this LDC; (2) the provision of security to ensure that construction is completed in compliance with approved plans, or (3) such other conditions as the Board of County Commissioners may reasonably impose.

F. Injunctive Relief

The County may seek an injunction or other equitable relief in court to stop any violation of this LDC, or of a permit, certificate or other form of authorization granted hereunder and may recover costs of any such action.

G. Abatement or Removal of Unapproved Activity

The County, pursuant to Section 30-28-124 of the Colorado Revised Statutes, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use and to otherwise restore the premises

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in question to the condition in which they existed prior to the violation.

H. Penalties

The County may seek such criminal or civil penalties as are provided by Colorado law.

I. Other Remedies

The County shall have such other remedies as are and as may be, from time to time, provided by Colorado law for the violation of zoning, subdivision, sign or related LDC provisions.

J. Other Powers

In addition to the enforcement powers specified in this Chapter, the County may exercise any and all enforcement powers granted by Colorado law.

K. Continuation

Nothing in this LDC shall prohibit the continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

SECTION 11.05 | REMEDIES CUMULATIVE

The remedies and enforcement powers established in this Chapter shall be cumulative, and the County may exercise them in any order.

SECTION 11.06 | ENFORCEMENT PROCEDURES

A. Non-Emergency Matters

In the case of violations of this LDC that do not constitute an emergency or require immediate attention, the Director shall give notice of the nature of the violation to the property owner, or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have thirty (30) days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance, and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters

In the case of violations of this LDC that constitute an emergency situation as a result of safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this Chapter without prior notice, but the Director shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

C. Enforcement Actions Involving Agricultural Operators

Before taking enforcement action to correct a violation of this LDC by any agricultural operator, the Board of County Commissioners shall direct the Agricultural Advisory Panel to investigate the alleged violation to determine whether a violation of this LDC exists, and whether the activity is protected under the County's Right to Farm and Ranch policy as "historical, traditional, legitimate and reasonable." The Agricultural Advisory Panel shall have fifteen (15) days to return its findings and recommendations to the Board of County Commissioners.

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CHAPTER 12 | DEFINITIONS

SECTION 12.01 | GENERAL

A1-30, AE: (Flood Hazard Zone): Area of special flood hazards with base flood elevations determined.

AASHTO: American Association of State Highway and Transportation Officials

AH: (Flood Hazard): Area of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet, and with water surface elevations determined.

A0: (Flood Hazard Zone): Area of special flood hazards having shallow water depths (usually sheet flow) between one and three feet and with water surface elevations determined. Areas of alluvial fan flooding, velocities also determined.

Abut/Abutting: To physically touch or border upon; or to share a common property line or border.

Access: A way or means of approach to provide safe, adequate and usable physical entrance and exit to a property, use, or parking space.

Accessory Use: A use or structure that:

1. Is clearly incidental to and customarily found in connection with a principal structure or use;
2. Contributes to the comfort, convenience or necessity of occupants of the principal use; and
3. Is located on the same lot and in the same zoning district as the principal use.

Adjacent: Same as "abutting."

Adult Bookstore: Any establishment that sells or rents Adult Material including but not limited to books, magazines, movies, films, slides, or other photographic or written material and/or devices.

Adult Cabaret, Restaurant or other Business: A cabaret, restaurant or place of business that features topless or bottomless dancers, waitresses, waiters, or entertainers.

Adult Entertainment Establishment: Any establishment that conducts as a principal use of the premises or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of live entertainment, dancing or material that is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas as an attraction to the premises, including but not limited to Adult Bookstores, Adult Hotels/Motels, Adult Motion Picture Theaters, Adult Restaurants, Adult Cabarets or other Adult Businesses.

Adult Hotel or Motel: Any hotel or motel in which the presentation of Adult Material is the primary or a principal attraction.

Adult Material: Any material including, but not limited to books, magazines, newspapers, movie films, slides, or other photographic or written materials, video tapes or devices that are distinguished by their emphasis on depicting, describing or relating to Specified Anatomical Areas or Specified Sexual Activities.

Adult Motion Picture Theater: Any fully enclosed theater in which the presentation of Adult Material is the primary or principal attraction.

Agrivoltaics: Agrivoltaics, agrophotovoltaics, agrisolar, or dual-use solar is the integrated use of land for both solar panels and agricultural production, such as crop or livestock production ~~or pollinator habitats~~, underneath ~~or adjacent to~~ the solar panels. The relationship between the solar panels and agricultural production must be interdependent and the principal use of the property must remain agricultural. To qualify as a valid agricultural use, the property must demonstrate at least 24 months of verified commercial agricultural activity prior to the installation of the solar facility. Furthermore, this agricultural use must be maintained as continuous, commercial-based activity following the solar installation.~~.~~

Air Navigation Facility: Any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe take-off, navigation, and landing of aircraft, or the safe and efficient operation or

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maintenance of an airport, and any combination of any or all of such facilities.

Airport: Any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon however financed. Such facilities may also include land and buildings, together with all appurtenances necessary or convenient thereto for the accommodation or convenience of the public, whether or not the members of the public so accommodated are directly or indirectly engaged in transportation by air, including, but not limited to, parking, dining, recreational, and hotel facilities.

Airport Environs: The geographic area that is affected by the airport air traffic operations and defined on the basis of those lands immediately affected by the 65 Ldn and greater noise exposure area from the Airport Environs Overlay Maps. For purposes of conveyance of avigation easements, the airport environs shall also include the area identified as the Airport Area of Influence (Subdistrict A).

Amateur Radio: Radio communications, which are licensed or regulated as such by the Federal Communications Commission.

Animal - Nondomestic: An animal not normally adapted to live and breed in a tame condition (see Animal - Exotic).

Animal Confinement: Any building, corral, pen or other enclosure used for the feeding or care of 20 to 1,000 animal units. Any sorting pens, alleyways, milking parlors, shelters, scales, or other equipment and buildings directly related to the operation shall be considered accessory uses to the animal confinement.

Animal - Exotic: An animal introduced from another country not normally kept as a household pet or farm animal.

Animal - Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. A limit of one litter, brood, or offspring is permitted, per household, per year.

Animal Unit: A unit of measurement used to determine the animal capacity of an animal-feeding operation containing one or more species of animals.

Animal Waste Collection System: A system, including pipelines, conduits, pumping stations, force mains, and all other construction, devices, appurtenances, and facilities, used for collecting or conducting wastes to an ultimate point for treatment or disposal.

Animal Waste Treatment Facility: An animal waste receiving facility designed to digest or alter animal waste either mechanically or biologically.

Antenna: Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

Antenna Array: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). It does not include a "telecommunications support structure."

Apartment: (see Dwelling, Multiple-Family)

Architectural Metal: Including but not limited to: steel, aluminum, copper, and zinc, fabricated into functional and decorative elements utilized for structural support and/or aesthetic features.

Area of shallow flooding: A designated AH or AO zone with a one (1) percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Avigation Easement: An avigation easement limits construction and heights of vegetation, and grants the right of flight over the surface together with the right, subject to the applicable local, state, and federal laws (such as noise pollution laws) to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and other effects of aircraft operations.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building that is partly or completely below grade.

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Battery Energy Storage System (BESS): A system consisting of one or more battery modules capable of collecting and storing energy from the grid or a generation facility and then discharge that energy to the electrical grid at a later time. A BESS is not a system of one or more batteries used within a residence or business for personal or private use.

Bed and Breakfast: A facility of residential character that provides sleeping accommodations and breakfast for hire on a day-to-day basis in which the proprietor resides.

~~Behind-the-meter: Means an energy resource that is interconnected on the property owner's side of the utility meter providing electric energy primarily to serve the property owner's loads.~~

Commented [WU115]: This is not a phrase that is used in the LDC.

Best Management Practices (BMP): Practical activities, procedures, or practices necessary for achieving minimum compliance with appropriate standards (e.g., air quality, odor, water quality, etc.).

Business Residence: Dwelling unit(s) on the site of a nonresidential use.

Building: Anything constructed, erected or placed, which requires a permanent location on the ground or is anchored to the ground, or attached to something having a permanent location on the ground. This includes, but is not limited to advertising signs (on- or off-premise), antennas, satellite dishes, wind generators, and buildings, whether for storage or occupancy. It does not include fences that are less than seven (7) feet in height, poles, lines or other transmission or distribution facilities of public utilities or services.

Building, Principal: The building or structure that is occupied by the principal use.

C.R.S.: Colorado Revised Statutes

Campground: An outdoor facility designed for temporary overnight accommodation in tents or shelters for recreation, education, or vacation purposes. A campground is a principal use of land in this LDC. Common accessory uses may include shower or toilet facilities or small retail sales of camping-related items operated solely for the benefit of those staying in the camping area.

Camping: The overnight use of camping equipment or facilities such as tents, tarpaulins or temporary shelters or the overnight use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

Cemetery: Land used for burial of the dead, whether human or animal, including a mausoleum or columbarium.

Channel: A natural or artificial low-lying area of perceptible extent, with a definite bed and banks, which confines and conducts continuous or periodic flows of water.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, preservation of environmentally sensitive areas or agricultural uses.

Co-location: The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities will take place at different times on different schedules under one plan. An example would be a commercial development with multiple separate buildings constructed over the course of multiple construction schedules.

Community Solar Garden: A solar power generating facility designed to produce electricity as defined in C.R.S 40-2-127. A community solar garden may include battery storage equipment as accessory equipment.

Conditional Letter of Map Revision (CLOMR): FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Confined Animal Feeding Operation: An agricultural operational unit that meets all of the following criteria: (1) is designed to confine more than 1,000 animal units, (2) animals are confined, fed, and maintained for 45 consecutive days or more between May 15 and September 15, (3) crop or forage growth is not maintained in the area of confinement, (4) a majority of the crops or forage used to feed the animals is not grown on the same property, and (5) generates an average of more than five truck trips per week transporting animals to or from the confinement area (see also, "Animal Confinement").

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Concealed, or Stealth: Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a Tower such as light poles, power poles and trees. The term Stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole Tower designs.

Conservation Easement: A Deed Restriction placed on property that restricts its owner to specific limited uses of the property, typically agriculture or as passive, private open space.

Contributing: A building, structure, site or object located within a Historic District that has sufficient historic, architectural or cultural significance and physical integrity and is related by a pattern of physical elements or social and cultural activities to other properties within the Historic District, so as to add to the historic significance of the Historic District.

Cooperative Planning Area: An Intergovernmental Agreement between Mesa County, the Town of Palisade, the City of Fruita and the City of Grand Junction also commonly known as a Community Separator and Buffer Zone.

County Register of Historic Landmarks (County Register): A listing of significant historic places that represent the historical, architectural and cultural heritage of Mesa County and are worthy of recognition and preservation. Places may be a building, site, structure, object or district.

Data Center: A building or buildings whose primary use is to house information technology or telecommunications equipment with which digital information is processed, transferred, and/or stored. A data center may include associated ancillary structures, including, but not limited to, offices, security buildings, cooling water tanks, and backup power systems.

Decision Making Body (Decision-Maker): the entity (Board of County Commissioners, Planning Commission, other board or commission or department head) that is authorized to finally approve or deny an application or permit required under this LDC.

Dedication: The grant of an interest in property to the public for public use and benefit.

Deed: A legal document conveying ownership or other interests in real property.

Deed Restriction: A legal document, recorded with the County Clerk describing restricted activities on a property, which may or may not include a Conservation Easement.

Designated Floodplain: An area designated by official action by the Board of County Commissioners.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, or enlargement of any structure; and any mining, dredging, filling, grading, paving excavation, drilling operation or storage of equipment and materials.

Domestic Livestock: Those animals listed on the Table of Animal Unit Equivalents in Section 6.04 B., Animals, within this LDC.

Driveway: A paved or unpaved area used for the ingress and/or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Duplex: Two dwelling units structurally attached, located on the same lot and designed to be occupied by two households living independently of each other.

Dwelling Unit: A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities. ~~Buildings with more than one kitchen shall be considered multi-dwelling structures.~~

Commented [WU116]: This is an indicator of multiple units, however, there are many reasons why a dwelling unit might have more than one kitchen. This is why a definition of "Single Housekeeping Unit" was added.

Easement: An interest or right in land owned by another that entitles its holder to a specific limited use which is reserved, conveyed or granted by the property owner to and for the use of the public, a utility, a corporation or other persons, without the transfer of fee title.

Electric Vehicle Charging Station: A facility in which electric vehicle charging services are made available to the public or to a group of occupants or users of the property or development, including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Commented [WU117]: Required due to HB24-1173. Definition from DOLA Template County Land Development Code

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Electrical Transmission Line: Means any electric transmission line and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of the transmission of electricity at 115 kilovolts or greater.

Energy Generation/Production Facility: A facility designed to generate electricity by the conversion of natural resources such as light, fossil fuels, nuclear or water which is directly connected to the utility grid supplying electricity serving a wide customer base without being connected to specific end-users.

FAA: Federal Aviation Administration

FIRM: Flood Insurance Rate Map

ft.: Feet

Feedlot: See Confined Animal Feeding Operation.

Fence: A barrier constructed to mark a boundary or to prevent exit from or entry onto or into premises or property to screen premises or property from view or noise. A fence may be constructed of any material not otherwise prohibited herein, provided that the height of the fence is equal to or less than seven (7) feet and the thickness of the fence, excluding poles, posts, pillars, or columns less than sixteen (16) inches.

Field Office Headquarters for Oil and Gas: Land uses which provide central oil and gas field office facilities for operators of oil and gas wells, gathering lines, and gas processing and compression facilities. Oil and gas field office facilities are for the purpose of allowing these operators to locate and maintain personnel and equipment headquarters in close proximity to their areas of operations. These land uses may be allowed in locations in the more remote rural areas of Mesa County. Field office facilities include buildings with offices for employees, day rooms for unexpected overnight stays by personnel caused by unforeseen weather and operational circumstances (not for routine occupancy), temporary office space for employees and contractors, warehouses, outdoor storage of equipment, supplies, fuel and chemicals necessary for oil and gas field operations on the site, lay down yards, maintenance shops for vehicles, equipment and prefabrication of oil and gas facilities, and private communication towers and satellite dish communication equipment. This use is not intended to replace those uses more appropriately permitted under Oil and Gas Support Services.

Fill: A deposit of material or obstruction of any kind which is placed, stored, or dumped within an area subject to flooding.

Fire Protection District: A Fire Protection District within Mesa County is defined as one which has been recognized by resolution as per C.R.S 32-1-102 (2022) by the BoCC.

Flea Market: Commercial activities held in an open area or enclosed structure in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various individuals where goods are offered for sale to the general public by individual sellers. This does not include shopping centers, individual retail operations, or sales conducted by a nonprofit or charitable organization. Flea markets are also known as swap meets, auctions or open-air markets or other similarly named or labeled activities. Garage sales, rummage sales, and events defined in Section 6.05 B. are not considered to be flea markets.

Flood: Temporary rise in a watercourse, flow, or stage, that results in water overlapping its banks and inundating areas adjacent to the channel.

Flood Fringe District: The area within the 100-year floodplain in which the flood waters are relatively shallow, and move at velocities in the neighborhood of one to four feet per second.

Flood Fringe: The area, other than the stream channel and floodway, which occupies the remainder of the 100-year floodplain, and receives shallower waters and less velocities, as defined by the Federal Emergency Management Agency.

Flood Insurance Study: An official report provided by the Federal Emergency Management Agency (Federal Emergency Management Agency) that includes profiles, the Floodplain and Floodway Boundary Maps, and the water surface elevation of the 100-year flood.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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Flood of One Hundred Year Frequency (100-Year Flood): A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year, as determined by probability analysis of historical and hydrological data.

Flood Prone Area: An area adjoining a watercourse, which may be considered subject to flooding during the 100-year flood on the basis of historical information, topography, vegetation, and other naturally occurring indicators, but where precise dimensions of the 100-year floodplain have not been delineated by Flood Insurance Studies.

Flood Proofing: A combination of provisions, changes, or adjustments to structures and movable objects, or to surrounding areas, primarily for the reduction or elimination of flood damages.

Flood Regulatory Area: That portion of the floodplain that is subject to inundation by the 100-year flood. This area may be divided into the Floodway District and the Flood Fringe District.

Floodplain: The floodplain is made up of three parts, the stream channel, the floodway, and the flood fringe, as defined by the Federal Emergency Management Agency.

Floodway District: That portion of the designated floodplain which is required to carry and discharge a 100-year flood without cumulatively increasing the water surface elevation more than a designated height at any point. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (.5) foot. Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Floor Area: Measurement in determining the minimum floor area of a building/structure. All measurements shall be made along the outside enclosing walls, except that the garage and carport areas shall not be included as a part of the required floor area.

Forestry: A land use which creates, conserves and manages forests and forest lands for the continuing use of both commodity and non-commodity benefits.

Forestry Support Services: Land uses which provide support service for forestry land uses in that they contract with private land owners and public land managers to harvest trees. Forestry support services' sites include office space, storage and maintenance of equipment used to harvest and transport forest trees, and storage of harvested trees. Wood grinding/chipping may be allowed as an accessory use.

Frontage: The length of any one property line of a premise, which property line abuts a legally accessible street right-of-way.

Fuel Sales, Vehicle/Appliance: A lot or portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles or certified tanks, or the principal use of land for an Electric Vehicle Charging Station, or a lot or portion of a property that includes a combination of those forms of vehicle/appliance fuel dispensing and electric charging facilities. Such an establishment may offer other convenience items for retail sale as a clearly secondary activity.

Commented [WU118]: Required due to HB24-1173. Definition from DOLA Template County Land Development Code

Full Cutoff Light Fixture: A light fixture in which no more than two and one half (2.5) percent of its total output is emitted above ninety (90) degrees from the vertical pole or building wall on which it is mounted.

Greenhouse/Nursery: An establishment engaged principally in the cultivation of and sale of trees, shrubs, flowers, or other plants. Accessory uses may include but are not limited to the sale of materials commonly used for landscaping purposes such as soil, rock, mulch, packaged fertilizers or chemicals. The seasonal sale of locally produced fruits and vegetables (produced on the Western Slope) is permitted as an accessory use.

Grade: (a) The slope of a road, street or other public way, specified in percentage terms, and (b) The average elevation adjoining all the walls at ground level of the buildable area, i.e. the area conforming to all setback requirements, of a lot, tract or parcel of land.

Hazardous Substance: Any material as described in 40 CFR 300.5.

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Hazardous Substance User: A nonresidential use that consumes or produces in the course of its activities, or as a byproduct of its activities, over 1,000 pounds of any hazardous substance within any one year.

Heavy Equipment: Any vehicle with a gross weight greater than fifteen thousand (15,000) pounds which is used primarily for commercial purposes, including but not limited to trucks, earthmovers, backhoes and loaders, but not including recreational vehicles or farm equipment.

Historic District: A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Historic Landmark: A building, structure, site, object or district that is of historic, architectural or cultural significance to the community, region, state or nation, and is so designated and listed on the County Register of Historic Landmarks.

Historic Resource: A building, site, structure, object or district that is listed on the County Register of Historic Landmarks, the State Register of Historic Properties, or the National Register of Historic Places.

Home Occupation: A business, profession, occupation or trade conducted for gain, conducted within a dwelling unit for gain or support by a resident of the dwelling unit.

Household: Any one of the following:

1. A single person occupying a dwelling unit;
2. Any number of people occupying a dwelling unit as a single housekeeping unit; or
3. The number of persons occupying each dwelling unit described above shall not exceed the maximum permitted by the applicable building code or safety code or by any applicable state or federal law or regulation.

~~1. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or~~

~~2. A group of not more than five persons not related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit; or~~

~~3. Two unrelated persons and their children living together in a dwelling unit.~~

Commented [GM119]: HB24-1007 - Definition from DOLA Template County Land Development Code

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater or other water into previously undeveloped land.

Improvement: Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

Junk: Used, old, or second-hand or scrap: machinery; dismantled machinery, equipment, vehicles, and parts; ferrous and non-ferrous metals; paper or paper products; fibers or fabrics; wood or wood products; tires or tire parts; manufactured rubber or plastic products; tools; appliances; implements or portions thereof; glass, clay, or porcelain products; trash or similar materials; cordage, building materials, dismantled machinery or other waste that has been abandoned from its original use.

Junk Yard: Any lot, site, yard, building, structure or other place, covered or uncovered, used for any one or all of the following purposes:

1. The collection, storage, keeping, abandonment or sale of junk whether of value or valueless.
2. The collection, storage, keeping, abandonment or sale of metal parts or scrap metals or any other scrap materials whether of the same source or kind; and/or,
3. The collection, storage, keeping, abandonment, wrecking, salvage, sale or exchange or abandonment of automobiles or parts thereof or of any other machinery or parts thereof, except as otherwise may be permitted in these regulations.

Kennel: Any place or premises used in whole or in part for the purpose of keeping, boarding, breeding or sale of domesticated dogs and/or cats in which six (6) or more domestic animals exist, and all of which exceed four (4) months in age, to include animal pounds and shelters.

Land Surveyor: A land surveyor licensed and registered in the State of Colorado.

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Large Construction Project: Any project hauling four thousand five hundred (4500) tons of material within a one (1) month time frame.

Ldn: Interior Day-Night Average Noise Level

Ldn Contour: A line linking together a series of points of equal cumulative noise exposure based on the Ldn metric. Such contours are based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway use patterns.

Letter of Map Revision (LOMR): FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Lot: A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot Lines: The property lines along the edge of a lot or site.

Lot Line, Front: The shortest lot line of all street lot lines. If all street lot lines are the same length, then all shall be considered front lot lines.

Lot Line, Rear: A lot line that is opposite a front lot line, but which does not abut a street. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

Lot Line, Side: Any lot line except a street or rear lot line.

Lot Line, Street: Any lot line that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot lines can include front lot lines and side lot lines.

Lot Area/Size: The total horizontal area included within lot lines.

Lot, Corner: A lot located at the intersection of and abutting two or more streets.

Lot Depth: The average distance from the front lot line to the rear lot line, measured in the general direction of the side lot lines, that is, from the direction the lot faces and is addressed by.

Lot, Double Frontage: A lot having a frontage on two streets that do not intersect at the boundaries of the lot, as distinguished from a corner lot.

Lot, Flagpole: A lot not meeting minimum frontage requirements and where the access to the public or private road is by a narrow private right-of-way or driveway, also known as a flagpole. The length of the flagpole shall be measured from the frontage line to the nearest point of intersection with the property line parallel or most nearly parallel to the frontage line. The area of the flagpole shall not be included determining the site area of a flagpole lot.

Lot Frontage: That dimension of a lot or a portion of a lot abutting a street right-of-way, excluding the exterior side dimension of a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot of Record: A lot which is part of an approved plat, the map of which has been recorded in the office of the Mesa County Clerk and Recorder.

Lot, Reverse Frontage: A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Lot Width: The distance between the side lot lines, measured at the required street setback line.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

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Manufactured Home: Single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401), which became effective June 15, 1976 (i.e. HUD approved). The structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 30 body feet in length, or, when erected on site is 360 or more square feet, and which is built on a permanent chassis and designed to be used for human occupancy with or without a permanent foundation and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured Home Park: A unified development of mobile home or manufactured home spaces arranged on a tract of land for the purpose of renting or leasing spaces or manufactured homes or mobile homes meeting the requirements of these regulations.

Manufactured Home Park, Existing: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 18, 1973, the effective date of the floodplain management regulations adopted by Mesa County.

Manufactured Home Park, New: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 18, 1973, the effective date of the floodplain management regulation adopted by Mesa County.

Manufactured Home Park, Expansion: The preparation of additional sites to an Existing Manufactured Home Park or Subdivision by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Mesa County Master Plan: includes the Mesa Countywide Land Use Plan, the Mesa County Land Use and Development Policies and other plans and policies adopted pursuant to C.R.S. §30-28-108 as elements of a Master Plan.

Mineral: An inanimate constituent of the earth, in either solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material. This definition does not include surface or ground water useable for domestic, agricultural, or industrial purposes, nor does it include geothermal resources subject to regulation under C.R.S. §37-90.5-101 et seq. or oil and gas resources subject to regulation under C.R.S. §34-60-101, et seq.

Mineral Deposit: An area in which minerals are located in sufficient concentrations in veins, deposits, bodies, beds, seams, fields, pools or otherwise capable of economic recovery.

Mining: The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater.

Minor Entertainment Events: Events such as weddings, reunions or other social or business gatherings scheduled and held as a business enterprise on a property in a rural zone district. Activities may be held indoors and/or outdoors.

Mixed Use District:The Mixed Use District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The Mixed Use District also permits a mix of residential and retail/service uses in close proximity to each other.

Multi Family: ~~A building containing three or more dwelling units, designed for occupancy by three or more households living independently of each other. All of the units are located on one lot under one ownership with accessory uses limited to common office, laundry and recreational facilities used by the occupants. Also called an apartment~~ One or more buildings or portion of buildings on a single lot or parcel of land that contains three (3) or more individual dwelling units, where each unit is occupied by one household living independently of each other and maintaining separate cooking facilities and where each unit has an individual entrance to the outdoors or to a common hallway. This use includes facilities that provide independent living services but that are not required to be licensed by the state of Colorado.

Commented [WU120]: The proposed language clarifies the current definition, which could be interpreted as allowing only one building in a multi-family development. The language is from DOLA Template County Land Development Code.

Municipal Separate Storm Sewer System: A conveyance or the system of conveyances, including roads with

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drainage systems, municipal streets, curbs, gutters, ditches, drainage inlets, catch basins, pipes, tunnel, culverts, channels, detention basins and ponds owned and operated by a municipality or county and designed or used for collecting or conveying stormwater that is not a combined sewer or used for collecting or conveying sanitary sewage.

N/A: Not applicable

National Register of Historic Places (National Register): The list of places significant in American history, architecture, archeology, engineering or culture on a national, state or local level, as designated by the Secretary of Interior. Places may be a building, site, structure, object or district.

Neighborhood Association:Any group that has filed required registration forms and map and description of its boundaries with the Director.

New Construction (Related to Floodplain Management): For the purpose of determining flood insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (Flood Insurance Rate Map) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

No-Rise Certification: A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Noncontributing: A property within the boundaries of a Historic District that has had substantial alterations, is not of sufficient age, or is otherwise deemed not historic and does not add to the historic character, significance or architectural integrity of the Historic District.

Nonresident Employee: Means an employee, business partner, co-owner, or other person affiliated with a home occupation, who does not live at the site but who reports to the site in person as part of the home occupation.

Nuisance Conditions: Means "public nuisance" as defined by common and case law.

Nursing Care Facility: A licensed health care entity that is planned, organized, operated and maintained to provide supportive, restorative and preventative services to persons who, due to physical and/or mental disability, require continuous or regular inpatient nursing care.

Commented [GM121]: Definition from Colorado Department of Public Health & Environment

Obstructions: Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification culvert, building, fence, stockpile, refuse, fill, structure or matter, in, along, across, or projecting into any drain way, channel, or watercourse, which might impede, retard or change the direction or flow of water, either by itself or by catching or collecting debris carried by such water, or which is placed where the 100-year flood may carry the debris downstream.

Occupied: The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

Off-Site Improvement: Any utility, paving, grading, drainage, structure or modification of topography which is, or will be located on property that is (a) not within the boundary of the property to be developed or (b) on or under any perimeter roadway surrounding the property to be development.

Onsite Wastewater Treatment System (OWTS): A septic tank, seepage tile-sewage disposal system, or any other approved on-lot sewage treatment device.

Open Space: An outdoor, unenclosed area, located on the ground, designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.

Open Space, Common: Open space within a development that is owned in common by a Property Owners' Association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common Open Space does not include areas used for streets, alleys, driveways, or off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, and

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other recreation facilities may be counted as common open space.

Operator: The mineral estate owner, mineral estate lessee, drilling contractor, production company, or any party or parties acting on behalf of any of the above that has control or management of operations of the oil and gas well.

Ordinary View: A sight line from beyond the subject property within normal visual range by a person standing on a public sidewalk or adjacent property at non-elevated ground level without the use of special tools (i.e. telephoto lens, ladder, etc.).

Overburden: All of the earth and other materials which lie above natural mineral deposits of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, and also means such earth and other materials disturbed from their natural state in the process of open mining.

Parcel: An area of land described as one entity in a legal document and in the possession of, or owned by, or recorded as the property of, the same person or persons. Not to be confused with a tax parcel.

Parent Parcel: The original parcel or parcels prior to being divided into two or more smaller lots.

Pasture: Land, including fenced fields, where plants, including but not limited to hay, grass, alfalfa, or corn are cultivated and irrigated or watered and are grown for the purpose of grazing. Fenced yards for dwellings cannot be used as pasture. Weeds (including plants which are not being planted, cultivated and watered or irrigated) cannot be used as pasture.

Areas where animals are tied or contained in a pen, corral or building are not considered pasture areas. Any rangeland or forested lands that can be used for grazing shall be considered pasture.

~~PUD: Planned Unit Development~~

Permanent Monument: Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Physical Barrier: An obstruction that impedes movement, access, or creates the inability to maintain the continuity of land use on a specific parcel.

Plan, Concept: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail according to these regulations to indicate the suitability of the proposed subdivision.

Plat, Final: A map of a land subdivision prepared according to applicable laws of the State of Colorado and these regulations having the necessary affidavits for filing, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

Potable Water: Water which complies with all requirements of the Colorado State Health Department for drinking water and related to chemical and bacterial content and which, in addition, complies with other potability standards which may be imposed by the Board of County Commissioners, by resolution, from time to time.

Private Energy Facilities: An electric generating of a residential or commercial building that generates electricity for use on-site not to exceed 120% of onsite usage. The facility may be ground or roof mounted. Ground-mounted systems shall comply with applicable codes, and shall be identified as an accessory structure.

Private Utility: A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequences and need, such as electricity, gas, transportation or communication.

Property Line: The lines bounding the property.

Property Line Adjustment: A change in parcel boundaries that does not create additional parcels.

Property Owners' Association: A private, nonprofit corporation of property owners for the purpose of owning, operating and maintaining various common properties and irrigation facilities.

Province of an entity: The service area or boundary of a utility or municipal district .

Commented [WU122]: Definition for Location and Extent in Sec. 4.11

Public Improvement: Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public private utilities, parks or recreational, energy or similar essential services.

Public Purpose: A municipal, quasi-municipal (Public Improvement Districts, Title 32 & 37 districts, etc.) or governmental use established primarily for the benefit and service of the population of the community in which it is

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located. Private utilities, for-profit entities, non-profit organizations, cooperatives, and other organizations that provide a benefit or service similar to a publicly owned entity may also be considered a Public Purpose. This can include by way of example but not limited to, a fire or police department substation; dedication of land to public ownership for multi-modal transportation facility construction (such as trails); recreation and open space; public education; utilities; telecommunication facilities; irrigation and drainage facilities; or uses that provide a governmental function, activity or service for public benefit.

PUD: Planned Unit Development

Reclamation: The employment, during and after, an open mining operation of procedures reasonably designed to minimize as much as practicable and disruptive from the open mining operation and to provide for the rehabilitation of any such surface resources adversely affected by such opening operations through the rehabilitation of plant cover, soil stability, water resources and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

Reclamation, Final: That part of mined land reclamation that occurs after the mining activity ceases and completes the reclamation effort.

Recreational Vehicle: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle, or all-terrain vehicle.

Registered Neighborhood Association: Any organization representing or purporting to represent a defined geographic region of the County and that has registered with the Director on forms available in the County Planning Office.

Regulatory Flood Protection Elevation: An elevation equal to the elevation level of the projected water surface during a 100-year flood.

Residential Occupied Structure: See Building, Principle see also Dwelling Unit.

Re-subdivision: A change in lot boundaries in a previously platted subdivision.

Review Body: the entity (County department head, board or commission) that is authorized to recommend approval or denial of an application or permit required under this LDC.

Rights-of-way (Easement): A strip of land, either public or private, recorded or apparent, for which rights of use exist.

Rights-of-way (Street): A strip of land dedicated by a recorded plat to the public, or a warranty deed with a qualifying statement, for which the interest is fee simple ownership.

Road: See Street

Rural Community: An area designated as a "Rural Community" in the Mesa County Master Plan.

Rural Planning Area: A rural area or a countryside is a geographic area that is located outside towns and cities. Typical rural areas have a low population density and small settlements. Agricultural areas and areas with forestry typically are described as rural (AF35, AFT, URR & RSF-E zoning districts).

SLD: School Land Dedication

SLD Fee: The fee in lieu of school land dedication imposed pursuant to this LDC.

Satellite Dish: An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

Self-Storage - Indoor: A facility that rents out secure, enclosed spaces, also called "storage units," to individuals and businesses, usually on a short-term basis.

Self-Storage – Outdoor: A facility that rents out space, outdoors, for vehicles, motorcycles, RVs, boats, etc.

Setback: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise expressly stated.

Setback, Street (see also Lot Line, Street): A setback extending along the full width of a street lot line between side lot lines and from the street lot line to the building line in depth.

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Setback, Rear: A setback extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear setback depth shall be measured at right angles to the rear line of the lot.

Setback, Side: A setback lying between the side lot line and the nearest point of the building and extending from the street setback to the rear setback, or in absence of either such street or rear setback, to the street or rear lot lines. Side setback width shall be measured at right angles to the side lines of the lot.

Setback Line: A line or lines within a property defining the minimum horizontal distance required between a building/structure and property line.

Sidewalk: A paved surface area usually paralleling and separate from the roadway, used as a pedestrian way.

Sign: A structure or device designed or intended to convey information to the public in written or pictorial form.

Sign Area: The entire area within a continuous perimeter, enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both sign faces coincide and are parallel.

Sign, Awning, Canopy, or Marquee: See Sign, Projecting.

Sign, Digital or Electronic: Any sign that uses changing lights to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, Free-standing: A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Sign, Identification: Such signs shall refer only to the principal use of the lot upon which such signs are located.

Sign, Illuminated: A sign lit in any manner by an artificial light source.

Sign, Monument: A freestanding sign, generally lower in height and attached to the ground by means of a wide base of solid appearance.

Sign, Off-premise: A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign, Portable: Any sign that is not permanently affixed to a building, other unmovable structure or the ground.

Sign, Projecting: Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/awning/canopy/marquee sign.

Sign, Roof: Any sign erected upon, against, or directly above a roof or roof eave, or on top or above a parapet, or on a functional architectural appendage above the roof or roof eave.

Sign, Flush Wall: A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

Sign, Window: A sign painted, stenciled or affixed on a window, which is visible from the right-of-way.

Single-Family, Attached: One of two or more residential buildings, each of which is located on a separate lot and is separated from the others by common fire-resistant walls.

Single-Family, Detached: A building containing one dwelling unit, designed to be occupied by one household, entirely surrounded by open space on the same lot.

Single Housekeeping Unit: Generally characterized by a family-like social setting where common areas (e.g., cooking, eating, recreation and sanitation facilities) are jointly used by the residents.

Site Plan: A plan, prepared to scale, showing accurate and with complete dimensioning, the boundaries of a site and all other information required by these regulations.

Skyline: The visual line where the earth or vegetation and the sky seem to meet.

Small Engine Repair: Means an engine that powers equipment such as: lawn mowers, tillers, cultivators, trimmers, snow blowers, chain saws, pumps, generators, air compressors, outboard boats, snowmobiles, all-terrain vehicles,

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and ultra-light aircraft.

Specified Anatomical Areas: any of the following that are less than completely and opaquely covered: (a) human genitals and pubic region; (b) buttocks; (c) the human female breast or breasts to a point immediately below the top of the areola; and (d) human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities or Sexual Conduct: (a) human genitals in a state of sexual stimulation or arousal; (b) actual or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, anilingus or any sexual acts that are prohibited by law; and (c) touching or fondling of the human breasts, buttocks, anus or genitals.

sq.ft.: square feet

Start of construction (for floodplain regulation): Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Register of Historic Properties (State Register): A listing of Colorado's significant cultural resources worthy of preservation for the future education and enjoyment of Colorado's residents and visitors. Properties listed in the State Register include individual buildings, structures, objects, districts and historic and archaeological sites.

Stream Channel: The area of the floodplain which carries the normal course of the watercourse.

Street: A public or private right-of-way which is used, or intended to be used for passage or travel of motor vehicles.

Structure: See Building.

Structure (for floodplain regulation): A walled and roofed building or manufactured home that is principally above ground.

Subdivision: Subdivision shall have the meaning given in C.R.S. §30-28-101.

Substantial damage (for floodplain regulation): Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violation of state or local health, sanitary or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure."

TIA: Traffic Impact Analysis

Telecommunication Facilities: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a Tower or Antenna Support Structure.

Telecommunication Facility, Attached: An array that is attached to an existing building or structure, including utility poles, signs, water towers, and similar structures with any associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

Telecommunications Support Structure: A structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device used solely to attach an attached telecommunications facility to an existing building or

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structure shall be excluded from this definition.

Temporary Shelter: The use of camping equipment or facilities such as tents or other manufactured fabric shelters that may include the use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

Tiny House: A single-household dwelling that is permanently constructed on a vehicle chassis; is not self-propelled; is designed for long-term residency; contains less than 400 square feet of gross floor area; includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home; is constructed to the International Residential Code as adopted by the Building Codes and Standards program of the Colorado Division of Housing; and has affixed to it a metal plate insignia certifying that it is built to those standards. This use does not include recreational park trailers (as defined in C.R.S. 24-32-902), or recreational vehicles (as defined in C.R.S. 24-32-902).

Commented [GM123]: Definition from the DOLA Template County Land Development Code.

Tire, Used or Waste: An inflatable rubber or synthetic casing, or any part thereof, designed to be sealed to a wheel rim under pressure, which has been applied to a given purpose, or which has been discarded from its original use.

Tower: A self-supporting lattice, guyed or monopole structure constructed from grade which supports Telecommunications Facilities. The term Tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Townhouse: Attached or semi attached dwelling, containing a single dwelling unit and located on a separate lot.

Turf: Areas of continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions and that, when regularly mowed, form a dense growth of leaf blades and roots.

Commented [WU124]: Required due to SB24-005. Definition from DOLA Template County Land Development Code

Turf, Artificial: Synthetic materials developed to resemble natural grass.

Turf, Functional: Turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, that may include playgrounds, sports fields, picnic grounds, amphitheaters, portions of parks, and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways, and roughs.

Turf, Nonfunctional: Turf that is not functional turf. This term includes turf located in a street right-of-way, parking lot, median, or transportation corridor. The term does not include turf that is designated to be part of a water quality treatment solution required for compliance with federal, state, or local agency water quality permitting requirements that is not irrigated and does not have herbicides applied.

Urban Development Boundary: That area planned for urban land uses as depicted on the Future Land Use Plan Map in the Grand Junction Comprehensive Plan.

Urban Planning Area: A residential area which typically exhibits higher population density and smaller parcel sizes (URR, RSF-E, RSF, RMF, MU, B, C and I zoning districts).

Use: The purpose for which land or the building is designed, arranged or intended, or for which is or may be occupied or maintained; also any activity, occupation, business or operation which is carried on, in or on a structure or on a tract of land.

Vehicle, Inoperable: Includes but is not limited to any automobile, truck, tractor, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

1. Absence of an effective registration plate upon such vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports; or
3. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

Vehicle, Unlicensed: Includes but is not limited to any car, truck, van, motor home, camper, trailer, motorcycle or other vehicle not bear or display proper and/or current proof of licensing from the state of license plate issuance.

Watercourse: A natural or man-made channel through which water flows.

Waters of the State:All streams, lakes, rivers, ponds, wells, impounding reservoirs, watercourses, springs, drainage

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systems, and irrigation systems; all sources of water such as snow, ice, and glaciers; and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, located wholly or partly within or bordering upon the State of Colorado and within the jurisdiction of the State of Colorado."

Water Surface Elevation: The height, in relation to the National American Vertical Datum (NAVD) of 1988 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WildlifeFence: A fence designed and built to keep animals from accessing roadways and agricultural properties. May also include design to funnel animal movement to safe crossing locations (e.g., wildlife crossing structures). The fencing may incorporate design features like barbless wire, appropriate heights for jumping or crawling, and visibility markers to prevent injury, entanglement, and habitat fragmentation depending on the needs of the fencing.

Zero Lot Line Development: Means a single-family detached development where the single-family dwellings do not have a common wall, but have one wall abutting a side property line.

Zoning District: A portion of territory of the County, within which certain uses of land, premises and buildings are permitted by a uniform set of regulations.

SECTION 12.02 | USE CATEGORIES

A. Basis for Classifications

Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

B. Principal Use Characteristics

Principal uses are assigned to the category that most closely describes the nature of the principal use. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.

C. Considerations Used in Categorizing Principal Uses

The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity is likely to be found independent of the other activities on the site.

D. Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the Retail Sales and Service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories,

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each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

E. Accessory Uses

Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

F. Use of Examples

The "Examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

SECTION 12.03 | RESIDENTIAL USE CATEGORIES

A. Group Living

1. Characteristics

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of lodging (see the "Retail Sales and Service" and "Community Service" categories). Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the care givers also reside at the site or the site is staffed twenty-four (24) hours a day.

2. Accessory Uses

Accessory uses commonly associated with Group Living are recreational facilities and parking of vehicles for occupants and staff.

3. Examples

The Group Living category is further broken down into the following specific uses:

a. Assisted Living Facility

A residence for up to eight (8) unrelated individuals, none of which are receiving on-site medical or psychological treatment, therapy, or counseling, but some or all of whom are receiving on-site physical assistance with day-to-day living activities. The limit of eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, an Assisted Living Facility may include any of the following:

A nonprofit group home for the aged or an owner-occupied group home for the aged;

A state-licensed group home for the developmentally disabled; and

A state-licensed group home for persons with mental illness.

b. Treatment Facility

A residence for up to eight (8) unrelated individuals, where some or all of ~~whom~~ the residents are receiving on-site medical or psychological treatment, therapy, or counseling. The limit of eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, a Treatment Facility may include any of the following:

(1) A nursing home;

(2) A nursing facility;

(3) Institutions providing life care;

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(4) A state-licensed group home for the developmentally disabled;

(5) A state-licensed group home for persons with mental illness;

(6) An adult day treatment facility; and

(7) A physical/mental rehabilitation home.

c. Small Group Living Facility

A residence for up to eight (8) unrelated individuals, none of which are receiving on-site medical or psychological treatment, therapy, counseling, or physical assistance with day-to-day living activities. The restriction to eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, a Small Group Living Facility use may include, without limitation:

(1) A family care home;

(2) A state-licensed residential child care facility;

(3) An adult foster home;

(4) A family foster home; and

(5) A receiving home.

d. Large Group Living Facility

Any residence for more than eight (8) unrelated individuals, and any residence for up to eight (8) unrelated individuals that does not meet the definition of "Treatment Facility," "Assisted Living Facility" or "Small Group Living Facility." Provided that the use complies with this definition and size restriction of this definition, a Large Group Living Facility may include, without limitation:

(1) A secure residential treatment center;

(2) A shelter for homeless persons; and

(3) A group home including persons assigned to such home in lieu of being sentenced to a correctional facility, or upon their release from a correctional facility.

4. Exceptions

a. Lodging where tenancy may be arranged for periods of less than thirty (30) days is to be considered a hotel or motel use and classified in the Retail Sales and Service category.

b. Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.

c. Facilities for people who are under judicial detainment and under the supervision of sworn officers are included in the Detention Facilities category.

B. Household Living

1. Characteristics

Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (Section 12.05 E.).

2. Accessory uses

Accessory uses commonly associated with household living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies, parking of the occupants' vehicles, and accessory dwellings. Home occupations and accessory dwellings are accessory uses that are subject to additional regulations of this LDC.

3. Examples

Uses include living in single-family dwellings, duplexes, triplexes and other multi-dwelling structures,

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retirement center apartments, manufactured housing and other structures with self-contained dwelling units. Agricultural labor housing and temporary employee housing, which are intended to house workers on or near the site, may include self-contained dwelling units or shared facilities.

4. Exceptions

Lodging in a dwelling unit or where less than two thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the Lodging category.

SECTION 12.04 | INSTITUTIONAL AND CIVIC USE CATEGORIES

A. Colleges and Vocational Schools

1. Characteristics

This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree or professional certification. Colleges tend to be in campus-like settings or on multiple blocks.

2. Accessory Uses

Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial uses.

3. Examples

Examples include universities, colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, and business, trade, technical and vocational schools.

4. Exceptions

Martial arts, dance and music studios are classified as Office and Personal Service.

B. Community Services

1. Characteristics

Community Services are uses of a public, nonprofit, or charitable nature, generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.

2. Accessory Uses

Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.

3. Examples

Examples include libraries, museums, senior centers, community centers, community gardens, publicly owned swimming pools, youth club facilities, hospices, social service facilities, temporary shelters, vocational training for persons with physical or mental disabilities, columbariums and mausoleums.

4. Exceptions

a. Private lodges, clubs and private or commercial athletic or health clubs are classified as Entertainment. Commercial museums are classified as Office and Personal Service.

b. Parks are classified as Parks and Open Areas.

c. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential and are classified as Household or Group Living.

C. Day Care

1. Characteristics

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Day Care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than twenty-four (24) hours per day. There are (3) three types of day care:

~~a. Home-Based Day Care (Regular)~~

~~A home-based day care provides care protection and supervision for up to a certain number individuals established by the State of Colorado.~~

~~b. Limited Day Care (Large)~~

~~A limited day care provides care protection and supervision for more individuals than a "Regular" facility up to a number individuals established by the State of Colorado.~~

~~c. General Day Care~~

~~A general day care provides care protection and supervision for more individuals than a "Limited" facility.~~

a. Family Care Home, Small

A family child care home that provides care for 2 to 6 children or adults.

b. Family Care Home, Large

A family child care home that provides care for 7 to 12 children or adults.

c. Day Care Center

A center that provides care for more than 12 children or adults.

2. Accessory Uses

Accessory uses include offices, recreation areas and parking.

~~3. Examples~~

~~Examples include preschools, nursery schools, latch key programs and adult day care programs. "Child Care Centers," as defined in C.R.S. §26-6-102(1), are classified as "day care" uses under this LDC.~~

~~4.~~3. Exceptions

Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

D. Hospitals

1. Characteristics

Hospitals include uses providing medical or surgical care to patients and offering overnight care.

2. Accessory Uses

Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.

3. Examples

Examples include medical centers and hospitals.

4. Exceptions

a. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.

b. Medical clinics that provide care where patients are generally not kept overnight are classified as Office and Personal Service.

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c. Emergency medical clinics not associated with a hospital are classified as Office and Personal Service.

E. Parks and Open Areas

1. Characteristics

Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

2. Accessory Uses

Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters and parking.

3. Examples

Examples include parks, golf courses, cemeteries, public squares, plazas, playgrounds, ballfields, recreation areas, recreational trails, botanical gardens, nature preserves and land used for grazing that is not part of a farm or ranch.

F. Religious Institutions

1. Characteristics

Religious Institutions primarily provide meeting areas for religious activities.

2. Accessory Uses

Accessory uses include Sunday school facilities, parking, caretaker's housing and group living facilities such as convents.

3. Examples

Examples include churches, temples, synagogues and mosques.

4. Exceptions

Elementary and secondary schools are classified as Schools. Colleges and other post-secondary schools are classified as Colleges and Vocational Schools. Child care other than that provided during church events is considered Day Care.

G. Public Safety Facilities

1. Characteristics

Safety Services are uses that provide public safety and emergency response services as well as detention facilities. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site. Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.

2. Accessory Uses

Accessory uses include offices and parking. Accessory Detention uses also include recreational and health facilities, therapy facilities, maintenance facilities and hobby and manufacturing activities.

3. Examples

Examples of public safety facilities include fire stations, police stations, emergency medical and ambulance stations. Examples of detention facilities include prisons, jails, probation centers, honor camps, juvenile detention homes, reformatories and rehabilitation centers.

4. Exceptions

Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers are classified as Group Living. Programs that provide transitional living experience for former offenders,

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such as halfway houses, where residents are not supervised by sworn officers, are also classified as Group Living.

H. Schools

1. Characteristics

This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education.

2. Accessory Uses

Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.

3. Examples

Examples include public and private daytime schools, boarding schools and military academies.

4. Exceptions

Preschools are classified as Day Care uses.

I. Utilities, Basic

1. Characteristics

Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.

2. Accessory Uses

Accessory uses may include parking and control, monitoring, data or transmission equipment.

3. Examples

Examples include water and sewage pump stations; electrical substations; water towers and reservoirs; public and private water and sewage treatment facilities; regional stormwater retention and detention facilities; telephone exchanges; recycling drop-off stations; and park-and-ride facilities for mass transit. Minor facilities are those that cover a small or limited area, or are underground.

4. Exceptions

a. Services where people are generally present are classified as Community Services, Office and Personal Services, or Safety Services.

b. Utility offices where employees or customers are generally present are classified as Office and Personal Services.

c. Bus barns are classified as Warehouse and Freight Movement.

d. Telecommunication facilities and support structures are classified as Telecom Facilities.

J. Utility Corridors

1. Characteristics

This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

2. Examples

Examples include major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines and gas compressor and transfer stations. Minor facilities include above ground structures such as valves, pump stations, transformers and other equipment with that cover a small or limited area.

3. Exceptions

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Utility corridors located within public rights-of-way are not included.

K. Utilities, Production

1. Characteristics

A facility designed and operated for the generation, and distribution of electricity which use fossil fuels, solar energy, hydroelectric energy, geothermal energy, nuclear, biomass energy or wind energy as a resource for the primary purpose of selling electricity generated to the electric power grid.

2. Accessory Uses

Accessory uses may include parking and control, monitoring, data or transmission or battery storage equipment and agrivoltaics.

3. Exceptions

a. Does not apply to on-site generation equipment when such use is an accessory use as described in Section 6.02 CC of this LCD.

b. Transmission lines, substations, and pipelines.

c. Utility production facilities with no occupied structures or full-time on-site employees are exempt from the requirements for potable water required in Section 8.09.

SECTION 12.05 | COMMERCIAL USE CATEGORIES

A. Retail Sales and Service

1. Characteristics

Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide offices, personal services or entertainment, or provide product repair or services for consumer and business goods.

2. Accessory Uses

Accessory uses may include offices, drive-throughs, services, repair, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

3. Examples

Stores selling, leasing, or renting consumer, home and business goods (including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, and stationery); food sales; sales or leasing of consumer vehicles (including passenger vehicles, motorcycles, light and medium trucks and recreational vehicles and equipment); wineries; retail plant nurseries; flea markets; and farmer's markets.

4. Exceptions

a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

b. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Sales.

c. Wholesale plant nurseries are classified as Agriculture.

B. Office and Personal Service

1. Characteristics

Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Personal service uses may also provide personal services, product repair or services for consumer and business goods.

2. Accessory Uses

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Accessory uses may include cafeterias, health facilities, parking, other amenities primarily for the use of employees in the firm or building, drive-throughs, and storage of vehicles and materials associated with the business. Limited retail that complements the service being provided may be included as accessory to the primary use.

3. Examples

Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, banks, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; emergency medical care not associated with a hospital; and blood-collection facilities.

Examples of personal services include laundromats; photographic studios; photocopy and blueprint services; hair, tanning and personal care services; martial arts studios; art, dance or music classes; taxidermists; mortuaries and crematoriums; private museums; repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; tailor; locksmith; upholsterer; veterinarians; and animal care, grooming, boarding and training.

4. Exceptions

a. Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.

b. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Industrial Service.

c. Commercial boarding stables are classified as Agriculture.

C. Entertainment

1. Characteristics

Entertainment businesses provide continuous recreation and entertainment-oriented activities and services, Entertainment businesses also include Major Entertainment Event uses, which are characterized by activities and structures that draw large numbers of people to specific events or shows and are generally of a spectator nature. Minor Entertainment Event uses are smaller special events such as weddings, reunions and similar social or business gatherings, held on a limited basis.

2. Accessory Uses

Accessory uses may include drive-throughs, concessions, parking, and maintenance facilities.

3. Examples

Entertainment businesses include restaurants, cafes and delicatessens; bars, taverns and nightclubs; adult entertainment; banquet, meeting and exhibition areas; indoor continuous recreation businesses (such as arcades, bowling alleys, skating rinks, play centers, health clubs, gyms, membership clubs and lodges, pool halls, dance halls, and indoor shooting ranges); and indoor theaters, Examples of Major Entertainment Event businesses include stadiums; sports arenas; coliseums; auditoriums; and fairgrounds.

4. Exceptions

a. Banquet halls that are part of a hotel or restaurant are accessory to those uses.

b. Uses such as dance studios and martial arts studios are classified as Office and Personal Service.

D. Recreation and Entertainment, Outdoor

1. Characteristics

Outdoor Recreation and Entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.

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2. Accessory Uses

Accessory uses may include concessions, restaurants, parking, caretaker's quarters and maintenance facilities.

3. Examples

Examples include riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, miniature golf facilities, outdoor shooting ranges, amphitheaters, drive-in theaters, and zoos. Outdoor Major Entertainment Event uses are characterized by activities such as concerts, events and shows that draw large numbers of people, are generally of a spectator nature, and are located in an outdoor venue.

4. Exceptions

a. Golf courses and driving ranges are classified as Parks and Open Space.

b. Publicly owned swimming pools are classified as Community Services.

E. Lodging

1. Characteristics

Lodging is the provision of rooms and temporary accommodations to individuals for a short term, typically with an average length stay of less than thirty (30) days.

2. Accessory Uses

Accessory uses include restaurants, bars, meeting and banquet halls, parking, spas and salons, laundry facilities, and recreation facilities and activities that are primarily for the use of guests.

3. Examples

Examples include hotels, motels, bed & breakfasts, resorts, cabins, lodges, campgrounds, camps and recreational vehicle parks.

4. Exceptions

a. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter (Section 12.04 B.).

b. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Vehicle Service.

c. Camping in an AFT zoning district that is not located in a campground and that meets the requirements of Section 6.04 F. is considered accessory to the residential use.

F. Parking, Commercial

1. Characteristics

Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

2. Accessory Uses

In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.

3. Examples

Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).

4. Exceptions

a. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.

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b. Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.

c. Public transit park-and-ride facilities are classified as Basic Utilities.

G. Self-Service Storage

1. Characteristics

Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Storage may be enclosed in a building (indoors) and/or may be located outdoors for vehicles and recreational equipment. Where only outdoor storage is proposed, access to storage area may be limited to employees only.

2. Accessory Uses

Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

~~3. Examples~~

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~~Examples include facilities that provide individual storage areas for rent, also called mini-warehouses, and outdoor storage of recreational vehicles, boats and other personal vehicles.~~

~~4.~~3. Exceptions

a. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

b. The rental of trucks or equipment is considered Retail Sales and Service.

H. Vehicle Repair

1. Characteristics

Vehicle Repair firms service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

2. Accessory Uses

Accessory uses may include offices, sales of parts and vehicle storage.

3. Examples

Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing and tire sales and mounting.

4. Exceptions

Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage, are classified as Industrial Service.

I. Vehicle Service

1. Characteristics

Vehicle Service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.

2. Accessory Uses

Accessory uses may include auto repair and tire sales. Truck stops and travel plazas may include restaurants, hotels and similar uses serving the traveling public.

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3. Examples

Examples include full-service, mini-service and self-service gas stations, truck stops and travel plazas, car washes, and quick lubrication services.

4. Exceptions

Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

SECTION 12.06 | INDUSTRIAL USE CATEGORIES

A. Industrial Service

1. Characteristics

Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

2. Accessory Uses

Accessory activities may include offices, parking and storage.

3. Examples

Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; building, heating, plumbing or electrical contractors; delivery and dispatch services; printing, publishing and lithography; exterminators; janitorial and building maintenance services; propane, fuel, and oil storage and distributors; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories.

4. Exceptions

Repair of personal goods and small appliances and equipment is included in the Office & Personal Service category.

B. Manufacturing and Production

1. Characteristics

Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

2. Accessory Uses

Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.

3. Examples

Examples include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; electric power generation plants; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or

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assembly of machinery, equipment, instruments (including musical instruments), vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including manufactured homes.

4. Exceptions

a. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.

b. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

c. Manufacturing that occurs in a small office-type setting is considered Office and Personal Service.

C. Warehouse and Freight Movement

1. Characteristics

Warehouse and Freight Movement firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

2. Accessory Uses

Accessory uses may include offices, truck fleet parking and maintenance areas.

3. Examples

Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants (including frozen food lockers); storage of weapons and ammunition; major wholesale distribution centers; truck or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

4. Exceptions

a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

b. Mini-warehouses are classified as Self-Service Storage uses.

D. Waste-Related

1. Characteristics

Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the composting of organic material. Waste-Related uses also include uses that receive hazardous wastes from others.

2. Accessory Uses

Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.

3. Examples

Examples include sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, incinerators, energy recovery plants, sewage treatment plants, brine disposal/storage and hazardous-waste-collection sites.

4. Exceptions

a. Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill.

b. Recycling drop-off stations (no on-site processing) are basic utility uses.

E. Wholesale Sales

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1. Characteristics

   Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

2. Accessory Uses

   Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

3. Examples

   Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.

4. Exceptions

   a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.

   b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

SECTION 12.07 | OTHER USE CATEGORIES

A. Agriculture

1. Characteristics

   Agriculture includes activities that primarily involve raising, producing or keeping plants or animals. Normal farming and ranching activities such as grazing and crop and orchard production are a use by right unless specifically identified in this LDC, as described in the Mesa County "Right to Farm and Ranch" policy.

2. Accessory Uses

   Accessory uses include dwellings for operators and employees of the use, animal training, retail and wholesale sales of products produced on-site, sorting and packaging of fruit and vegetables, "farmkill" of livestock, feed processing, equipment repair and maintenance; tasting rooms; vintner's restaurants; produce stands; agritourism (in accordance with Section 5.a below) and other activities that are secondary or minor parts of the operation but necessary functions of the operation.

3. Examples

   Examples include breeding or raising of fowl or other animals; dairy farms; commercial boarding stables; farming, orchards, vineyards, truck gardening, forestry, forestry support services, tree farming; wineries, breweries and distilleries; agricultural support businesses; agricultural production greenhouses; aquaculture; and wholesale plant nurseries.

4. Exceptions

   a. Processing of animal or plant products that is the primary use of the operation on the premises are classified as Manufacturing and Production.

   b. Livestock auctions are classified as Wholesale Sales.

   c. Commercial riding academies, roping arenas and equestrian arenas are classified as Recreation and Entertainment, Outdoor. Personal arenas are an accessory use.

   d. Animal Care/Boarding/Sales, excluding boarding stables, are classified as Office and Personal Service.

   e. The keeping of exotic animals is considered Animal Care/Boarding/Sales.

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f. Retail plant nurseries are considered Landscaping Materials Sales, classified as Retail Sales and Service.

g. Farmer's Markets are Retails Sales and Service.

5. Agritourism

As an accessory use to an agriculturally based operation or activity at a working farm, vineyard, orchard or ranch, conducted for the enjoyment, education, or active involvement of visitors that adds to the economic viability of the agricultural operation. Agritourism activities are accessory to, and directly supportive of the agricultural use on the property. Activities or frequencies outside of the examples listed below and any use that is not accessory to the agricultural use on the property shall follow all other standards and requirements found in this LDC.

a. Examples

(1) U-Pick orchard or farm.

(2) Truck and flower garden with direct sale to customers.

(3) Production, manufacture and direct sales of value-added products derived, in whole or in part, from produce grown on site.

(4) Outdoor events relating to the principle agricultural use:

(a) The allowed number of attendees shall be calculated as follows:

a. Up to twenty-five (25) attendees for the first two (2) acres and fifteen (15) additional attendees for each additional acre up to a maximum of two hundred-five (205) attendees; and

b. If the number of attendees is greater than allowed by the calculation above, the use shall be considered a Minor Entertainment Event;

(b) The allowed number of outdoor events will be:

a. Limited to 4 per month, not to exceed 24 per year, and

b. If the number of outdoor events is greater than allowed by the above, the use shall be considered a Minor Entertainment Event;

(5) Hayrides, pumpkin patches, mazes, etc.

(6) Experiential Lodging:

(a) Maximum number of lodging units shall be no greater than one (1) lodging unit per one (1) acre in agricultural production up to a maximum of ten (10) lodging units;

(b) Lodging shall be short-term, fourteen (14) days or less;

(c) Lodging units shall be exempt from standards listed in Section 6.02 E. of this LDC.

(d) Temporary portable toilets (port-a-potty) or approved pit or vault toilet(s) shall be provided and serviced regularly.

(e) A lodging unit may include, but is not limited to, tents with or without an established "platform", tipis, sheep wagons, yurts, RVs, tiny homes, cabins or camp and tent sites.

(7) Farm animal viewing and petting.

(8) Tours of grounds and facilities.

(9) Exhibits or other activities related to the principle agricultural use, as determined by the Director.

b. Additional Standards:

(1) Sound generated by outdoor amplified music shall neither exceed sixty-five (65) decibels between the hours of 7:00am and 10:00pm nor sixty (60) decibels between the hours of 10:00pm and 7:00am, as measured at or beyond any of the property lines from which the noise is emanating.

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(2) The use shall not interfere with normal agricultural practices or convert agricultural land to a non-agricultural use.

c. The access provided shall be from a public road and shall meet all requirements of the Mesa County Design Standards.

B. Aviation and Surface Passenger Terminals

1. Characteristics

Aviation and Surface Passenger Terminals include facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service and regional rail service.

2. Accessory Uses

Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.

3. Examples

Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, and helicopter landing facilities.

4. Exceptions

a. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as Basic Utilities.

b. Private helicopter landing facilities that are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

C. Mining

1. Characteristics

Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use regardless of whether or not the State of Colorado requires a Reclamation Permit for the activity.

2. Accessory Uses

Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.

3. Examples

Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling, also included are support services for drilling or mining such as temporary employee housing; parking, storage and maintenance of exploration, production or workover equipment, pipe and production equipment; equipment and storage yards for road and pipeline construction contractors and production unit set-up and maintenance contractors; and field offices used by production related personnel.

D. Telecommunications Facilities

1. Characteristics

Telecommunications facilities include all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz, and operating as a discrete unit to produce a signal or message. Facilities may be ~~self-supporting~~self-supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system.

2. Accessory Uses

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Accessory uses may include transmitter facility buildings.

3. Examples

   Examples include broadcast towers, communication towers, point-to-point microwave towers and all FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

4. Exceptions

   a. Receive-only antennas and amateur radio facilities that are owned and operated by a federally-licensed amateur radio station operator are not included in this category.

   b. Radio and television studios are classified in the Office category.

   c. Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.

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Comprehensive Revision Draft Reading Version

MESA COUNTY

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CHAPTER 1 | INTRODUCTORY PROVISIONS

SECTION 1.01 | TITLE

This Resolution shall be officially known and cited as the "2026 Mesa County Land Development Code," although it is referred to throughout this Resolution as the "Land Development Code" or "LDC."

SECTION 1.02 | AUTHORITY

This Land Development Code is adopted pursuant to the powers and authority conferred by the laws of the State of Colorado, including, but not limited to, the following Sections of C.R.S.: Article 28 of Title 30 (County Planning, Zoning, Subdivision); Article 65.1 of Title 24 (Areas of State Interest); Article 67 of Title 24 (Planned Unit Development); Article 68 of Title 24 (Vested Rights); Article 20 of Title 29 (Local Government and Land Use Control Enabling Act); and Articles 11 and 28 of Title 30.

SECTION 1.03 | APPLICABILITY AND JURISDICTION

The provisions of this Land Development Code apply to all development including but not limited to; buildings, structures, improvements, and uses of land throughout unincorporated Mesa County, to the extent allowed by law. It does not apply to land within the territorial limits of any incorporated municipality.

SECTION 1.04 | REPEALS AND ENACTMENT

A. All resolutions, or portions thereof, of the Mesa County Board of County Commissioners, relating to zoning, subdivisions, community plans and/or land use inconsistent herewith are hereby repealed to the extent of such inconsistency.

B. The repeal of any resolution, regulation, or ordinance does not revive any other resolution, regulation or ordinance or portions thereof repealed by said resolution, regulation, or ordinance.

C. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution hereby, for an offense committed prior to the repeal.

SECTION 1.05 | PURPOSE

This Land Development Code is adopted for the purpose of preserving and improving the public health, safety, and general welfare of the citizens and businesses of Mesa County. More specifically, it is the purpose of this Land Development Code to:

A. Promote timely, predictable, consistent, and efficient land development processes for residents, neighborhoods, businesses, agricultural and development interests;

B. Provide appropriate opportunities for participation and involvement in the development process by all affected parties;

C. Promote development that is consistent and compatible with that of the municipalities within Mesa County within the joint municipal planning areas; and

D. Be fair to all by giving due consideration to protecting private property rights, the rights of individuals, and the interests of the community as a whole. In instances where an application to develop does not meet all applicable criteria of this LDC, and unique or special circumstances exist which would warrant the approval of the application to develop, and provided the proposed development: (a) poses no threat to health or safety; (b) provides for the mitigation of impacts to the maximum extent reasonable; and (c) is generally consistent and compatible with the allowed uses in the applicable Zoning District, the application to develop may be approved.

SECTION 1.06 | RIGHT TO FARM AND RANCH POLICY

In addition to the purposes set out in Section 1.05, Mesa County has established, by resolution, a "Right to Farm and Ranch" policy which is summarized in this section. (See also Section 11.06 C.)

A. Any agricultural operation or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall

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be encouraged.

B. Agriculture as a way of life benefits all residents of Mesa County. It is an important part of the economy and adds intrinsic value to life in Mesa County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences, such as weed burning, equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, lights and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain this way of life, Mesa County intends to protect agricultural operators from unnecessary, intrusive litigation. Therefore, no inconvenience shall be considered a nuisance so long as it occurs as a part of non-negligent and legal agricultural practice, as stated in C.R.S. §35-3.5-101, 102 and 103.

SECTION 1.07 | WORD USAGE AND CONSTRUCTION OF LANGUAGE

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Land Development Code shall be construed according to the Purposes set out in Section 1.05.

B. Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this Land Development Code and any heading, drawing, table, figure, or illustration, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," or "such as," or similar language, are intended to provide examples and are not to be exhaustive or exclusive lists of all possibilities.

D. Computation of Time

The time in which an act is to be completed shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the County. References to days are calendar days unless otherwise stated.

E. References to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, or document, unless otherwise specifically stated.

F. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

G. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Mesa County, unless otherwise indicated.

I. Mandatory and Discretionary Terms

The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are discretionary terms.

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J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. And indicates that all connected items, conditions, provisions, or events apply; and

2. Or indicates that one or more of the connected items, conditions, provisions, or events apply.

SECTION 1.08 | TENSES AND PLURALS

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

SECTION 1.09 | CONFLICTING PROVISIONS

A. Conflict with State or Federal Regulations

If the provisions of this Land Development Code are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.

B. Conflict with Other County Regulations

If the provisions of this Land Development Code are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the County, the more restrictive provision will control.

C. Conflict with Private Agreements

It is not the intent of this Land Development Code to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this Land Development Code impose a greater restriction than imposed by a private agreement, the provisions of this Land Development Code will control. If the provisions of a private agreement impose a greater restriction than this Land Development Code, the provisions of the private agreement will control. The County shall not be responsible for monitoring or enforcing private agreements.

SECTION 1.10 | TRANSITIONAL PROVISIONS

A. Violations Continue

Any violation of the previous 2020 Mesa County Land Development Code, as amended, will continue to be a violation under this Land Development Code and be subject to penalties and enforcement under Chapter 11, unless the use, development, construction or other activity complies with the provisions of this Land Development Code.

B. Nonconformities Under Prior Code

Any legal nonconformity under the previous Mesa County Land Development Code will also be a legal nonconformity under this Land Development Code, as long as the situation that resulted in the legal nonconforming status under the previous Land Development Code continues to exist. If a legal nonconformity under the previous Land Development Code becomes conforming because of the adoption of this Land Development Code, then the situation will no longer be considered a nonconformity.

C. Completion of Development

1. Permit Issued Before November 1, 2026

Any building, structure, or development for which a permit was issued before November 1, 2026 or for which any pre-application meeting was conducted under the old Code, may, at the applicant's option, be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Land Development Code. If construction is not commenced or completed according to the applicable permit terms, the Community Development Director may, for good cause shown, grant an extension of up to one (1) year for such construction under the terms of the previous Land Development Code. If the building or structure is not completed within the time allowed under the original permit or any extension granted, then the building, structure, or development may be

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constructed, completed, or occupied only in compliance with this Land Development Code.

2. Plats Approved Before November 1, 2026

Any subdivision for which a concept or final plan was approved before April 1, 2026 may, at the applicant's option, be completed according to the approved plan and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Land Development Code. If the subdivision is not completed within the time requirements established by prior code, or within any schedule included in the approval of the plat, the Community Development Director may grant one extension of not more than one (1) year for the completion of the subdivision under the terms of the previous Land Development Code. If the public improvements are not completed within the time required under the original approval or any extension of time granted, then the improvements shall be completed only in compliance with this Land Development Code.

SECTION 1.11 | VESTED RIGHTS

A. Final approval of an Administrative Review (except Residential/Agricultural Site Plans, Variances or Administrative Adjustments) or a Conditional Use Permit shall be considered approval or conditional approval of a "site specific development plan," as defined in C.R.S. §24-68-101 *et. seq*., and shall result in a vested right for a period of three (3) years as provided in C.R.S. §24-68-101 *et. seq*.

B. Within fourteen (14) days after the final approval of a site specific development plan, the Community Development Director shall publish notice of the creation of a vested property right as described in C.R.S. §24-68-103. Approved Administrative Reviews (except Residential/Agricultural Site Plans), Final Plans or Conditional Use Permits approved as part of a site specific development plan, shall contain a note stating that the property right is vested for a period of three (3) years from the date that the required vesting notice is published. The County is authorized to approve vested rights for periods of longer than three (3) years through the Development Improvements Agreement procedure of Section 4.04.

Section 1.12 | MASTER PLAN ADVISORY

Simply by stating in this LDC a requirement or preference for Master Plan consistency, the Board of County Commissioners has not by such statement rendered the Master Plan a binding requirement or regulation for either zoning or subdivision matters. The Board of County Commissioners' intent as expressed in its various Master Plan elements that the Master Plan be advisory only, and that the Board of County Commissioners retains its considerable discretion in deciding how to apply the Master Plan in making land use decisions.

SECTION 1.13 | SEVERABILITY

If a Court of competent jurisdiction declares any part of this Land Development Code to be invalid, that ruling shall not affect any other provisions of this Land Development Code not specifically included in that ruling.

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CHAPTER 2 | REVIEW AND DECISION-MAKING BODIES

SECTION 2.01 | BOARD OF COUNTY COMMISSIONERS

A. Powers and Duties

The Board of County Commissioners' powers and duties under this Land Development Code are set out in this subsection.

1. The Board of County Commissioners shall be responsible for reviewing the following applications and for taking final action to approve, approve with conditions or deny such applications:
   a. Land Development Code Amendments (Section 4.09)
   b. Rezonings (Section 4.16)
   c. Planned Unit Developments Outline Development Plan and Rezoning (Section 4.13 C.)
   d. Conditional Use Permits (Section 4.03)
   e. Vacation of Rights-of-Way (Section 4.21)
   f. Register of Historic Land Marks (Section 4.15)
   g. Renaming of Streets (Section 4.21)
2. The Board of County Commissioners shall be responsible for hearing appeals of the following administrative approvals, and for taking final action on such appeals:
   a. Administrative Reviews
   b. Major Subdivisions Concept Plans
      (1) Concept Plans
      (2) Final Plans
      (3) Final Plats
   c. Planned Unit Developments
      (1) Final Plans
      (2) Final Plats
   d. Agricultural land use appeals
   e. Written Interpretations

SECTION 2.02 | PLANNING COMMISSION

A. Powers and Duties

The Planning Commission's powers and duties under this Land Development Code are set out in this subsection.

1. Master Plan

   The Planning Commission has the statutory duty to adopt a Master Plan for unincorporated Mesa County and shall be responsible for taking final action to approve, approve with conditions, or deny proposed text and/or map amendments to the Master Plan (Section 4.12).

2. The Planning Commission shall be responsible for reviewing the following applications, and for recommending that the Board of County Commissioners approve, approve with conditions, or deny such applications.
   a. Land Development Code Amendments (Section 4.09)
   b. Rezonings (Section 4.16)

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c. Planned Unit Development Outline Development Plan and Rezoning (Section 4.13 C.)

d. Conditional Use Permits (Section 4.03)

e. Register of Historic Landmarks (Section 4.15)

3. Location and Extent

The Planning Commission has the statutory authority to review applications for Location and Extent and to approve, approve with conditions, or deny such applications (Section 4.11).

4. Other Matters

The Planning Commission shall also have such duties as determined by the Board of County Commissioners or as may otherwise be required by State Statutes.

SECTION 2.03 | BOARD OF ADJUSTMENT

A. Powers and Duties

The Board of Adjustment's powers and duties under this Land Development Code are set out in this subsection.

1. The Board of Adjustment shall be responsible for reviewing and taking final action to approve, approve with conditions, or deny Zoning Variance applications (Section 4.23).

2. The Board of Adjustment shall be responsible for reviewing and taking final action to approve, approve with conditions or deny applications to exceed the maximum size allowed by the Code for an accessory dwelling (Section 4.23).

SECTION 2.04 | FLOODPLAIN BOARD OF APPEALS

A. Powers and Duties

The Floodplain Board of Appeals' powers and duties under this Land Development Code are set out in this subsection.

1. The Floodplain Board of Appeals shall be responsible for hearing appeals of the Floodplain Administrator's decisions on Floodplain Development Permits, and for taking the final action to uphold or overturn the Floodplain Administrator's decision (Section 4.7).

2. The Floodplain Board of Appeals shall be responsible for reviewing and taking final action to approve, approve with conditions, or deny Floodplain Variance applications (Section 4.8).

SECTION 2.05 | FLOODPLAIN ADMINISTRATOR

A. Designation of Floodplain Administrator

The Public Works Director shall designate a staff person who shall serve as the Floodplain Administrator.

B. Powers and Duties

1. The Floodplain Administrator shall be responsible for reviewing Floodplain Development Permits to determine if the permit requirements of this Land Development Code have been satisfied and for acting to approve, approve with conditions, or deny such permits. In so doing, the Floodplain Administrator shall ensure that all other necessary permits have been obtained from those governmental agencies from which prior approval is required by federal or state law.

2. The Floodplain Administrator shall be responsible for making interpretations regarding boundaries of the Flood Prone, Flood Fringe, and Floodway Districts.

3. The Floodplain Administrator shall be responsible for preparing reports in support of the Floodplain Board of Appeals' hearings on appeals and Floodplain Variances.

4. Decisions and Enforcement of Floodplain Development Permits are subject to the requirements of this Land Development Code.

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5. Other Matters

a. The Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development or activities in flood hazard Zone A are administered in accordance with this Land Development Code.

b. In riverine situations, the Floodplain Administrator shall notify adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency. In such situations, the Floodplain Administrator shall also ensure that maintenance is provided within the altered or relocated portion of said watercourse so that flood carrying capacity is not diminished.

c. From all Floodplain Development Permit applicants, the Floodplain Administrator shall obtain and record the actual elevation of the lowest floor, including basement, of all new or substantially improved structures.

d. For new or substantially improved flood-proofed structures, the Floodplain Administrator shall obtain and record the actual elevation to which the structure has been flood-proofed and shall maintain all flood proofing certifications required by this Land Development Code.

e. The Floodplain Administrator shall maintain public records of all Floodplain Development Permits that have been approved or denied, which may in turn be submitted to the Federal Emergency Management Agency as required.

f. When a FEMA-mapped floodway has not been designated, the Floodplain Administrator must require that new construction, substantial improvements, or other development (including fill) shall not be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (1/2) foot at any point within the community.

SECTION 2.06 | STORMWATER COORDINATOR

A. Designation of Stormwater Coordinator

The Public Works Director shall designate a staff person who shall serve as the Stormwater Coordinator.

B. Powers and Duties

1. The Stormwater Permit Administrator shall be responsible for reviewing Construction Stormwater permits to determine if the permit requirements of this Land Development Code have been satisfied and for acting to approve, approve with conditions, or deny such permits. In so doing, the Stormwater Coordinator shall ensure that all other necessary permits have been obtained from those governmental agencies from which prior approval is required by federal or state law.

2. The Stormwater Coordinator shall be responsible for preparing reports for the Board of County Commissioners hearings on appeals.

3. Decisions and Enforcement of Stormwater Permitting are subject to the requirements of the Stormwater Permit Management Plan of this Land Development Code.

SECTION 2.07 | AGRICULTURAL ADVISORY PANEL

A. Powers and Duties

The Agricultural Advisory Panel shall be responsible for investigating any complaint relating to an agricultural use (Section 1.06) and for preparing a recommendation to assist the Board of County Commissioners in their consideration of such complaint.

SECTION 2.08 | COMMUNITY DEVELOPMENT DIRECTOR

A. Powers and Duties

1. The Community Development Director, also referred to as "Director" throughout this LDC, shall be

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responsible for reviewing proposed text and map amendments to the Mesa County Master Plan, and for preparing a report to assist the Planning Commission in their consideration of such applications.

2. The Director shall be responsible for reviewing the following applications, and for preparing a report to assist the Planning Commission and the Board of County Commissioners in their consideration of such applications.
   a. Land Development Code Amendments (Section 4.09)
   b. Rezonings (Section 4.16)
   c. Planned Unit Developments Outline Development Plan and Rezoning (Section 4.13 C.)
   d. Conditional Use Permits (Section 4.03)
   e. Register of Historic Landmarks (Section 4.15)
3. The Director shall be responsible for reviewing the following applications, and for taking final action to approve, approve with conditions, or deny such applications.
   a. Administrative Reviews
      (1) Land Divisions (Section 4.9)
      (2) Site Plans (Section 4.17)
      (3) Administrative Adjustments (Section 4.01)
   b. Written Interpretations (Section 4.22)
   c. Planned Unit Developments (Section 4.13)
      (1) Final Plan (Section 4.13 D.)
      (2) Final Plat (Section 4.13 E.)
4. The Director shall be responsible for reviewing Vacation applications, and for preparing a report to assist the Board of County Commissioners in their consideration of such applications.
5. The Director shall be responsible for reviewing Zoning Variance applications, and for preparing a report to assist the Board of Adjustment in its consideration of such applications.
6. The Director shall be responsible for preparing reports to assist the Board of Adjustment or Board of County Commissioners in the consideration of appeals.
7. Other Matters

   The Director shall also have those powers and duties designated by the Board of County Commissioners, including the following:

   a. Keeping copies of each application filed, each plat submitted, and each development permit issued;
   b. Providing professional planning staff assistance to the Agricultural Advisory Panel, Board of Adjustment, Planning Commission, and the Board of County Commissioners;
   c. Conducting short term planning studies and analysis to aid in the orderly development of the County; and
   d. Engaging in activities designed to improve the economic development of the County. Including: grant applications and administration; policy analysis and recommendation; and functional planning (open space, transportation, utility and energy facility planning)

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CHAPTER 3 | GENERAL REVIEW PROCEDURES

The general provisions of this section apply to all development applications and procedures under this Chapter unless otherwise stated.

SECTION 3.01 | SUMMARY OF REVIEW PROCEDURES

The following table summarizes the procedures for review of applications for land use and development activity.

TABLE 3-1: DEVELOPMENT REVIEW PROCEDURES SUMMARY TABLE
Review (R), Decision Maker (DM) and Appeal (A) Bodies
General Note: In cases where no Appeal Body is shown, or where the Board of County Commissioners is shown as the final Decision-Making Body (with no appeal), appeals shall be taken to the District Courts, as provided by law

Procedure	Community Development Director	Planning Commission	Board of County Commissioners	Board of Adjustment	Floodplain Administrator	Floodplain Appeals Board	Stormwater Administrator	Section
Conditional Use Permit	R	R	DM					4.03
Extinguishment of Public Utility Easement	R		DM					4.06
Floodplain Development Permit					DM	A		4.07
Register of Historic Landmarks	R	R	DM					4.15
Land Development Code Amendment	R	R	DM					4.09
Land Divisions								
Minor Subdivision	DM		A					4.10 D.
Rural Land Division	DM		A					4.10 G.
Agricultural Division	DM		A					4.10 C.
Physical & Legal Separation	DM		A					4.10 F.
Subdivision for Public Purpose	DM		A					4.10 H.
Location and Extent		DM	A					4.11
Major Subdivision								
Concept Plan (Optional)	DM		A					4.10 E.3.
Final Plan	DM	R	A					4.10 E.4.
Final Plat	DM		A					4.10 E.5.
Master Plan Amendment	R	DM						4.11
Planned Unit Developments								
ODP/Rezoning	R	R	DM					4.13 C.
PUD Final Plan	DM		A					4.13 D.
PUD Final Plat	DM		A					4.13 E.
Property Line Adjustment	DM		A					4.14
Rezones	R	R	DM					4.16
Site Plans	DM		A					4.17
Construction Stormwater Permit			A				DM	4.18
Vacation of ROW and Renaming of Streets	R		DM					4.21
Variances								
Administrative Adjustment	DM			A				4.01
Zoning Variance	R			DM				4.23
Floodplain Variance					R	DM		4.08
Written Interpretation	DM		A					4.22

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SECTION 3.02 | COMMON REVIEW PROCEDURES

Common review procedure may include up to seven (7) steps, not all of which may be applicable to each type of development application.

A. Pre-Application Meeting

A Pre-Application Meeting is generally recommended but optional and intended to inform the applicant of applicable procedures, submittal requirements, development standards, alternatives, and other pertinent matters, before the applicant finalizes the development proposal.

1. A checklist will be made available during Pre-Application Meetings. If additional information is presented or the request is found to be more complex than originally presented, a new checklist will be prepared and delivered to the applicant within three (3) working days of the meeting.
2. Staff opinions presented during Pre-Application Meetings are informational only and do not represent a commitment on behalf of Mesa County regarding the acceptability of the development proposal.

B. Application Submittal

1. Form of Application

   Applications required under this Chapter shall be submitted through the Customer Portal or if the applicant is unable to access the Customer Portal, in a form prepared by the Director.

2. Application Filing Fees

   Applications must be accompanied by the fee that has been established by the Board of County Commissioners. Fees are not required with applications initiated by the Board of County Commissioners, Board of Adjustment, Planning Commission, or County agencies. Application fees may be refundable at the discretion of the Director.

3. Application Completeness

   An application will be considered complete if it is submitted with all necessary information required at the time of submittal; and is accompanied by the applicable fee. A determination of application completeness shall be made within ten (10) working days of application filing. If an application is determined to be incomplete, written notice shall be provided to the applicant, along with an explanation of the application's deficiencies. If the deficiencies are not corrected by the applicant within thirty (30) days, the application may be considered withdrawn.

C. Application Review

In conducting required reviews, the Director shall comply with those referral requirements set forth in C.R.S. §30-28-136(1), and shall be authorized to distribute the application and other submittals to County departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements.

Figure 3-1: General Summary of Common Review Procedures



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D. Required Notice

Notice shall be required for applications as shown in Table 3-2 below unless otherwise expressly provided in state statutes or this LDC:

TABLE 3-2: NOTICE REQUIREMENTS
Unless otherwise required by statute, notice for Board of County Commissioner hearings shall be (two) 2 days.

Procedure	Type of Notice Required			Timing (number of calendar days before Planning Commission)[1]
	Published[1]	Posted	Mailed	
Conditional Use Permits	✓	✓	✓	15
Extinguishment of Public Utility Easement	✓	✓	✓	15
Historic Landmarks	✓	✓	✓	15
Land Development Code Amendments	✓			15
Land Divisions				
Minor Subdivisions	✓	✓	✓	15
Rural Land Divisions	✓	✓	✓	15
Agricultural Divisions	✓	✓	✓	15
Physical & Legal Separations	✓	✓	✓	15
Location and Extent	✓		✓	15
Major Subdivision				
Concept Plan				
Final Plan	✓	✓	✓	15
Final Plat				
Master Plan				
Text Amendment	✓			15
Map Amendment	✓	✓	✓	15
Planned Unit Developments				
Outline Development Plan/Rezoning	✓	✓	✓	15
Final Plan	✓	✓	✓	15
Final Plat				
Property Line Adjustments	✓	✓	✓	15
Rezones	✓	✓	✓	15
Site Plans		✓	✓	15
Vacations (ROW/Access)	✓	✓	✓	15
Variances				
Administrative Adjustments	✓	✓	✓	15
Zoning Variances	✓	✓	✓	15
Floodplain Variances	✓	✓	✓	15

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1. Mailed Notice

   a. When the provisions of this Land Development Code require that mailed notice be provided, the County shall be responsible for preparing and mailing the notice as provided below:

TABLE 3-3: NOTICE RADIUS	
Application Property Location	Required Notice Radius
Within an Urban Zoning District	500 feet of subject property
Within one of the six (6) Rural Communities	500 feet of subject property
Within a Rural Zoning District and NOT within one of the six (6) Rural Communities	2,500 feet of subject property
Public right-of-way within a Rural Zoning District (for right-of-way vacations)	1 mile of the subject right-of-way
Public right-of-way within an Urban Zoning District or one of the six (6) Rural Communities (for right-of-way vacations)	500 feet of the subject right-of-way

   b. Ownership information shall be based on the records of the Mesa County Assessor's Office.

2. Posted Notice

   a. When the provisions of this LDC require that notice be posted on the subject property, the applicant shall: (1) post the notice using signs that have been provided by the County; and (2) place the signs on the property that is the subject of the application. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents and passers-by.

   b. Posted notice for rights-of-way vacations will be placed at each end of the rights-of-way section proposed for vacation. If the subject rights-of-way proposed for vacation is not County maintained or is maintained seasonally, posted notice containing the name of the subject rights-of-way will also be placed along and perpendicular to the nearest public road or roads as determined by the Director.

   c. All signs must be posted until a decision has been rendered. Applicants shall be responsible for maintaining the signs and removing them within one (1) week after the final decision.

3. Published Notice

   Notice of all applications and meetings, as defined by C.R.S. § 24-6-402(2)(c), shall be posted on the Mesa County website at https://www.mesacounty.us/departments-and-services/community-development/planning.

4. Constructive Notice

   Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this LDC before proceeding with the hearing.

E. Community Development Director/Stormwater Coordinator Action

1. Applications Subject to Community Development Director or Stormwater Coordinator Decision

   If an application is subject to final decision by the Director or the Stormwater Coordinator per Table 3-1, the Director or the Stormwater Coordinator shall make a decision based on the approval criteria applicable to the application type. The decision shall be in writing, accompanied by written findings of fact and shall clearly state the reasons the application has been approved, approved with conditions, or denied.

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2. Applications Subject to Community Development Director or Stormwater Coordinator Recommendation

   a. If the application is subject to final decision by another decision-making or regulatory body per Table 3-1, the Director or the Stormwater Coordinator shall prepare a written staff report. The staff report shall state whether or not the application complies with all requirements and shall include a recommendation.

   b. The Director or Stormwater Coordinator shall forward the completed request, staff report, recommendation, and any related materials to the decision-making or regulatory body.

F. Planning Commission Action

1. Applications Subject to Planning Commission Decision

   a. The Planning Commission shall hold a public hearing in accordance with this LDC and the Planning Commission bylaws.

   b. If an application is subject to final decision by the Planning Commission per Table 3-1, the Planning Commission shall consider the application, applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing.

   c. The Planning Commission shall approve, approve with conditions, or deny the application.

2. Applications Subject to Planning Commission Recommendation

   a. The Planning Commission shall hold a public meeting to review the application based on the applicable review criteria. The Planning Commission shall then make a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the application.

   b. Following Planning Commission review, the Director shall forward the completed request and any related materials, including the Planning Commission recommendation, to the Board of County Commissioners for final action.

G. Board of County Commissioners Action

1. The Board of County Commissioners shall hold a public hearing in accordance with this LDC.

2. The Board of County Commissioners shall consider the application, applicable review criteria, support material, Planning Commission recommendation (if applicable) staff report, and any evidence and/or comments from the public hearing.

3. The Board of County Commissioners shall approve, approve with conditions, or deny the application. The Board of County Commissioners may also remand the application back to the Director, the Stormwater Coordinator, or the Planning Commission, whichever is applicable, for further review.

H. Board of Adjustment Action

1. The Board of Adjustment shall hold a public hearing in accordance with this LDC and Board of Adjustment bylaws.

2. The Board of Adjustment shall consider the application, applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing.

3. The Board of Adjustment shall approve, approve with conditions, or deny the application.

I. Floodplain Board of Appeals Action

1. The Floodplain Board of Appeals shall hold a public hearing in accordance with this LDC and Floodplain Board of Appeals bylaws.

2. The Floodplain Board of Appeals shall consider the application, applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing.

3. The Floodplain Board of Appeals shall approve, approve with conditions, or deny the application.

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SECTION 3.03 | FINAL DECISION

A. Conditions of Approval

1. In approving development applications, the Decision-Making Body shall be authorized to impose such conditions as may be necessary to carry out the general purpose and intent of this LDC. Any discretionary conditions imposed on a development approval shall be based upon duly adopted standards that are:

   a. Contained in this LDC or other document or manual adopted by the County; and

   b. Sufficiently specific to ensure that the condition is imposed in a rational and consistent manner.

2. Any condition imposed on a development approval that would require the applicant to dedicate real property to the public, or to pay money to the public in an amount that is determined on an individual and discretionary basis, shall only be imposed if:

   a. There is an essential nexus between the dedication or payment and a legitimate local governmental interest; and

   b. The dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of such property. If the required amount of land dedications or fees in lieu have been established by a formula applicable to one (1) or more classes of land, rather than on an individual and discretionary basis, the foregoing sentence shall not apply to requirements for park or school land dedications, or fees in lieu of such dedications, as set forth in Section 8.19 of this LDC, or to any other land dedication or fee in lieu of requirements adopted by the County.

3. Any assurances made by the applicant or the applicant's representative and contained within the record, shall be a requirement of approval regardless of whether the assurances have been stated as conditions of approval.

SECTION 3.04 | CONTINUATION OF APPLICATIONS

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this LDC, provided that the continuance is set for a date within forty (40) days, and the date and time of the continued hearing is announced at the time of the continuance.

SECTION 3.05 | APPEALS

A. Administrative Decision

Appeals of an administrative decision must be filed within thirty (30) days of the decision.

B. Board of Adjustment Decision

Appeals of decisions of the Board of Adjustment shall be made to the courts, as provided by law.

C. Floodplain Board of Appeals Decision

Appeals of decisions of the Floodplain Board of Appeals shall be made to the courts, as provided by law.

D. Board of County Commissioner Decision

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

E. Standing to Appeal

Any appeals to actions taken under this LDC may only be made to the Colorado Courts as allowed by Colorado law. The standing of any party to pursue such an appeal is only to the extent allowed by Colorado law.

Any other appeal contemplated in this LDC, besides those filed in Colorado Court proceedings, standing may only exist to those persons who are "Parties of Record," who shall be deemed to include the following:

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1. The applicant;
2. The property owner or holder of any interest or easement in the subject property; or
3. Any person who submitted written comments on the application before final action was taken (excluding persons who have only signed petitions or form letters).

SECTION 3.06 | BURDEN OF PROOF OR PERSUASION

The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the County or other parties to show that the criteria have been met.

SECTION 3.07 | SIMULTANEOUS PROCESSING

Whenever two (2) or more forms of review are required, the Director may allow the applications to be processed simultaneously.

SECTION 3.08 | COMPLIANCE WITH MINERAL AND ENERGY RESOURCES MASTER PLAN

In any area containing a known commercial mineral deposit, no authorization, in any form, shall be given which would interfere with the present or future extraction of such deposit. Certain uses may be authorized, but only if said use does not permit erection of permanent structures upon, or otherwise permanently preclude, the extraction of commercial mineral deposits from, land subject to said use.

Nothing in this section shall be construed to prohibit: (a) the Board of County Commissioners from zoning for agricultural use, only, land not otherwise zoned on July 1, 1973; (b) a use of zoned land permissible under the zoning governing such land on July 1, 1973; and (c) the Board of County Commissioners from acquiring property known to contain a commercial mineral deposit and using said property for a public purpose; except that such use shall not permit erection of permanent structures which would preclude permanently the extraction of commercial mineral deposits.

SECTION 3.09 | GENERAL APPROVAL CRITERIA

In addition to specific approval criteria listed for each type of development review process, the Decision-Making Body shall consider if the proposal:

A. Complies with all applicable standards, provisions, and the Purpose (Section 1.05) of this LDC;

B. Is consistent with review agency comments; and

C. Is consistent with applicable intergovernmental agreements between the County and other entities.

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CHAPTER 4 | ZONING AND DEVELOPMENT PROCEDURES

SECTION 4.01 | ADMINISTRATIVE ADJUSTMENT

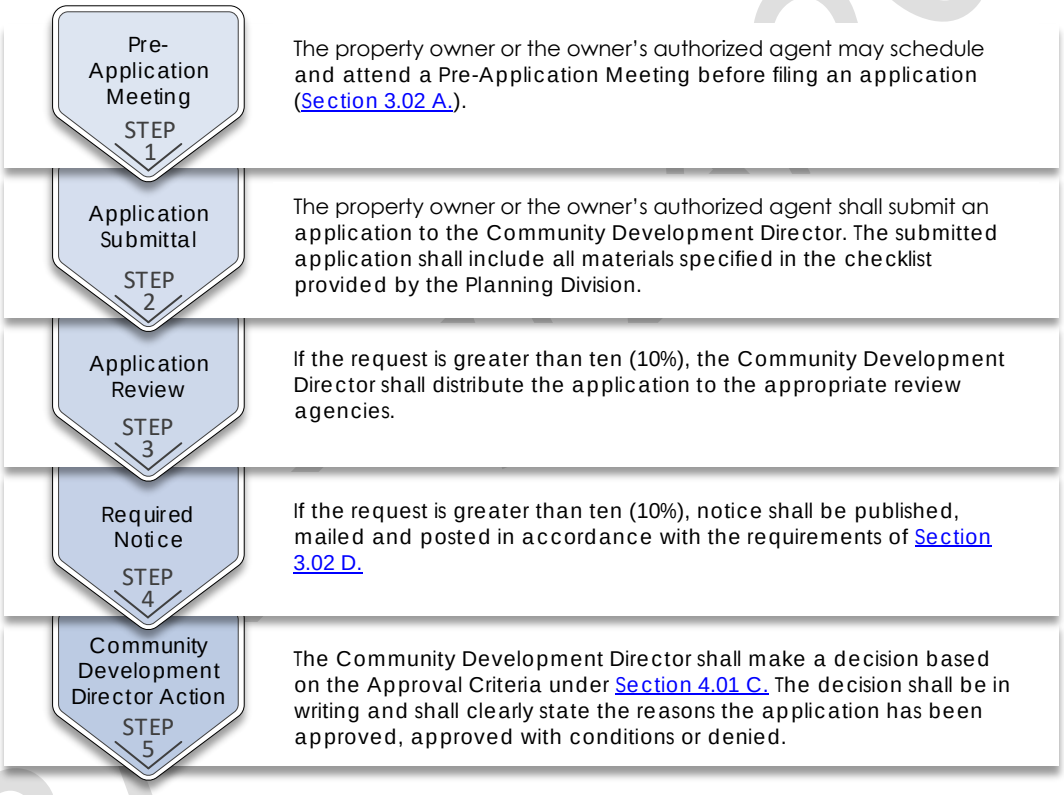
A. Applicability

This section sets out the required review and approval procedures for Administrative Adjustments, which are modifications of fifty (50) percent or less of any dimensional standard set out in Chapter 5 and Chapter 7, except those related to building height, residential density, or nonresidential intensity. Any other proposed modification, or any request the Director determines should be reviewed by the Board of Adjustment, shall be processed as a Zoning Variance as outlined under Section 4.23.

B. Procedure

Figure 4-1 identifies the application steps which apply to the review of Administrative Adjustment applications. Additions or modifications to the general review procedures are noted below.

Figure 4-1: Summary of the Administrative Adjustment Procedure



C. Approval Criteria

In evaluating the proposed request, the following shall be considered:

1. The request will have no significant adverse impact on the health, safety or general welfare of the surrounding properties or the general public, or any adverse impacts will be mitigated to the maximum extent practical;
2. There are special circumstances or conditions that are peculiar to the land or building for which the request is sought that do not apply generally to land or buildings in the area;
3. The strict application of the provisions of this LDC would result in peculiar and practical difficulties in the use of the land or building; and
4. The request is the minimum necessary to relieve the applicant of the peculiar and practical difficulties in the use of the land or building.

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D. Appeals

Appeals of decisions of the Director may be taken to the Board of County Adjustment in accordance with the procedures of Section 4.02.

SECTION 4.02 | APPEALS OF ADMINISTRATIVE DECISIONS

A. Applicability

1. Board of Adjustment

Unless otherwise specifically provided in this LDC, the Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of the zoning requirements of this LDC in Chapters 5 and Chapter 7.

2. Floodplain Board of Appeals

The Floodplain Board of Appeals shall hear and decide appeals of decisions of Floodplain Administrator regarding interpretation of floodplain boundaries, issuance or denial of Floodplain Development Permits, conditions attached to Floodplain Development Permits, or any other provision of the Floodplain Regulations of Section 8.13.

3. Board of County Commissioners

Unless otherwise specifically provided in this LDC, the Board of County Commissioners shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of this LDC, except as specifically provided for above in subsections 1. and 2.

B. Application Filing

Those individuals allowed to file an appeal may submit an application for an Appeal of Administrative Decisions to the Director.

C. Timing

Appeals of Administrative Decisions must be filed within thirty (30) days of the date of the decision or action being appealed.

D. Effect of Filing

Once a complete application for appeal has been received by the Director, no other development approvals or permits will be issued for the subject property, unless the official whose decision is being appealed certifies that such a hold on permits and approvals would cause immediate peril to life or property. If such a certification is made, development approvals and permits may be issued for the subject property, unless a stop work order is issued by the Board of County Commissioners, Board of Adjustment, or the Floodplain Board of Appeals, or a restraining order is issued by a court.

E. Required Notice

Notice shall be published, mailed, and posted, in accordance with the requirements of Section 3.02 D.

F. Record of Administrative Decision

Before the public hearing, the official whose decision is being appealed shall transmit to the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals all documents constituting the record of the decision being appealed.

G. Review and Action

The Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall hold a public hearing of a complete application and take action on the appeal.

1. Appeal Powers

In exercising the appeal power, the Board of County Commissioners, Board of Adjustment, or

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Floodplain Board of Appeals shall have all the powers of the official from whom the appeal is taken, and they may reverse or affirm wholly or partly or may modify the decision being appealed. If the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

2. Consideration of Evidence

In considering a request for appeal, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall consider only those facts, evidence, testimony and witnesses that were part of the official record of the decision-maker's action. No new evidence or testimony may be considered, except County staff may be asked to interpret materials contained in the record.

3. Burden of Persuasion or Error

In acting on the appeal, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall grant to the administrative official's decision a presumption of correctness; the burden of persuasion of error shall be on the appellant.

H. Approval Criteria

An appeal shall be sustained only if the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals finds that the administrative official erred.

I. Appeals

Appeals of decisions of the Board of County Commissioners, Board of Adjustments or Floodplain Board of Appeals shall be made to the courts, as provided by law.

SECTION 4.03 | CONDITIONAL USE PERMITS

A. Applicability

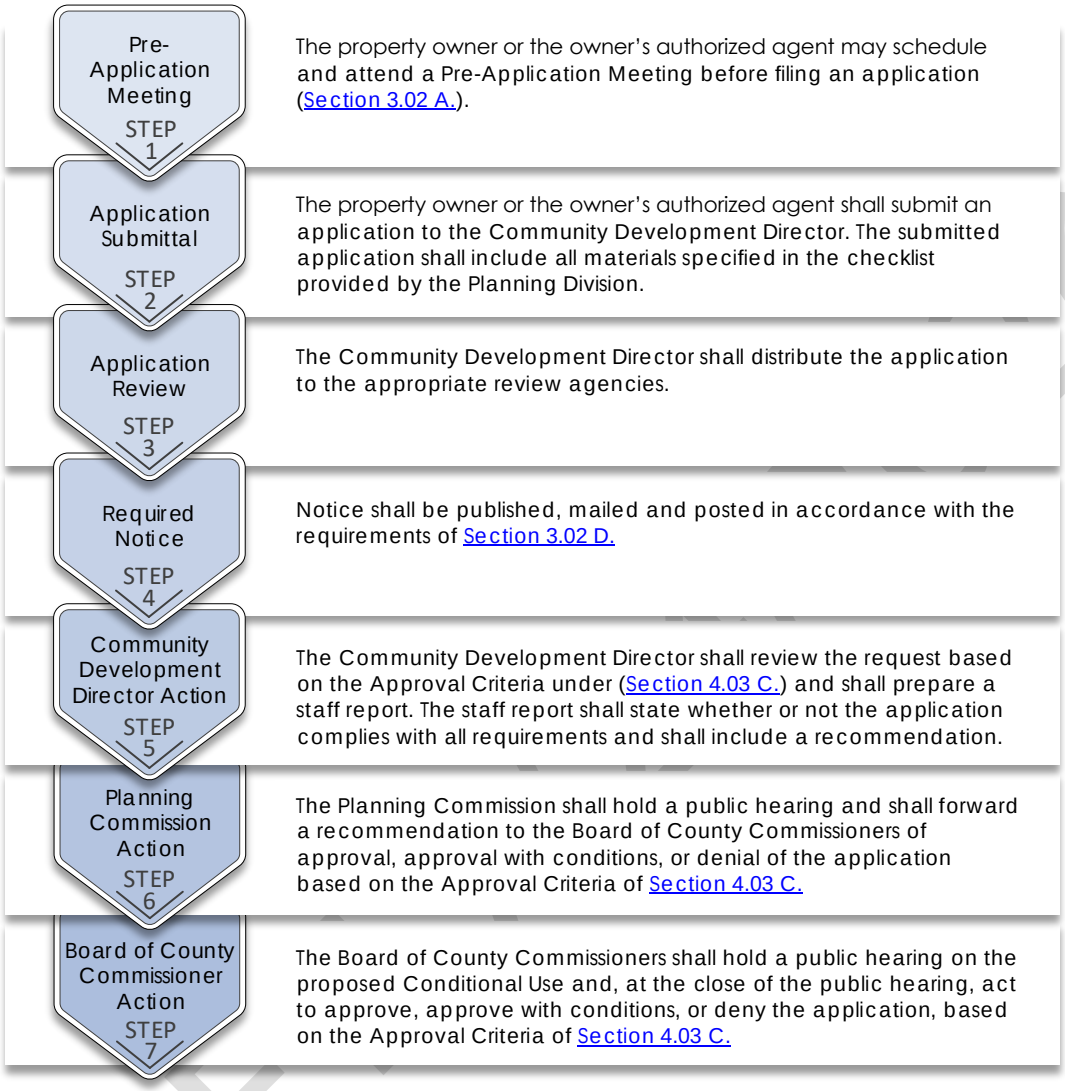
This section sets out the required review and approval procedures for a Conditional Use Permit. A Conditional Use Permit shall be required prior to the establishment of any conditional use identified in Table 6-1.

B. Procedure

Figure 4-2 identifies the application steps which apply to the review of Conditional Use Permit applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-2: Summary of the Conditional Use Permit Procedure



C. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

1. The proposed use is of a scale and design and in a location that is, or can be made, compatible with surrounding uses;
2. Any adverse impacts resulting from the use (including but not limited to: hours of operation, traffic generation, noise, odor, dust, and other external impacts) will be mitigated to the maximum extent practical;
3. Public facilities and services shall be available upon completion of the project to serve the subject property; and

D. Modifications to Approved Conditional Use Permit

1. Minor deviations

The Director may approve minor deviations to a conditional use permit, if such changes are not contrary to the approving action of the Board of County Commissioners, but shall not have the authority to approve substantial deviations as set forth below.

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2. Substantial deviations

   Substantial deviations shall include but not be limited to the following:

   a. A change in the boundaries of the approved site;

   b. An increase greater than ten (10) percent in the approved floor area;

   c. Significant change in the location of principal or accessory structures;

   d. Significant structural alterations affecting the appearance of principal or accessory structures as shown on the approved site plan;

   e. Significant change in pedestrian or vehicular access or circulation; and

   f. Significant change in the amount or location of landscape and screening.

3. If a proposed amendment deviates substantially from the approved conditional use permit, the approved conditional use permit shall be amended in accordance with the procedure and standards which governed its approval.

E. Lapse of Conditional Use Permit Approval

1. An approved Conditional Use Permit shall lapse and be of no further force and effect if it has not commenced within three (3) years of the date of approval by the Board of County Commissioners.

2. Extensions of time, up to twelve (12) months, may be approved by the Director upon review of a written request when deemed necessary to resolve review comments or due to unforeseen circumstances.

F. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.04 | DEVELOPMENT AGREEMENTS

A. Purpose

In connection with any development approval, the Board of County Commissioners shall be authorized to enter into a Development Agreement with the applicant. Development Agreements may include provisions clarifying the phasing of construction, the timing, location and financing of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods of between three (3) and ten (10) years, assurances that adequate public facilities (including roads, water, sewer, fire protection, and emergency medical services), will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public.

B. Review Criteria

Any proposed Development Agreement shall be reviewed by applicable Review and Decision-Making Bodies at the same time that the Rezoning, Major Subdivision, or Planned Unit Development is reviewed. Review Bodies shall have the same power to make recommendations regarding the proposed Development Agreement as they do for the related development approval. Procedures for review and approval of Development Agreements shall be the same as for the related development approval. In reviewing and acting upon proposed Development Agreements, Review and Decision Making Bodies shall consider the Approval Criteria for the development application, and the following additional criteria:

1. Whether the benefit of the Development Agreement to the County outweighs its costs;

2. Whether the Development Agreement is required to mitigate impacts that would otherwise make the proposed development unacceptable; and

3. Whether the County has received adequate assurances that the development will go forward as planned in return for any vesting of property rights beyond the statutory three (3) year vesting period.

C. Contents

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Development Agreements may, without limitation, contain the following:

1. Descriptions of the acceptable and prohibited uses on the property;
2. The density of proposed uses, including maximum floor area and height of buildings;
3. Provisions for the reservation or dedication of land for public purposes;
4. Proposed schedule for the construction of public improvements, and assurances that public improvements will be available as needed to serve new development;
5. Proposed timing and phasing of the development project;
6. Provisions to mitigate the impacts of proposed development on the general public, including the protection of environmentally sensitive lands;
7. Provisions for public benefits or improvements in excess of what is required by current County policy or law;
8. Terms relating to applicant financing of facilities and subsequent reimbursement;
9. Terms for subsequent discretionary actions, provided such terms shall not prevent the development of the property for the uses set forth in the agreement;
10. A provision that construction shall begin by a specified date, or that certain phases shall be completed within a specified time; and
11. Termination date for the Development Improvements Agreement.

SECTION 4.05 | DEVELOPMENT IMPROVEMENTS AGREEMENTS (DIA)

A. Purpose

The County seeks to protect the health, safety, and general welfare of the community by requiring a timely completion of the required improvements and to limit the effects of uncompleted subdivisions or site plans. The Development Improvements Agreement, also referred to as Subdivision Improvement Agreement, is a requirement of the Colorado Revised Statutes. Therefore, the purpose of the Development Improvements Agreement is to protect the County from assuming the cost to complete a subdivision and/or improvements for an approved site plan. Public improvements are inclusive of common private infrastructure that protects the public and/or supports that infrastructure that protects the public. Such private infrastructure is inclusive of but not limited to utility infrastructure, stormwater facilities, and landscaping.

B. Applicability

Whenever public or common private improvements are required, the developer shall enter into a Development Improvements Agreement, which shall be executed and recorded with the Final Plat. Staff may require a Development Improvements Agreement for other types of development applications.

C. Guarantees

a. A Development Improvements Agreement shall be secured by one or a combination of the financial guarantees as described in the Development Improvements Agreement. Upon agreement by both parties, any guarantee options may be substituted for another guarantee. Irrevocable Letter of Credit.

b. Development Improvement Cash Deposit Agreement (with a private bank).

c. Cash Agreement (with the County).

d. Performance Bond (County Attorney's Office review required).

2. The financial security amount shall accurately reflect the quantities and costs of all public improvements and common private improvements and shall be sufficient to make reasonable provision for the completion of required development improvements in accordance with construction documents, design and time specifications.

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D. Structure of the agreement

1. Agreement
2. Exhibit A – Property Legal Description
3. Exhibit B – Lien Holders' Ratification and Approval
4. Exhibit C – Construction Cost Schedule
5. Exhibit D – Guarantee

E. Development Improvements Agreement Options

1. Standard Development Improvements Agreement.
2. Construction Prior to Final Plat (Plat Hold) – Subdivision with Public Improvements.
3. Construction Prior to Final Plat (Plat Hold) – Subdivision without Public Improvements (will not require a financial guarantee as described above).

F. Procedure

Development Improvements Agreement's shall may be reviewed together with the development application to which they relate or after approval of the development application. The Agreement shall be administered and extinguished per the provisions of the Agreement.

1. DIA may be applied for using the Online Portal. A complete unexecuted agreement is required for review. See above for the required components of a Development Improvements Agreement. The Development Improvements Agreement will be reviewed for consistency with the project application. If revisions are needed the applicant will be given the opportunity to make the corrections via the Online Portal.
2. Upon verification of a complete Development Improvements Agreement the applicant will be prompted to provide the necessary financial security, recording fee, and executed documents accordingly.

Upon receipt of the financial security, recording fee, and executed documents the County will execute and record the Development Improvements Agreement accordingly.

G. Extinguishment of the Development Improvements Agreement (Close Out)

1. Extinguishment of the Development Improvements Agreement with Public Improvements – The applicant shall provide all documents identified per the Extinguishment of Development Improvements Agreement Checklist and request that a Final Construction Walkthrough be performed by Mesa County Staff. Any deficiencies identified during the walkthrough shall be addressed prior to the extinguishment of the Development Improvements Agreement.
2. Extinguishment of the Development Improvements Agreement without Public Improvements Will require the following from the developer:
   a. Certification from the engineer of record that all of the proposed improvements have been completed per the approved construction drawings.
   b. Proof of contractor/sub-contactor payment for the proposed improvements.

   Additional documentation and/or a Final Construction Walkthrough may be required by Mesa County Staff.

H. Warranty Agreement

Warranty agreements must be established at the time of Development Improvements Agreement extinguishment for all projects with public improvements. The warranty agreement must also be secured with a financial guarantee similar to the DIA. The same security options available for the DIA are also available with the warranty agreement. Similar to the DIA a Final Warranty Walkthrough be performed by Mesa County Staff. Any deficiencies identified during the walkthrough shall be addressed prior to the completion of the warranty.

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I. Road Petitions

Upon completion of the development Warranty Agreement as described above public roads constructed by a developer shall be petitioned to the Board of County Commissioners for acceptance into the County's maintained road network. County staff will process petitions accordingly following the completion of the warranty.

SECTION 4.06 | EXTINGUISHMENT OF PUBLIC UTILITY EASEMENT

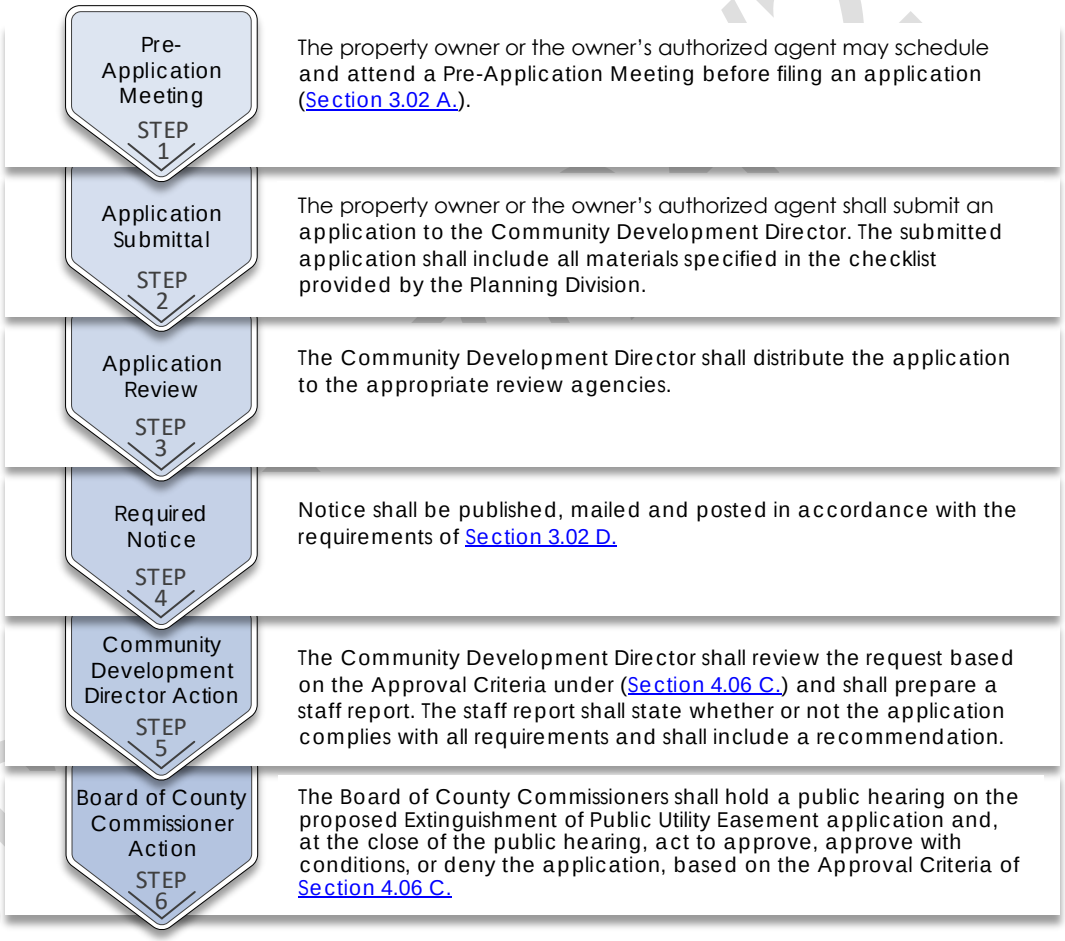
A. Applicability

This section sets out the required review and approval procedures for Extinguishment of Public Utility Easement.

B. Procedure

Figure 4-3 identifies the application steps which apply to the review of Extinguishment of Public Utility Easement applications. Additions or modifications to the general review procedures are noted below.

Figure 4-3: Summary of the Extinguishment of Public Utility Easement Procedure



C. Approval Criteria

An Extinguishment of Public Utility Easement application may be approved if no utility provider objects to the proposal and the request is consistent with the General Approval Criteria under Section 3.09.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.07 | FLOODPLAIN DEVELOPMENT PERMIT

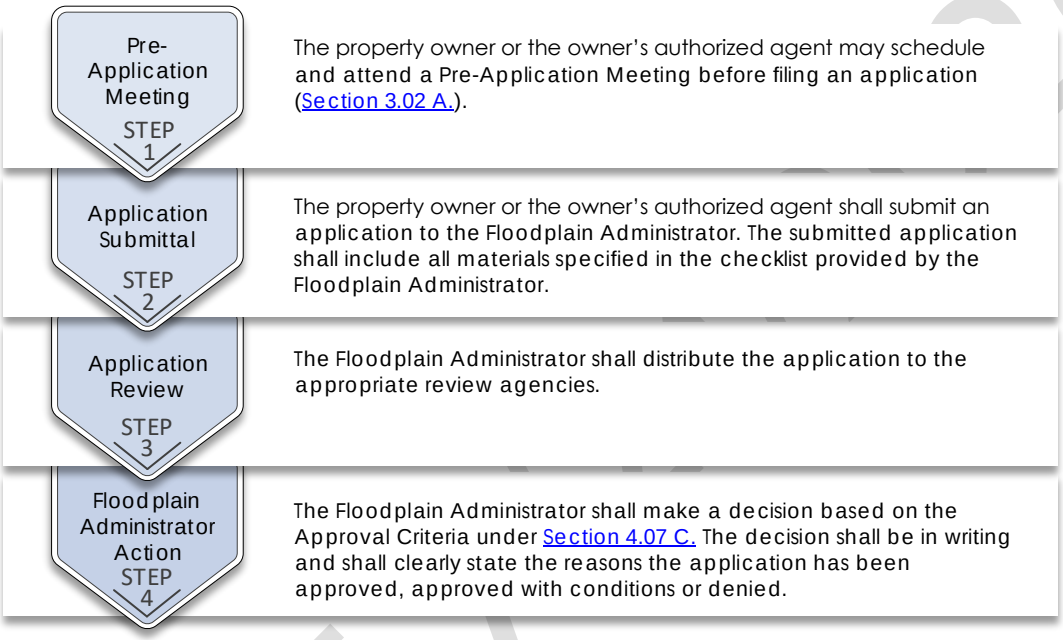
A. Applicability

A Floodplain Development Permit is required prior to any land disturbance and before construction or development begins within any area of special flood hazard area established in Section 8.13 to ensure conformance to the stormwater quality provisions and other applicable requirements of this LDC.

B. Procedure

Figure 4-4 identifies the application steps which apply to the review of Floodplain Development Permit applications. Additions or modifications to the general review procedures are noted below.

Figure 4-4: Summary of the Floodplain Development Permit Procedure



C. Approval Criteria

In evaluating the proposed request, the following shall be considered:

1. The effect of the flood on the site itself, including:
   a. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
   b. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owners;
   c. Whether the proposed use will be inhabited or only used on a part time basis;
   d. The proposed water supply and sanitation systems, and the ability of these systems to prevent contamination or unsanitary conditions;
   e. The community importance of the services provided by the proposed facility;
   f. The requirements of the facility for a waterfront location, and the availability of alternative sites for the use;
   g. The compatibility of the proposed use with existing development and development anticipated in the future;
   h. The precedent that would be set by granting the permit, and the cumulative effect of numerous similar permits, if issued;
   i. The safety of access to the property in times of flood for emergency and non-emergency vehicles; and
   j. Whether the property is endangered by channel relocation due to natural causes.

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2. The effects conveyed downstream or upstream of allowing such a use, including:
    a. The effect on depth and velocity of floodwater (i.e., peak flow characteristics);
    b. The danger to life and property downstream due to increased flood velocities and heights caused by encroachment or obstruction upstream or downstream;
    c. Whether the depth of floodwaters on neighboring parcels would be increased by more than the designated height above normally expected flood depths;
    d. Increased probability of erosion to property, as opposed to normal stream bank erosion, because of accelerated flood velocities, or direction of floodwaters resulting from the obstruction or encroachment;
    e. Whether additional public expenditures for increased flood protection may be necessitated, such as dike or bridge maintenance;
    f. Whether the applicant would obtain an undue advantage compared to later applicants who might require a permit;
    g. The danger that materials may be swept downstream and cause injury to persons or property; and
    h. Possibility of contamination downstream from ruptured waste disposal systems, or stored treatment-related, toxic chemicals and/or bacteriological substances.
3. The preservation of the efficiency and capacity of the watercourse to transmit and discharge floodwaters, and the capacity of the floodplain area to absorb floodwaters.

D. Conditions of Approval

A Floodplain Development Permit may be approved if the request complies with Floodplain Regulations of Section 8.13. The Floodplain Administrator shall be authorized to impose conditions necessary to ensure compliance with those standards, including those set out in Section 8.13 K. and the following:

1. Modification of waste disposal and water supply facilities to minimize or eliminate infiltration of flood waters.
2. Limitations on periods of use and operations.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements of prohibitions of channel modifications, dikes, levees, and other protective measures.
5. Placement of a structure on the site so that it offers minimum obstruction to flood waters by requiring that its longitudinal axis be parallel to the direction of the flood waters and on the same line as those of adjoining structures, or by requiring greater setbacks from the watercourse than would otherwise be required.
6. Location of building envelopes.
7. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rates of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The administrator shall require that the applicant submit a plan or document certified by a registered professional engineer or architect testifying that the Flood Proofing measures are consistent with the regulatory flood elevation and associated flood factors for the particular area. Flood Proofing measures may include:
    a. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;
    b. Reinforcement of walls to resist water pressures;
    c. Addition of mass or weight to structures to resist flotation;
    d. Use of paints, membranes, or mortars to reduce seepage of water through walls;
    e. Installation of pumps to lower water levels in structures;

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f. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall flood pressures;

g. Construction to resist rupture or collapse caused by water pressure from debris;

h. Installation of accessible valves or controls on sanitary and storm drains, which will permit the drains to be closed to prevent back-up of sewage and storm waters into the structure; and

i. Location of electrical equipment, circuits, and electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundation of flood waters.

E. Appeals

Appeals of decisions of the Floodplain Administrator's may be taken to the Floodplain Board of Appeals in accordance with the procedures of Section 4.08.

F. Approval/Lapse of Approval

An approved Floodplain Development Permit shall be valid for a period of one (1) year from the date of issuance. If construction has not been commenced and diligently pursued during the one (1) year period, the permit shall lapse and be of no further effect. An extension of a Floodplain Development Permit shall require review and approval of a new permit, pursuant to the procedures of this section.

SECTION 4.08 | FLOODPLAIN VARIANCES

A. Applicability

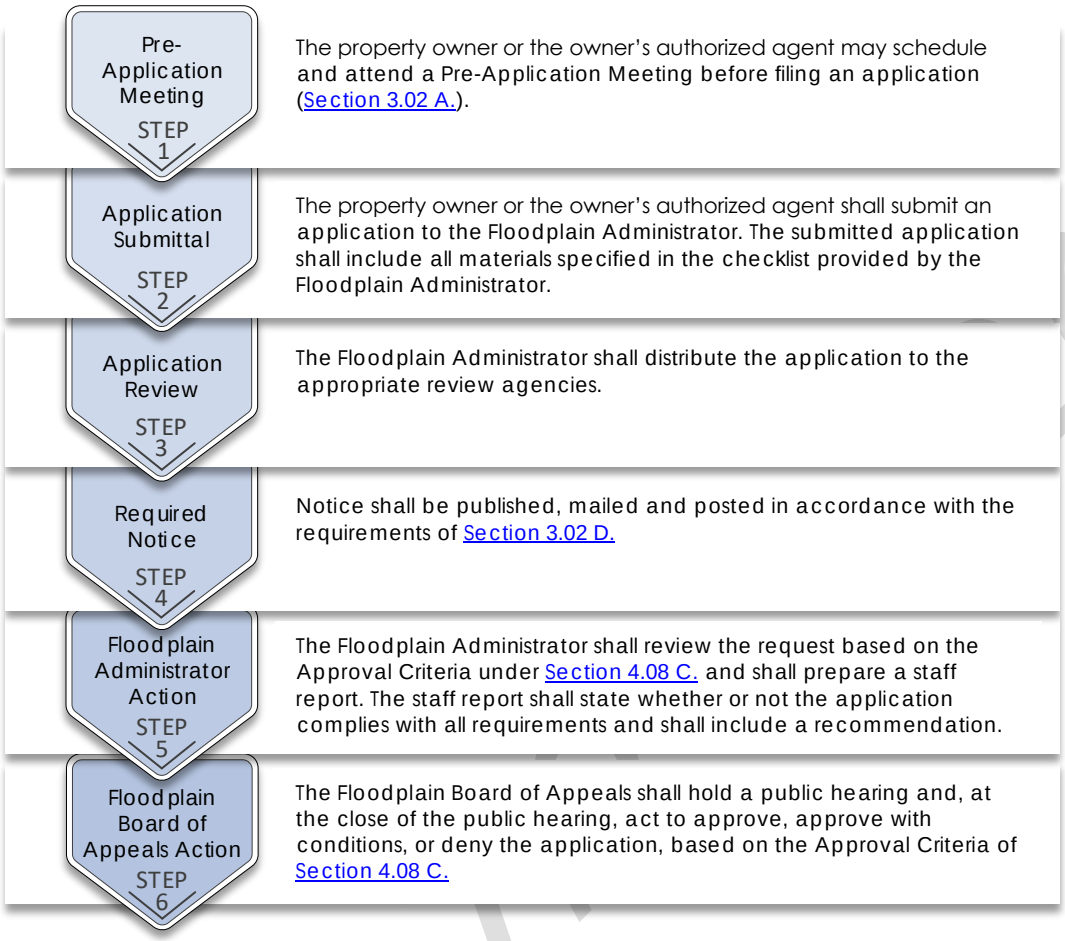
The Floodplain Board of Appeals is authorized to grant variances from the floodplain standards of this LDC, unless a variance is specifically prohibited. The granting of a floodplain variance shall not be contrary to the public interest or the purposes of this LDC where, owing to special conditions, a literal enforcement of the provisions of this LDC would result in unnecessary physical (not economic) hardship to the property owner.

B. Procedure

Figure 4-5 identifies the application steps which apply to the review of a Floodplain Variance applications. Additions or modifications to the general review procedures are noted below.

Figure 4-5: Summary of the Floodplain Variance Procedure

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C. Approval Criteria

In evaluating the proposed request, the Floodplain Regulations of Section 8.13; all technical evaluations; and the following criteria shall be considered:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding and erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
4. The importance of the services provided by the proposed facility to the community; and
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with the existing and anticipated development, and;
8. Whether the proposed use is consistent with the floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as gas, sewer, electrical, and water systems, streets and bridges.

D. Conditions of Approval

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In granting a Floodplain Variance, the Floodplain Board of Appeals may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially adverse effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this LDC. Any condition imposed must relate to a situation created or aggravated by the use or the proposed Floodplain Variance and must be roughly proportional to its impact. More specifically:

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 4.08 C. have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justifications required for issuing the variances increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
    a. A showing of good and sufficient cause;
    b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
    c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in Section 4.08 C. or conflict with exiting local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

E. Appeals

Appeals of decisions of the Floodplain Board of Appeals shall be made to the courts, as provided by law.

SECTION 4.09 | LAND DEVELOPMENT CODE AMENDMENTS

A. Applicability

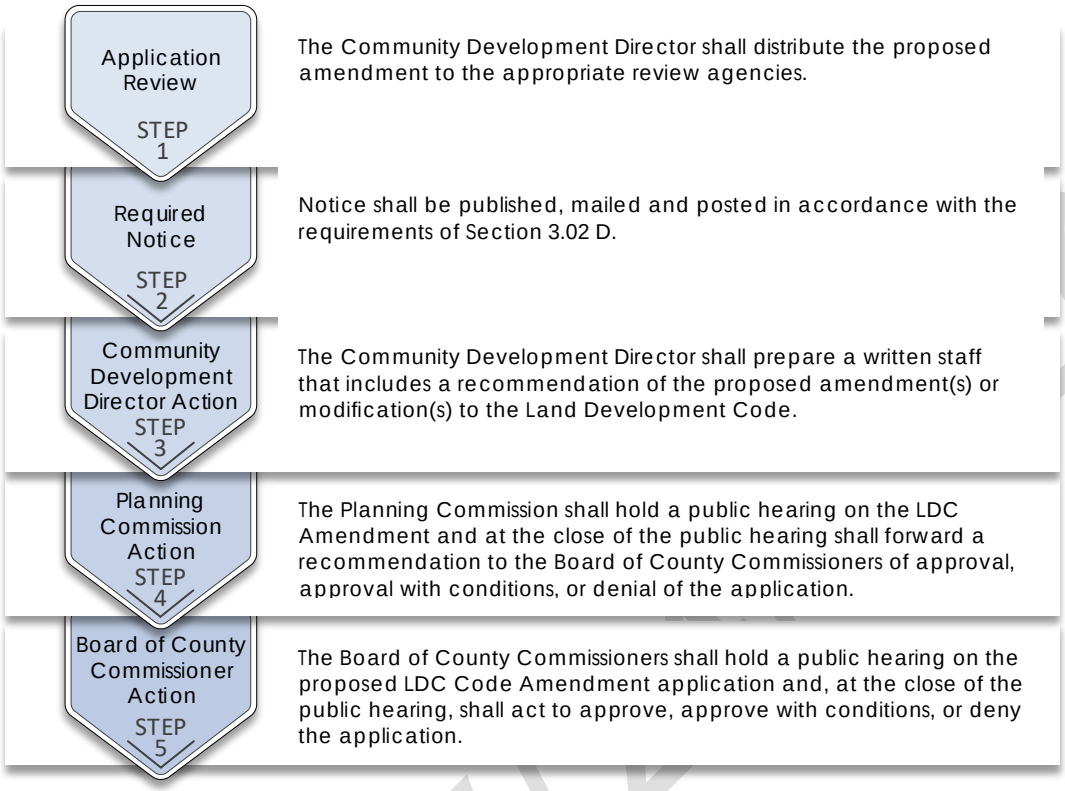
The Board of County Commissioners may consider amendments to the text of this LDC as may be required from time to time. If an amendment is proposed by a citizen of Mesa County, the proposal will be forwarded to the Board of County Commissioners for their review and staff direction.

B. Procedure

Figure 4-6 identifies the application steps which apply to the review of LDC Amendment applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-6: Summary of Land Development Code Amendment Procedure



C. Corrections of Errors or Omissions

If it is discovered that there is a minor typographic or scrivener error or omission, the Director shall record an Affidavit of Correction in the records of the Mesa County Clerk and Recorder to be incorporated into the LDC. The Director and the County Attorney shall verify the Affidavit to ensure that the meaning and intent of the text approved by recorded resolution are not altered.

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A. Applicability

Land Division procedures provided in this Section outline the processes to evaluate the orderly and efficient division of land that promote the health, safety and welfare of the residents of the County.

B. General Provisions

1. Types of Land Divisions

TABLE 4-1: LAND DIVISION TYPES
(General standards, see appropriate sections for specific standards)

	Agricultural Division	Minor Subdivision	Major Subdivision	Physical and Legal Separation	Rural Land Division	Subdivision for Public Purposes
Allowed in:	AFT zone	All zones	All zones	All zones	AFT & AF-35 zones	All zones
Number of Lots:	One (1) additional lot per 25 acres	Up to six (6) total lots	Based on zoning	N/A	Only one (1) additional lot	One (1) lot for public purposes
Density:	Cannot exceed AFT maximum	Based on zoning	Based on zoning	Not subject to density	Not subject to density	Not subject to density
Lot Size:	Max five (5) acres Min one (1) acre	Based on zoning	Based on zoning	N/A	Minimum one (1) acre	N/A
Eligibility:	Minimum of fifty (50) acres ; Owned at least five (5) years; Assessed as "Agricultural"	Based on zoning	Based on zoning	Physical barrier is required; Barrier existed at least ten (10) years	Only one per parcel; Parcel must be at least 10 acres	N/A

2. Standards

a. If located within or adjacent to the Rural Planning Area, the recorded plat or site plan shall include a note reciting the County's Right to Farm and Ranch policy (Section 1.06).

b. Where applicable, the recorded plat or site plan shall include a note reciting the Notice of Traditional Hunting Activities (Section 8.06 H.).

c. Any hazards identified on the property must be mitigated and where appropriate, no-build areas are shown on the site plan (Section 8.06 and Section 8.13).

3. Acceptance of Improvements

Approval of a Land Division proposal shall not constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

C. Agricultural Division

1. Eligibility:

a. The applicant must own at least fifty (50) acres in contiguous parcels (the "Tract").

b. The Tract must be zoned Agricultural Forestry Transitional (AFT).

c. The applicant or the applicant's immediate family must have owned the Tract for a minimum of five (5) years.

d. The entire Tract must be classified as "Agricultural" in the County Assessor's parcel records and have retained that classification for a minimum of five (5) years consecutively prior to and up to the date of the application.

2. Frequency:

a. One (1) new parcel may be divided from the Tract for each twenty-five (25) acres owned in the Tract. (For example, if the applicant owns one hundred ten (110) acres in the Tract, a maximum of four (4) divisions could be permitted using this process.)

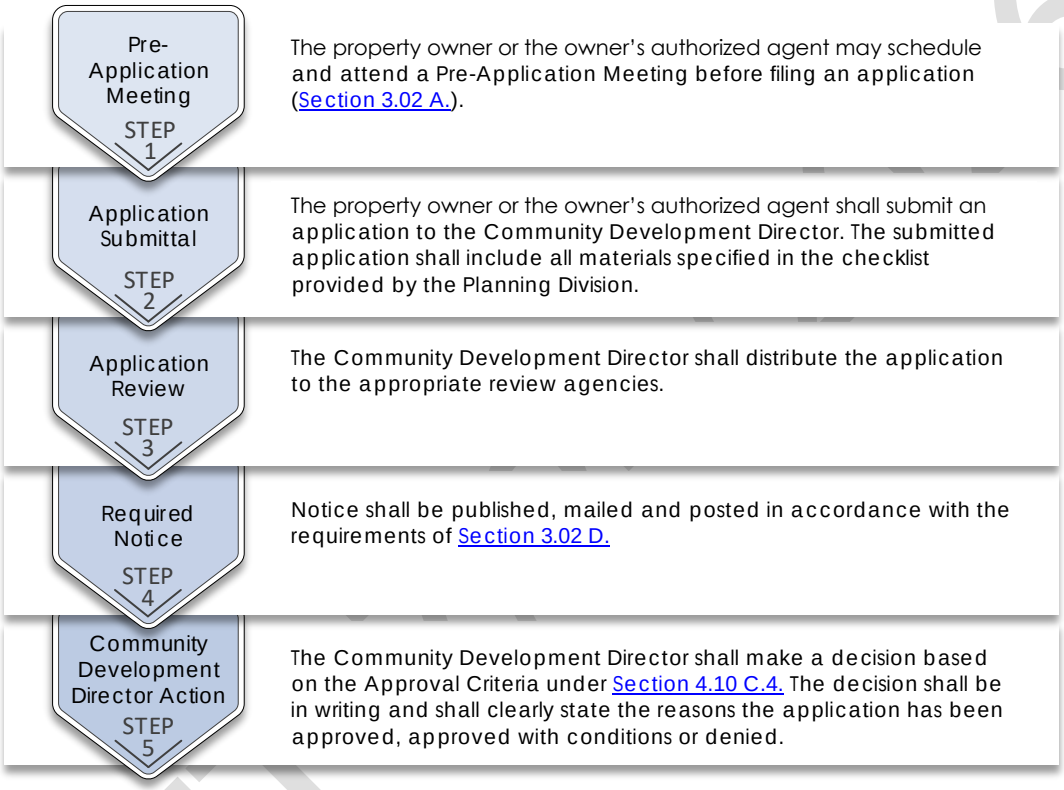
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b. Agricultural Division process may be used multiple times providing that the total number of parcels created does not exceed one parcel for each twenty-five (25) acres of the original/parent Tract.

3. Procedure

Figure 4-7 identifies the application steps which apply to the review of Agricultural Division applications. Additions or modifications to the general review procedures are noted below.

Figure 4-7: Summary of the Agricultural Division Procedure



4. Approval Criteria:

In evaluating the proposed request, all of the following criteria shall be considered:

a. Either approval of service by a water district or a well permit is required for the new lots. This process is not considered an exempt subdivision for the purpose of compliance with Section 8.08, Potable Water Supply, as amended in the LDC;

b. The division shall not detract from the integrity and efficiency of the agricultural operations;

c. New lots shall be less than five (5) acres in size unless an exception is approved by the Director for reasons related, but not limited to topography, natural or man-made features, or soils conditions. The minimum lot size will be established by compliance with the Wastewater Standards in Section 8.10;

d. The number of lots created shall not exceed one (1) new parcel for each twenty-five (25) acres; and

e. New lots may be created with no street frontage in order to allow the agricultural use to continue.

D. Exempt Land Division

1. Applicability

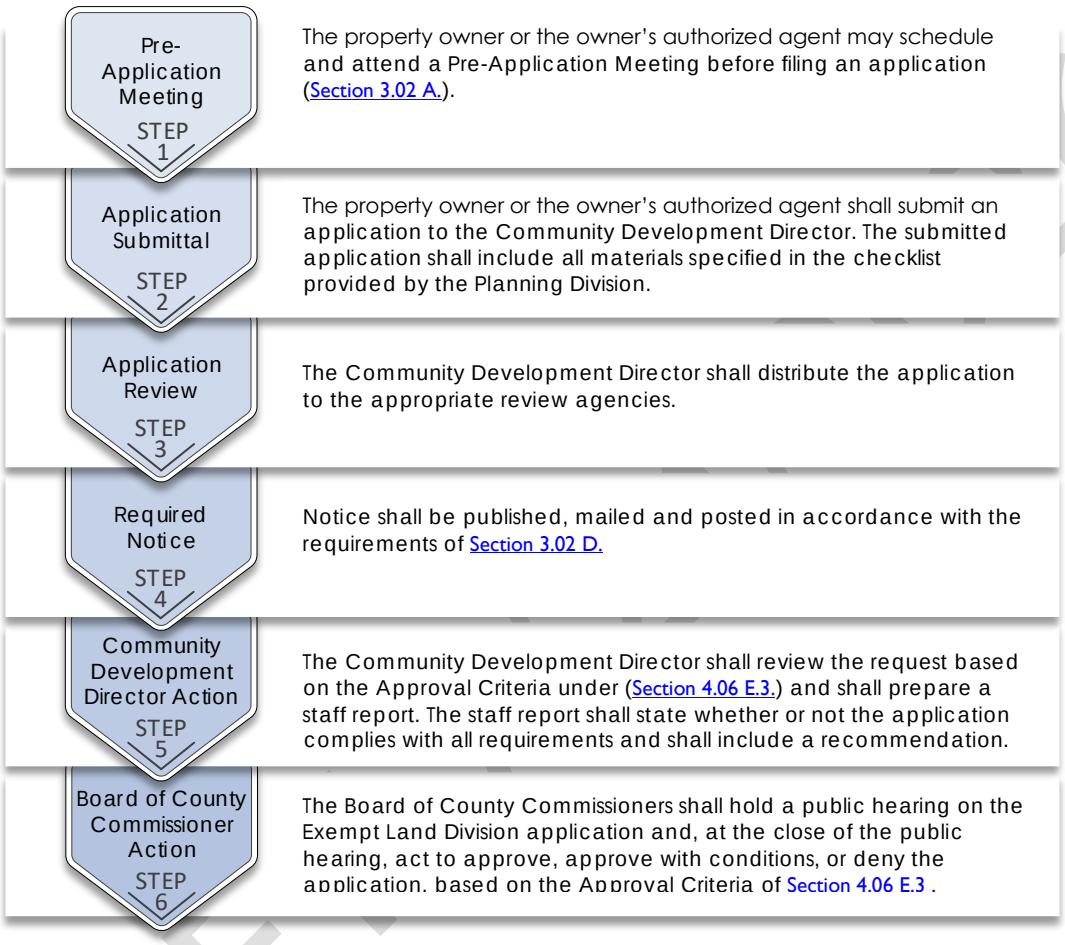
The Board may consider a request for an Exempt Land Division to correct an illegal division of Land which occurred after September 1, 1972.

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2. Procedure

Figure 4-8 identifies the application steps which apply to the review of Exempt Land Division applications. Additions or modifications to the general review procedures are noted below.

Figure 4-8: Summary of the Exempt Land Division Procedure



3. Approval Criteria

In evaluating the proposed request, the following criteria shall be considered:

a. The applicant was unaware of the illegality of the property purchased at the time of transfer and/or the improperly divided parcel has transferred two (2) or more times to different owners;

b. The applicant has demonstrated a diligent and unsuccessful attempt to obtain relief from the sale of the improperly divided parcel through normal procedure; or

c. The strict application of the this LDC would result in peculiar and practical difficulties to, and exceptional and undue hardship upon, the property owner and the use of the land; and

d. The improperly divided parcel has existed more than ten (10) years.

4. Appeal

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

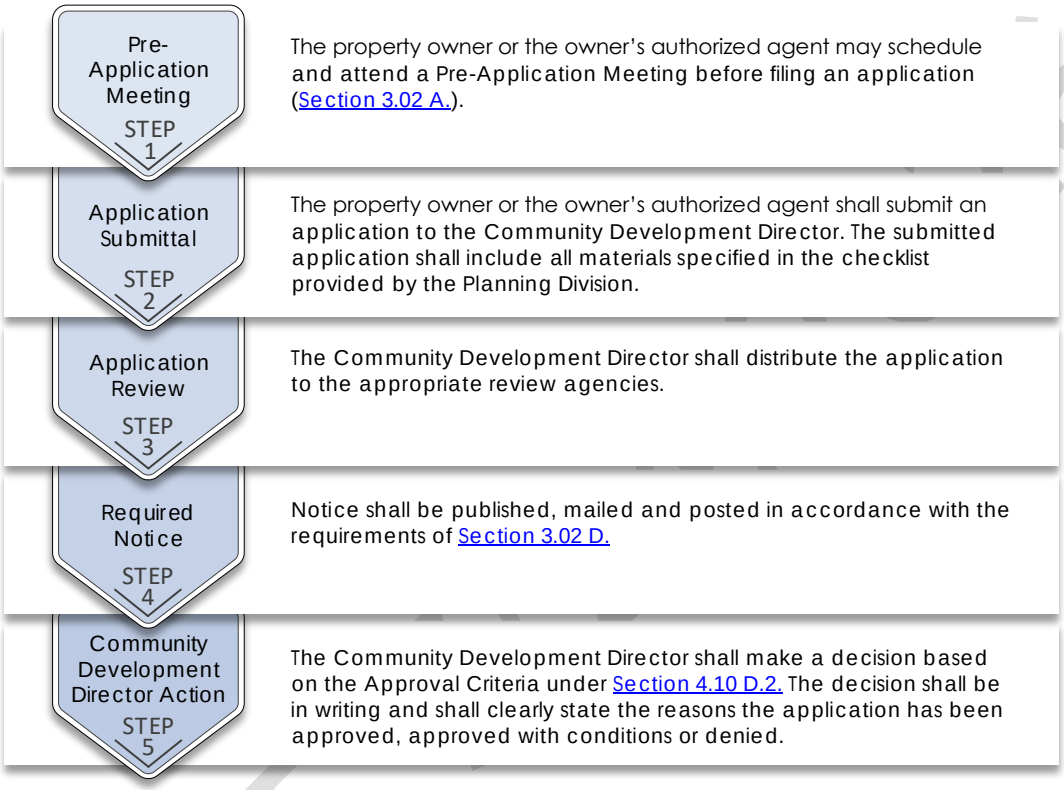
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E. Minor Subdivisions

1. Procedure

Figure 4-9 identifies the application steps which apply to the review of Minor Subdivision applications. Additions or modifications to the general review procedures are noted below.

Figure 4-9: Summary of the Minor Subdivision Procedure



2. Approval Criteria

In evaluating the proposed request, all of the following criteria shall be considered:

a. No more than six (6) platted lots are allowed;

b. Complies with applicable development standards of Chapter 5 and Chapter 8.

(1) For properties in the AFT zoning district, the density standards of Section 7.02 of this LDC shall apply.

(2) Density Bonus Subdivisions, as permitted in Section 7.02 C., shall not be eligible for Minor Subdivision; and

(3) Minimum lot frontage is not required if legal and approved access to a public road for all parcels or lots resulting from the Minor Subdivision is provided.

3. Appeal

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

F. Major Subdivisions

1. Eligibility

All land divisions that do not qualify for an Agricultural Land Divisions, Minor Subdivisions, Physical and Legal Separations, Rural Land Divisions, Subdivision for Public Purpose and thirty-five (35) Acre Parcels Created by Plat. The procedures of this Section 4.10 E. shall not apply to those exceptions provided for in C.R.S. §30-28-101(10).

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2. General Procedure

The following are the applications subject to the Major Subdivision process. These applications may be processed individually or combined upon approval of the Director.

a. Concept Plan (Section 4.10 E.3.);

b. Final Plan (Section 4.10 E.4.); and

c. Final Plat (Section 4.10 E.5.).

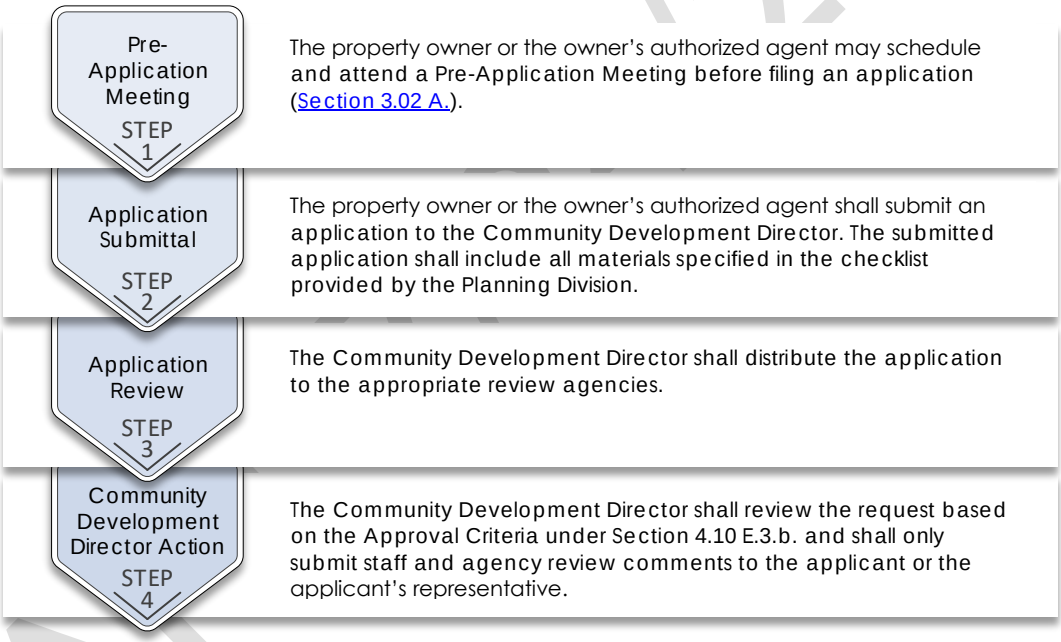
3. Concept Plan

An optional process intended to review the feasibility and design characteristics of the proposed subdivision plan.

a. Procedure

Figure 4-10 identifies the application steps which apply to the review of Concept Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-10: Summary of the Concept Plan Procedure



b. Review Criteria

In considering a Concept Plan proposal, the following shall be considered:

(1) Feasibility and design characteristics based upon compliance with the applicable standards contained within this LDC; and

4. Final Plan

A detailed subdivision plan, including supporting documents.

a. Neighborhood Meeting

The Applicant shall hold a meeting with area property owners after the Application Review step has been completed. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the Applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this LDC and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Director prior to Final Plan approval.

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b. Additional Notice

In accordance with the requirements of Section 3.02 D., C.R.S. §30-28-133(10) and §24-65.5-103, the Final Plan shall have submitted with it certification that the notice of the application has been sent to the mineral estate owners, and shall include the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of an application have been sent as their names may appear upon the plats or records in the County Clerk and Recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.

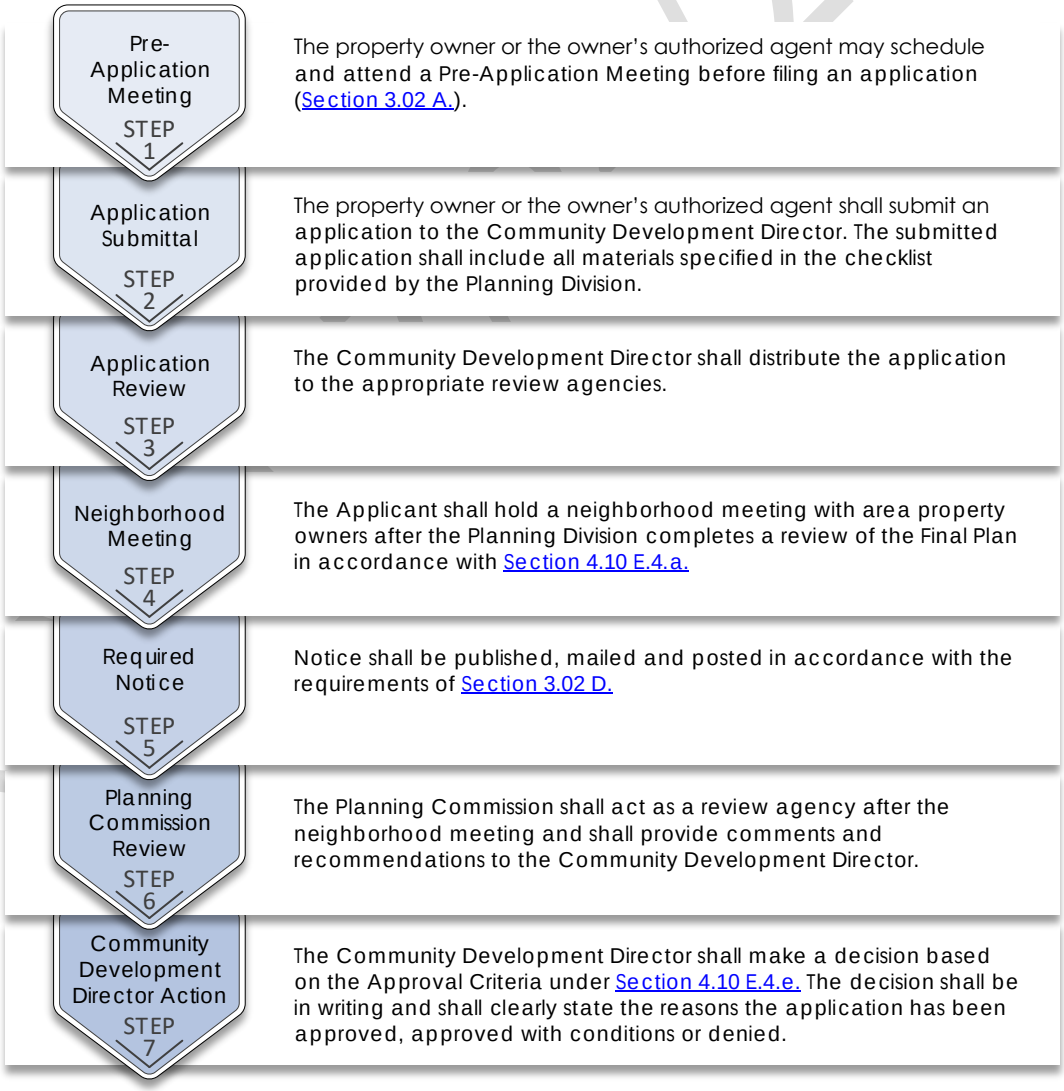
c. Phasing

If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies as a part of the development application.

d. Procedure

Figure 4-11 identifies the application steps from which apply to the review of Final Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-11: Summary of the Final Plan Procedure



e. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

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(1) Public facilities and services shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development;

(2) Complies with applicable development standards of Chapter 5, Chapter 7 and Chapter 8; and

(3) The proposed subdivision will have no adverse or negative impacts upon the natural or social environment or if adverse or negative impacts are present, those impacts shall be mitigated to the maximum extent practical.

f. Technical Disputes

As a means of resolving technical disputes between the applicant's licensed or registered professionals and the County, such disputes may be referred to a qualified employee of the appropriate state department for a recommendation pursuant to C.R.S §30-28-133.5.

g. Approval; Lapse of Approval

An approved Final Plan shall lapse and be of no further force and effect if a complete Final Plat application, or a phase has not been submitted within three (3) years of the date of Final Plan approval.

5. Final Plat

a. Public Improvements/Development Improvements Agreements

Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements, in accordance with Section 4.05.

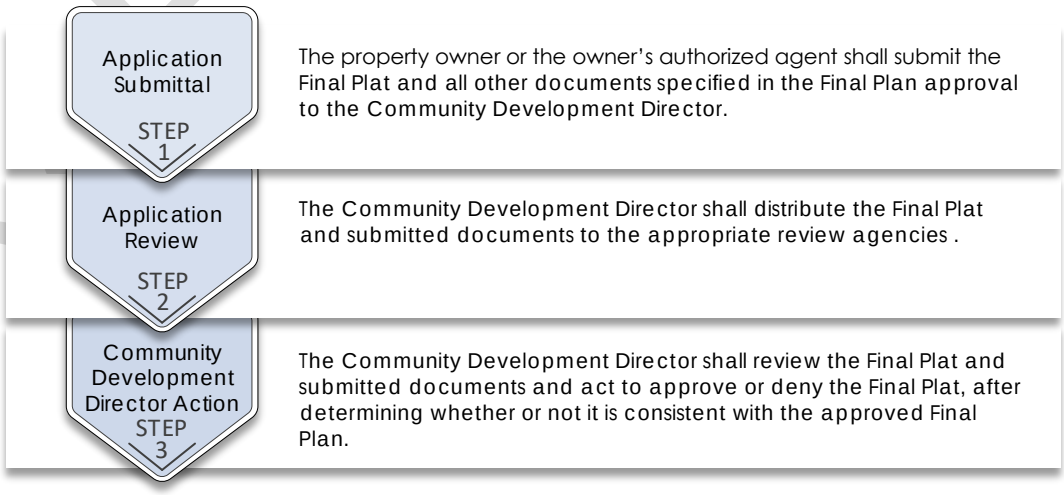
b. Acceptance of Improvements

Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

c. Procedure

Figure 4-12 identifies the application steps which apply to the review of Final Plat applications. Additions or modifications to the general review procedures are noted below.

Figure 4-12: Summary of the Final Plat Procedure



d. Recording; Lapse of Approval

If the Final Plat is not approved and recorded with the Clerk and Recorder of Mesa County, unless a Development Improvements Agreement has been signed, within three (3) years of the date of approval of the Final Plan, Final Plan shall lapse and be of no further effect. Two (2) one (1) year extensions of time may be approved by the Director upon review of a written request when

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deemed necessary due to unforeseen circumstances. If approval lapses, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.

e. Corrections for Errors or Omissions for Minor Changes to Recorded Plats

If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, where upon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction. The completed Affidavit shall be submitted to the Mesa County Community Development Department to be recorded with the Mesa County Clerk and Recorder within ten (10) days of completion.

6. Appeals

Appeals of the decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

G. Physical and Legal Separations

1. Eligibility

In order to qualify as a Physical and Legal Separation, the following shall be considered:

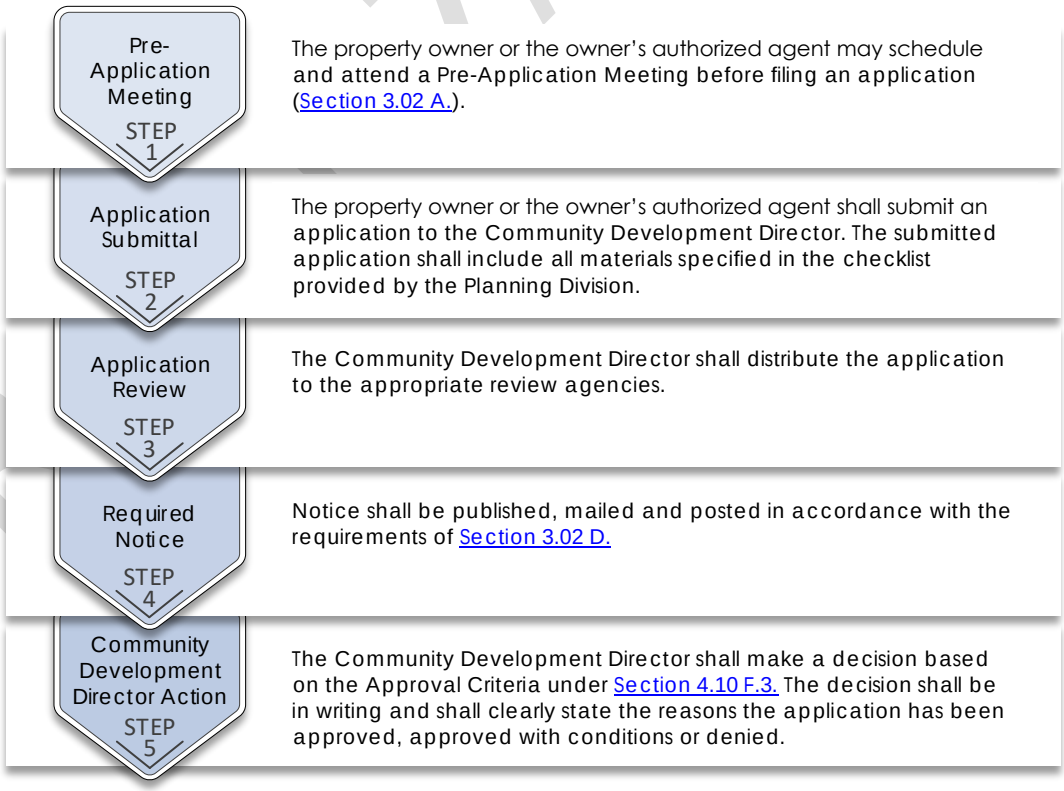
a. Be in the form of an actual physical barrier, such as a public road, a railroad track, a river, an easement or a ditch or canal;

b. With the exception of a river, the physical barrier must be owned by an unrelated third party; and

2. Procedure

Figure 4-13 identifies the application steps which apply to the review of Physical and Legal Separation applications. Additions or modifications to the general review procedures are noted below.

Figure 4-13: Summary of the Physical and Legal Separations Procedure



3. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under

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Section 3.09 and the following shall be considered:

a. The proposal will neither create a nonconformity nor increase the degree to which a structure is nonconforming; and

b. Public facilities and services shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development.

H. Rural Land Divisions

1. Eligibility

The following may be processed as Rural Land Divisions:

a. The unplatted parcel must be located in an AFT or an AF-35 Zoning District;

b. No portion of the unplatted parcel has been divided through a Rural Land Division;

c. No more than one (1) additional parcel may be created, in accordance with the Rural Land Division procedures of this section; and

d. The eligible parcel must be at least ten (10) gross acres. The parcel is still eligible for the Rural Land Division if:

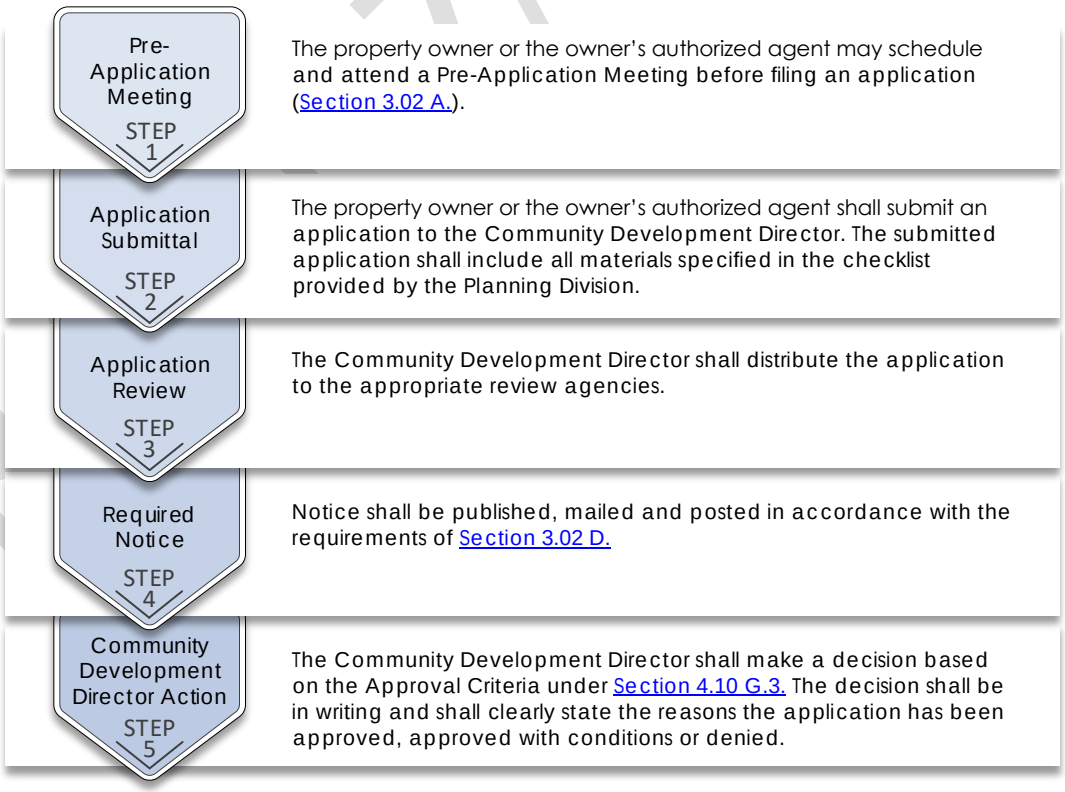
(1) Right-of-way was dedicated and resulted in less than ten (10) acres; or

(2) The required dedication through the Rural Land Division process results in less than ten (10) acres.

2. Procedure

Figure 4-14 identifies the application steps which apply to the review of Rural Land Division applications. Additions or modifications to the general review procedures are noted below.

Figure 4-14: Summary of the Rural Land Division Procedure



3. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under

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Section 3.09 and the following has been met:

a. Public facilities and services shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development;

b. Access to a maintained public road shall meet Section 8.15 and Section 8.16 of this LDC; and

c. Minimum lot frontage is not required if legal and approved access to a public road for all parcels or lots resulting from the Rural Land Division is provided;

I. Subdivision for Public Purposes

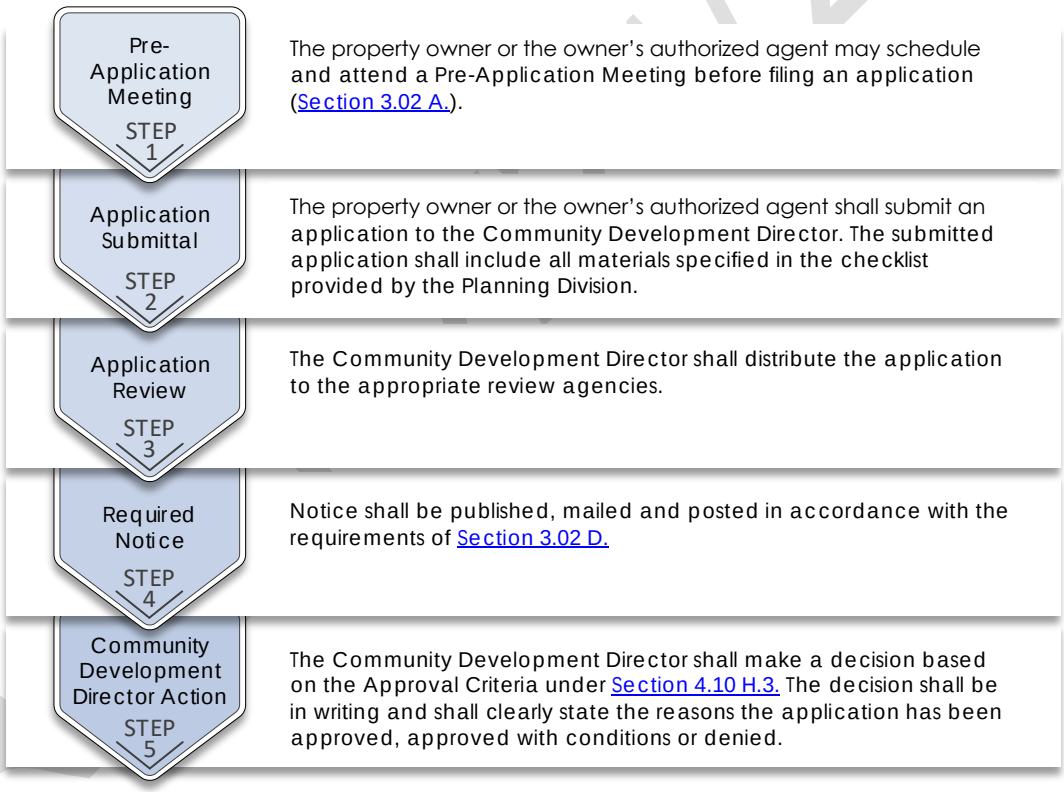
1. Eligibility:

The lot must be used for a public purpose and the use must be permitted in the underlying zone district as an Allowed or as a Conditional Use.

2. Procedure

Figure 4-15 identifies the application steps which apply to the review of Subdivision for Public Purpose applications. Additions or modifications to the general review procedures are noted below.

Figure 4-15: Summary of the Subdivision for Public Purposes Procedure



3. Approval Criteria:

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

a. Lots may be created with indirect access (no street frontage) depending on the proposed use. Public uses that do not generate traffic may not require street frontage;

b. Provision of potable water through service by a water district or a well permit may be required for the new lot. Depending on the public purpose, and upon demonstration that no water use is required, the application may be considered exempt from Section 8.08, Potable Water, in the LDC;

c. The remainder lot (the lot not used for public purposes) shall meet all requirements in Chapter 5, Density and Dimensional Standards;

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d. Screening for noise and visual issues may be required in order to mitigate impacts on the neighborhood; and

e. A legal restriction on the use of the land for only public purposes shall be recorded in the records of the Clerk and Recorder.

J. Thirty-five (35) Acre Parcels Created by Plat

The Director shall be responsible for reviewing thirty-five (35) acre parcels created by plat for zoning and access requirements.

K. Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

SECTION 4.11 | LOCATION AND EXTENT

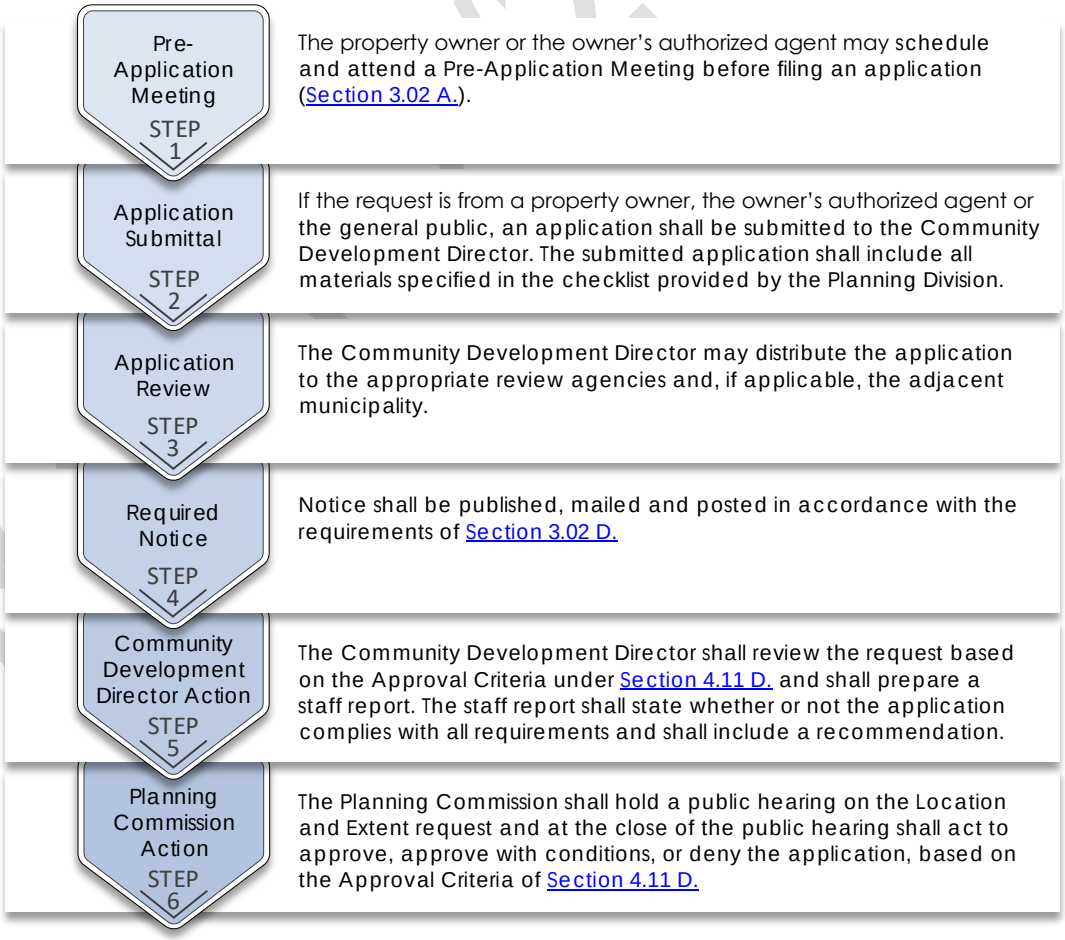
A. Applicability

Location and Extent review is mandated by Colorado law, including but not limited to C.R.S. Sections 30-28-110, 22-32-124 (1)(a) and 22-32-124(1.5)(a), as amended. In the event of any conflict between these procedures and applicable state law, state law shall govern.

B. Procedure

Figure 4-16 identifies the application steps which apply to the review of Location and Extent application. Additions or modifications to the general review procedures are noted below.

Figure 4-16: Summary of the Location and Extent Procedure



C. Eligibility:

The following projects shall be subject to location and extent review:

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1. Roads, parks, or other public way, ground, or space;
2. Public and charter schools
3. Public buildings or structures;
4. Major Utilities, whether publicly or privately owned;
5. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, sale, lease, or acquisition of land for any road, park, or other public way, ground, place, property, or structure.

D. Approval Criteria

The Planning Commission shall determine whether the project conforms to the Mesa County Master Plan.

E. Failure to Act

The failure of the Planning Commission to act within thirty (30) days after the date of the official submission shall be deemed approval, unless a longer period is granted in writing by the submitting board, body, or official.

F. Appeals

If authorization of the proposed activity falls within the province of an entity other than the Board of County Commissioners or other County officials or board, the Planning Commission's disapproval may be overruled by the body or official having such jurisdiction. In the case of a utility owned by an entity other than a political subdivision, the Commission's decision may be overruled by the Public Utilities Commission.

If the Board of County Commissioners is the body having jurisdiction, the Board of County Commissioners shall hold a public hearing on the appeal within thirty (30) days of receipt of a complete application and take action on the appeal within twenty (20) days of the public hearing. Notice of the hearing shall be in accordance with the requirements of Section 3.02 D. Such hearing shall be conducted de novo. The decision of the Board of County Commissioners shall be accompanied by written findings of fact specifying the reason for the decision.

SECTION 4.12 | MASTER PLAN AMENDMENTS

A. Applicability

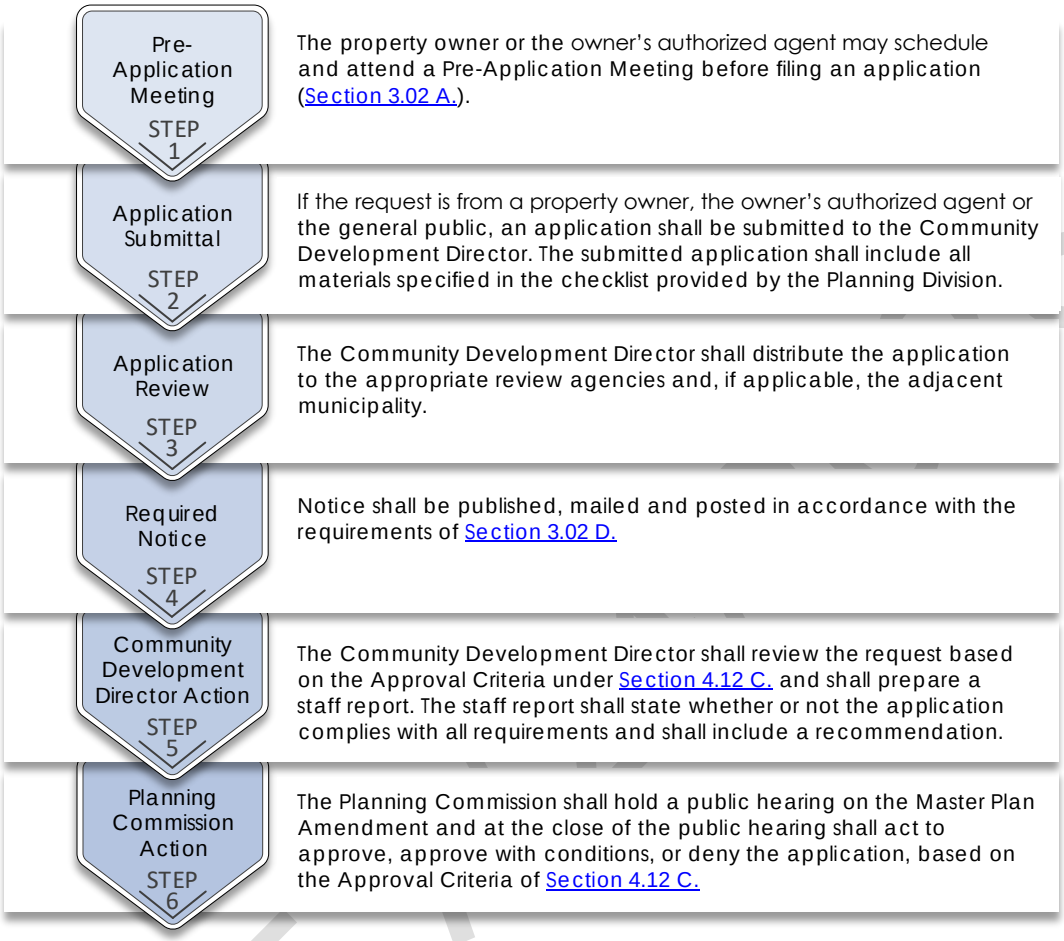
The Planning Commission shall consider amendments to the Master Plan, as may be required from time to time.

B. Procedure

Figure 4-17 identifies the application steps which apply to the review of Master Plan Amendment application. Additions or modifications to the general review procedures are noted below.

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Figure 4-17: Summary of the Master Plan Amendment Procedure



1. Application Review

   a. Review and decision of a Master Plan amendment will be governed by geographic location as follows:

      (1) The municipality shall decide questions of amending the Master Plan for property within the corporate limits of the respective municipality.

      (2) Outside municipal corporate limits, the Mesa County Planning Commission shall have sole authority to amend the Master Plan. The appropriate municipality shall be given the opportunity to review and comment upon all such proposed amendments prior to action by Mesa County; and

      (3) Plans adopted jointly with a municipality, including area, neighborhood, sub-area, and community plans require the Mesa County Planning Commission and the appropriate municipality to jointly amend the plan.

   b. Review Process

      (1) When a municipality and the Mesa County Planning Commission must jointly amend the plan, at least one public hearing will be held and a vote shall be made within thirty (30) calendar days of the close of the hearing. A joint public hearing is permissible, but not mandatory. Such hearings shall be conducted as determined by the presiding chairperson. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing.

      (2) The Mesa County Planning Commission shall approve a Master Plan Amendment only if they determine that the Master Plan Amendment is consistent with the Approval Criteria under Section 4.12 C.

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(3) When a municipality and the Mesa County Planning Commission both must act, failure to agree means the Master Plan is not amended.

C. Approval Criteria

In evaluating a proposed amendment, the following shall be considered:

1. There was an error in the original Master Plan such that then-existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;
2. Events subsequent to the adoption of the Master Plan have invalidated the original premises and findings;
3. The character and/or condition of the area has changed enough that the amendment is acceptable;
4. The amendment is consistent with the goals and policies of the Master Plan, including applicable special area, neighborhood, and corridor plans;
5. The amendment is consistent with any intergovernmental agreements in effect between the County and any other unit of government;
6. Public and community facilities are adequate to serve the type and scope of land use proposed;
7. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and
8. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

SECTION 4.13 | PLANNED UNIT DEVELOPMENTS

A. Applicability

In accordance with Article 67 Title 24, C.R.S., Planned Unit Development (PUD) districts may be approved when the applicant demonstrates to the satisfaction of the Board of County Commissioners that a proposed planned development project would not negatively affect surrounding property and uses and/or that the PUD would result in a greater benefit to the County than would development under conventional zoning district regulations.

B. General Procedure

The following are the application steps required for a PUD. These application steps may be processed individually or combined upon approval of the Director.

1. Outline Development Plan (Section 4.13 C.);
2. Final Plan (Section 4.13 D.);
3. Final Plat (Section 4.13 E.).

C. Outline Development Plan and Rezoning

1. Applicability

The purpose of an Outline Development Plan is to demonstrate general conformity with the Mesa County Master Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plan or plat. Upon approval of an Outline Development Plan, zoning for the entire property or for each "pod" designated for development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities and/or uses assigned to individual "pods" that will be the subject of future, more detailed planning.

2. Neighborhood Meeting

The applicant shall hold a meeting with area property owners after the Department completes a

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review of the Outline Development Plan. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this LDC and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Director prior to Outline Development Plan approval.

3. Additional Notice

In accordance with the requirements of Section 3.02 D., C.R.S. §30-28-133(10) and §24-65.5-103, the Outline Development Plan shall have submitted with it certification that the notice of the application has been sent to the mineral estate owners, and shall include the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of an application have been sent as their names may appear upon the plats or records in the County Clerk and Recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.

4. Phasing

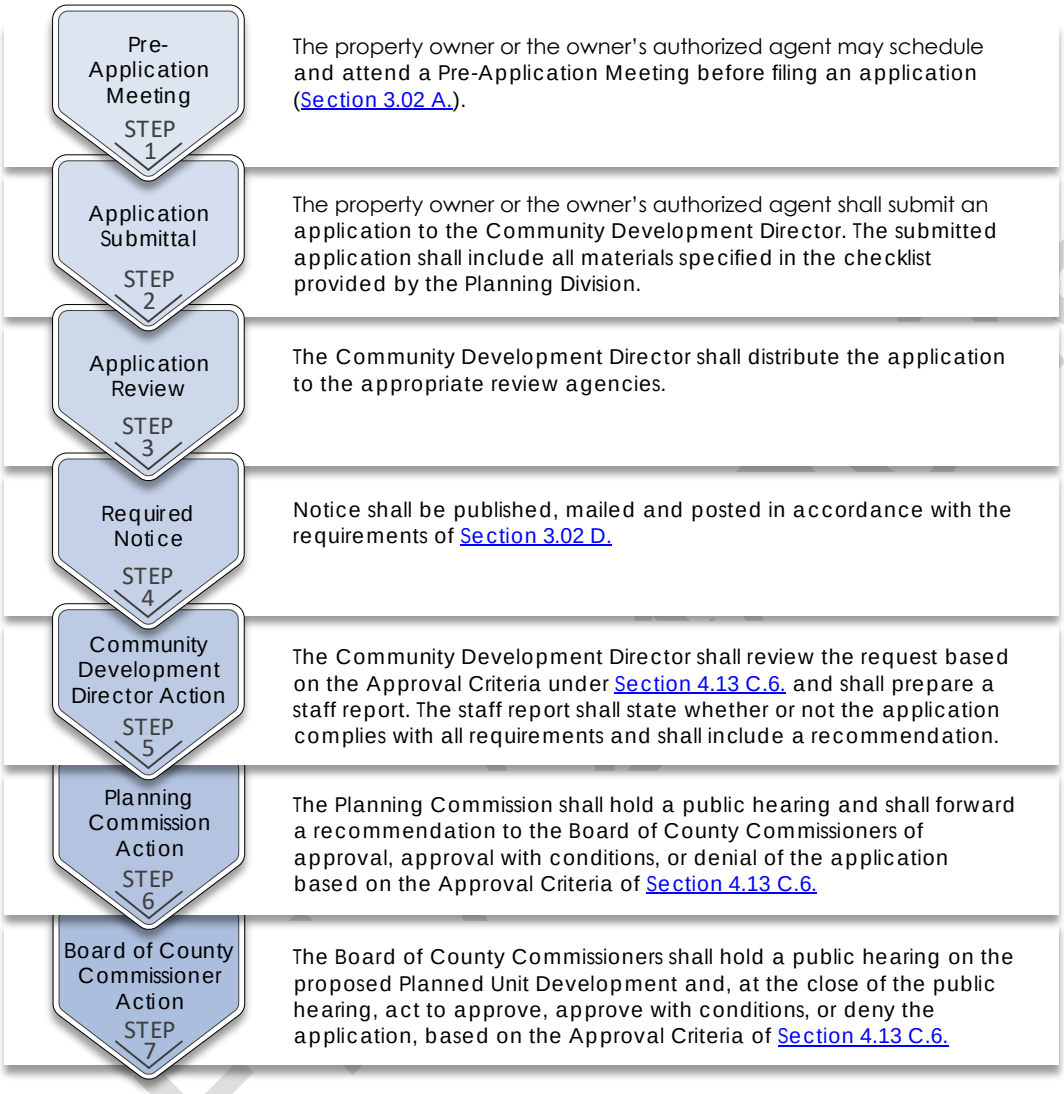
If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies as a part of the development application.

5. Procedure

Figure 4-18 identifies the application steps from which apply to the review of Outline Development Plan and Rezone applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-18: Summary of the Outline Development Plan and Rezone Procedure



6. Approval Criteria

In evaluating the proposed request, all of the following criteria shall be considered:

a. The proposed Outline Development Plan is in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104;

b. The Outline Development Plan is necessary to address a unique situation or represents a substantial benefit to the County, based on the Purposes set out in Section 1.05;

c. The Outline Development Plan complies with the PUD regulations of Section 5.05 A.;

d. The proposal mitigates any potential adverse impacts to the maximum extent practical; and

e. Public facilities and services shall be available upon completion of the project to serve the subject property, while maintaining adequate levels of service to existing development.

7. Effect of Outline Development Plan Approval

Outline Development Plans shall be approved concurrently with PUD Rezonings. No Outline Development Plan may be approved without a PUD Rezoning, and no PUD Rezoning application may be approved until an Outline Development Plan for the development has been approved. Approval of an Outline Development Plan shall constitute acceptance of the uses, maximum development intensities, and general layout proposed for the PUD development. As such, the Outline Development

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Plan shall govern the preparation of the required Final Development Plan or Plat. The approved Outline Development Plan shall be supported by the project final design. Should the Outline Development Plan prove unbuildable or otherwise not feasible based on the final PUD Plans, the Outline Development Plan must be revised to reflect the limitations identified in the design of the final PUD Plans.

8. Lapse of Outline Development Plan Approval

An approved Outline Development Plan shall lapse and be of no further force and effect if a complete Final PUD Plan or Plat application for the PUD or a phase of the PUD has not been submitted within one (1) year1 of the date of Outline Development Plan approval by the Board of County Commissioners. One (1) extension of time up to eighteen (18) months may be approved by the Director upon review of a written request when deemed necessary to resolve review comments or due to unforeseen circumstances. In the event that approval lapses, the Outline Development Plan shall be of no effect, and the property may be developed only in accordance with the regulations of the underlying base zoning district. In the event of lapse of approval, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder, and initiate action to rezone the property to a zoning district that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 4.16.

9. Appeal

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

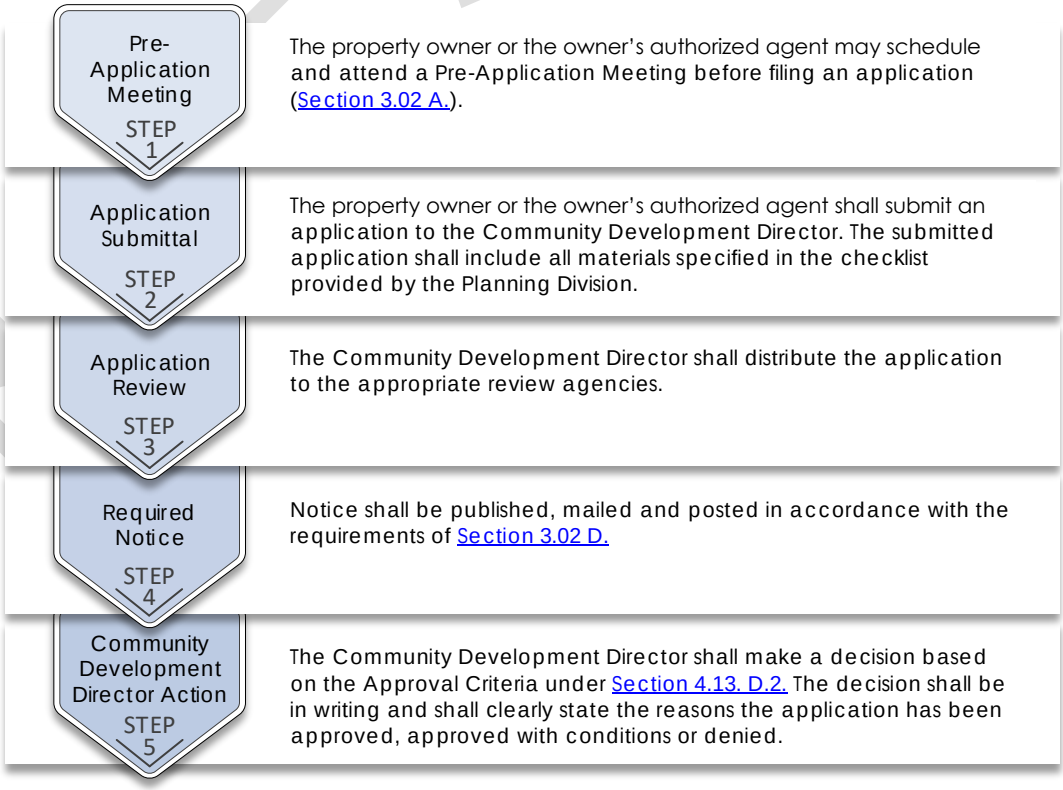
D. Final Plan

After approval of an Outline Development Plan, a Final Plan application may be submitted.

1. Procedure

Figure 4-19 identifies the application steps which apply to the review of Final Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-19: Summary of the Final Plan Procedure



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2. Approval Criteria

In evaluating the proposal, the request shall be consistent with the approved Outline Development Plan. A Final Plan is deemed to be consistent with the approved Outline Development Plan when;

a. The locations of connections to public roads and adjacent properties are not altered. Internal vehicle and pedestrian circulation may be modified;

b. Drainage and detention facility locations are retained within the general areas identified in the approved Outline Development Plan;

c. All applicable requirements of this LDC are met; and

d. Other modifications are determined by the Director to be consistent with the approved Outline Development Plan.

3. Lapse of Final Development Plan Approval

An approved Final Development Plan shall lapse and be of no further force and effect if a complete Final Plat or site plan application has not been submitted within three (3) years of the date of Final Development Plan approval. In the event that approval lapses, the Final Development Plan shall be of no effect, and the property may be developed only in accordance with the regulations of the underlying base zoning district. In the event of lapse of approval, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder, and initiate action to rezone the property to a zoning district that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 4.15. Add 2 one year extensions.

4. Appeal

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

E. Final Plat

A Final Plat application shall be submitted for a PUD when subdivision of the property is required.

1. Public Improvements/Development Improvements Agreements

Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements, in accordance with Section 4.05.

2. Application Filing

Final Plat applications shall be submitted to the Director.

3. Director's Action

The Director shall review each Final Plat application, and act to approve or deny the Final Plat, after determining whether or not it is consistent with the approved Final Plan.

4. Acceptance of Improvements

Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

5. Corrections for Errors or Omissions for Minor Changes to Recorded Plats

If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, where upon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. The completed Affidavit shall be submitted to the Mesa County Community Development Department to be recorded with the Mesa County Clerk and Recorder within ten (10) days of completion.

6. Appeal

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

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F. Expiration of Previously Approved Planned Unit Developments

If an Official Development Plan for a PUD that was approved before the effective date of this LDC (May 1, 2026) lapses or has lapsed prior to adoption of this LDC, the subject property shall be governed by the regulations of the zoning district that existed on the property immediately before approval of the PUD. Applications to rezone such property to a zoning district that is consistent with the Mesa County Master Plan shall be accepted without the payment of a fee. If a previously approved Official Development Plan expires, the Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder. Within five (5) years of recording of such an affidavit, the Director shall initiate action to rezone the property to a zoning district that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 4.16.

SECTION 4.14 | PROPERTY LINE ADJUSTMENTS

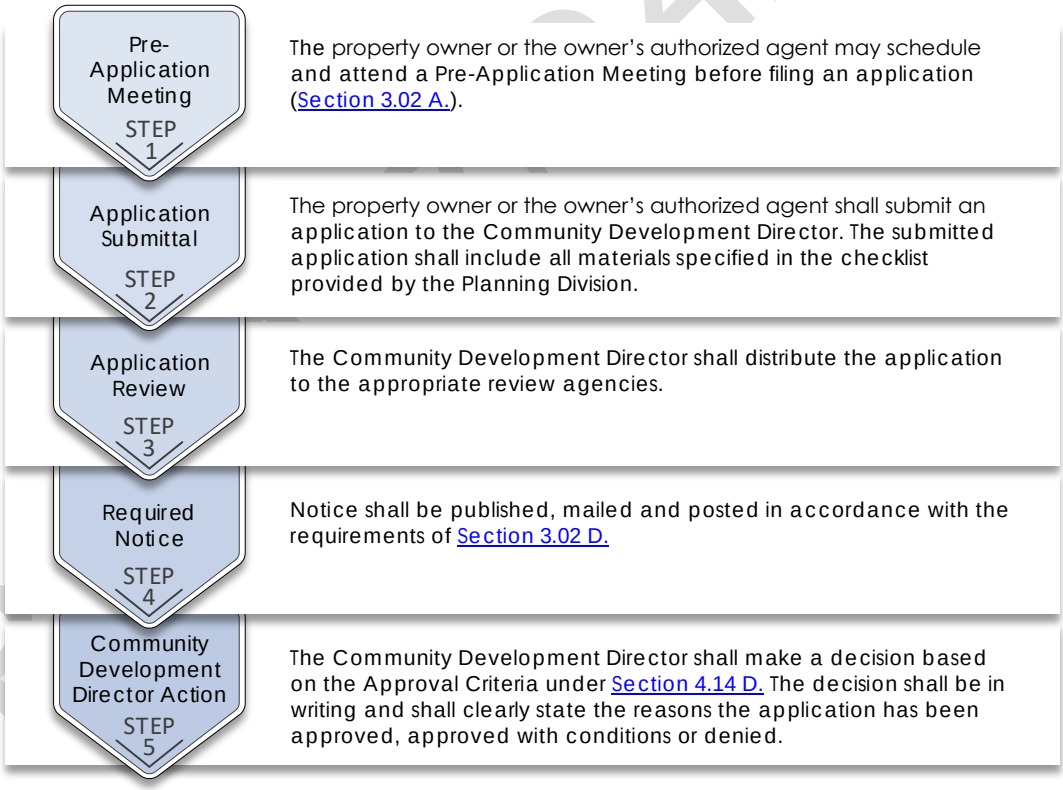
A. Applicability

This subsection applies to Property Line Adjustments between adjacent parcels whether the parcels are platted or unplatted.

B. Procedure

Figure 4-20 identifies the application steps which apply to the review of Property Line Adjustment applications. Additions or modifications to the general review procedures are noted below.

Figure 4-20: Summary of the Property Line Adjustment Procedure



C. Eligibility:

1. Properties must be of sufficient size to allow for installation of a waste water system;
2. Minimum lot frontage as stated in Chapter 5, is not required if legal access to a public road for all parcels or lots resulting from the Property Line Adjustment is provided; and

D. Approval Criteria

In evaluating the proposal, the request shall be consistent with the General Approval Criteria under Section 3.09 and the following shall be considered:

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1. Street locations shall not be changed; and

2. The proposal will not create a nonconformity nor increase the degree to which any structure is nonconforming.

E. Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

SECTION 4.15 | REGISTER OF HISTORIC LANDMARKS

A. Applicability

The Mesa County Register of Historic Landmarks is established to recognize the historic, architectural and cultural heritage of Mesa County; to increase public appreciation of Mesa County's unique heritage; and to enable owners of Historic Resources in the County to take advantage of opportunities, benefits and programs that may be available to assist in the recognition and preservation of the historic properties. Designation as a Historic Landmark will not impart additional regulatory control over the development of historic properties, i.e. the design of additions, alterations or new construction, or demolition, with respect to impacts on historic character or integrity.

B. County Register of Historic Landmarks Established

1. The County Register of Historic Landmarks (County Register) is hereby established in . Historic buildings, structures, sites, objects or districts may be listed on the County Register upon designation by the Board of County Commissioners.

2. All properties listed on the National Register of Historic Places or the State Register of Historic Properties are eligible for inclusion on the County Register but are not designated until approval is obtained pursuant to the requirements of this Section.

C. Designation of Historic Structures, Sites and Districts

1. The Board of County Commissioners pursuant to this LDC:

   a. May designate as historic an individual building, structure, site, object or other feature, or an integrated group of structures or features on a lot or site, having a special historical, architectural or cultural value, subject to the qualifications listed in Section 4.15 E.; or

   b. May designate as a historic district an area containing a number of buildings, structures or sites having a special historical, architectural or cultural value, subject to the qualifications listed in Section 4.15 E.

2. Each such designation shall include a description of the characteristics of the building, structure, site, object or historic district that justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the building, structure, site, object or district.

3. No individual structure or site shall be designated without the consent of all owners of record. Historic Districts may be designated with the consent of the owners of record of at least sixty (60) percent of the contributing properties.

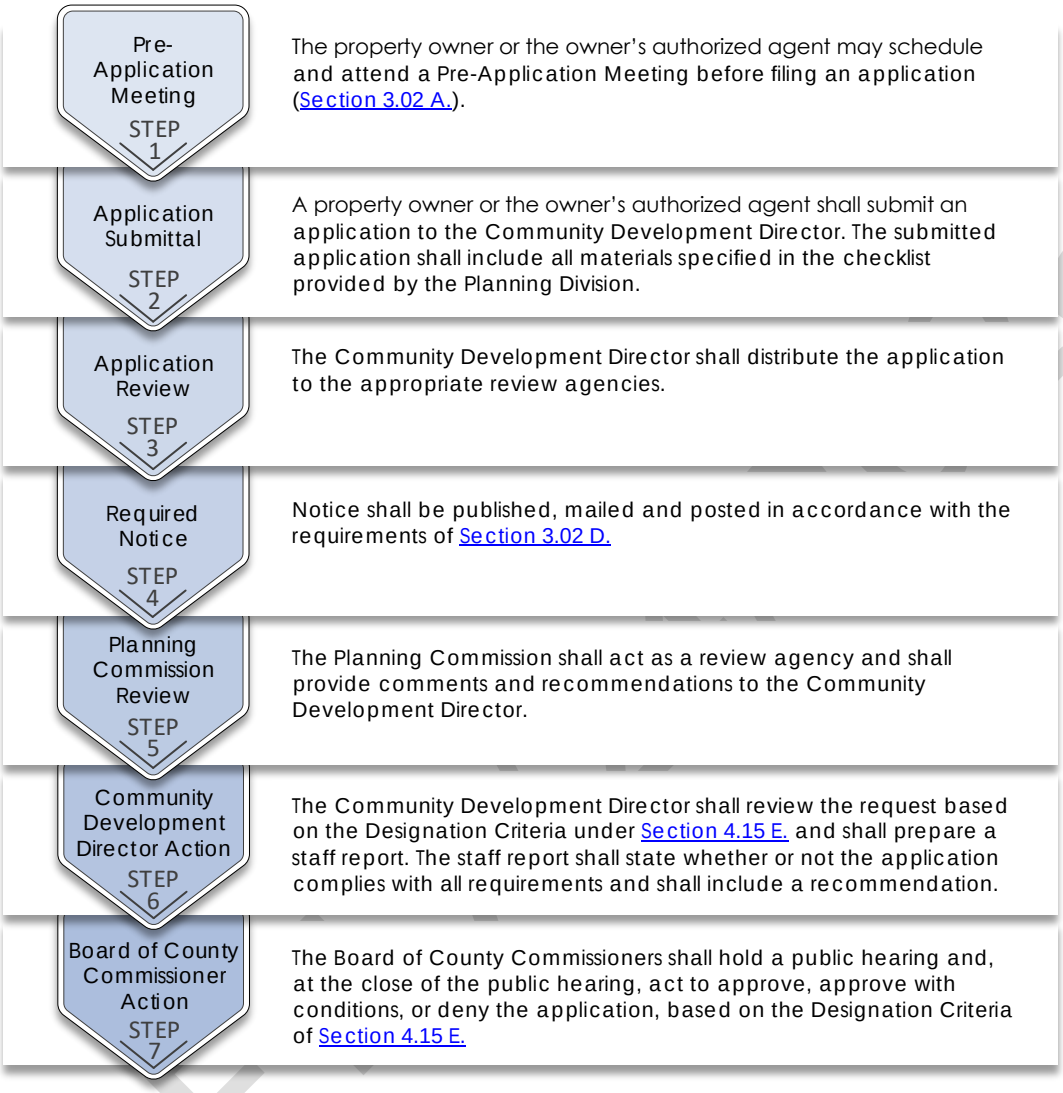
4. Properties within municipalities may be listed on the County Register, following consultation and coordination with the municipality. The listing of properties within municipalities on the County Register shall not confer on Mesa County the authority to regulate the land use or grant any development approvals or permits for those properties, except where otherwise allowed by law.

D. Procedure

Figure 4-21 identifies the application steps which apply to the review of Registration of Historic Places applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-21: Summary of the Registration of Historic Places Procedure



E. Designation Criteria

In order to be listed on the County Register of Historic Landmarks, buildings, structures, sites or objects must be at least fifty (50) years old. Contributing sites within a Historic District must be at least fifty (50) years old. Buildings, structures, sites, objects and districts less than fifty (50) years in age may be designated only if deemed to be of exceptional historical, architectural or cultural importance.

1. Approval Criteria

In designating a building, structure, site, object or district as a Historic Landmark, a finding shall be made that the designation satisfies one or more of the following criteria for historical, architectural or cultural significance:

a. Represents a specific architectural style or period;

b. Represents a unique example of a structure or building type;

c. Represents an innovation in construction, materials, or design;

d. Demonstrates superior craftsmanship or high artistic value;

e. Is an example of the work of a master architect or builder;

f. Represents the built environment of a group of people in an era of history;

g. Is associated with a significant historic event;

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h. Is associated with a notable person or the work of a notable person;

i. Exemplifies the cultural, political, economic, or social heritage of the community, region, state or nation;

j. Is an established and familiar natural setting or visual feature of the County; and/or

k. Has the potential to make an important contribution to the knowledge of the area's history or pre-history.

2. Physical Integrity

Each property shall also be evaluated based on physical integrity using one or more of the following criteria:

a. Retains original design features, materials and/or character;

b. Is in the original location or in the same historic context if it has been moved; or

c. Has been accurately reconstructed or restored.

3. Historic Districts

a. For the purposes of this Section, a Historic District is a geographically definable area including a concentration, linkage or continuity of buildings, structures, sites and/or objects. A Historic District is related by a pattern of either physical elements or social and cultural activities.

b. Significance is determined by applying the criteria of Section 4.15 E. 1. above, to the pattern and unifying elements.

c. Properties that do not contribute to the significance of the Historic District may be included within the boundaries so long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements shall be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.

d. Historic District boundaries shall be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.

F. Revocation or Amendment of Designation

1. Revocation of Historic Landmark Designation

If a building, structure, object or special feature on a designated site has been altered so as to negate the features necessary to retain designation, the owner may apply for a revocation of the designation. The Director or the Planning Commission may recommend revocation of the designation to the Board of County Commissioners in the absence of the owner's application to do so. If a designated building, structure or object is moved or demolished, the designation shall, without application or notice, be terminated by resolution of the Board of County Commissioners. If moved, a new application for designation at the new location must be made in order for designation to be considered.

2. Revocation or Amendment of Historic District Designation

a. If a significant number of contributing properties within a historic district have been altered, moved, and/or demolished so as to diminish the concentration, linkage or continuity necessary to retain the integrity of the district, an application to amend or revoke the historic district designation may be submitted by the owners of record of sixty (60) percent of the contributing properties. The Director or the Planning Commission may recommend revocation of the designation to the Board of County Commissioners in the absence of the owners' application to do so.

b. With the consent of the owners of record of sixty (60) percent of the contributing properties, the Board may amend the boundaries of the historic district to exclude the properties that no longer contribute to the historic district or may amend the description of the historic district to remove those features or properties that no longer contribute to the district. The approval criteria for designation of a historic district as set forth in Section 4.15 E. shall be used when considering an amendment of a historic district.

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3. Action

The Director shall prepare a resolution for revocation or amendment for adoption by the Board of County Commissioners, which shall be filed with the Planning and Economic Development Department and recorded by the Clerk and Recorder of Mesa County. Upon adoption of the resolution to revoke or amend a designation, the Director shall cause notice to be sent to the property owner(s) and shall amend the Register.

G. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.16 | REZONINGS (ZONING MAP AMENDMENTS)

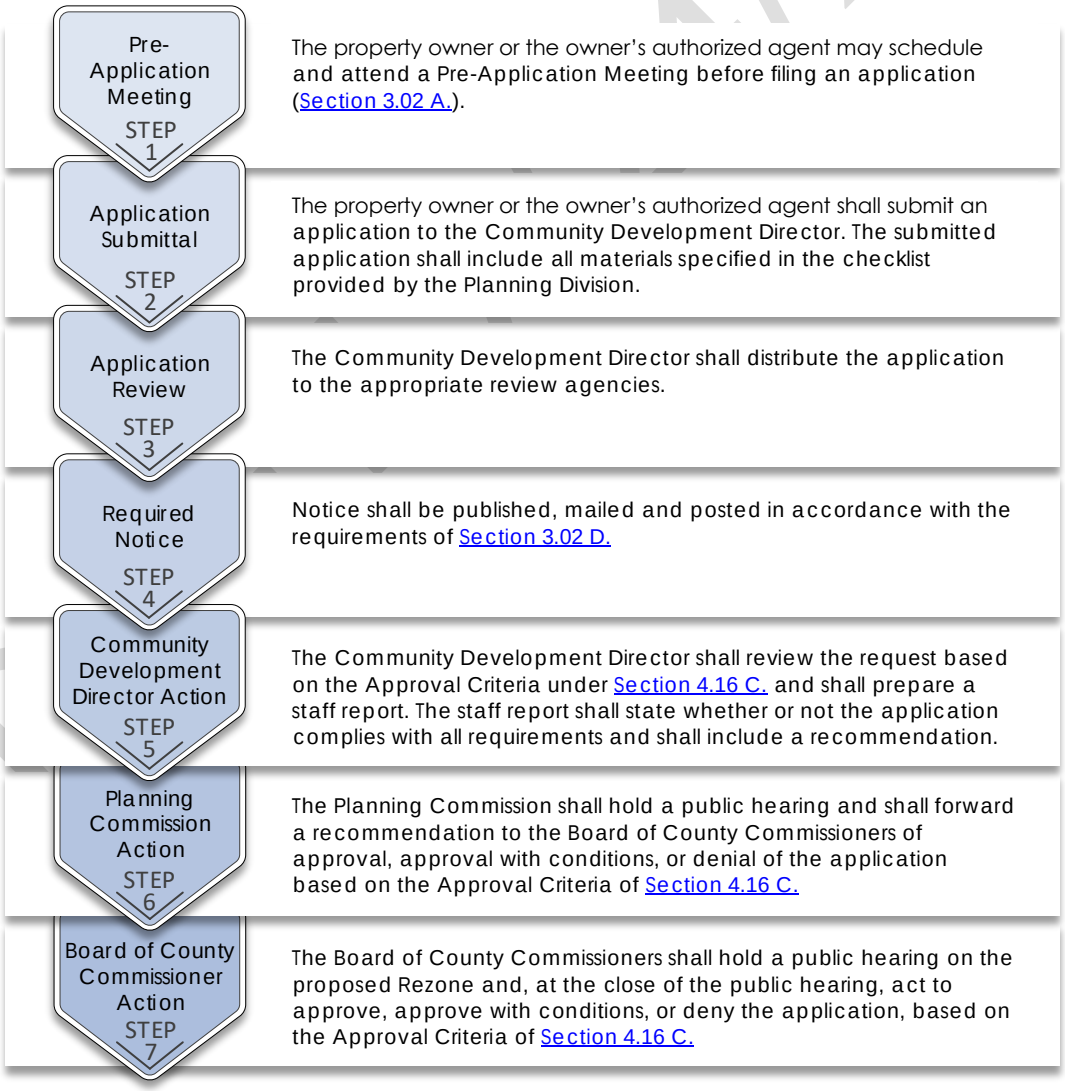
A. Applicability

Amendments to the Mesa County Zoning Map shall be made in accordance with the provisions of this Section.

B. Procedure

Figure 4-22 identifies the application steps which apply to the review of Rezoning applications. Additions or modifications to the general review procedures are noted below.

Figure 4-22: Summary of Rezoning Procedure



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C. Approval Criteria

In evaluating the proposed request, the General Approval Criteria under Section 3.09, the stated purpose of the proposed zoning district and the following shall be considered:

1. The rezoning is consistent with the Mesa County Master Plan;
2. The land to be rezoned was previously zoned in error or conditions have changed so that the rezoning is consistent with the Mesa County Master Plan; and
3. Public facilities and services are or can be made adequate to serve the types and scope of land uses allowed in the proposed zoning district.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.17 | SITE PLANS

A. Applicability

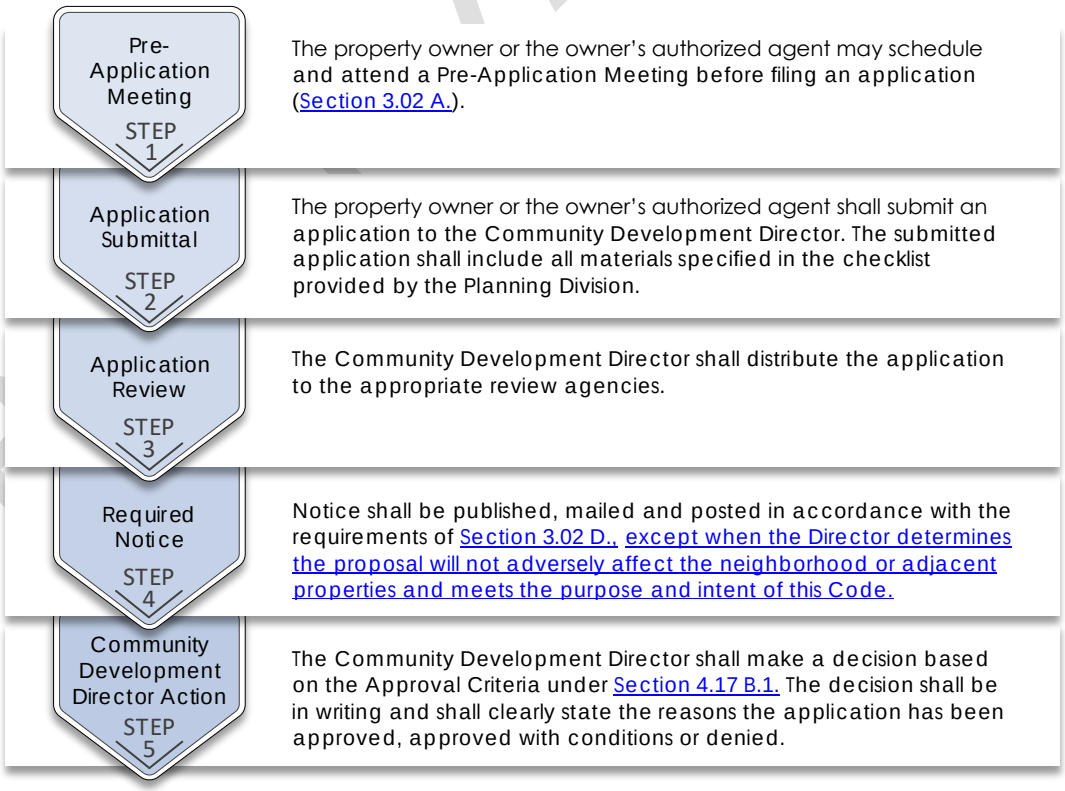
Site Plan approval, in accordance with the procedures of this section, shall be required before issuance of a building permit for any of the following:

1. Any non-residential development;
2. Any residential or agricultural development (except as described under Section 4.16 C.);

B. Procedure

Figure 4-23 identifies the application steps which apply to the review of Site Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-23: Summary of the Site Plan Procedure



1. Approval Criteria

a. In evaluating the proposal, the request shall comply with any conditions of approval and all

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applicable requirements of this LDC, including, but not limited to:

(1) The Use Regulations in Chapter 6:

(2) Density and Dimensional Standards in Chapter 5; and

(3) Development Standards in Chapter 8.

2. Lapse of Approval

The right to develop in accordance with an approved Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within three (3) years of the date of Site Plan approval.

C. Residential/Agricultural Site Plans

Residential/Agricultural Site Plans are applications for development of new single-family detached, duplex or agricultural land uses. Accessory buildings with a footprint of less than two hundred (200) square feet shall not require a Residential/Agricultural Site Plan approval.

1. Review and action

The Director shall review each application for Residential/Agricultural Site Plan approval, and act to approve, approve with conditions, or deny the application based on the Approval Criteria of Section 4.17 C.3.

2. Notice

No notice of the application for Residential/Agricultural Site Plan is required.

3. Approval criteria

The Director shall approve a Residential/Agricultural Site Plan application if the Director determines that the proposed development will comply with any conditions of approval and all applicable requirements of this LDC, including, but not limited to, the Use Regulations in Chapter 6, Density And Dimensional Standards in Chapter 5, the Mesa County Design Standards and Development Standards in Chapter 8.

4. Lapse of approval

The right to develop in accordance with an approved Residential/Agricultural Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within the time frame required to complete construction according to a valid building permit.

SECTION 4.18 | CONSTRUCTION STORMWATER PERMIT

A. Applicability

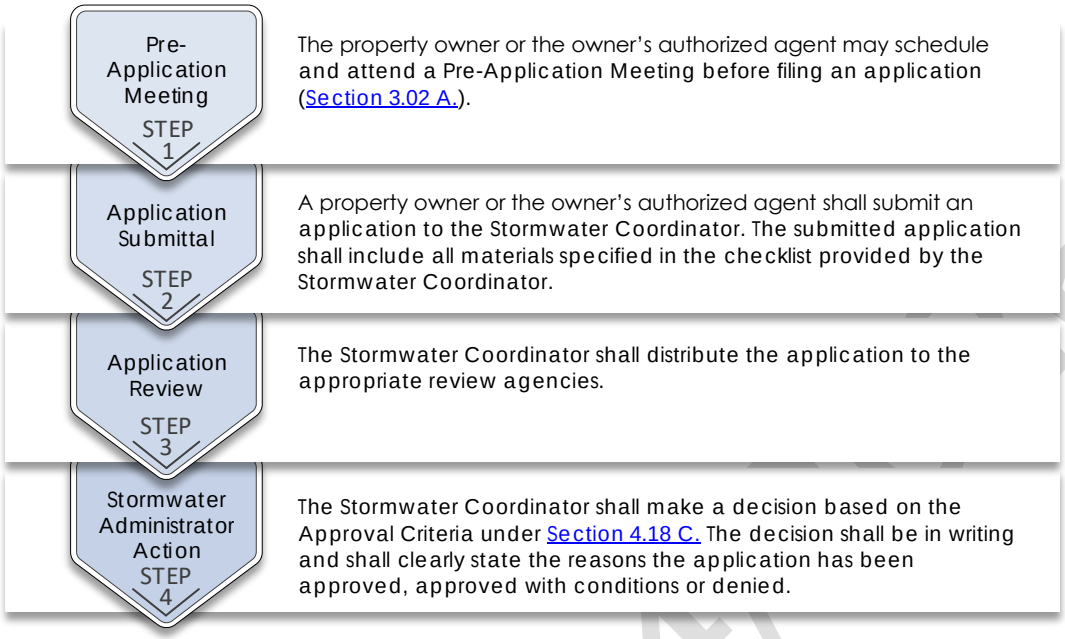
This section sets out the required review and approval procedures for Construction Stormwater Permits.

B. Procedure

Figure 4-24 identifies the application steps which apply to the review of Construction Stormwater Permit applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-24: Summary of the Construction Stormwater Permit Procedure



C. Approval Criteria

In determining whether to approve a Construction Stormwater Permit, the Stormwater Coordinator shall consider if the Construction Site shall meet the Stormwater Discharge Limitations of Section 1503.1 of the Stormwater Management Manual, as amended, and the Stormwater Regulations of Section 8.22.

D. Appeals

Appeals of the Stormwater Coordinator's decision on the Construction Stormwater Permit application may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.18, Appeals of Administrative Decisions.

E. Lapse of Approval

Earthwork, in compliance with the approved Construction Stormwater Permit, shall commence on a site that has an approved Construction Stormwater Permit within one (1) year from the date of issuance. If construction has not been commenced during the one (1) year period and diligently pursued, the permit shall lapse and be of no further effect. An extension of a Construction Stormwater Permit shall require review and approval of a new permit.

SECTION 4.19 | CONSTRUCTION STORMWATER PERMIT VARIANCE

A. Applicability

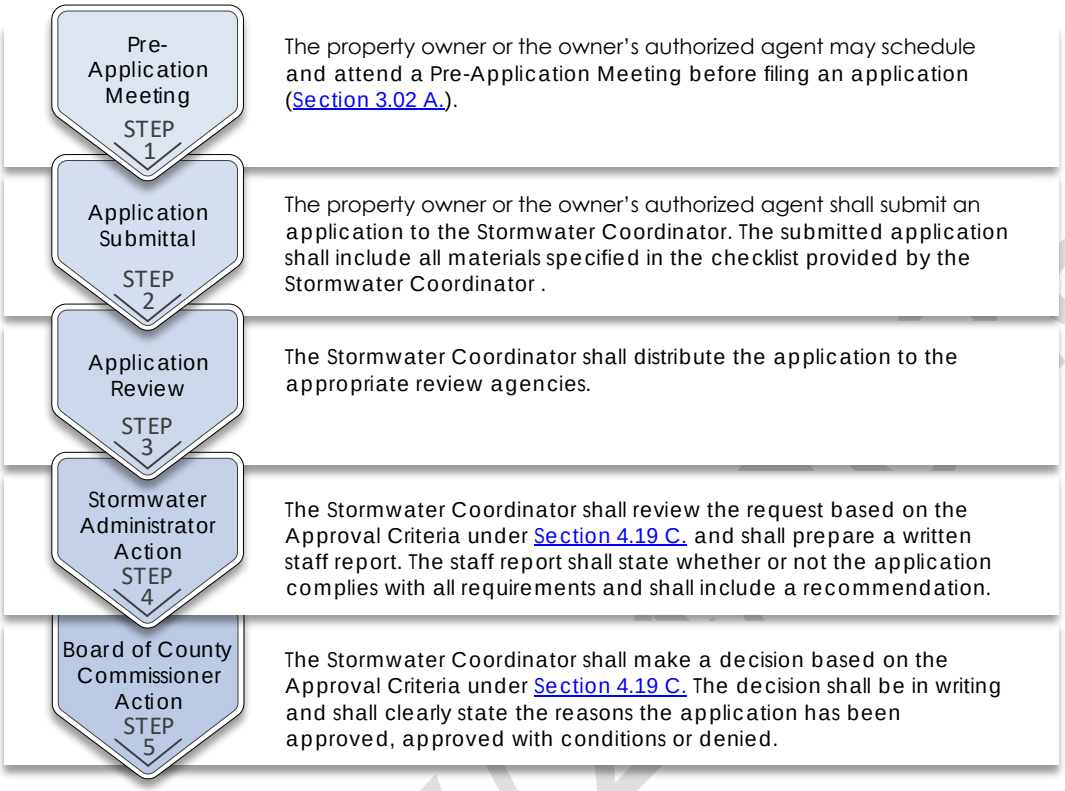
This section sets out the required review and approval procedures for Construction Stormwater Permit Variances. The variance from permitting does not relieve the owner from meeting discharge limitations described in the Mesa County Stormwater Management Manual, as amended and the Stormwater Regulations in Section 8.22.

B. Procedure

Figure 4-25 identifies the application steps which apply to the review of Construction Stormwater Permit Variance applications. Additions or modifications to the general review procedures are noted below.

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Figure 4-25: Summary of the Construction Stormwater Permit Variance Procedure



C. Approval Criteria

In evaluating the proposed request, the Stormwater Regulations of Section 8.21; all technical evaluations, and the following criteria shall be considered:

1. Land disturbance activities in areas where the topography would prohibit runoff from leaving the site or enter a waterway;
2. Agricultural and silviculture activities such as home gardening and tilling a field for weed control;
3. Maintenance activities, such as re-grading a dirt road, re-landscaping a lawn, cleaning out roadside ditches, and other land disturbances that do not alter original line and grade, hydraulic capacity or original purpose;
4. Re-paving a roadway, providing that underlying and/or surrounding soil is not cleared, graded, excavated or otherwise disturbed;
5. For small construction activity (i.e.: from 1- to 5-acres of earth disturbance) based on the Rainfall Erosivity Factor (i.e.: the R Factor) (see Colorado Discharge Permits System Regulation No. 61 @ 61.3(2)(f)(ii)(B)) and duration of the exposed disturbance. To obtain a waiver from the CDPS Construction General Permit, the applicant must submit calculations to the WQCD (see "Policy on the State Approved Method for Calculating the Rainfall Erosivity Factor" in SWMM, which can be obtained in pdf form at http://www.cdphe.state.co.us/wq/permitsunit/index.html; and
6. Grading or an excavation below finished grade for basements, footings, retaining wall, or other structures provided the land disturbance is less than one (1-acre) and are not part of a Larger Common Plan of Development or Sale.

D. Appeals

Appeals of the Stormwater Coordinator's decision on the Construction Stormwater Permit Variance application may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02, Appeals of Administrative Decisions.

SECTION 4.20 | STORMWATER QUALITY PROGRAM EXEMPTIONS

This section sets out exemptions from the stormwater quality program. The exemption from permitting does not relieve the owner from meeting discharge limitations described in the Mesa County Stormwater Management

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Manual, as amended and the Stormwater Regulations in Section 8.21.

A. The following activities are considered exempt:

1. Land disturbance activities in areas where the topography would prohibit runoff from leaving the site or entering waters of the state.
2. Agricultural and silviculture activities such as home gardening and tilling a field for weed control.
3. Maintenance activities, such as re-grading a dirt road, re-landscaping a lawn, cleaning out roadside ditches, and other land disturbances that do not alter original line and grade, hydraulic capacity or original purpose.
4. Re-paving a roadway, providing that underlying and/or surrounding soil is not cleared, graded, excavated or otherwise disturbed.
5. Grading or an excavation below finished grade for basements, footings, retaining wall, or other structures provided the land disturbance is less than one (1) acre and are not part of a Larger Common Plan of Development or Sale.

SECTION 4.21 | VACATION OF RIGHTS-OF-WAY AND RENAMING OF STREETS

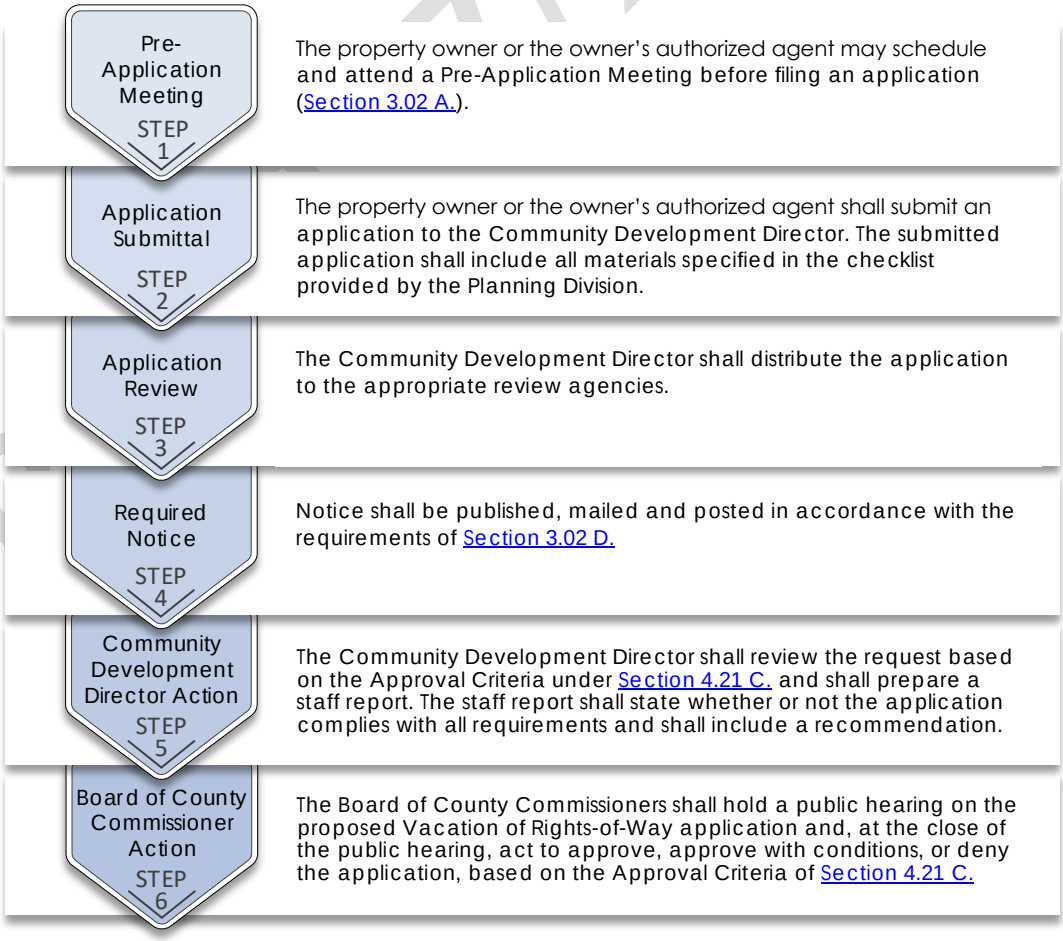
A. Applicability

The procedures of this section shall apply to the vacation of any right-of-way providing access to property and to the renaming of streets.

B. Procedure

Figure 4-26 identifies the application steps which apply to the review of a Vacation of Rights-of-Way or Renaming of Streets application. Additions or modifications to the general review procedures are noted below.

Figure 4-26: Summary of the Vacation of Rights-of-Way or Renaming of Streets



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C. Approval Criteria

1. Rights-of-way Vacations

a. In evaluating the proposal, the request shall not:

(1) Create any landlocked parcels or restrict access to any parcel so that access is unreasonable or economically prohibitive;

(2) Negatively impact adjacent properties;

(3) Reduce the quality of public services to any parcel of land or negatively affect utility access or utility distribution networks;

(4) Be inconsistent with any adopted transportation plan;

(5) Affect the historic movement of livestock; or

(6) Create a circuitous alternate route for area residents or other members of the public;

b. A vacation of a rights-of-way may be approved on a Subdivision Plat as long as the above criteria are met, and:

(1) The rights-of-way being vacated is entirely within the plat being created; and

(2) Existing utilities are accommodated with sufficient easements.

2. Street Renaming

In evaluating a proposal to rename a street, all of the following criteria must be met:

a. The proposed new name for the street is not similar to the name of an existing street in the County or any town or city in the County that it would create public confusion as to the location of the street; and

b. The proposed renaming will not otherwise create any continuing confusion to drivers, public safety personnel, or area residents as to the location of the street.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

SECTION 4.22 | WRITTEN INTERPRETATIONS

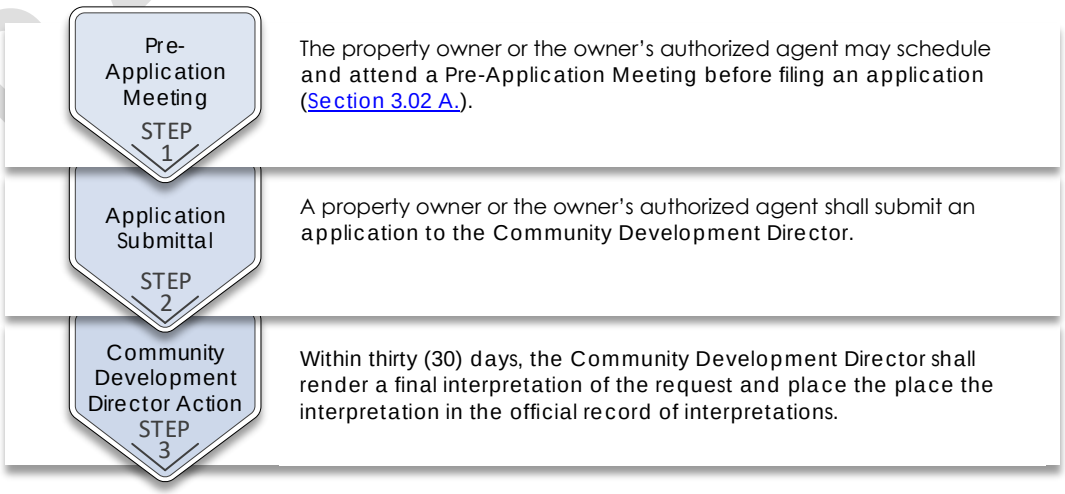
A. Applicability

When clarification is requested, the Director shall be authorized to make written interpretations concerning any section of this LDC.

B. Procedure

Figure 4-27 identifies the application steps which apply to the review of a request for Written Interpretation. Additions or modifications to the general review procedures are noted below.

Figure 4-27: Summary of the Written Interpretation Procedure



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C. Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of Section 4.02.

SECTION 4.23 | ZONING VARIANCES

A. Applicability

1. The Board of Adjustment is authorized to grant variances from the dimensional standards, off-street parking and loading standards, use-specific standards, overlay district regulations, landscape standards and sign regulations of this LDC.

2. No variance shall be granted which is a use variance and has the practical effect of rezoning property to a higher intensity of use than the district in which the property is located.

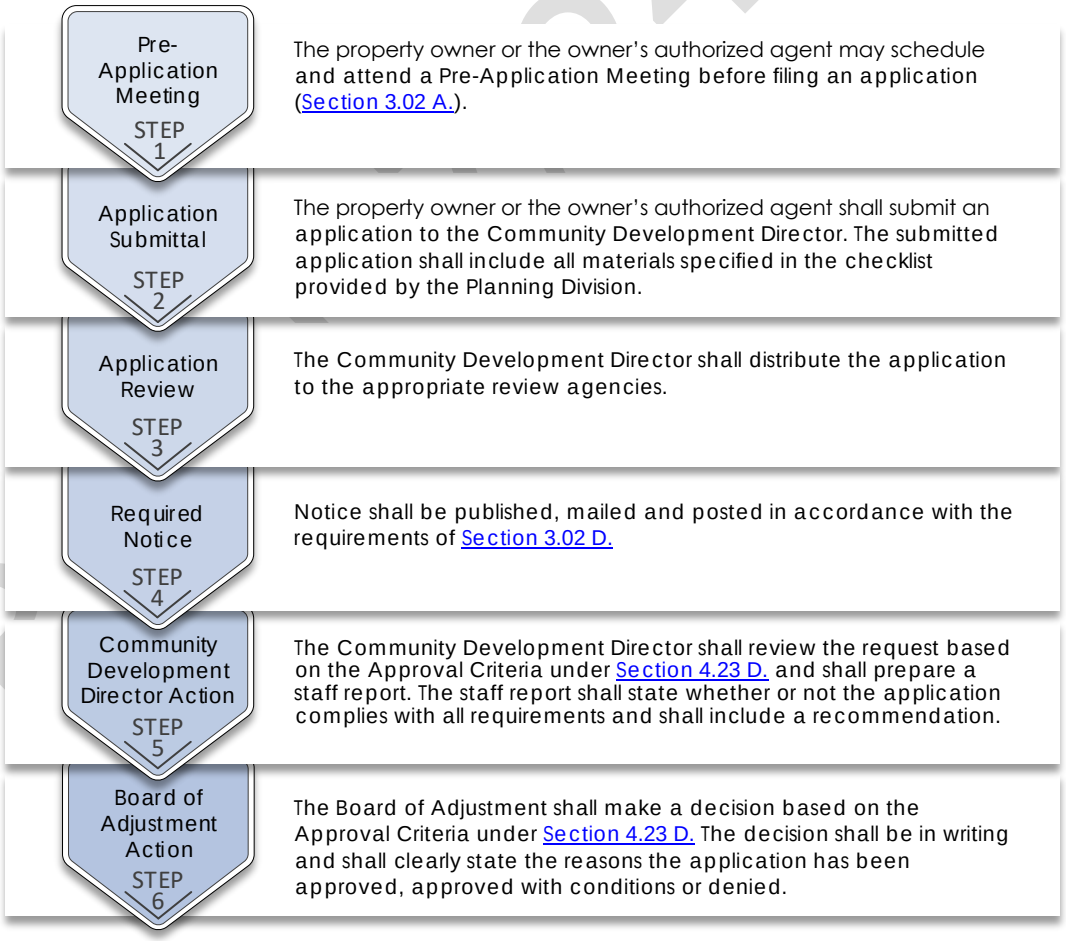
B. Use Variances Prohibited

No variance shall be approved that has the effect of allowing a use that is not allowed in the subject zoning district.

C. Procedure

Figure 4-28 identifies the application steps which apply to the review of Zoning Variance applications. Additions or modifications to the general review procedures are noted below.

Figure 4-28: Summary of the Zoning Variance



D. Approval Criteria

In evaluating the proposed request, all of the following criteria must be met:

1. The requested Variance is consistent with the Purposes set out in Section 3.09 of this LDC;

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2. There are special circumstances or conditions (such as exceptional topographic conditions, narrowness, shallowness, or the shape of the property) that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the area;

3. The special circumstances and conditions that account for the need for a Variance are not the result of the owners' actions;

4. The special circumstances and conditions are such that the strict application of the provisions of this LDC would result in peculiar and practical difficulties to, and exceptional and undue hardship upon, the use of the land or building;

5. The granting of the Variance is the minimum necessary to relieve the applicant of the practical difficulties and exceptional and undue hardship in the use of the land or building; and

6. The granting of the Variance will not have an adverse impact upon the properties located within the written notification area defined in Section 3.02 D.

E. Approval Criteria for Accessory Dwellings

In evaluating the proposed request, the above criteria and all of the following criteria must be met:

1. The available building area of the property, as shown on a survey or site analysis map submitted by the applicant, would allow the construction of the proposed accessory dwelling, including adequate space for a septic system and replacement septic system as required by Mesa County;

2. Except for maximum size, the proposed accessory dwelling will meet all applicable requirements of the LDC;

3. The approval of the accessory dwelling is not sought to subsequently compel or influence approval of an application to subdivide the property or to circumvent subdivision regulations; and

4. Notice of the requirements and restrictions pertaining to the accessory dwelling will be provided to potential future owners by recording the variance approval resolution in the public records of the Mesa County Clerk and Recorder.

F. Structure Height Approval Criteria

In evaluating a proposal for a variance to the height limitations of a zone district, the request must demonstrate that:

1. The strict application of the provisions of this LDC would result in practical difficulties to, and exceptional and undue hardship upon, the proposed use, and

2. The proposal is compatible with features in the area such as vegetation, topography or similar structures and

3. The proposal will not have an adverse impact upon the properties located within the written notification area defined in Section 3.02 D. of the Code.

Proposals must address measures to blend the structure into the existing landscape and skyline and provide visual representation of such mitigation.

G. Appeals

Appeals of decisions of the Board of Adjustment shall be made to the courts, as provided by law.

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CHAPTER 5 | ZONING DISTRICTS

This chapter establishes Mesa County zoning districts and contains statements of purpose, density and dimensional standards, each of the district's future land use classification compatibility and overlay standards. The Consolidated Zoning District Map and the Master Plan Future Land Use Plan Map are maintained in the Community Development Department of Mesa County.

SECTION 5.01 | RURAL ZONING DISTRICTS

The following Districts shall be known as Rural Zoning Districts. These districts are generally appropriate for agricultural activities, low-density residential and designated commercial uses that are similar to agricultural activities while maintaining the rural character of the area.

A. Agricultural and Forestry District (AF-35)

The Agricultural and Forestry District is primarily intended to provide for the protection and continuation of agriculture and forestry operations, and the preservation of environmentally sensitive lands, while allowing very low-density single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
AF-35	1/35 Acres	n/a	35 Acres	500'	20	50/55	50/50	50/50	n/a	n/a	35

B. Agricultural, Forestry, Transitional District (AFT)

The Agricultural, Forestry, Transitional District is primarily intended to accommodate agricultural operations and very low-density single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
AFT	Section 7.02			130'	20	50/50 (20/25 for properties adjoining local roads)	10/10	30/10	n/a	n/a	35

C. Residential Single Family - Rural District (RSF-R)

The Residential Single Family - Rural District is primarily intended to accommodate low-intensity agricultural operations and very low-density single-family uses on large parcels. The district is appropriate for application in areas where very low-density, rural character development is desired, or where terrain, environmental resources or the absence of public facilities and services necessitates very low-intensity development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
RSF-R	1 per 5 Acres	n/a	5 Acres	150'	50[1]	50/50 (20/25 for properties adjoining local road)	10/10	30/10	n/a	n/a	35

D. Residential Single Family - Estate District (RSF-E)

The Residential Single Family - Estate District is primarily intended to accommodate low-density, estate-type, single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
RSF-E	Section 7.03	n/a	Section 8.10	100'	50[1]	20/25	15/5	25/10	25%	n/a	35

E. Urban Residential Reserve District (URR)

The Urban Residential Reserve District is primarily intended to accommodate low density, single-family residential development. Subdivided lots are grouped together with a larger building lot "reserved" for future urban development when public sewer and other urban infrastructure/services are available to serve the subdivision in the reasonable foreseeable future.

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Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
URR	1 per 2 Acres	n/a	Section 8.10	100'	50[1]	20/25	15/5	25/10	50%	n/a	35

SECTION 5.02 | URBAN RESIDENTIAL ZONING DISTRICTS

The following Districts shall be known as Urban Residential Zoning Districts. These districts are generally appropriate for land uses that are related to housing, including single-family homes, apartments, condos, and other residential structures, with potential for mixed-use.

A. Residential Single Family - 1 District (RSF-1)

The Residential Single Family - 1 District is primarily intended to accommodate low density, single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area (sq ft)	Width		Street	Side	Rear			
RSF-1	1	n/a	n/a	n/a	50[1]	20/25	15/3	30/3	20%	n/a	35

B. Residential Single Family - 2 District (RSF-2)

The Residential Single Family - 2 District is primarily intended to accommodate medium-low density, single-family and duplex residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area (sq ft)[3]	Width		Street	Side	Rear			
RSF-2	2	n/a	n/a	n/a	50[1]	20/25	15/3	30/3	30%	n/a	35

C. Residential Single Family - 4 District (RSF-4)

The Residential Single Family - 4 District is primarily intended to accommodate medium-density, single-family and duplex residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area (sq ft)[3]	Width		Street	Side	Rear			
RSF-4	4	2	n/a	n/a	20	20/25	7/3	20/10	50%	n/a	35

D. Residential Multi Family - 5 District (RMF-5)

The Residential Multi Family - 5 District is primarily intended to accommodate medium-density single-family, duplex, and low-density multi-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area (sq ft)	Width		Street	Side	Rear			
RMF-5	5	3	n/a	n/a	20	20/25	5/3	15/10	60%	n/a	35

E. Residential Multi Family - 8 District (RMF-8)

The Residential Multi Family - 8 District is primarily intended to accommodate medium-high-density single-family, duplex and multi-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area (sq ft)	Width		Street	Side	Rear			
RMF-8	8	5	n/a	n/a	20	20/25	5/3	10/5	70%	n/a	35

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F. Residential Multi Family - 12 District (RMF-12)

The Residential Multi Family - 12 District is primarily intended to accommodate medium-high-density duplex, multi-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
RMF-12	12	8	n/a	n/a	20	20/25	5/3	10/5	75%	n/a	60

G. Residential Multi-Family - 16 District (RMF-16)

The Residential Multi-Family - 16 District is primarily intended to accommodate medium to high-density multi-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
RMF-16	16	12	n/a	n/a	20	20/25	5/3	10/5	75%	n/a	60

H. Residential Multi-Family - 24 District (RMF-24)

The Residential-Multi-Family District is primarily intended to accommodate high-density multi-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
RMF-24	24	16	n/a	n/a	20	20/25	5/3	10/5	80%	n/a	72

I. Mixed Use - Residential - (MU-R)

The Mixed Use - Residential District is primarily intended to accommodate a mix of high-density multi-family residential and commercial uses. The Mixed Use Residential District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential and retail/service uses in close proximity to each other.

Zoning District	Density (units per acre)		Minimum Lot (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory[2]			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
MU-R	12	Section 5.05 H.									

J. Density and Dimensional Standards Footnotes

[1]Minimum street frontage on cul-de-sac reduced to thirty (30) feet.

[2]Where rear lot lines are adjacent to a Utility or Landscape Outlot, the street setback(s) of the principal structure may be reduced to fourteen (14) feet, excluding the setback for a garage with doors facing any street.

[3]If the property is located within the Fruita Buffer (Cooperative Planning Area) south of the Colorado River, the minimum lot size shall be no less than two (2) acres.

SECTION 5.03 | URBAN COMMERCIAL/INDUSTRIAL ZONING DISTRICTS

The following Districts shall be known as Urban Commercial/Industrial Zoning Districts. These districts are generally appropriate land for commercial, industrial, or mixed-use activities, which may include residential areas, to support economic activities like businesses, offices, and retail.

A. Residential Office District (R-O)

The Residential Office District is primarily intended to accommodate very low-intensity office uses on small sites in or near residential areas, or between residential and commercial areas. The district regulations are intended to ensure that the scale and character of uses do not adversely affect nearby residential areas.

Zoning District	Density (units per acre)	Minimum Lot Size (net)	Minimum Street Frontage	Minimum Setbacks (feet) Principal/Accessory	Maximum Lot	Maximum Building Size	Maximum Height

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	Max	Min	Area	Width	(feet)	Street	Side	Rear	Coverage	(square feet)	(feet)
R-O	16	n/a	n/a	n/a	n/a	0/0	0/0	0/0	70%	10,000	35

B. Limited Business District (B-1)

The Limited Business District is primarily intended to accommodate low-intensity neighborhood service and office uses that are compatible with the scale and character of residential neighborhoods.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
B-1	16	n/a	n/a	n/a	n/a	0/0	0/0	0/0	75%	30,000	40

C. Concentrated Business District (B-2)

The Concentrated Business District is primarily intended to accommodate concentrated retail, service, and office uses in community downtown settings. The district is not intended for major shopping centers or large outdoor sales areas. Pedestrian circulation is encouraged within the B-2 District through the use of flexible parking requirements and design standards.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
B-2	24+	n/a	n/a	n/a	n/a	0/0	0/0	0/0	100%	n/a	65

D. Limited Commercial District (C-1)

The Limited Commercial District is primarily intended to accommodate retail, service, and office uses conducted entirely indoors. The district promotes well-designed development on sites that provide excellent transportation access.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
C-1	24+	n/a	n/a	n/a	n/a	14/14	0/0	0/0	80%	n/a	40

E. General Commercial District (C-2)

The General Commercial District is primarily intended to accommodate moderate- to high-intensity commercial uses, which may include outdoor display or storage.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
C-2	24+	n/a	n/a	n/a	n/a	14/14	0/0	0/0	80%	n/a	40

F. Limited Industrial District (I-1)

The Limited Industrial District is primarily intended to accommodate light manufacturing uses within enclosed structures or developments that provide for a mix of office, light industrial, and limited retail and service uses in attractive, business park settings.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
I-1	n/a	n/a	n/a	n/a	n/a	14/14	0/0	0/0	80%	n/a	40/65

G. General Industrial District (I-2)

The General Industrial District is primarily intended to accommodate areas of heavy and concentrated fabrication, manufacturing and industrial uses. The district is appropriate for application in areas that will not be adversely affected by the impacts of such activities, or where such impacts can be minimized to the maximum extent practical.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height Principal/ Accessory
	Max	Min	Area	Width		Street	Side	Rear			

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					(feet)						(feet)
I-2	n/a	n/a	n/a	n/a	n/a	14/14	0/0	0/0	80%	n/a	40

H. Mixed Use - Commercial District (MU-C)

The Mixed Use - Commercial District is primarily intended to accommodate a mix of commercial and high-density multi-family residential uses. The MU-C District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The MU-C District also permits a mix of residential and retail/service uses in close proximity to each other.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
MU-C	24+	n/a	Section 5.05 H.								

I. Mixed Use - Old Town Clifton District (MU-OTC)

The Mixed Use - Old Town Clifton District is primarily intended to accommodate a mix of residential and commercial uses. The MU-OTC District is intended to ensure the Old Town Clifton Planning Area will become a mixed-use community and remain an attractive environment for business, offices, services and housing. It accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The MU-OTC District also permits a mix of residential and commercial uses in close proximity to each other.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
MU-OTC	24+	n/a	n/a	n/a	n/a	14/14	0/0	0/0	80%	n/a	40

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SECTION 5.04 | MASTER PLAN IMPLEMENTATION

The following Tables shows which zoning district(s) appropriately implement(s) a given future land use classification of the Mesa County Master Plan. An "X" indicates that the zone district implements the corresponding future land use classification and is therefore an appropriate zone within that designated area on the Future Land Use Plan Map. The absence of an "X" indicates that the zone district is not an appropriate zone and therefore should not be allowed.

TABLE 5-1: ZONING DISTRICTS TO IMPLEMENT THE MESA COUNTY FUTURE LAND USE PLAN

ZONING DISTRICTS TO IMPLEMENT THE MESA COUNTY FUTURE LAND USE PLAN		RURAL PLANNING AREAS										URBAN PLANNING AREAS												
		RURAL MESA COUNTY										RESIDENTIAL			NON-RESIDENTIAL			MIXED USE		OTHER				
		ESTATE (EST, EST 2, EST 3)	URBAN RESIDENTIAL RESERVE (URR)	RURAL (RUR)	FRUITA 201 10 AC (FRU 10)	EAST ORCHARD MESA 10 AC (EOM 10)	RURAL/AGRICULTURAL 10 AC (R/A 10)	RURAL/AGRICULTURAL 17 AC (R/A 17)	RURAL/AGRICULTURAL 20 AC (R/A 20)	RURAL/AGRICULTURAL 35+ AC (R/A 35)	COOPERATIVE PLANNING AREA (CPA)	RESIDENTIAL LOW (RL)	RESIDENTIAL MEDIUM (RM)	RESIDENTIAL HIGH (RH)	COMMERCIAL (COM)	COMMERCIAL / INDUSTRIAL (CI)	INDUSTRIAL (IND)	BUSINESS PARK / MIXED USE (BPMU)	MIXED USE (MU)	MT. GARFIELD VIEW PRESERVATION (GVPA)[2]	CONSERVATION MINERAL EXTRACTION (CON)		FRUITA GREENWAY BUSINESS PARK (GBP)	
RURAL	AF35									X										X	X			
	AFT	X	X	X	X	X	X	X	X		X									X	X			
	URR		X																					
	RSF-R			X																	X			
	RSF-E	X																						
URBAN RESIDENTIAL	RSF-1											X												
	RSF-2											X												
	RSF-4											X	X											
	RSF-5												X											
	RMF-8												X											
	RMF-12												X	X				X						
	RMF-16													X				X						
	RMF-24													X				X						
URBAN NON-RESIDENTIAL	R-O												X	X	X			X						
	B-1													X	X			X						
	B-2														X									
	C-1														X			X						
	C-2														X	X		X						
	I-1															X	X	X					X	
	I-2																X						X	
MIXED USE	MU-R																		X					
	MU-C														X				X					
	MU-OTC														X									

SECTION 5.05 | SPECIAL PURPOSE ZONING DISTRICTS

A. Planned Unit Development District (PUD)

The Planned Unit Development District is intended to encourage innovative land planning and site design concepts that implement and are in general conformity with the Mesa County Master Plan.

1. Developer's Statement of Intent

Each Outline Development Plan application shall contain a statement describing how the proposed development departs from the otherwise applicable standards of this LDC, and how the proposed development, on balance, is an improvement over what would be required under otherwise applicable standards.

2. Review and Approval Procedures

PUDs shall be reviewed and approved in accordance with the procedures of Section 4.13.

3. Use Regulations

The Board of County Commissioners shall determine the types of uses allowed within a PUD at the time of Outline Development Plan approval. Only uses that are in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, may be allowed within a PUD, and should generally be limited to uses allowed in the underlying Zoning District.

4. Development Intensity

The total number of dwelling units and level of nonresidential development allowed within a PUD shall be in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, and shall not exceed the level that can be adequately served by public facilities. The Director may require a traffic impact study or other infrastructure capacity analysis to provide information on the development's expected impacts on existing and planned facilities.

5. Other Standards

Otherwise applicable standards of this LDC may be modified by the Board of County Commissioners as part of the approval of a PUD, if modifications are in general conformity with the Mesa County Master Plan pursuant to C.R.S. §24-67-104, and if the development is found to be an improvement over what would be required under otherwise applicable standards.

B. Orchard Mesa Open Land Overlay District (OL)

1. Purpose

The Orchard Mesa Open Land Overlay District is intended to encourage preservation of open space, sensitive natural areas, irrigated agricultural lands and the rural character.

2. Relationship to Underlying Zoning

Property owners shall have the option of developing in accordance with the underlying zoning or with the OL District standards of this section.

3. Standards

a. The OL Overlay District is applicable only to tracts of land ten (10) acres or larger in size.

b. Developments that use the OL Overlay District standards shall be required to retain a minimum of fifty percent (50) of the development tract in open land, and group dwellings in clusters.

c. A maximum density of one (1) dwelling unit per two and a half (2.5) gross acres is allowed.

d. Permitted uses of the open land shall be determined by the Board of County Commissioners and may include but shall not be limited to:

(1) Agricultural uses;

(2) Conservation of open land in natural state;

(3) Passive recreation areas (trails, community gardens, lawn, picnic areas, etc.);

(4) Active recreation areas;

(5) Easements for drainage, access, sewer or water lines, stormwater management facilities;

(6) Parking for active recreation areas (ten (10) or fewer spaces); or

(7) "Homestead lots" that are at least five acres in size, of which a maximum of one acre may be developed with a single-family dwelling and accessory uses. The undeveloped portion

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of the lot may be counted toward the minimum fifty (50) percent open land requirement for the development, and must be restricted from future development and further subdivision by an open space easement. Dwellings on homestead lots count toward the maximum density permitted on a tract.

e. Above ground utilities and road rights-of-way areas may not be counted toward the required fifty (50) percent minimum open land requirement.

f. Designated open land should maximize common boundaries with open land on adjacent tracts.

g. Safe and convenient pedestrian access shall be provided to open lands where appropriate. Access to land used for agriculture may be restricted. Public access is not necessarily required and should be determined on a case by case basis.

h. Use of motorized vehicles within designated open land is prohibited except within approved driveways and parking areas. Maintenance, law enforcement, emergency, and farm vehicles are permitted, as needed.

i. Design of the development shall be such that natural features are generally maintained in their natural condition. Permitted modifications may include: buffer area landscaping, revegetation, streambank, riparian, wetlands protection and management.

j. All developments utilizing the OL Overlay Zone shall include provisions to ensure the designated open space remains in open land. The recorded subdivision plat for the development shall indicate the designated open land is to remain open land as an open space easement. Deed restrictions may be required for designated tracts of open land. Use of conservation easements is encouraged where appropriate.

k. All developments utilizing the OL Overlay Zone shall include provisions for the perpetual maintenance of the designated open land for appropriate uses as listed in this section (e.g. covenants for a homeowners association). All applicable weed, pest, and nuisance ordinances and regulations shall apply to all properties.

4. Residential Grouping, Design and Density

a. Developments shall be encouraged to preserve prime agricultural land to the greatest extent possible as defined by the Natural Resources Conservation Service.

b. Structures shall be located in areas least likely to block any scenic views, to the greatest extent possible.

c. An open land buffer area with a minimum width of one hundred (100) feet shall be provided between residential groupings (clusters), to the greatest extent possible.

d. A maximum density of one single-family, detached unit per two and a half (2.5) acres shall be permitted (based on gross density of the tract).

e. All lots shall be grouped into clusters of at least two and no more than twenty-five (25) lots.

f. Minimum lot sizes:

(1) All lots utilizing Onsite Wastewater Treatment Systems (OWTS) shall meet the OWTS standards as determined by Section 8.10 of this LDC.

(2) Minimum lot size for lots served by public sanitary sewer service shall be determined on a site specific basis through the subdivision review process, based on compatibility with surrounding land uses.

g. All lots within clusters shall be adjacent to designated open land to the extent possible.

h. Disturbance to mature trees and other significant vegetation shall be minimized.

i. All new lots should access internal roads.

j. Minimum setbacks between principal residential structures and the following designated open land uses shall be as follows:

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(1) Pasture, croplands, orchards: one hundred (100) feet

(2) Barns and livestock buildings/pens: three hundred (300) feet

(3) Edge of drainages, wetlands, floodplains: one hundred (100) feet

(4) Active recreation area: one hundred fifty (150) feet

5. Other minimum setbacks for principal residential structures shall be:

a. Street Setback:

(1) Comply with AFT District standards

b. Side setback:

(1) 50 feet (lots over three acres)

(2) 25 feet (lots over one acre and up to three acres)

(3) 15 feet (lots one acre or less, or lot width of 150 feet or less)

c. Rear setback:

(1) 50 feet (lots over one acre in size)

(2) 25 feet (lots one acre or less, or lot width of 150 feet or less)

Other bulk and use requirements of the AFT Zoning District apply where there is no conflict with the above standards.

C. Village of Mesa Overlay District

1. Purpose

The Village of Mesa Overlay District is intended to encourage urban development where adequate services already exist; to simplify the development process in the Overlay District; to recognize the Mesa Sanitation District as the logical growth boundaries for the Mesa rural community; and to strengthen the existing village character of Mesa.

2. Relationship to Underlying Zoning

Property owners shall have the option of developing in accordance with the underlying zoning or opting into the Village of Mesa Overlay District and the standards contained within this section. If a property owner opts into the Village of Mesa Overlay District, new development shall comply with the standards in the Village of Mesa Overlay District zone and the property will be designated as Village of Mesa Overlay District on the Official Zoning Map.

3. Standards

a. Residential

One (1) dwelling unit per two-thousand five hundred (2,500) square feet minimum lot area is encouraged.

b. Manufactured Homes

Manufactured Home Parks should not be located along State Highway 65 and KE Road frontages.

c. Recreational Vehicle (RV) Parks

RV developments may be located along Highway 65 and KE Road. Proposals must comply with campground standards of this LDC.

d. Business

A minimum building lot size of two thousand five hundred (2,500) square feet is required to allow adequate parking, landscaping and circulation.

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e. Mixed Use

A mixture of both business and residential uses on individual parcels is allowed along State Highway 65 frontage.

f. Allowed Uses

All residential uses and business uses that are allowed in the B-2 district shall be allowed in the Village of Mesa Overlay District, including single-family attached and detached dwelling units.

g. Building Height

Maximum building height shall be thirty-five (35) feet or two (2) stories.

h. Setbacks:

(1) Front (street): ten (10) feet from front property line or curb line

(a) Front porches and canopies may extend five (5) feet into the front setback.

(2) Sides: zero (0) feet

(3) Rear: ten (10) feet

i. Architectural Features

Western style architecture is encouraged, e.g. liberal use of front porches, wood facades, false fronts, flat and pitched roof structures, non-reflective metal roofing, etc. Front porches are encouraged to be continuous with neighboring structures.

j. Signs

Every sign shall be in good proportion and visually integrated with buildings and surrounding uses. Each sign shall be compatible with adjoining premises and should not compete for attention. Use of wall, roof, hanging, and free standing monument signs are encouraged. Proposals must conform with all applicable sign regulations.

k. Landscaping

The Landscape Standards of this LDC apply to all new developments.

D. Airport Environs Overlay District

1. Purpose

The Airport Environs Overlay District is hereby created with the following purposes:

a. Protect the public health, safety and welfare by regulating development and land use within noise sensitive areas and airport hazard areas;

b. Ensure compatibility between airports and surrounding land uses; and

c. Protect the airport from incompatible encroachment.

2. Applicability

The Airport Environs Overlay District shall serve as an overlay district that applies additional standards and requirements to properties located within an underlying zoning district. In case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

3. General Provisions

Every development application for property located within the Grand Junction Regional Airport Influence Area shall comply with all restrictions contained within the adopted Airport Master Plan as may be amended, and applicable sections of this LDC. In addition, any development application for property located within such Airport Influence Area, and any development application for property located within one-half (½) mile of any airport or air navigation facility other than Grand Junction Regional Airport, shall comply with any applicable restrictions contained in Title 14 of the Code of Federal Regulations, Subchapter I, Federal Aviation Regulations, including, without limitation, Part 77

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(height restrictions) and Part 150 (noise compatibility planning).

4. Grand Junction Regional Airport Environs Overlay Maps

Maps shall be referred to as part of this Section 5.05 D. of the Mesa County Land Development Code.

5. Subdistricts

In order to carry out the provisions of this regulation, the AE, Airport Environs Overlay District is divided into four (4) subdistricts that represent the differing levels of noise impact and hazard from aircraft overflight. An area covered by more than one (1) zone shall be limited to the more restrictive use.

The zones are as follows:

a. Subdistrict A (Area of Influence)

An area surrounding the airport impacted or influenced by proximity of the airport, either by aircraft overflight, noise, and/or vibrations.

b. Subdistrict B (Noise Zone)

Includes the area within the 65 Ldn to 70 Ldn noise-exposure area as determined in the Grand Junction Regional Airport Master Plan.

c. Subdistrict C (Critical Zone)

A rectangular-shaped zone located directly off the end of a runway's primary surface, beginning two hundred (200) feet from the end of the pavement, which is critical to aircraft operations (i.e., more apt to have accidents within it because of the takeoff and landing mode of aircraft in that particular area) as determined in the Grand Junction Regional Airport Master Plan.

d. Subdistrict D (Clear Zone)

A triangular-shaped zone located directly off the end of a runway's primary surface, beginning two hundred (200) feet from the end of the pavement, which is clear of all above-ground obstruction or construction. The width is the same as the primary surface. The length is determined by the use of the runway, in accordance with Federal Aviation Administration (FAA) regulations.

6. Amendments

The boundaries of the Airport Environs Overlay District and its subdistricts, as adopted herein, shall be reviewed and amended whenever the Grand Junction Regional Airport Authority updates or amends the noise contour maps. It shall be the responsibility of the Grand Junction Regional Airport Authority to notify Mesa County of such updates or amendments and to provide a copy of same to Mesa County.

7. Exemptions

Uses existing on May 1, 2000 shall not be required to change in order to comply with these regulations and are exempt from the provisions of this Section 5.05 D.

8. Land Use Compatibility

The following Land Use Compatibility Standards Matrix establishes requirements and limitations in addition to other requirements of this LDC. In the case of any conflict between this regulation and any other Section of this LDC, the more restrictive requirements shall govern.

a. Proposed Uses and Structures

The Land Use Compatibility Standards matrix identifies development standards that apply to proposed uses and structures within the Airport Environs Overlay District. All proposed uses and structures must comply with these standards.

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TABLE 5-2: LAND USE COMPATIBILITY MATRIX

C: Conditional Use Permit Required, Y: Yes, N: NoC^{25}:Measures to achieve Noise Level Reduction (NLR) of 25 dB must be incorporated into the design and construction of structures.
C^{30}:Measures to achieve Noise Level Reduction (NLR) of 30 dB must be incorporated into the design and construction of structures.

[1]:Where possible, no residential development shall be permitted within Subdistricts B and C, provided that where properties are substantially or wholly burdened by these districts, residential development may be permitted at a density not to exceed one (1) unit per five (5) acres. Clustering of homes outside Subdistricts B and C shall occur whenever possible.

Land Use	A	B	C	D
Residential density less than or equal to 1 unit per 5 acres	Y	C^{30} [1]	C^{30}[1]	N
Residential density greater than 1 unit per 5 acres	Y	N	N	N
Hotel/Motel	Y	C^{25}	N	N
School, Hospital, Library	Y	C^{25}	N	N
Church	Y	C^{25}	N	N
Auditorium, Outdoor Amphitheater, Concert Hall	Y	C^{25}	N	N
Sports Arena	Y	C^{25}	N	N
Playground, Park, Open Space, Golf Course, Cemetery, Riding Stable	Y	Y	C	N
Office Building, Personal, Business and Professional Services	Y	C	N	N
Commercial Establishment: Retail	Y	C	C	N
Commercial Establishment: Wholesale, Manufacturing, Transportation, Communications and Utilities	Y	C	C	N
Manufacturing-noise sensitive	C	C	C	N
Communications-noise sensitive	C	C	C	N
Farming (livestock)	Y	Y	Y	N
Agriculture, Mining, Fishing (except livestock Farming)	Y	Y	Y	C
Poultry Production	Y	Y	Y	N

b. Interior Day-Night Average Noise Level (Ldn)

All proposed uses and structures must comply with the Noise Level Reduction (NLR) standards as provided in the matrix. The standards in the National Technical Information Service (NTIS) report Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations (AD-A258 032), latest edition, shall be used in development of noise reduction methods for new development.

c. Use Restriction

Notwithstanding any other provision of this LDC, no use may be made of land or water within any zone or subdistrict established by this regulation that will:

(1) Create electrical interference with navigational signals or radio communication between the airport and aircraft;

(2) Make it difficult for pilots to distinguish between airport lights and other lighting;

(3) Result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport; or

(4) Otherwise create a hazard or endanger landing, takeoff, or maneuvering of aircraft.

9. Avigation Easement

For any new development located within the Airport Environs Overlay District, an avigation easement shall be dedicated to the Grand Junction Regional Airport Authority with terms and conditions approved by the Grand Junction Regional Airport Administrator. Such grant shall not be required for repairing or maintaining existing structures.

10. Disclosure of Critical and Noise Zones

A notice of potentially high noise levels and/or location within a critical zone shall be affixed to and recorded with all final plats/plans. The wording shall be as follows:

a. All or part of this property is located in an area potentially subject to aircraft noise levels high enough to annoy users of the property and interfere with its unrestricted use."

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b. If also in Critical Zone add: All or part of this property is also located in the approach and departure path of the airport in an area more apt to have accidents because of the takeoff and landing mode of aircraft."

11. Height Limitations

There are hereby established imaginary surfaces, above and around the airport, in order to limit height. Nothing, including structures and trees, shall be erected, altered, allowed to grow, or be maintained so that it crosses or enters into the applicable runway approach zones as defined in Federal Aviation Regulations (FAR) Part 77, as amended.

E. Mack Overlay District

1. Purpose

The Mack Overlay District is intended to create a distinct community core with mixed uses comprised of business and services (home based occupation, farm related/supporting businesses) and higher density residential development. Areas that are identified as mixed use, higher density, commercial, or business, must have facilities and services that can serve them adequately and appropriately. Small businesses and neighborhood convenience centers are envisioned but large shopping centers and big box development are not appropriate.

2. Applicability

a. To implement this purpose an Overlay District is created for the Rural Community of Mack.

b. The Overlay District provides for flexibility in the land use pattern within the Rural Community of Mack by providing property owners with the option of developing in accordance with the underlying zoning or with the Mack Overlay District standards of this section.

3. Relationship to Underlying Zoning

Property owners shall have the option of developing allowed uses in accordance with the underlying zoning or opting into Tier 1 or Tier 2. If a property owner opts into the Tier 1 or Tier 2 designation, new development shall comply with the standards in the Mack Overlay District zone and the property will be designated as Tier 1 or Tier 2 of the Mack Overlay District on the Official Zoning Map.

RURAL COMMUNITY	Future Land Use Classifications	TABLE 5-3: ZONING DISTRICTS TO IMPLEMENT THE MACK COMMUNITY PLAN																					
		AF35	AFT	URR	RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RSF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	MACK TIER 1	MACK TIER 2
MACK	INDUSTRIAL																			X	X		
	CORE AREA (RURAL COMMUNITY AREA)																					X	X
	ESTATE					X																	

4. Standards

a. Permitted Uses

(1) Intent is to promote mixed uses (business and residential) on individual parcels.

(2) Allowed uses have been customized to the community's needs and are listed in Table 6-1 of the Land Development Code.

(3) Two (2) tiers have been developed

TABLE 5-4: MACK OVERLAY DISTRICT LOT SIZE, WIDTH AND BUILDING HEIGHT STANDARDS			
	Minimum Lot Size	Minimum Lot Width	Maximum Building Height
Tier 1	5,000 square feet	40 feet	2 stories/not to exceed 35 feet
Tier 2	8,000 square feet	75 feet	2 stories/not to exceed 35 feet

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b. Setbacks

All structures shall meet or exceed the following setbacks:

TABLE 5-5: MACK OVERLAY DISTRICT SETBACK STANDARDS			
	Street Yard (feet) Principal/Accessory	Side Yard (feet) Principal/Accessory	Rear Yard (feet) Principal/Accessory
Tier 1	5[1, 2]	0	0[3]
Tier 2	20/25	7/3	25/10

[1]Front porches and canopies may extend five (5) feet into the front setback.
[2]Allowances for landscaping need to be considered (i.e., the building may need to be set back five to ten (5-10') to allow a tree to be planted, or a park bench or streetlight to be installed).
[3]Ten (10) foot setback if abutting a residential zone or use

c. Landscaping

The Landscape Standards of this LDC apply to all new developments.

F. Gateway Overlay District

1. Purpose

The Gateway Overlay District is intended to continue the community of Gateway's unique historic, scenic, and cultural qualities. The community center, church and school provide the primary cultural focal points of the small community of single-family homes and limited commercial endeavors. Areas within this rural community that are identified for mixed use, higher density, or commercial development must have adequate facilities and services that can service them.

2. Applicability

The Overlay District provides for flexibility in the land use pattern within the Rural Community of Gateway by providing property owners with the option of developing in accordance with the underlying zoning or with the Overlay District standards of this section.

3. Relationship to Underlying Zoning

Property owners shall have the option of developing allowed uses in accordance with the underlying zoning or opting into Area A or Area B. If a property owner opts into the Area A or Area B designation, new development shall comply with the standards in the Gateway Overlay District zone and the property will be designated as Area A or Area B of the Gateway Overlay District on the Official Zoning Map.

4. Standards

a. Permitted Uses

Allowed uses have been customized to the community's needs and are listed in Table 6-1 of the Land Development Code.

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TABLE 5-6: GATEWAY OVERLAY DISTRICT RESIDENTIAL DENSITY AND DIMENSIONAL STANDARDS[1]							
	Maximum Density (Dwelling Units/Acre)	Lot Size - Detached		Minimum Street Yard Setbacks (feet) Principal/Accessory[2,3]	Minimum Side Yard Setbacks (feet) Principal/Accessory	Rear Yard Setback (feet)	Maximum Height (feet)
		Minimum	Average				
Area A[4]	8	5,000 (sq ft)	5,000 (sq ft)	10/22	0[5] (Interior Side) 8 (Exterior Side)	35	35
Area B	1	1 Acre	n/a	25/25	25/0[5] (Interior Side) 25 (Exterior Side)	25	35

TABLE 5-7: GATEWAY OVERLAY DISTRICT NON-RESIDENTIAL DENSITY AND DIMENSIONAL STANDARDS[1]						
	Maximum Density (Dwelling Units/Acre)	Minimum Lot Size (Detached Units)	Minimum Street Yard Setbacks (feet) Principal/Accessory	Minimum Side Yard Setbacks (feet) Principal/Accessory	Rear Yard Setback (feet)	On-Site Parking Requirements (Spaces/sq.ft.)
Area A[4]	8	8,000 sq.ft.	15/22	15	20	1/2,000
Area B	1	2 Acre	25/25	25	50	1/5,000

[1]Duplex or other attached single-family dwelling units may be permitted as a conditional use. All Mesa County Land Development Code requirements pertaining to Onsite Wastewater Treatment Systems (OWTS) will apply.
[2]Front Porches and canopies may extend five (5) feet into the front setback.
[3]Allowances for landscaping need to be considered (i.e., the building may need to be set back five to ten [5-10] feet to allow a tree to be planted or a park bench or streetlight to be installed).
[4]Served by public sewer.
[5]Within Area "A" row-housing or attached residential dwellings shall be allowed a zero (0) foot side yard setbacks. Unattached residential units must have a side yard setback of eight (8) feet.

G. Loma Community Overlay

1. Purpose

The Loma Community Overlay District is intended to create a community core, with mixed-use businesses and services and some higher density residential development that support the community's identity, and results in diversity in development density and patterns and in economic vitality.

2. Loma Community Overlay Implementation

The following Tables shows which zoning district(s) appropriately implement(s) a given future land use classification of the Loma Community Overlay. An "X" indicates that the zone district implements the corresponding future land use classification and is therefore an appropriate zone within that designated area on the Future Land Use Plan Map. The absence of an "X" indicates that the zone district is not an appropriate zone and therefore should not be allowed.

TABLE 5-8: ZONING DISTRICTS TO IMPLEMENT THE LOMA COMMUNITY OVERLAY																						
RURAL COMMUNITY	Future Land Use Classifications	AF35	AFT	URR	RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RSF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	MU-R	MU-C
LOMA	ESTATE					X																	
	MIXED USE RESIDENTIAL																					X	
	MIXED USE COMMERCIAL																						X
	MAIN STREET COMMERCIAL																X						X
	RESIDENTIAL LOW TO RESIDENTIAL MEDIUM HIGH							X	X	X	X	X											
	RECREATIONAL COMMERCIAL[1]																						
	HIGHWAY COMMERCIAL																	X	X				

H. Whitewater Mixed Use Zoning District

1. Purpose

The purpose of the Whitewater Mixed Use District is to encourage the development of a mix of

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commercial and residential uses within the Whitewater Community Plan Boundary. The Mixed Use District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The Mixed Use District also permits a mix of residential and retail/service uses in close proximity to each other. Within Mesa County, the Mixed Use District also promotes the health and wellbeing of residents by ensuring availability of adequate and concurrent urban infrastructure, utilities, and services while encouraging physical activity, alternative transportation, and greater social interaction.

2. Applicability

In general, these standards require compact development built at a neighborhood scale. Rather than designing structures specifically for individual tenants, buildings within the mixed use district should be designed to function over the life of multiple tenants in a manner similar to a main street or community core. In the review of mixed use districts, the County shall consider the following:

a. Ability of the residential development to provide for a variety of housing types;

b. Inclusion of mixed use buildings with non-residential uses on the ground floor and residential units on the second floor;

c. Ability of the commercial development, either as proposed or in conjunction with surrounding development, to serve daily or frequent needs of the surrounding neighborhood;

d. Creation within the overall mixed use area of the Whitewater Plan area of a commercial core with supporting nodes supported by an adequate supply of residential development;

e. Provision of a variety of building sizes compatible with the character of mixed use district and the potential for the long-term function of those buildings;

f. Encouraging an orderly, phased pattern of development supported by adequate public facilities; and

g. Specific issues of the functioning of the development, including access, parking, drainage, landscaping, and design.

3. Description

The application of the Mixed Use District is grouped based on the predominant use of the proposed development. Two districts are available as Mixed Use, either Mixed-Use Residential (MUR) or Mixed-Use Commercial (MUC). In a Mixed Use Residential district, between sixty (60) and seventy-five (75) percent of the uses in the district are residential. In a Mixed Use Commercial district, between sixty (60) and seventy-five (75) percent of the uses in the district are commercial. Minimum lot sizes are established by use category and a mix of lot sizes and uses is encouraged. The goal of this approach is to permit buildings and uses for all property owners without mandating a specific mix, while recognizing that each lot must fit into the overall whole of the development pattern.

4. Uses

Permitted uses are divided based on the type of district, either Mixed Use Residential or Mixed Use Commercial, as set forth in Table 6-1 of this LDC.

5. Required Mix of Uses

a. Mix of Uses

In the Mixed Use District, a mix of uses – either within a single building or on a development site – shall be provided unless it can be demonstrated that adjacent properties provide or will provide a complimentary diversity of uses. The uses of adjacent properties can be established through one of the following:

(1) Existing uses,

(2) Approved site plan for development, or

(3) Approved Comprehensive or Area Plan.

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b. Residential

Residential uses are encouraged in the development, but are not permitted on the ground floor of mixed use structure.

6. Layout, Dimensions and Size Requirements

a. Minimum Lot size

The minimum lot size of uses shall be as follows:

TABLE 5-9: WHITEWATER MIXED USE ZONING DISTRICT LOT SIZE STANDARDS

Use	Minimum Lot Size	
	Mixed Use (square feet)	Traditional Use (square feet)
Single-Family Detached	4,000	4,000
Duplex	4,000	4,000
Single Family Attached	2,000	2,000
Commercial up to 10,000 square feet	5,000	8,000
Commercial up to 25,000 square feet	12,500	20,000
Commercial up to 50,000 square feet	25,000	40,000

b. Floor to Floor Heights and Floor Area of Ground Floor Space

(1) All commercial floor space provided on a ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.

(2) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

(a) At least eight hundred (800) square feet or twenty-five (25) percent of the buildable lot area, whichever is greater, on lots with street frontage of less than fifty (50) feet; or

(b) At least twenty (20) percent of the buildable lot area on lots with fifty (50) feet or more of street frontage.

c. Setbacks

(1) Front and Side Street

Where possible, and in keeping with sight line requirements, the entire building facade shall abut front and side street property lines or be located within fifteen (15) feet of such property lines. Exceptions may be made for comer lots or commercial structures where outdoor seating may be provided.

(2) Rear

Where there is an alley, street, or public right of way behind the building, no rear setback is required. Where the MU district abuts a residential use or district, the rear setback shall be twenty (20) feet.

(3) Interior Side

No interior side setbacks are required in the MU district unless the interior side abuts a residential use or district. Where an MU district does abut a residential use or district, the MU interior setback shall be identical to that of the residential district.

d. Building Height

The maximum building height is thirty-eight (38) feet for mixed-use buildings and thirty-five (35) feet for all other buildings.

7. Parking

a. On Street

On-street parking within three hundred (300) feet of the proposed use may be counted to meet the parking requirements for non-residential uses. Assignment of on-street parking shall be

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allocated at the time of site plan approval. On-street parking shall not be allocated to more than one use.

b. Off Street

(1) No off-street parking shall be required for nonresidential uses in the MU district unless such uses exceed two thousand five hundred (2,500) square feet of gross floor area, in which case off street parking must be provided for the floor area in excess of two thousand five hundred (2,500) square feet.

(2) Off street parking shall be provided as described in Section 8.01: Off-Street Parking.

SECTION 5.06 | ZONING MAP

The boundaries of the zoning districts established by this LDC are shown on a map or series of maps titled the "Consolidated Zoning District Map of Mesa County, Colorado," which is to be considered a part of this LDC as fully as if it were set out here in detail. Original copies of the zoning district map are maintained in the Community Development Department. In case of any dispute regarding the zoning classification of property subject to this LDC, the original maps maintained by the Director will control.

A. Omitted Land

The zoning classification of any land that does not appear to be classified within any of the districts shown on the zoning map shall be considered to be AF-35 if it is located in the Rural Planning Area, and RSF-E if located in the Urban Planning Area or one of the Rural Communities where public sewer is available.

B. District Boundaries

1. Zoning district boundaries follow section lines; lot lines; streets; alleys; railroad right-of-way; municipal corporation lines; special district boundaries; natural boundary lines, such as streams, or other lines to be determined by the use of scale shown on the zoning map.

2. When a parcel of land is divided by a zoning district boundary line at the time of enactment of this LDC or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

C. Street Vacations

Whenever any street, alley or public way is vacated by official action of the Board of County Commissioners, the zoning district(s) of the land to which the vacated land becomes a part shall be automatically extended to the land subject to the vacation, and all area included in the vacation will be subject to the regulations of the extended district.

D. Uncertainties

Where physical features existing on the ground contradict those shown on the zoning map, or in case any other uncertainty exists regarding the boundary of zoning districts, the location of district boundaries shall be determined by the Director based on the rules of this Section 5.06.

E. Conflicts with Recorded Resolutions

1. Conflicts between the zoning map and any resolution which was entered into the records of the County Clerk and Recorder within the last ten (10) years shall be determined for correction on a case by case basis by the Director and shall be processed as an administrative review.

2. Where a land use was established based on a resolution entered into the records of the County Clerk and Recorder any time in the past and has continued without interruption to the present day and a conflict exists between the zoning map and that resolution, a determination for correction of the zoning map shall be made on a case by case basis by the Director and shall be processed as an administrative review.

3. All other conflicts will be brought before the Board of County Commissioners on a case by case basis. Some of the factors considered in determining whether the map or the resolution will control include:

a. The date of the resolution;

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b. Reliance on the zoning map by the neighbors;

c. Reliance on the resolution;

d. Surrounding land use; and

e. Surrounding zoning.

F. Appeals

Appeals of administrative decisions shall go to the Board of County Commissioners in accordance with Section 4.02 in the Mesa County Land Development Code. The Board of County Commissioners may consider the Director's decision, public comment and the criteria in Section 5.06 E above at their discretion.

SECTION 5.07 | COMPLIANCE WITH DISTRICT STANDARDS

No building, improvement, or structure may be erected, converted, enlarged, reconstructed or altered for use, except in accordance with all of the district regulations established by this LDC for the zoning district in which the building or structure or land is located.

No land, building, improvement, or structure may be used, designated, or intended to be used for any use or activity except in accordance with all of the district regulations established by this LDC for the zoning district in which the building or structure or land is located.

No yard, setback or other open space provided about any building, improvement, or structure for the purpose of complying with provisions of this LDC shall be considered as providing a yard, setback or open space for a building, improvement, or structure on any other lot.

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CHAPTER 6 | USE REGULATIONS

SECTION 6.01 | USE TABLE

The principal uses allowed within all Zoning Districts are identified in Table 6.1 of this chapter.

A. Use Categories and Specific Uses

The first column of the Use Table contains the Use Category which is further defined under the specified Section identified under each use. The second column contains specific uses that are associated with the Use Category in the first column.

B. Allowed Uses

An A indicates that the listed use is allowed within the respective zoning district. Allowed uses are subject to site plan review and all other applicable standards of this LDC.

C. Conditional Uses

A C indicates that the listed use is allowed within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review procedures of Section 4.03. Conditional Uses are subject to all other applicable standards of this LDC.

D. Prohibited Uses

A blank cell (one without an "A" or "C") indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this LDC or by State regulation.

E. Uses Subject to Specific Regulations

Many uses are subject to Site Specific Standards (in addition to general regulations that apply to development in general). The final column of the use table contains references to applicable use-specific standards.

TABLE 6-1: USE TABLE

Use Category (Section)	Specific Use Type	Principal Uses Allowed																										
		Rural	Urban Residential											Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
Residential (Section 12.03)																												
Household Living 12.03 B.	Business Residence													A	A	A	A	A	A	A	A	A				A	C	6.02 D.
	Rooming/Boarding House									A	A	A	A	A	A	A	A				A	A	C	C	C	A	C	
	Single-Family Attached / Townhome							A	A	A	A	A	A	A							A	A	A	A	A	A	C	
	Single-Family Detached (includes manufactured homes)	A	A	A	A	A	A	A	A	A	A			A							A	A		A	A	A	A	
	Duplex						A	A	A	A	A			A							A	A	A	A	A	A	C	
	Tiny House	A	A	A	A	A	A	A	A	A	A	A	A	A														
	Multi-Family								A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	C	
	Agricultural Labor Housing	A	A	C																		A				A	A	6.02 B.
	Manufactured Home Park								A	A	A	A	A	C	C							A				A	A	6.02 P.
	All Other Household Living								A	A	A	A	A	C	C	C					A	A	C	C	C	A	C	
	Temporary Employee Housing	C																										6.02 X.
Group Living 12.03 A.	Assisted Living Facility	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	A	A			C	C	A	A	A	C	C	6.02 K.
	Treatment Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					C	C			C	C	C	6.02 K.

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TABLE 6-1: USE TABLE																											
Principal Uses Allowed																											
Use Category (Section)	Specific Use Type	Rural	Urban Residential												Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
	Small Group Living Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	6.02 K.
	Large Group Living Facility								C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	6.02 K.
Institutional & Civic (Section 12.04)																												
Colleges and Vocational Schools 12.04 A.	Colleges and Universities/Vocational/ Technical/ Trade Schools								A	A	A	A	A	A	A	A	A	A	A	C	C	A		A	C	C	
	All Other Educational Institutions								C	C	C	C	A	A	A	A	A	A	A	A	A	C		C	C	C	
Community Service 12.04 B.	All Community Services	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	C	C	C	A	C	
	Museums/Art Galleries/Opera House	A	A											A	A	A	A	A	A	A	A	A	A	A	A	A	C	
Day Care 12.04 C.	Family Care Home - Small	A	A	A	A	A	A	A	A	A	A	A	A	A	A						A	A	C	C	C	A	C	
	Family Care Home - Large	C	C	C	A	A	A	A	A	A	A	A	A	A	A	A					A	A	C	C	C	A	C	
	Day Care Center	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	C				C	C	A	C	C	A	C	
Hospital 12.04 D.	Medical and Dental Clinics										A	A	A	A	A	A	A	A	A		A	A	A	C	A	A	C	
	Counseling/Rehabilitation Centers (nonresident)												A	A	A	A	A				A	A	A	C	A	A	C	
	Hospital/ Mental Hospital												A	A	A	A	A				C	C	C	C	C			
	Physical and Mental Rehabilitation (residential)												A	A	A	A	A				C	C	C	C	C	C	C	
	All Other														C	C	C				C	C	C		C	C	C	
Parks and Open Space 12.04 E.	Cemetery	A							C	C	C					A	A				A	A			C	A	C	
	Golf Course	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A				C		A	A	C	C	
	Golf Driving Ranges	A	C	C	C	C	C	C	C	C	C	C	C			A	A	A	A	A	A	A		C	C	C	C	
	Parks/Lakes/Reservoirs	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	
	All Other	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	C	A	C	
Religious Institutions 12.04 F.	All	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Public Safety Facilities 12.04 G.	Jails, Honor Camps, Reformatories, Rehabilitation Centers															C		C	C	C		C						
	Police Station & Sub-Station/Fire Station/Ambulance	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Schools 12.04 H.	Boarding School	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	A			A	A	A	A	A	C	C	
	Elementary School	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	A	A	A	A	A	C	
	Secondary School	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	C	
Utilities (Section 12.04)																												
Utility, Basic 12.04 I.	Utility Service Facilities (underground)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Utility Treatment, or Service Facility	C																	C	C		C	C	C	C			
	Minor Basic Utilities	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Battery Energy Storage System (BESS)																		C	C								
	Basic Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	C	C	C	C	A	C	C	

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TABLE 6-1: USE TABLE																												
Principal Uses Allowed																												
Use Category (Section)	Specific Use Type	Rural	Urban Residential												Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
Utility Corridors 12.04 J.	Transmission lines (above ground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	6.02 F.
	Transmission lines (underground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	C	C	A	A	A	C	C	
	Minor Utility Facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	All Others	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Production 12.04 K.	Community Solar Garden	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	C	C	C	C	C	C	C	6.02 BB.
	Private Energy System	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	6.02 BB.
	Energy Generation/Production Facility	C															C	C	A	A								6.02 BB.
	Agrivoltaics	A																										
Commercial (Section 12.05)																												
Retail Sales & Service 12.05 A.	Farm Implement/Equipment Sales/Service	C	C															A	A	A	A	A	C			A	C	6.02 T.
	Farmer's Market	A	A												A	A	A	A			A	A	A	C	C	A	C	
	Feed Store	C	C														A	A	A	A	A	A	A			A	C	6.02 T.
	Fuel sales, Heavy vehicle																	C	A	A					C			
	General Retail Sales and Leasing, Indoor operations, display and storage														A	A	A	A	C		A	A	A	A	A	A	C	
	General Retail Sales and Leasing, Outdoor operations, display, or storage																C	A	C	C	A	A	C		C			6.02 T.
	Landscaping Materials Sale	A	C	C													A	A	A	C		A			A	A	C	
	Marijuana Sales (Not Permitted)																											
	All Other Retail Sales and Service														A	A	A	A			A	A	C	C	C	C	C	
Office & Personal Service 12.05 B.	Animal Care/ Boarding / Sales, Indoor	A	A												C	A	A	A	A	A	A	A	A		A	A	C	
	Animal Care / Boarding / Sales, Outdoor	C	C														C	A	A	A	C	C				C	C	
	General Offices and Personal Services											C	C	A	A	A	A	A			A	A	A	A	A	A	C	
	Mortuary/Crematorium														C	C	A	A	A	A			A		A			
	Animal Crematorium	C																	A	A								
	All Other Office and Personal Service														A	A	A	A			A	A	C	C	C	C	C	
Entertainment 12.05 C.	Adult Entertainment																		A	A								6.02 A.
	Bar/Nightclub														A	A	A	A	A	A	A	A	A	A	A			
	Food Service, Restaurant (including alcohol sales)														A	A	A	A			A	A	A	A	A	A	C	
	Entertainment Business, Indoor Activity														A	A	A	A	C		A	A	A	A	A	A	C	
	Major Entertainment Event, Indoor Facilities	C	C													A	A	A	A	A	C	C	C		C	C	C	

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TABLE 6-1: USE TABLE																												
Principal Uses Allowed																												
Use Category (Section)	Specific Use Type	Rural	Urban Residential											Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
	Minor Entertainment Events	C																										6.02 Y.
	All Other Entertainment Business														A	A	A	A			A	A	C	C	C	C	C	
Recreation and Entertainment – Outdoor 12.05 D.	Swimming Pools		C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	A			A	A	A	A	A	A	C	
	Major Entertainment Event, Outdoor Facilities	C	C														C	C	C	C	C	C	C		C	C	C	
	Outdoor Shooting Ranges	C																								C	C	
	Outdoor Recreation and Entertainment Businesses																A	A				C	C		C			
	Riding Academy, Roping or Equestrian Area	A	C	C																	A	A				A	A	
	Zoo																C	C				C			C			
	All Other Outdoor Recreation	C	C	C													C	C	C	C	C	C	C	C	C	C	C	
Lodging 12.05 E.	Hotels & Motels														C	A	A	A			A	A	A	C	A	A	C	
	Bed & Breakfast (maximum 5 guest rooms)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	C	6.02 C.
	Resorts, Cabins, and Lodges	C	C														A	A			A	A		A	A	A	A	
	Campgrounds & Camps	C	C														A	A			A	A			C	A	A	6.02 E.
	Vacation Rentals	A	A	A	A	A	A	A	A	A	A	A	A	A														6.02 AA.
Parking, Commercial 12.05 F.	All														C	A	A	A	A	A	C	C	C	A	A	C	C	
Self-Service Storage 12.05 G.	Self-Service Storage - Indoors	C	C									C	C				A	A	A	A	C	C				C	C	
	Vehicle and Recreational Equipment Storage - Outdoors	C															C	A	A	A		C						
Vehicle Repair 12.05 H.	Auto and Light Truck Mechanical Repair	C	C													A	A	A	A	A	A							
	Body Shop																	A	A	A		A	C		C			
	Tire Recapping and Storage																	A	A	A		C						
	All Other Vehicle Repair																	A	A	A	C	C	C	C	C			
Vehicle Service 12.05 I.	Car Wash	C	C												C	A	A	A	A	A	C	C	C	C	A	A		
	Fuel Sales – Vehicle/Appliance	C	C												C	A	A	A	A	A	A	A	A	A	A	A		
	Quick Lubrication														C	A	A	A	A	A	A	A	A	A	A	A		
	Truck Stop/Travel Plaza																A	A	A	A		C						
	All Other Vehicle Service, Limited															A	A	A	A	A	C	A		C	C			
Industrial (Section 12.06)																												
Industrial Service 12.06 A.	Industrial Service Business																C	A	A	A		C	C					6.02 M.
	Contractors and Trade Shops, Indoor operations and storage															A	A	A	A	A	A	A	A		C			
	Contractors and Trade Shops, Indoor operations and outdoor storage (including heavy vehicles)																C	A	A	A		C						6.02 M.
	Contractors and Trade Shops, Outdoor storage and Operations																	C	A	A		C						6.02 M.

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TABLE 6-1: USE TABLE																												
Principal Uses Allowed																												
Use Category (Section)	Specific Use Type	Rural	Urban Residential											Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
	Delivery and Dispatch Services (vehicles on-Site)														C	A	A	A	A	A		C			C			6.02 M.
	Junk, Salvage, and Wrecking Yard	C																	C	A		C						6.02 M.
	Propane, Fuel, and Oil Storage/Distributor	C																C	A	A		C						6.02 M., 6.02 L.
	Towing and Vehicle Storage																	C	A	A		C						6.02 M.
	Welding and Machine Shop	C																C	A	A		C						6.02 M.
	All Other Industrial Service																	C	C	A								6.02 M.
Manufacturing and Production 12.06 B.	Indoor Operations and Storage: Assembly, Food Products, & Manufacturing/Processing	C															C	A	A	A	C	C	C	C	C	A		
	Indoor Operations with Outdoor Storage: Assembly, Food Products, & Manufacturing/Processing																	A	A	A		C				C		6.02 M.
	Outdoor Operations and Storage: Assembly, Food Products, & Manufacturing/Processing																	C	A	A		C				C		6.02 M.
	Marijuana Growing, Processing, Product Manufacture, Research, Development & Testing	C																										
Warehouse and Freight Movement 12.06 C.	Indoor Operations, Storage and Loading																C	A	A	A								
	Indoor Storage with Outdoor Loading Dock																	A	A	A								6.02 M.
	Outdoor Storage or Loading																	C	A	A						C		6.02 M.
	Sand or Gravel Storage	C																	A	A								6.02 M.
	Data Center																		C	C								
	All Other																	C	A	A								
Waste-Related 12.06 D.	Non-Hazardous Waste Transfer	C																	A	A	C	C				C	C	6.02 L., 6.02 M.
	Medical/Hazardous Waste Transfer Station	C																	A	A	C	C				C	C	6.02 L., 6.02 M.
	Solid Waste Disposal Sites	C																		C								6.02 M.
	Recycling Collection	C														C	A	A	A	A	C	C	C		A	C	C	
	All Other Waste-Related	C																		C		C						
Wholesales Sales 12.06 E.	Wholesale Business (No Highly Flammable Materials/Liquids)																	A	A	A		A	C					
	Agricultural Products	A																A	A	A	A	A	A			A	A	
	All Other Wholesale Uses																	A	A	A								
Other (Section 12.07)																												
Agricultural 12.07 A.	Animal Confinement	A	A	A																C						A	A	
	Dairy	A	C																							C	C	
	Confined Animal Feeding	C																								C	C	6.02 G.
	Boarding Stable	A	A																			A					A	

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TABLE 6-1: USE TABLE																											
Principal Uses Allowed																											
Use Category (Section)	Specific Use Type	Rural	Urban Residential											Nonresidential							Mack Overlay Districts		Mixed Use Districts			Gateway Overlay District		Site Specific Standards
		AFT/AF35	RSFR	URR	RSFE	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-1	I-2	TIER #1	TIER #2	MU-OTC	MUR	MUC	Area A	Area B	
	Forestry, Commercial	A	A																			A				A	C	6.02 J.
	Forestry Support Services	C																		A								6.02 W.
	Marijuana Cultivation [1]	A																										
	Winery/Brewery/Distillery (production facilities)	A	C	C	C												A	A	A	A	A	A	C	C	A	A	A	6.02 U.
	Produce Stand	A	A	A	A																							6.02 R.
	All Other Agriculture	A	A	A	A	A	A	A	A																	A	A	
Aviation or Surface Passenger Terminal 12.07 B.	Airports/Heliports	C																C	C	C	A	A				C	C	
	Bus/Commuter Stops	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	
	Bus/Railroad Depot															C	C	A	A	A		C				A		
	Helipads	C														C	C	C	C	C		C				C	C	
	All Other Aviation or Surface Passenger Terminal																			C			C			C	C	
Mining 12.07 C.	Field Office Headquarters for Oil & Gas Field Operators	C																										6.02 W.
	Oil or Gas Drilling	A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	6.02 Q.
	Sand or Gravel Extraction	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	6.02 N.
	Support Services	A or C																										6.02 W.
	All Other Mining	C	C																	C	C	C				C	C	6.02 N.
Wireless Communication Facilities 12.07 D.	Telecommunications Support Structures	C												C	C	C	C	C	C	C	C	C		C	C	C	C	6.02 S.
	Telecommunications Facilities	C	C						C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	6.02 S.

Footnotes:
[1]Cultivation of marijuana within 1000 feet of a school, as defined in the Colorado Marijuana Code will require a Conditional Use Permit. "School" means a public or private preschool or a public or private elementary, middle, junior high, or high school or institution of higher education. Colo. Rev. Stat. Ann. § 44-10-103(67).

SECTION 6.02 | USE-SPECIFIC STANDARDS

Because some uses have the potential to impact neighboring properties by generating noise, dust, odors, intrusive lighting and traffic if not properly managed, the following use specific standards are implemented. The use-specific standards in this section are intended to provide additional standards for certain land uses in order to mitigate any adverse impacts on the immediate neighborhood. All other requirements of the Land Development Code shall also apply unless otherwise stated.

A. Adult Entertainment

All adult entertainment establishments shall be subject to the following standards:

1. No entertainment establishment shall be allowed within one thousand (1,000) feet of a lot or parcel occupied by another adult entertainment establishment;
2. No entertainment establishment shall be allowed within one thousand (1,000) feet of a lot or parcel occupied by any religious institution, school, park, playground or public building; and
3. No entertainment establishment shall be allowed within one thousand (1,000) feet of any Rural or Urban Residential Zoning District.

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B. Agricultural Labor Housing

Agricultural Labor Housing in Rural Zoning Districts shall be exempt from the zoning district density standards. Maximum density of Agricultural Labor Housing shall be based on the Mesa County Health Department standards and occupancy requirements of the Mesa County Building Department.

C. Bed and Breakfast

Bed and breakfast uses shall be subject to the following standards:

1. A minimum of one (1) parking space shall be provided for each guest bedroom, plus spaces required for the principal residence in accordance with Section 8.01. Additional parking shall be required if reception or party space is available. If four (4) or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.
2. One (1) sign shall be allowed, with a size limit of six (6) square feet. Internally illuminated signs are not allowed.
3. Receptions, private parties, or similar activities shall only be permitted when approved as part of the Conditional Use Permit or Site Plan application.
4. The maximum length of stay shall be thirty (30) days.
5. All guest rooms shall be located within the principal structure.
6. Meals served to the general public shall only be permitted when approved as part of the Conditional Use Permit or Site Plan application. No cooking facilities shall be allowed in the guest rooms.
7. All bed and breakfast establishments must comply with Mesa County Health Department regulations and Fire Code requirements.

D. Business Residence

Business residence uses within Nonresidential Zoning Districts shall be subject to the standards listed below:

1. The intent of the business residence provision is to allow one single family dwelling unit on property where the principal use is nonresidential.
2. A limit of fifty (50) percent of the building floor area may be developed as residential.
3. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit in addition to the required parking for the business(es).

E. Campgrounds and Recreational Vehicle Parks

In addition to the requirements of the Colorado Department of Public Health and Environment (CDPHE) regulations for Campgrounds and Recreation Areas (6 CCR 1010-9), Campgrounds and Recreational Vehicle Parks shall be subject to the standards listed below:

1. The site shall be staffed with a minimum of one (1) attendant, twenty-four (24) hours a day.
2. Each campsite shall have a minimum area of one thousand two hundred fifty (1,250) square feet and be at least twenty-five (25) feet in width.
3. There shall be no more than twenty-five (25) campsites per acre.
4. Campsites shall be spaced so that there is at least: eight (8) feet from the interior roadways and walkways; fifty (50) feet from exterior roadways; and twenty (20) feet from property lines.
5. Roadways and walkways shall meet the following requirements:
    a. Dust-free surfacing of parking spaces and interior roadways shall be required within the Grand Valley Air shed;
    b. Interior roadways must meet the requirements of this LDC;
    c. Walkways within the campground area shall be at least four (4) feet wide, with an all-weather surface; and

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d. Interior roadways and walks shall be lighted at intersections and at a minimum of every four hundred (400) feet. Full cut-off lighting fixtures shall be used and shall comply with the requirements of Section 8.06 F. of this LDC. This requirement may be waived or modified if electricity is not available or it is desirable to follow "Dark Sky" lighting principles to protect the rural character or natural setting of the area.

6. If provided, electric and gas service shall meet all state and local electric and gas regulations. All utilities shall be underground.

7. Service buildings with restroom and other facilities shall comply with Colorado Department of Public Health and Environment (CDPHE) standards.

8. All trash collection areas shall be screened and if applicable, trash containers shall be wildlife-proof.

9. All areas within the campground must have an acceptable form of groundcover to prevent erosion and blowing dust.

10. One (1) tree of a species suitable for the area shall be provided for each two (2) camping spaces, and shall be located in close proximity to those spaces. Existing trees on the site may be used to satisfy this requirement. If the location is not suited to the planting of trees, a shade structure measuring at least ten (10) feet in each dimension may be provided for each camping space.

11. Where a Campground or Recreational Vehicle Park is adjacent to residentially developed property, a fence or wall with a minimum height of six (6) feet in height may be required as a visual barrier. Additional screening may be required if houses on adjacent properties are within one hundred (100) feet of the property line.

12. Each campground shall provide a recreational area consisting of one hundred (100) square feet per campsite. Exceptions to this requirement may be granted if the campground has direct access to public recreation areas.

F. Electric Power Transmission Lines

Above-ground electric power transmission lines transmitting one hundred fifteen (115kV) kiloVolts or more shall be located so as to:

1. Avoid passing through, or within one (1) mile of:

   a. Any Urban Residential or Nonresidential zoning district; and

   b. The Colorado National Monument, wherever possible; and

2. Avoid being visible on the skyline over any ridge, hill, mesa, or other natural landform within one (1) mile of the centerlines of US Interstate 70, US Highways 6 or 50, or Colorado State Highways 65, 139, 141, 330 or 340, or the Colorado National Monument Rimrock Road, wherever possible. This requirement shall not apply if the power line would cross the ridge, hill, mesa, or other natural landform at a point where the elevation of the ridge, hill, mesa, or landform has an elevation less than fifty (50) feet higher than the elevation of the nearest point on the centerline of the listed road.

G. Confined Animal Feeding Operations

Confined animal feeding operations, animal waste collection systems, and animal waste treatment facilities shall be subject to the standards listed below:

1. Setbacks and Separations

Confined animal feeding operations, animal waste collection systems, and animal waste treatment facilities shall not be located within:

   a. One-quarter (1/4) mile of an existing dwelling that is not in common ownership with the facility, and is in place at the time the facility is proposed;

   b. One (1) mile of an existing public or private school (not including dwellings where children are home-schooled);

   c. One-half (1/2) mile of any existing municipal boundary;

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d. One-quarter (1/4) mile of any existing water well currently used for domestic purposes;

e. Two hundred (200) feet of a perennial stream and one hundred (100) feet from an existing drainage ditch owned and maintained by a governmental or quasi-governmental agency; and

f. As determined due to topography and other anticipated impacts on adjacent properties at the time a Conditional Use Permit is issued, but not less than fifty (50) feet from any property boundary.

2. Design, Operational, and Animal Waste Management Requirements

An applicant for a confined animal feeding operation, animal waste collection system, or animal waste treatment facility shall demonstrate that:

a. All runoff retention and containment facilities shall meet and be maintained in accordance with the Colorado Department of Public Health and Environment's Confined Animal Feeding Operation Control Regulations (5 CCR 1002-81), and the property owner shall be responsible for any additional requirements issued by the Colorado Department of Public Health and Environment, Water Quality Control Division, or the Mesa County Health Department; and all uses on the property shall comply with the Colorado Air Quality Commission's air quality regulations; and

b. Best management practices shall be used to control rodents and insects; odors from all aspects of the operation; fugitive dust; and liquid, solid and animal wastes to avoid nuisances. In addition, at all times, all equipment and areas of the property shall be constructed and maintained, and adequate means for scraping, grading and clearing the property shall be provided to prevent nuisance conditions.

3. Agricultural Advisory Panel Review

Applications for a Conditional Use Permit for a confined animal feeding operation, animal waste collection system, or animal waste treatment facility shall be reviewed by the Mesa County Agricultural Advisory Panel for their recommendations regarding the proposed facility and its compliance with the Right to Farm and Ranch policy described in Section 1.06.

H. Drive-Through Facilities

Drive-through facilities shall be considered accessory to the principal use and shall be permitted through the same process as the principal use, subject to the following standards:

1. The requirements of Section 8.01 H., Stacking Spaces for Drive-Through, shall be met;

2. The drive-through, including order boards and stacking areas, shall be screened from non-commercial uses, utilizing a combination of fences or walls and landscaping;

3. Illumination of reader boards and other drive-through specific lighting shall be turned off when the drive-through is not open; and

4. Site circulation shall be designed to minimize conflicts with vehicular traffic and pedestrian movement.

I. Flea Markets

All flea markets are considered General Retail Sales, indoor or outdoor operations, and shall be subject to the standards listed below:

1. No booths, stalls or other display areas shall be placed or maintained within any required setback.

2. Sanitary facilities shall be provided on site.

3. All items for sale shall be stored indoors (or within an approved screened storage area), or removed from the site at the close of each business day.

4. Flea markets shall not be open for business in excess of sixteen (16) hours per day.

J. Commercial Timber Harvesting and Large Construction Projects

1. Commercial Timber Harvesting

Commercial timber harvesting on private lands (five thousand (5,000) board feet per month or more)

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shall comply with all State Forest Service best management practices guidelines and the following restrictions in Section 6.02 J.3. below.

2. Large Construction Projects

Any project hauling four thousand five hundred (4,500) tons of material or more within a one (1) month time frame is subject to the restrictions in Section 6.02 J.3. below.

3. Restrictions

Restrictions on the use of County roads may be required by the Public Works Director in terms of size of vehicles; allowable hours and days of use; number of vehicles per given time period (i.e., hour, day, week, month), and other conditions necessary to protect the integrity and condition of county roads.

K. Group Living

Group living facilities shall be subject to the standards listed below:

1. Twenty-four (24) hour supervision shall be provided by qualified staff at all group living facilities.
2. The number of residents occupying a group living facility at any one time, including staff and family of staff, shall not exceed one (1) person per two hundred (200) square feet of living space.
3. The number of residents residing in a group living facility shall be as follows:
   a. Small group living facility – a group living facility with not more than eight (8) residents.
   b. Large group living facility – a group living facility with more than eight (8) residents.
4. All group living facilities should be located near or provide access to; grocery and other retail stores and commercial services, public transportation, medical and emergency services, and public recreation facilities.
5. Group living structures shall be compatible with the character of the surrounding neighborhood.
6. The proposed facility must obtain all state licenses as required pursuant to Colorado Statutes.
7. If located in a rural or urban residential zone district, the facility shall not be located within seven hundred fifty (750) feet of another such facility, measured by the shortest distance between property lines of each facility.

L. Hazardous Material Facility

No hazardous material facility shall be located:

1. Further than one-quarter (1/4) mile from the nearest right-of-way line of US Interstate Highway 70 or US Highways 6 or 50; or
2. Where the most direct driving route from the hazardous material facility to the nearest listed highway passes through an Urban Residential Zoning District. Where a hazardous substance user is currently operating, no land within one-quarter (1/4) mile of the most direct driving route from the hazardous substance user to the nearest listed highway shall be rezoned to an Urban Residential Zoning District. On-farm agricultural chemical users are exempt from this subsection.

M. Junk Yards, Salvage Yards, Heavy Equipment, Industrial, and Outdoor Storage

1. The following standards shall apply to all approved junk yards, salvage yards, heavy equipment, industrial and outdoor storage yards. Additional standards may be required as deemed necessary by the Planning Director and/or Board of County Commissioners:
   a. Such uses shall be screened with an opaque wall or fence with a minimum height of six (6) feet. An exception to constructing a fence or wall may be granted when natural terrain and/or vegetation will adequately screen the use.
   b. The entire length of the fence or wall shall be landscaped in compliance with the Landscape and Buffer Standards of this LDC (Section 8.02).
   c. No outdoor storage area shall be placed or maintained within a required setback unless allowed

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through conditions in the use permit.

d. Stored items shall not project above the fence or wall used to screen the material unless allowed through conditions in the use permit.

e. All automotive waste or petroleum waste shall be controlled and not permitted to seep or leak into the soil.

2. Exemptions:

Accumulation and storage of junk and/or unlicensed/inoperable vehicles may be allowed without planning approval when all of the applicable criteria below have been met:

a. No more than one (1) intact inoperable/unlicensed vehicle can be kept or stored outdoors in ordinary view upon any property that is not approved as a junk yard, salvage yard, industrial storage, or has a use permit that allows additional storage of junk and/or inoperable/unlicensed vehicles. This vehicle allowance includes trailers, campers, and other such vehicles that would otherwise require registration or licensing, and does not include vehicles that have been dismantled or wrecked as they are considered junk and require removal or screening.

b. All areas of a property that are subject to ordinary view must be kept free of junk, rubbish, non-contained trash, garbage, and debris. Accumulations of junk, including more than one unlicensed/inoperable vehicle must be legally removed or maintained in a screened storage area that is visually shielded or obscured from ordinary view by means of a solid fence, evergreen trees or shrubbery, an enclosed structure, or other appropriate means provided that the outdoor storage area is for personal use and not commercial use. Tarp covering is not sufficient by itself. The screened storage area should not store uncontained trash, garbage, rubbish, or debris.

c. No screened outdoor storage area shall be placed or maintained within a required setback nor should the area contain trash, garbage, or debris. In addition, screened items shall not project above the fence or wall used to screen the junk material, except for vehicles or items that are resting on the ground but have a height more than six (6) feet tall but less than twelve (12) feet tall.

d. The screened area must not exceed more than five (5) percent of the total parcel size up to a maximum of twenty-two thousand (22,000) square feet or approximately one-half (1/2) acre.

e. There shall be no limit on the number of active or serviceable agricultural vehicles or equipment on an agricultural parcel of land regardless of whether such vehicles have current registration or license plates, if that property owner or user is engaged in an agricultural operation that is historical, traditional, legitimate, and reasonable as protected under the County's Right to Farm and Ranch policy and require such vehicles for operation of that practice.

f. Active agricultural operations may have scrap iron "bone yards", lumber stock piles or other essential collections in ordinary view if necessary for operations and stockpiled in a maintained and orderly fashion.

3. Used or Waste Tires

a. Used or waste tires may only be legally disposed of in a County-designated landfill or solid waste disposal facility authorized to accept used or waste tires for storage or disposal, provided, however, that no more than fifty (50) used or waste tires may be kept on property in any Rural Zone District (unless accessory to an ensilage pit), and no more than ten (10) used or waste tires may be kept on property in any Urban Residential Zoning Districts.

b. Used or waste tires shall not be used as construction material unless a building permit has been issued by the Mesa County Building Department for such construction.

N. Mining and Extractive Uses

Mining and extractive uses shall be subject to the standards below:

1. An excavation and rehabilitation plan shall be required for any mining or extractive use.

2. An excavation permit, if applicable, issued by the State of Colorado in conformance with the Open

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Mining Land Reclamation Act, shall be required.

3. Excavation or deposit of overburden shall not be permitted within thirty (30) feet of a boundary of an adjacent property, easement, irrigation ditch, or right-of-way unless by written agreement of the owner of such property, easement, irrigation ditch, or right-of-way.

4. Excavation within one hundred twenty-five (125) feet of a dwelling unit shall be prohibited unless by written agreement of the owner and occupant of the residence. Excavation involving the use of rock crushers, asphalt plant, cement batch plant, and other similar equipment within two hundred fifty (250) feet of a dwelling unit shall be prohibited.

5. All excavation activities shall be set back at least one hundred (100) feet from road rights-of-way and the one hundred (100) year floodway of any watercourses. The watercourse setback may be varied, based on Colorado Department of Wildlife comments concerning site-specific factors. Existing trees and ground cover along public road frontage and drainage ways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce noise, dust and erosion.

6. The operator shall submit a route plan (haul road plan) to the Public Works Department and seek permission to use any public rights-of-way. The Public Works Department may place reasonable restrictions on such right-of-way use. Alternative haul routes shall be developed where the haul route impacts the health, safety, and welfare of the local area.

7. Haul roads within the premises shall be maintained in a reasonably dust-free condition and shall be contained within the pit (after excavation allows) to the maximum extent feasible.

8. Mining and extractive uses may be limited to specific days and hours of operation.

9. The operator shall not excavate, store overburden, excavate materials, or dike in such a manner as to damage to public facilities, or increase any drainage or flooding on property not owned by the operator.

10. Where the operation is adjacent to subdivided or developed property, fencing, buffering and/or screening may be required to prevent the visibility of the mining operation.

11. Unless approved as part of the Conditional Use Permit, once mining has been completed, the site shall not to be used as an area to stockpile sand or gravel resources, if the operation is adjacent to subdivided property or to developed commercial or residential property.

12. Operations shall comply with noise, vibration, and other standards of Mesa County and noise standards enumerated in C.R.S. §25-12-103.

13. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department, and the Colorado Air Quality Control Commission.

14. All water uses and discharges shall conform to standards established by the State Water Pollution Control Commission and the water laws of the State of Colorado.

15. A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable), and, if applicable, the years per phase.

16. A Development Improvements Agreement (DIA) shall be required to ensure that any structures, roads, or landscaping necessary to mitigate the impacts of the operation on nearby property owners or residents will be constructed at those times stated in any related condition attached to the Conditional Use Permit. Where appropriate, a landscaping agreement may be used in lieu of the DIA.

O. Multi-family Development.

Multi-family developments shall be subject to the standards listed below:

1. Landscaped buffer requirements for multi-story multi-family development adjacent to single-family subdivisions shall be required as per Table 8-6;

2. Designated trash collection area meeting the requirements of this LDC shall be required; and

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3. Multi-family developments are encouraged to provide common area or open space for use and enjoyment by residents.

P. Manufactured Home Park

Manufactured home parks shall be subject to the standards listed below:

1. Site Area

A manufactured home park shall be a minimum of two (2) acres.

2. Density

Density standards of the underlying zoning district shall apply.

3. Setbacks

Minimum setbacks and separation shall be as follows:

a. Property boundary: twenty (20) feet

b. Street (public): twenty-five (25) feet

c. Interior street (private): ten (10) feet

d. Separation between manufactured homes: fifteen (15) feet

e. Separation between manufactured homes and other structures: fifteen (15) feet

4. Streets

Each manufactured home space within a manufactured home park shall abut and have access to a private street or drive that complies with the Standard Specifications for Road and Bridge Construction and all other applicable standards of this LDC.

5. Parking

Off-street parking shall be provided for each manufactured home, in accordance with the parking requirements for multi-family dwellings. All required parking spaces shall be paved. Off-street parking spaces shall be uniformly distributed through the manufactured home park.

6. Common Area/Open Space

Manufactured home parks are encouraged to provide common area or open space for use and enjoyment by residents

Q. Oil and Gas Drilling

Oil, gas, and other drilling operations, on public or private lands, shall be subject to the standards below:

1. Financial assurance

a. The Director may require that the applicant provide financial assurance adequate to ensure that:

(1) Any structures or roads necessary to mitigate the impacts of the operation on nearby properties, will be constructed at those times stated in any related condition attached to the Site Plan; and

(2) Any actions required to remove equipment, structures, or roads, or to otherwise rehabilitate the site after the end of drilling operations will be taken at those times stated in any related condition attached to the Site Plan.

b. Adequate financial security may include a deposit of money, an irrevocable bond, or letter of credit backed by a reputable bank or financial institution, as determined by the County, or another form of financial security acceptable to the County. The amount of financial security required shall not exceed one hundred twenty-five (125) percent of the estimated costs of taking the actions that it secures. The Director shall be authorized to execute a partial release or to reduce the amount of the financial assurance from time to time as required construction or rehabilitation activities are completed. The Director shall release all or any remaining amounts of

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any financial assurance within thirty (30) days after completion of the last construction or rehabilitation action that the financial assurance secures.

2. All oil and gas well wastes must be disposed of in an approved manner.

3. All State and Federal permits must be obtained and evidence of approval of applicable permits shall be submitted to Mesa County prior to commencing operations.

4. Abandonment of a well for a period of one (1) year or longer shall constitute abandonment of the use. (Abandonment is used here as defined by the Colorado Oil and Gas Conservation Commission.)

5. Permits pertaining to oversize/overweight vehicles shall be obtained by the operator from the Mesa County Public Works Department.

   a. Oversize/overweight vehicles may be restricted from use of County roads during periods when roads are wet and damage to the roads could occur. Restoring roads to County standards after damage occurs is the responsibility of the applicant.

6. Permanent structures/facilities shall be painted or otherwise treated to blend with the surrounding area.

7. The applicant shall notify the nearest fire protection district of the location of the drill site and submit evidence to Mesa County of such notification prior to commencing operations.

8. Approval of the use in no way precludes Mesa County from seeking special field rules or other relief from the Colorado Oil and Gas Conservation Commission.

9. A reclamation plan shall be submitted.

10. The operator shall grant to Mesa County all rights of access to the project site for purposes of verifying compliance with the standards of this LDC and site inspection as held by said applicant.

R. Produce Stand

1. Produce stands are allowed only for products produced on the premises provided no hazards are created with parking, ingress, egress, and signage and the operation does not disrupt the peace, quiet and dignity of the neighborhood.

2. Produce stands in nonresidential zone districts may include products produced off-premises and require a temporary use permit.

S. Telecommunications Facilities

1. General

   All telecommunications facilities shall comply with the standards of this LDC, all applicable standards of the Federal Telecommunications Act of 1996, as amended, and all applicable requirements of the Federal Aviation Administration.

2. Disputes

   If an applicant for a telecommunications facility claims that one (1) or more standards of this LDC are inconsistent with the Federal Telecommunications Act of 1996, as amended, or would prohibit the effective provision of wireless communications within the relevant market area, the Decision-Making Body may require that the application be reviewed by a qualified engineer for a determination of whether compliance with one (1) or more standards of this LDC would prohibit effective service. Any costs shall be charged to the applicant.

3. Rural Planning Area

   a. Attached Telecommunications Facilities

      Attached telecommunications facilities shall be allowed by right in the districts referenced in the Use Table as "C" provided that they comply with all applicable standards of the underlying zoning district, including any maximum height standards. If visible from Urban Residential or Rural Zoning Districts, attached telecommunications facilities shall be screened or painted to minimize their visibility from such areas.

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b. Telecommunications Facility Support Structures

Telecommunications facility support structures shall not be subject to the maximum height standards of the underlying zoning district, but shall be subject to any height restriction imposed at the time of approval of the applicable Conditional Use Permit. In no case shall the maximum height of a telecommunications facility support structure exceed the height necessary to ensure effective telecommunications service within the relevant market area. All telecommunications facility support structures shall be screened or painted to minimize their visibility.

4. Urban Planning Areas

a. Purpose

The purpose of this section is to regulate the placement, construction and modification of towers and/or telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of competitive wireless telecommunications.

b. Application

No telecommunications facilities or towers shall be altered, added to, installed or permitted without an approved Site Plan or Conditional Use Permit for the property and the facility or tower.

c. Exemptions

This section does not apply to amateur radio equipment, as licensed by the FCC, that is less than ten (10) feet tall measured from grade, or ten (10) feet higher than the highest point of the roof.

d. Telecommunications Facilities and Tower Review.

No application shall be approved until the applicant establishes, to the satisfaction of the decision maker, that the following are satisfied:

(1) Towers and telecommunications facilities shall be located to minimize any visual and other adverse impact to the neighborhood, especially residential areas and land uses. If the proposed location is on leased property, proof of possession is required.

(2) Telecommunications facilities and towers shall be set back from all residentially zoned or used property by a minimum of two hundred (200) feet, or two hundred (200) percent of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the Telecommunications Facilities or Tower higher than ten (10) feet, to any portion of the other property. If notice to the affected property owner is given, the decision maker may reduce any such setback by up to twenty-five (25) percent if such reduction will allow a tower to be located so that the visual impact on the neighborhood is reduced. For example, a setback could be reduced to allow a tower to be located next to trees in order to partially shield the tower from view.

(3) All Telecommunication facilities and towers shall be set back a minimum of eighty-five (85) feet from the property line or at a 2:1 ratio (two (2) foot of setback for every foot of tower height from the property boundary of the facility) whichever is greater, from non-residentially zoned or used property.

(4) All Telecommunications facilities and towers on public utility structures, facilities, or property shall be exempt from the 2:1 setback requirement if they are no taller than the existing utility structure in said location and if approved by the Decision Maker.

(a) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of seven hundred and fifty (750) feet.

(b) Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one thousand five hundred (1,500) feet.

(c) Shared use/co-location of wireless communication facilities on existing structures,

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towers, or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunication facility may be issued by the Decision Maker.

(d) Towers or facilities that can be constructed as an integral part or component of light standards, buildings, utility structure, or other structures at County owned buildings or facilities are encouraged.

(e) No new tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the Decision Maker that no existing tower, structure, or utility facility can be used in lieu of new construction for the applicant's use. At a minimum, such applicant shall demonstrate that:

(i) No existing tower, facility, or utility structure is located within a distance which meets the applicant's engineering requirements;

(ii) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment;

(iii) The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or the antennas of existing Towers, Facilities, or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible;

(iv) There is some other reasonable factor that renders existing towers, facilities or utility structures unsuitable; and

(v) No owner of existing towers, structures or utility structures, including the County and other governments, within a distance which meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon or such owner is requiring unreasonable payment or terms.

(5) The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.

e. Interference

Every tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.

f. Health Issues

Every tower and telecommunication facility shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.

g. View Corridors

Only a concealed tower or telecommunications facility, the antennas of which all are located on existing vertical structures, is allowed within one-eighth (1/8) mile from the right-of-way of any portion of Monument Road, and other rights-of-way which may be designated by resolution of the Board of County Commissioners.

h. Historic Zones

Only a concealed tower or telecommunication facility is allowed within a historic zone or area as designated by the Board of County Commissioners by resolution.

i. Application Requirements

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In addition to other requirements of this LDC, each applicant for a Tower or Telecommunication Facility shall provide the Director with an inventory of all of the applicant's existing Tower(s) and/or Telecommunication Facility(ies) or approved sites for the facilities.

(1) A vicinity map specific to the application from the County's zoning map drawn to scale, showing land uses and zoning designation of all uses within a quarter (1/4) of a mile.

(2) A computer-generated visual analysis from all adjacent rights-of-way, showing the relationship of the tower/facility to the topography and other spatial relationships deemed necessary or required by the decision maker to assess compliance with the Code. If there are more than four (4) such rights-of-way, the Decision Maker shall designate which rights-of-way shall be analyzed.

(3) A description of the tower/facility's capacity which declares the number and type(s) of antennae(s) that it can accommodate or an explanation why their facility cannot be designated to accommodate other users.

(4) An agreement retained by the County which commits the facility owner and its successors to allow shared use of the facility if additional users agree in writing to the reasonable terms and conditions of shared use. The applicant shall annually report to the Director the names, addresses, and telephone numbers of every inquiry for co-location, and the status of any such inquiry.

(5) The applicant shall provide evidence of mailed notice of a proposed tower or telecommunication facility to all abutting property owners within four (4) times the distance that the tower or facility is tall, or five hundred (500) feet, whichever is greater, and to any neighborhood association that would be entitled to notice under this LDC.

(6) Any other information as required by the Decision Maker to evaluate the request, especially technical information.

j. Public and Utility Structures

A tower or telecommunication facility mounted on existing structures of public utilities which have a franchise or other written permission from the County to use concealed towers/ telecommunication facilities are permitted in all non-residential zoning districts, unless otherwise specified by this LDC. The Decision Maker may approve the placement, extension, or replacement of a Tower or Telecommunication Facility on an existing public utility structure up to fifty (50) feet above the highest point on the same. The Decision Maker may waive public notice and may waive any other submission requirement if he deems that the public interest will not be harmed.

k. Design, Materials, and Color

Towers and telecommunication facilities shall be designed and maintained: to minimize visual impact; to carry gravity loads, and wind loads with safety measures as required by applicable regulations including adopted building codes; use concealment or stealth methods, such as camouflaging towers to look like light poles or trees, if at all possible; if co-located, to match the color, shape, and look of the structure or facility to which they are attached; to use only non-specular materials.

In order to be considered a concealed tower or telecommunication facility, the tower or telecommunication facility shall:

(1) Be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design, and shape;

(2) Be located to avoid a silhouette and preserve view corridors to the east and the west of the Grand Mesa and the Colorado National Monument, as determined from viewing the tower or facility from anywhere within the original square mile of the City of Grand Junction;

(3) Be located on existing vertical infrastructure such as utility poles and public buildings or utility structures;

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(4) Roof-mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building;

(5) Equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building. Any deviation from this standard shall be reviewed and approved, disapproved, or approved with conditions;

(6) Be located in areas where the existing topography, vegetation, buildings, or other structures provide screening; and

(7) The applicant/developer shall be required to structurally design the footing of the tower or antenna to support a tower or antenna which is at least fifteen (15) feet higher than that proposed by the applicant to accommodate co-locations.

l. Landscaping and Screening

The property on which a telecommunication facility or tower is located shall be landscaped and screened as follows:

(1) A free-standing Tower or Telecommunication Facility shall include landscaping planted and maintained according to an approved landscaping plan and be subject to the screening requirements of Section 8.02.

m. Lighting and Signage

(1) Only lighting required by a federal agency is allowed. The location of the lighting fixture(s) shall be such that the lights do not shine directly on any public right-of-way and that the light emitted is otherwise in compliance with this LDC.

(2) Only signage that is required by state or federal law is allowed. No advertising shall be permitted.

n. Exterior Tower or Telecommunication Facility Equipment Building(s) or Cabinet(s)

Exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall not contain more than four hundred (400) square feet of gross floor area, shall not be more than twelve (12) feet in height, and shall maintain the minimum setback, landscaping, and screening requirements of the zone in which it is located.

o. Modification or Demolition

Any Tower or Telecommunications Facilities being modified, demolished, or rebuilt shall be brought into compliance with the standards adopted in this LDC.

p. Maintenance

Every owner of a Tower or Telecommunications Facility shall take special care to operate, repair, and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries, or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code; all FCC, FAA, state and local regulations, and in such a manner that will not interfere with radio communications, electronic transmissions, or all other electromagnetic communications or otherwise cause a safety hazard.

q. Review

Each new tower or facility will be subject to a two (2)-year review by the Director. The review will determine whether or not the originally approved number of antenna and design are still appropriate and necessary to provide adequate communications services.

r. Abandonment

The wireless telecommunication facility owner shall remove all wireless telecommunications facilities that are not in use for any six (6)-month period, within three (3) months of the end of such six (6)-month abandonment. As a part of such removal, the owner shall revegetate the site so

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that it is compatible with the neighborhood. Abandonment shall only be determined by the Board of County Commissioners after the owner has had notice and an opportunity to be heard.

s. Federal Aviation Administration (FAA)

(1) No person shall construct or alter a telecommunications tower or facility without a permit issued by the FAA and without having first obtained the approval of the Decision Maker. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration;

(2) Form 7460-1 shall not be required for the following:

(a) An amateur radio antenna if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antenna;

(b) Any existing tower and antenna provided a building permit was issued for a tower or antenna prior to the adoption of this LDC;

(c) Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire, and operation of governmental entities; or

(d) Any antennae used for FCC licensees engaged in AM, FM, or television broadcasting.

T. Outdoor Retail Sales & Storage

Outdoor retail sales and storage uses within Nonresidential Zoning Districts and Rural Communities (not applicable to Rural Zoning Districts) shall be subject to the following standards.

1. The stored materials shall be located behind a landscaped area meeting the buffer requirements of parking lots in Section 8.02.

2. No materials shall be displayed or stored within a required landscape area.

3. Not more than one (1) elevated display pad, which may be elevated up to three (3) feet in height, shall be permitted per one hundred (100) feet of street frontage.

U. Winery, Distillery or Brewery

Wineries, distilleries or breweries located in Rural Zoning Districts shall be permitted to include limited retail sales and restaurants (vintner's restaurant) as an accessory use, subject to the following conditions:

1. Restaurants shall be accessory to the use and shall meet all applicable requirements for food preparation and service and obtain all necessary state and local permits.

2. Retail sales shall be accessory to the use and shall be goods that are predominantly related to the primary business and/or local products (e.g. food products, arts and crafts).

V. Oil, Gas, and Forestry Support Services

1. Land uses that provide support service for forestry and oil and gas drilling operations shall be subject to Conditional Use Permit review. If the use is requested for a period of less than one (1) year, a Temporary Use Permit shall be applied for with a Major Site Plan application. The following information shall be submitted with an application for a conditional use permit or major site plan:

a. The project narrative shall include:

(1) The need for the facility in the location proposed including the lack of suitably zoned land in the project area, and

(2) The adequacy of roads and access to the site, including the condition and construction of the roads.

b. A letter from licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive sewage and/or refuse from the proposed use.

c. An emergency management plan.

d. A reclamation and re-vegetation plan.

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The reclamation and re-vegetation requirements may be modified if the operator has entered into an alternative agreement with the surface owner.

2. The following criteria will apply to all support services facilities:

   a. Dust shall be controlled on public roads as agreed upon with the Mesa County Road Department Supervisor.

   b. Existing driveways and private roads should be used to the greatest extent possible.

   c. The use should be located so that existing topography, vegetation and/or distance minimize visibility from interstate highways, arterial roads, or scenic byways.

   d. The facility should be located no less than one (1) mile (measured in driving distance on public roads) from another facility. The Director may allow the facility to be located less than one (1) mile from another facility provided that the application demonstrates a reasonable justification for locating the proposed facility within this one (1) mile distance.

   e. The facility must be located at least four hundred (400) feet from an existing residence unless a written waiver of this standard is obtained from the property owner.

   f. The grounds shall be kept free of weeds, junk, and trash at all times.

   g. Landscaping, fencing and berms shall be used in combinations that effectively screen the facility from existing residences visible from the proposed site. Fencing may be eight (8) feet in height to screen equipment storage.

   h. Wildlife-proof trash receptacles shall be used.

   i. Except as required for safety purposes, reflective materials shall not be utilized on any buildings, walls, or fencing. Reflective materials stored outdoors shall not be visible from roads or properties in the area.

   j. Engines, compressors, and motors shall be equipped with quiet design mufflers or equivalent. All mechanical equipment shall be placed and operated to contain vibration within the property boundary.

   k. A specific plan for containment and disposal of fuel and waste from heavy equipment maintenance shall be provided to meet local, state, and federal regulations.

   l. Ongoing vehicle and/or equipment repair and/or maintenance activity shall be conducted either within an enclosed building or between the hours of 8 a.m. to 5 p.m. seven (7) days per week. Emergency repair activities may be conducted outside those time frames.

   m. The site will be designed as a containment area and shall maintain a minimum distance from perennial or intermittent streams or drainages as recommended by the project engineer or geologist. The operator shall comply with all applicable state and federal regulations regarding protection of waters of the state.

   n. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.

3. Time Limitations

   Conditional Use Permit approvals for support services facilities are valid for a period of three (3) years. The operator may submit a request for an extension of time before the end of the three (3) year period. The operator shall submit to the Director a written narrative describing the condition of the facility, its compliance with each of the County permit requirements, and demonstrate the continued need for the facility in accordance with this Section. Subsequent extensions may be applied for in the same manner.

4. Closure

   When the need for the use is finished, the support services facility structures must be removed within ninety (90) days of closure except as stipulated in the surface use agreement. If the land owner desires that the structures remain on the property, he must apply for the appropriate County development

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permit within thirty (30) days of closure of the facility. The Director shall be notified at least ten (10) days prior to removal of improvements. Within ninety (90) days after the removal is completed, a reclamation report shall be submitted to the Director indicating that the site was reclaimed as set forth in the approved reclamation plan.

W. Field Office Headquarters for Oil and Gas Field Operators

All field office headquarter sites shall be designed to achieve the following:

1. Appropriate internal circulation for employees and visitors is provided for both vehicle and foot traffic. Buildings relate to each other in a campus-like clustered setting and are constructed to blend with the character of the area and surrounding vistas.
2. Outdoor storage of equipment and vehicles as well as parking areas are screened from adjacent land uses including public road frontages.
    a. A landscape/fencing plan shall be proposed which is suitable to achieve the screening and in character with the area. Alternatively, buildings may provide screening.
    b. Landscaping and screening is not required if the outdoor storage areas are not visible from adjacent properties.
3. Section 6.02 W.2.a. (above) criteria for Oil and Gas Support Services, shall be utilized. Section 6.02 W.2.b. (above) may not be applicable if modular structures, outdoor storage and parking are located on a portion of the site not visible from interstate highways, arterial roads and scenic byways.

X. Temporary Employee Housing

The following information, standards and requirements shall be required for all temporary employee housing related to commercial, industrial, transportation, oil and gas, or mineral extraction projects:

1. The following information shall be submitted with an application for a Conditional Use Permit or Site Plan:
    a. Demonstration of the need for the facility in the location proposed to serve oil and gas operations and documenting any lack of suitably zoned land in the project area.
    b. Discussion of the adequacy of roads and access to the site, including the condition and construction of the roads.
    c. A letter from a licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive the development's refuse as applicable.
    d. An emergency management plan.
    e. A reclamation and re-vegetation plan.
2. The following standards will apply to all temporary employee housing facilities:
    a. Dust shall be controlled on the site, public and internal roads, and on driveways serving the site in accordance with State and local regulations. Existing driveways and private roads shall be used to the greatest extent possible.
    b. The use shall be located so that existing topography, vegetation, and/or distance render it not visible from interstate highways, arterial roads, or scenic byways.
    c. The facility shall be constructed to minimize erosion, alteration of natural features, and removal of surface materials to the greatest extent practical. The following issues shall be taken into consideration when designing a facility on a specific site:
        (1) The facility should be located at the base of slopes to provide a background of topography and/or natural cover.
        (2) Cut and fill should be minimized when locating the facility.
        (3) Surface use agreements shall be taken into consideration.
    d. All State and County health standards and requirements must be met.

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e. Campers, tents, and/or recreational vehicles (RV's) shall not be allowed as temporary employee housing.

f. Landscaping, fencing, and berms shall be used in combinations that effectively screen the facility from existing residences visible from the proposed housing site.

g. Wildlife-proof trash receptacles shall be used (where applicable).

h. Except as required for safety purposes, reflective materials shall not be utilized on any buildings, walls, or fencing. Reflective materials stored outdoors shall not be visible from roads or properties in the area.

i. Residential noise limits shall be complied with pursuant to the Colorado Oil and Gas Conservation Commission Eight Hundred (800) Series rules for noise abatement.

j. Engines, compressors, and motors shall be equipped with quiet design mufflers or equivalents. All mechanical equipment shall be placed and operated to contain vibration within the property boundary and shall be subject to the noise limits above.

k. The site will be designed as a containment area and shall maintain a minimum distance from perennial or intermittent streams or drainages as recommended by the project engineer or geologist.

l. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.

3. Time Limitations

Conditional Use Permit approvals for temporary employee housing facilities are valid for a period of three (3) years. The operator may submit a request for an extension of time before the end of the three (3) year period. As part of the request, the operator shall submit to the Director a written narrative describing the condition of the housing facility, its compliance with each of the requirements, and demonstrate the continued need for the housing facility in accordance with Section 6.02 X.1. above.

4. Closure

When the need for the use is finished, the facility and associated structure must be removed within ninety (90) days of closure. The Director shall be notified at least ten (10) days prior to removal of improvements. Within ninety (90) days after the removal is completed, a reclamation report shall be submitted to the Director indicating that the site was reclaimed as set forth in the approved reclamation plan.

5. Exception

Housing located near or on a well drilling pad to serve that well drilling pad, and houses up to twenty (20) workers, shall be reviewed as an accessory use to the drilling operation, provided that the Minor Site Plan for the well pad includes a narrative provision demonstrating a legitimate and temporary need for more than sixteen (16) workers. The intent of this language is to set the baseline standard for beds at sixteen (16) while also allowing an opportunity to place as many as twenty (20) provided the need can be demonstrated. The operator shall submit, with the Site Plan application, a checklist which addresses the review criteria in Section 6.02 Q. of this LDC and that includes the following:

a. A general description of facilities and structures located on the drilling pad during drilling activities and their uses;

b. A count of the number of beds proposed for essential personnel; and

c. A good faith estimate of the length of time that the drilling rig will be located on the property.

The operator shall also submit, with the Minor Site Plan application, a copy of a letter that notified the surface owner of the application and included a copy of the checklist and a generalized site plan.

Y. Minor Entertainment Events

1. Minor entertainment event establishments shall be subject to the following standards:

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a. Hours of operation:

(1) Sunday through Thursday from 8:00 a.m. to 8:00 p.m.;

(2) Friday, Saturday and Sunday (when followed by a federal holiday) from 8:00 a.m. to 10:00 p.m.;

b. Screening of the event activities from residences on adjacent properties shall require six (6) foot earthen berms or privacy fences.

c. The maximum number of attendees shall be limited based on the separation between the event facility (which shall include all components of the facility such as but not be limited to: general admission seating, reserved seating, parking, ceremony area, buildings, etc.) and the nearest outside wall of an existing occupied residential structure on an adjacent property:

(1) Minimum separation of five hundred (500) feet: maximum of fifty (50) attendees;

(2) Minimum separation of six hundred fifty (650) feet: maximum of one hundred (100) attendees; or

(3) Minimum separation of eight hundred (800) feet: maximum of one hundred fifty (150) attendees; or

d. The allowed number of events will be limited to six (6) per month, not to exceed thirty-six (36) per calendar year

e. Any amplified sound or music shall be confined within a building with all doors and windows closed.

f. The property shall be owner occupied.

g. Neighborhood Meeting

The Applicant shall hold a in person meeting with area property owners after the Application Review step has been completed. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation at a location which is convenient to the surrounding property owners. The purpose of the meeting is for the Applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this LDC and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted to the Director prior to Final Plan approval.

Z. Industrial Development Design Standards

1. Purpose

These design standards are intended to ensure that all industrial development is well designed, sensitive to surrounding natural features, and positively contributes to the character and function of the entire community.

2. Applicability

These standards shall apply to all new industrial, commercial/industrial, and business park development and major rehabilitation of existing structures that abut roads designated as an existing or future collector or arterial, as depicted on the Functional Classification Maps of the Mesa County Design Standards, in the following locations:

a. Any property in an I-1 or I-2 zoning district, excluding those uses listed in Table 6-1 as "Residential" or "Institutional & Civic".

b. Any property in a C-2, MU-R, MU-C or PUD zoning district where the proposed use would also be an allowed use or a conditional use in an I-1 or I-2 zoning district, and where the use is listed in Table 5.1 as "Commercial" or "Other".

c. Any use classified as Industrial in Table 6-1, regardless of the zoning district.

3. Design Standards

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a. Building Orientation

To the maximum extent possible:

(1) Primary building entry facades should orient towards the major access drive or street; and

(2) Structures should be oriented to screen outdoor storage areas from view from the street and adjacent residential areas.

b. Parking

All parking lots located within the front half of the parcel or in front of the principal structure shall only be used for parking of passenger vehicles and shall include no more than fifty (50) percent of the planned parking spaces. Fleet parking, equipment storage and loading docks shall not be located adjacent to the collector or arterial street. Placement in the rear half of the lot or behind the principal structure is encouraged. For purposes of this Standard, where properties have frontage on both a collector street (or a street of a higher classification level) and another street of a lower level, the collector or higher-level street shall be considered the front with respect to location of parking.

c. Building Style and Design

These standards apply only to building facades facing collector or arterial streets. The inclusion of projected and recessed elements to provide architectural variety, such as entryways, special functional areas, rooflines, decorative treatments such as murals, and other features will help to meet the design intent.

(1) Where the construction of a blank or windowless wall facing a collector or arterial street is necessary, the wall shall be articulated or enhanced using architectural features and landscaping.

(2) Where walls facing collector or arterial streets are more than fifty (50) feet long, offsets in wall plane or roof line or features such as porches or recessed entries shall be used to break up the wall.

(3) The facades of buildings facing collector or arterial streets shall be architecturally finished or detailed. Examples include but are not limited to wall cladding with materials such as brick, decorative block, stone, or stucco; applied trim such as wainscoting and columns; contrasting trim details or two-tone color schemes; cornices and applied decorative features; murals or artwork; and similar design elements.

(4) A setback of fifty (50) feet or more, combined with the use of topography and other screening methods that substantially block the view of the building from the street, may be used to satisfy the standards listed above.

d. Screening

(1) Visual and acoustic mitigation alternatives shall be incorporated into the development through the use of built or natural screening along collector streets and pedestrian environments and adjacent to residential uses.

(2) All mechanical and utility equipment shall be screened from view from collector streets and residential uses.

e. Fencing, Walls, and Berms:

Fencing, walls, and berms are required as buffers to different uses and shall be integrated into the industrial development and surrounding uses. Security fencing shall meet all design standards set forth. The use of high quality fence materials, such as decorative blocks, brick, stone, treated wood, and ornamental metal, is encouraged at key locations where such designs can provide the most benefit with respect to screening of outdoor storage and parking from adjacent uses, intersections and other high-visibility areas.

AA. Short-term Rental

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The short-term rental of a private residence, either as a whole or as an individual room, shall be subject to the following requirements.

1. Short-term rentals must obtain a Short-term Rental Permit prior to leasing.
2. Short-term rentals shall be permitted in single-family dwellings (attached and detached), townhomes, accessory dwelling units and owner-occupied duplexes.
    a. Only structures permitted for residential occupancy shall be used as short-term rentals. Tents, recreational vehicles, temporary shelters and other provisions intended for temporary occupancy are not allowed as guest accommodations.
3. Maximum occupancy of a short-term rental shall be determined at the time of site plan approval based on the number of parking spaces and bedrooms. Total occupancy shall not exceed two (2) persons per bedroom plus two (2) additional renters, including the operator, not to exceed a total of sixteen (16) persons. Exceptions may be made if the Director determines that the size, configuration, and/or structural features of the unit allow for greater or lesser occupancy.
4. Residential dwellings that are used for vacation rentals shall meet Building Code requirements for smoke and carbon monoxide detectors. No room shall be rented that does not meet egress requirements.
5. All accommodations shall have sanitary and bathing facilities available to guests within or in close proximity to the area of rental, and shall not be unduly restricted in access.
6. The short-term rental shall have a minimum of one (1) off-street parking space per sleeping room plus one (1) additional space. All vehicles shall be parked in designated parking areas only.
7. The local property manager or representative shall be a county resident who can be contacted by telephone and is available at all times when the home is rented. The representative shall be available for resolution of conflicts, cleanup of the property, or issues with the home or occupants and shall be able to respond within a reasonable amount of time.
    a. If the local representative changes, it shall be the responsibility of the owner to immediately notify the Mesa County Planning Department of the new representative's name and phone number.
    b. If the local representative is not available for a specific period of time, the property shall not be rented during that time.
8. No changes shall be made to the dwelling or site that would diminish or detract from the residential appearance in the neighborhood.
9. If the proposed Short-term Rental is more in-line with the standards set forth under Section 6.02 C. Bed and Breakfast, it may be required that the proposed Short-term Rental be processed as a Bed and Breakfast.
10. Receptions, weddings, or similar activities shall only be permitted when approved as a Minor Entertainment Event facility (Section 6.02 Y.).
11. The Short-term rental shall be subject to all applicable safety and health inspections, licenses, registrations, fees and taxes to which other licensed businesses or places of accommodation are subject.
12. Failure to maintain compliance with the aforementioned standards shall result in revocation of approval.
    a. Should a Short-term rental receive three (3) or more formal, verified nuisance, health and/or safety complaints in a calendar year, the Planning Director may revoke the site plan approval.

BB. Utility, Production

1. Applicability
    a. The following standards shall apply to all new energy production facilities to regulate the development and surface impacts that these facilities may have on the public health, safety, and welfare for any of the following:

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(1) Private energy facilities

(2) Community solar garden as defined by CRS 40-2-127

(3) Energy generation/production facility

(4) Agrivoltaics

b. Any facility that exceeds the definition of a private energy or agrivoltaic facility, or shall be processed as an energy generation/production facility.

2. Additional Submittal Requirements for Community Solar Garden or an Energy Generation/Production Facilities

a. Narrative

b. The applicant will provide a narrative describing the proposed facility including but not limited to; general description of the proposal, the height and location of equipment and ancillary structures, health and safety, decommissioning, traffic analysis, construction schedule, type and location of interconnection, rated capacity,

c. Site plan

The site plan map shall be provided in a legible format and shall include but not be limited to the location and arrangement of screening, fencing, existing and proposed structures, equipment, roadways and access points, wildlife corridors, floodplain, easements, existing utilities, and connection to the electrical grid.

d. Setbacks

(1) One quarter (1/4) mile from a Colorado designated Scenic By-way or from the Palisade Fruit and Vine Byway.

(2) A minimum of one quarter (1/4) mile from the nearest outside wall of an existing residential occupied structure on adjacent properties or a negotiated agreement is reached with the adjacent property owner.

e. Fire Prevention and Safety Procedures

(1) The relevant Fire Protection District's adopted standards, based on current fire code, shall apply.

(2) A fire break or other facility perimeter design acceptable to the fire district shall be required to reduce or eliminate the interface risk from wildfire.

(3) A vegetation management plan shall describe the operator's methods to maintain vegetation inside the facility to address wildfire which may include treatment, mowing, agrivoltaics or other methods of fuel reduction.

f. Visual Mitigation

(1) Reasonable efforts to mitigate visual impacts of an energy generation/production facility will be detailed in the project narrative. Visual impact mitigation may include opaque fencing, screening, berming, use of existing or planted vegetation of landscaping either on-site, or off-site.

(2) Solar System equipment shall be no higher than fifteen (15) feet at the solar panel mounting point. The height of the interconnection equipment may exceed 15 feet. Solar System Facilities within 50 feet of a property line of a residential zoned property should be designed with some form of visual mitigation, to include but not be limited to, opaque fencing, or landscaping.

g. Wildlife, Wetlands, Riparian Areas and Stream Channel Measures

(1) The Operator shall address the recommendations of Colorado Parks & Wildlife (CPW) that address any site-specific site conditions. The Applicant shall avoid constructing in CPW-mapped High Priority Habitats (HPH) to the maximum extent possible.

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(2) Operator shall inspect the interior of the facility at least once weekly, to potentially free any trapped animals.

(3) When fencing is necessary, the use of wildlife friendly fencing is encouraged.

h. Decommissioning Plan

At the time of application, Operator shall include a decommissioning plan for the facility which will include detailed plans for management and removal of equipment, mounting systems, above and underground utilities, equipment and facilities as follows:

(1) Within twelve (12) months of ceasing operations, the operator shall complete decommissioning of the facility which may include removal of all aboveground and belowground equipment and structures.

(2) Any equipment that cannot be recycled shall be properly disposed in accordance with all State and Federal regulations.

(3) The site shall be revegetated in compliance with the property owner's specifications or to a minimum of 70% of predevelopment vegetative cover whichever is less.

i. Security

Prior to construction, the owner/operator is required to submit an irrevocable standby letter of credit, bond, or alternative form of security in an amount sufficient to fund the estimated decommissioning costs with the County as beneficiary. Decommissioning cost shall include costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities.

The decommissioning cost estimates, shall be updated and delivered to the Community Development Director every five (5) years from acceptance by Mesa County. If the estimated costs change, the security amount shall be updated accordingly to reflect those changes.

j. Utility Interconnection

Even if no final agreement is yet in place, Applicant shall provide evidence of a utility company's actual interest in entering into a contract to receive energy. An Interconnection agreement with final details must be submitted prior to construction of the facility.

k. Insurance

The owner/operator shall provide proof of general liability insurance with commercially reasonable amounts of coverage for the permitted facility. Facility owners/operators shall maintain such insurance in place through all times the facility is in operation.

3. Approval Criteria

In evaluating the proposal, the request shall consider conditions of approval and all applicable requirements of this LDC, including, but not limited to:

a. The health, safety and welfare of the citizens of this jurisdiction will be protected and served;

b. The facility will not unreasonably impact the physical, economic, or social environment, except as permitted in Chapter 6 Use Regulations as applicable.

c. When an impact is expected to occur, reasonable modifications and programs and other reasonable mitigating actions will be implemented and maintained to minimize the degree of adversity of the impact;

d. There exists a need, or a reasonably foreseeable need, for the facility as proposed.

SECTION 6.03 | ACCESSORY STRUCTURES

No accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use, structure or activity have been obtained except as provided below:

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A. Exception for Residential Accessory Structures

One accessory structure may be allowed without obtaining all required permits and approvals for the principal residential use as follows:

1. The use of the accessory structure shall be limited to storage of personal items prior to house construction; personal recreational equipment; and/or storage of equipment to maintain the property.

2. Rural Zoning Districts

Construction of one (1) accessory structure may be allowed without a principal structure (residence) on property that is one (1) acre or greater in size.

3. Urban Zoning Districts

One (1) accessory structure may be allowed to be constructed without a principal structure (residence) in an urban zoning district that is one (1) acre or greater in size and that allows single-family residential use.

4. Agriculturally Used Properties

Regardless of the zoning, properties with a legitimate agricultural use are not subject to the limitation of one (1) accessory structure or that the structure be subordinate in size to the principal building, if the structures are clearly related to the agricultural use, e.g. barns and other out-buildings.

B. Dimensional and Operational Standards

The standards of this section shall apply in all districts unless otherwise expressly stated.

1. Height

The maximum height of accessory buildings or structures shall not exceed two (2) stories or twenty-five (25) feet, except within the I-1, I-2, or Rural Zoning Districts.

2. Setbacks

Accessory structures shall be subject to all setback requirements of the zoning district in which they are located Chapter 5 with the following exception:

a. Interior Side and Rear Setbacks

Accessory structures that are less than sixteen (16) feet in height and contain less than two hundred (200) square feet of floor area shall be setback no less than three (3) feet when located within the required rear setback area.

b. Easements

Regardless of the above setbacks, accessory structures shall not be located over any recorded easement.

3. Size

Accessory structures shall be subordinate in size, extent, and purpose to the principal building or use. Accessory structures on properties in rural, RSF-R, and RSF-E zoning districts that are one (1) acre or greater in size are allowed to be larger than the size of the principal dwelling on the property.

SECTION 6.04 | ACCESSORY USES

Permitted uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district unless otherwise expressly stated. No accessory use shall be established on the subject parcel until after all required permits and approvals for the principal use, structure or activity have been obtained.

A. Operation

Accessory uses shall be maintained and conducted to avoid production of noise, vibration, concussion,

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dust, dirt, smoke, odors, noxious gases, fly ash, heat, glare from artificial illumination, or from reflection of natural light.

B. Animals

Unless otherwise expressly defined or identified as a principal use, the keeping of animals shall be considered an allowed accessory use subject to the provisions of this section.

1. Household Pets

Household pets inclusive of, but not limited to, dogs and cats shall be permitted in all zoning districts allowing for residential use, provided that no more than five (5) animals over four (4) months of age are kept by the occupant of any residential unit. This provision does not apply to tropical fish, small rodent animals (e.g., gerbils, hamsters), and small birds kept as pets, unless raised for commercial purposes, kept outdoors, or kept in an accessory structure.

2. Prohibited Animals

The keeping of nondomestic or exotic animals shall not be allowed as an accessory use. The keeping of nondomestic or exotic animals is considered Animal Care/Boarding/Sales and may be permitted in those zoning districts listed in Table 6-1 of this LDC.

3. Domestic Livestock

The keeping of domestic livestock shall be considered an accessory use and shall be measured in terms of animal units.

a. Existing Properties in Urban Land Use Areas

On properties designated for urban land uses on the adopted Future Land Use Plan Map, the keeping of domestic livestock may be allowed only on lots or parcels greater than one-half (1/2) acre in size except as provided for below in subsection (1).

Domestic livestock pens, fenced corrals, round pens, turnout areas, buildings, or other confined areas for keeping domestic livestock shall be set back a minimum distance of fifty (50) feet from rear and side property lines when adjacent to an existing residential use unless physically impossible, in which case the Director may approve an adjustment up to thirty (30) percent. Pastures are not considered confined areas.

(1) On parcels of land less than one-half (1/2) acre in size in the urban zoning districts, chickens and rabbits that are kept outside the residence shall be allowed under the following conditions:

(a) No more than six (6) chickens or six (6) rabbits over two (2) months old, or any combination of the two animals, are allowed per dwelling unit. No other domestic livestock or fowl shall be permitted.

(b) For properties that have an accessory dwelling unit, each unit shall be permitted to have up to six (6) animals, for a total of twelve (12) animals total on the property.

(c) Chickens and/or rabbits shall not be permitted on properties with duplexes or multi-family dwellings.

(d) No roosters are allowed.

(e) All animals shall be confined by a fence, cage, or pen. Appropriate shelter shall be provided.

(f) Animals shall be kept no closer than twenty (20) feet from rear and side property lines whenever there is an existing residential use on the adjoining property.

(g) There shall be no confinement of animals in the front setback area.

(h) The coop, hutch, cage, pen, and/or area where the animals are confined shall be kept in a clean condition so that any offensive smell and human health issues are minimized. Food supplies shall be secured in animal-proof containers to deter nuisance animals and vermin.

(2) Existing Properties in Rural Land Use Areas

On properties designated for rural land uses on the adopted Future Land Use Plan Map, the

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following criteria apply:

(a) No new domestic livestock pens, fenced corrals, round pens, turnout areas, buildings, or other confined areas for keeping domestic livestock shall be located nearer than one hundred (100) feet from dwellings existing on adjacent lots or parcels of land.

(b) No new dwellings shall be constructed nearer than one hundred (100) feet from existing domestic livestock pens, fenced corrals, round pens, turnout areas, buildings or other confined areas for keeping domestic livestock on adjacent lots or parcels of land unless this requirement effectively renders the property unbuildable; in which case the Director may approve an adjustment up to thirty (30) percent.

(c) Pastures are not considered confined areas.

Any agricultural operation or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged, as established in the "Right to Farm and Ranch" policy.

(3) Confinement of Domestic Livestock

On any parcel of land under ten (10) acres in size, all domestic livestock shall be confined, fenced, or controlled by the property owner in such a manner that prevents the animal or fowl from running or being at large.

4. Allowed Animal Units per Acre

For parcels of land one half (1/2) acre or larger in size: calculations are based on animal units times the suitable area available for the keeping of domestic livestock (i.e. lot area minus areas used for dwellings, access, residential and accessory uses, areas where the keeping of animals are not permitted or are unsuited for use, etc.)

TABLE 6-2: ALLOWED ANIMAL UNITS PER ACRE	
Lot Area/Zoning District	Allowed Animal Units per Acre of Land*
Urban Zoning District except RSF-R, greater than ½ acre	3
RSF-R and Rural Zoning District, less than 10 acres	4
10+ acres in RSF-R, AFT and AF-35 Districts	4; may be subject to review by the Mesa County Agricultural Advisory Panel for compliance with the "Right to Farm and Ranch Policy"

5. Table of Animal Unit Equivalents

TABLE 6-3: ANIMAL UNIT EQUIVALENTS				
Animal Species	Equivalency Factor Based on Animal Unit =1000 lb cow	4 animal units/acre (RSF-R, AFT, AF-35 Zoning Districts)	3 animal units/acre (All Other Urban Zoning Districts)	1,000 Animal Units Feedlot Threshold
Alpaca or Llama	0.50	8	6	2,000
Bison, buffalo (under 2 years old)	0.80	5	3.75	1,250
Bison, buffalo	1.00	4	3	1,000
Bison, buffalo - cow w/calf	1.00	4	3	1,000
Burro, Donkey	1.00	4	3	1,000
Burro, Donkey - Miniature	0.50	8	6	2,000
Cattle, Beef - Slaughter and Feed	0.80 (1-2 yrs old)	5	3.75	1,250
Cattle, Beef - Slaughter and Feed	1.00 (>2 yrs old)	4	3	1,000
Calves (under 6 months)	0.00	-	-	-
Cattle, Beef - cow w/calf	1.00	4	3	1,000
Cattle, Dairy (bulls or cows)	1.40 (>2 yrs)	2.9	2.1	714
Chickens, Broiler	0.02	200	150	50,000
Chickens, Layer	0.02	200	150	50,000
Elk, domestic (under 2 years old)	0.50	8	6	2,000
Elk, domestic	0.80	5	3.75	1,250
Elk, domestic - cow w/calf	0.80	5	3.75	1,250
Emu less than 100 lbs.	0.10	40	30	10,000

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Emu more than 100 lbs.	0.20	20	15	5,000
Fallow Deer	0.50	8	6	2,000
Geese, ducks, swans, turkeys, fowl	0.03	133	100	33,333
Goat, feeder (less than 80 lbs.)	0.10	40	30	10,000
Goat, mature brood stock	0.20	20	15	5,000
Goat, nanny w/kids	0.20	20	15	5,000
Goat, miniature	0.05	80	60	20,000
Horses, mules	1.30	3.1	2.3	769
Horses - mare w/foal	1.00	4	3	1,000
Horses - miniature	0.50	8	6	2,000
Ostrich	0.30	13.3	10	3,333
Rabbit, fryer and mature	0.02	200	150	100,000
Sheep, feeder less than 80 lbs.	0.10	40	30	10,000
Sheep, feeder more than 80 lbs.	0.20 (1 yr+)	20	15	5,000
Sheep, mature brood stock	0.20	20	15	5,000
Sheep ewes w/lambs	0.20	20	15	5,000
Swine, feeders (less than 50 lbs.)	0.10	40	30	10,000
Swine, feeders (50 lbs. to market)	0.20	20	15	5,000
Swine, mature brood stock	0.40	10	7.5	2,500
Swine, sow with litters	0.40	10	7.5	2,500

C. Caretakers and Security Guards

Housing for caretakers and security personnel shall specifically be allowed as an accessory use within all nonresidential zoning districts.

D. Home Occupations

1. General

The home occupation regulations of this section are intended to permit residents to engage in home occupations while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations remain subordinate to the allowed principal use and that the residential viability of the dwelling unit and property is maintained. Home Occupations shall require Site Plan review.

2. Exempt Home Occupations

Home occupations are not subject to the home occupations regulations where all criteria below are met:

a. Client/customer visits to the premises are limited to a maximum of ten (10) per week;

b. No nonresident employees visit the site;

c. No outdoor activities or storage are on the site;

d. Storage of hazardous materials/waste is not a primary use of the home occupation; and

e. Quantities and types of hazardous materials stored on site cannot exceed that of normal household use.

3. Home Occupations

a. Allowed Uses

The home occupation regulations of this subsection establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited. Consideration is given to differences in urban versus rural zone districts in the Summary of Home Occupation Regulations table below.

b. Where Allowed

Home occupations that comply with the regulations of this section shall be allowed as an accessory use to any allowed household living use. Home occupations may occur in either a

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permitted principal dwelling or a permitted accessory dwelling.

c. Prohibited or Limited Uses

(1) Vehicle and Large Equipment Repair

Repair or assembly of vehicles or equipment with internal combustion engines (such as autos and motorcycles, excluding 'heavy equipment'), of large appliances (such as washing machines, dryers, and refrigerators), or any other work related to automobiles and their parts shall be allowed on parcels and lots of one (1) acre or greater within Urban Zone Districts. The use must be conducted entirely within a permitted structure and must be limited to one (1) vehicle at a time. The same repair or assembly activities may occur within Rural Zone Districts; outdoor storage is only allowed within the screened outdoor area defined within the summary table within this section.

(2) Animal Care or Boarding Facilities

Limited animal care or boarding facilities are allowed as home occupations. This includes grooming services, training, and in-home boarding of household pets provided that no more than a total of five (5) animals over four (4) months of age are present including those owned by the occupant of the residential unit. Outdoor activity shall be limited to normal play and exercise during daytime hours in a fenced area and to periods when animals are allowed outside to relieve themselves. Boarded animals shall not be housed in outside kennels, runs, or enclosures. Animal hospitals, kennels, stables, and all other board and care facilities are not allowed as home occupations. In the Rural Zoning Districts, the boarding of up to five (5) horses is allowed as a home occupation provided the total number of horses does not exceed the number allowed by Section 6.04 B. of this LDC. See also Table 6-1, Animal Care/Boarding/Sales.

(3) Industrial Uses

Industrial uses may only be allowed in zoning districts as indicated in Table 6-1.

d. Public Right-of-Way

e. Customers and delivery services may park in the public right-of-way limited to the area in front of the home occupation. All other activities and storage areas associated with home occupations (including employee and company vehicle parking) are prohibited within public rights-of-way.

f. Operational Impacts

No home occupation, or equipment used in conjunction with a home occupation, may cause odor, vibration, noise, dust, electrical interference, or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. Home occupations that generate hazardous waste shall register with the Mesa County Hazardous Waste Collection Facility in the Conditionally Exempt Small Quantity Generators (CESQG) program.

TABLE 6-4: SUMMARY OF HOME OCCUPATION REGULATIONS

	Urban Zone Districts	Rural Zone Districts
Nonresident Employees	2 (Maximum)	
Resident Operator	Operator must be full time resident of dwelling unit	
Customers	12 per day (maximum) 8:00 am to 8:00 pm Monday through Saturday	
Floor Area	25% of dwelling unit -(maximum) attached or detached structure	25% of dwelling unit plus an additional 1,000 square feet of attached or detached structure
Signs	2 square feet (Maximum)	
Outdoor Activities	None	Allowed within a 1,000 square feet area if screened and all home occupation regulations are met.
Exterior Appearance	No change that makes the dwelling appear less residential in nature and no visible evidence of home occupation from the road or from adjacent properties. The occupation must be	No change that makes the dwelling appear less residential in nature and no visible evidence of home occupation from the road or from adjacent properties. The use may be contained within

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TABLE 6-4: SUMMARY OF HOME OCCUPATION REGULATIONS		
	Urban Zone Districts	Rural Zone Districts
	entirely contained within a permitted principal or accessory building. Outdoor parking is allowed but must be screened from view of adjoining properties and public roads; vehicles parked in the driveway are exempt from screening requirements.	outbuildings if the square footage utilized does not exceed 1,000 square feet. Outdoor parking is allowed but must be screened from view of adjoining properties and public roads; vehicles parked in the driveway are exempt from screening requirements.
Small Engine Repair	Prohibited	Allowed – must maintain minimum setback of 200 feet from off-site dwellings and conduct activity within an enclosed structure.
Deliveries	Only between 8 a.m. and 8 p.m. Monday – Saturday	
Retail Sales	None except as accessory and incidental to the allowed home occupation	
Off Street Parking	1 space required per nonresident employee and per company vehicle. Company and employee vehicles that are not parked in the driveway must be screened from view of adjacent lots and streets and may not be parked within the setback areas. Customers and delivery services may park in the road right-of-way.	
Number of Home Occupations on Site	1 (maximum)	

E. Accessory Dwellings

1. Accessory dwelling applications are reviewed as a residential site plan in accordance with Section 4.17 C. and must additionally comply with applicable standards listed below.

2. General Standards

The following general standards shall apply to accessory dwellings:

a. Only one (1) attached or detached accessory dwelling shall be allowed per parcel or lot.

b. Size

The size of an accessory dwelling unit is computed using the total heated living area of the proposed structure.

(1) On parcels or lots less than one half (1/2) acre in size:

A maximum of nine hundred (900) square feet is allowed.

(2) On parcels or lots greater than one half (1/2) acre but less than one (1) acre in size:

A maximum of one thousand two hundred (1,200) square feet is allowed.

(3) On parcels or lots one (1) acre or greater in size:

A maximum of one thousand five hundred (1,500) square feet or fifty (50) percent of the heated living area of the principal dwelling whichever is greater.

(4) Combination Accessory Dwellings/Accessory Structures:

A combination accessory dwelling/accessory structure is an accessory dwelling contained within an accessory structure such as, but not limited to, a garage, shop, or barn.

c. Setbacks

Accessory dwellings shall meet accessory structure setbacks.

d. Property Manager or Representative

If the principal dwelling or the accessory dwelling is not occupied by the owner of the parcel or lot on which the accessory dwelling is located, a local property manager or representative shall be required.

(1) The local property manager or representative shall be a county resident who can be contacted by telephone and is available at all times when the home is rented. The representative shall be available for resolution of conflicts, cleanup of the property, or issues

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with the home or occupants and shall be able to respond within a reasonable amount of time.

(2) If the local representative changes, it shall be the responsibility of the owner to immediately notify the Mesa County Planning Department of the new representative's name and phone number.

(3) The property shall not be rented any time the local representative is not available.

e. Land Use

An accessory dwelling may only be approved on a lot or parcel that contains one (1) single-family detached dwelling. An accessory dwelling will not be allowed on a parcel or lot that contains a duplex or a multi-family dwelling.

F. Camping

1. Location

a. A Recreational Vehicle (RV) or a temporary shelter may be occupied for recreational or vacation purposes on property located within a Rural or Urban Residential zoning district.

(1) For properties less than one (1) acre in size, a principal dwelling is required on the property.

(2) Occupancy of RVs or temporary shelters shall not be permitted on properties less than one half (1/2) acre in size.

(3) RVs and temporary shelters shall be prohibited in the required setbacks.

b. Occupancy of RVs and temporary shelters in Nonresidential and Mixed Use zoning districts shall be limited to permitted campgrounds and camps.

c. Occupancy of RVs in Mobile Home Parks and Manufactured Home Parks shall not be permitted.

d. Private non-commercial hunting camps in Rural zoning districts are exempt from these standards.

e. These standards shall not apply to Agricultural Labor Housing approved pursuant to Section 6.02 B. of this LDC.

2. Number Allowed

One (1) RV or temporary shelter may be occupied on a single property at a time.

3. Standards

The following standards apply to the occupancy of all RVs and temporary shelters located in a Rural or Urban Residential zoning district:

a. RVs must have a current registration and/or vehicle license.

b. To protect public safety, all RVs & temporary shelters must remain readily mobile and meet the following requirements.

(1) Nothing shall be attached to an RV or temporary shelter or placed in a manner that would prevent or hinder the immediate removal of the RV or temporary shelter.

(2) RVs and temporary shelters, inclusive of all slide-outs and other projections, shall maintain a separation of at least ten (10) feet from all buildings.

(3) RVs shall not be driven or be parked across, over, or on any part of the onsite waste water treatment system.

(4) The RV or temporary shelter's hook-ups must be in compliance with all applicable building, fire, electrical, mechanical, and related codes.

(5) Propane tanks must meet minimum fire code standards, including placement at least ten (10) feet from any source of ignition (open flame, window air conditioner, compressor, generator, or similar items).

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(6) No generator shall be located within fifty (50) feet of a dwelling on an adjoining property.

(7) Generators shall not be used between 10:00 p.m. and 7:00 a.m. Generators shall be located so noise is not directed toward adjoining properties. Generators shall adhere to the noise limit requirements of Colorado Revised Statute §25-12-103.

(8) The placement of RVs or temporary structures in a floodplain shall meet the standards of Section 8.13 of this LDC.

c. RVs or temporary structures may not be leased or rented to another party for use on that property except as may be permitted by this LDC.

4. Temporary Dwelling

An RV or temporary structures may be used as a temporary dwelling during construction or remodel of a single-family residence in a Rural zoning district, or in an Urban Residential zoning district on a property that is one (1) acre or greater in size and where a valid building permit has been issued.

SECTION 6.05 | TEMPORARY USES

A. General Regulations

The general regulations of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.

1. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.

2. Unless otherwise expressly stated, temporary uses shall be subject to Site Plan Review pursuant to Section 4.17.

B. Uses Allowed

Temporary uses shall be allowed in accordance with the standards of this subsection.

1. Real Estate Sales Offices

Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office for sites outside of the project is prohibited.

2. Fairs, Carnivals, and Other Public Gatherings

Fairs, carnivals, and other public gatherings shall be allowed as follows:

a. In Rural Zoning Districts, such uses shall be allowed for up to six (6) consecutive days. Two (2) events are allowed per calendar-year.

b. In Urban Residential Zoning Districts, such uses shall be allowed for up to four (4) consecutive days on the site of an institutional use. Two (2) events are allowed per calendar-year.

c. In Nonresidential Zoning Districts, such uses shall be allowed for up to eight (8) consecutive days. Two (2) events are allowed per calendar-year.

3. Natural Disasters and Emergencies

Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. No Site Plan Review or other review shall be required.

4. Parking Lot Sales

Parking lot sales are allowed in Nonresidential Zoning Districts for up to two (2) consecutive weeks at any one time. Two (2) events are allowed per calendar year.

5. Seasonal Outdoor Sales

Seasonal outdoor sales are allowed for up to one (1) month at any one time. One (1) event is allowed per calendar year. The Director may approve an application for seasonal outdoor sales, subject to a

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limited administrative review, considering the approval criteria for temporary uses. The limited administrative review does not require notice of the application to be published, posted, or mailed to surrounding property owners.

6. Other Uses

The Director may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

7. Yard Sales

Residential yard sales are allowed on any residentially used property and are exempt from permit requirements and from any administrative review. Yard sales shall be limited to a maximum of six (6) yard sales per calendar year. Each yard sale event shall be limited to four (4) consecutive days and must be spaced a minimum of thirty (30) days apart.

C. Approval Criteria

The Director shall approve a temporary use if it is determined that all of the following conditions are met:

1. That the proposed site is adequate in size and shape to accommodate the temporary use;
2. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
3. That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on site or at alternate locations; and
4. That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

SECTION 6.06 | OTHER USES AND ACTIVITIES

A. Restricted Uses and Activities

Certain uses and activities may be detrimental to the public health, safety and welfare, and as such are regulated or limited as described herein.

B. Accumulation and Storage of Vehicles

1. Only one (1) non-farm vehicle not having current Colorado license plates or registration may be stored in ordinary view on a property. This includes automobiles, motorcycles, trailers, campers, recreational vehicles and other such vehicles that would require registration or licensing.

   a. Additional vehicles may be stored on a property when contained within an approved enclosed structure or when screened from ordinary view by means of a solid fence, evergreen trees or shrubbery, berm, terrain, or other appropriate means.

      (1) Tarps, fabric, screen mesh such as that installed on a chain link fence, and similar materials are not considered sufficient screening. Deciduous vegetation may be considered sufficient, depending on the type, density, height, and placement of plantings.

      (2) The screened area shall not exceed more than five (5) percent of the total parcel size, up to a maximum of twenty two thousand (22,000) square feet or approximately one-half (1/2) acre.

      (3) Such screened storage areas shall be kept free of weeds, trash, debris, or other similar items.

      (4) Outdoor storage areas for such vehicles must be maintained in such a manner that they do not constitute a health, safety or fire hazard.

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(5) Screened vehicles shall not project above the fence or wall used to screen the vehicles, except for vehicles or items that are resting on the ground but have a height more than six (6) feet tall but less than twelve (12) feet tall.

(6) Fences taller than six (6) feet that are required by this Section may be permitted within required setbacks, subject to site plan approval. The height and location of all fences shall comply with the requirements of the Intersection and Driveway Visibility standards of this LDC (Section 8.18).

b. Subject to the limitations of Section 6.06 B.1., inoperable or unlicensed vehicles may be located in driveways and alongside driveways but shall not otherwise be placed in the required street setback. Inoperable or unlicensed vehicles shall not be placed in the required side or rear setbacks.

c. Vehicles in an approved junkyard, auto repair garage, body shop, gas station or other similar commercial use where vehicle storage has been permitted pursuant to this LDC are not subject to the requirements of this section.

d. Heavy equipment, both operable and inoperable, shall not be stored in ordinary view.

e. Dismantled or wrecked vehicles are considered "junk" and are subject to the requirements of Section 6.02 M.

f. All automotive waste, petroleum waste, other regulated fluid, gas or liquid, or contaminants shall be controlled and properly contained and shall not be permitted to seep or leak into the soil.

2. There shall be no limit on the number or location of active or serviceable agricultural vehicles or equipment on an agricultural parcel of land regardless of whether such vehicles have current registration or license plates, if that property owner or user is engaged in an agricultural operation that is historical, traditional, legitimate and reasonable, as protected under the County's Right to Farm and Ranch policy, and requires such vehicles for operation of that practice.

C. Accumulations of Junk

1. All areas of a property that are in ordinary view must be kept free of junk.

a. Accumulations of junk must be contained within an enclosed structure or be visually screened from ordinary view by means of a solid fence, evergreen trees or shrubbery, berm, terrain, or other appropriate means.

(1) Tarps, fabric, screen mesh such as that installed on a chain link fence, and similar materials are not considered sufficient screening. In addition, canopies, tents, yurts and other types of temporary structures shall not be used for screening. Deciduous vegetation may be considered sufficient, depending on the type, density, and placement of plantings.

(2) The screened area shall not exceed more than five percent (5%) of the total parcel size up to a maximum of twenty two thousand (22,000) square feet or approximately one-half (1/2) acre.

(3) Such storage areas shall be kept free of weeds, trash, debris, or other similar items.

(4) Accumulations of junk shall not be stored within required setbacks.

(5) Outdoor storage areas for junk must be maintained in such a manner that they do not constitute a health, safety or fire hazard.

(6) Screened items shall not project above the fence or wall used to screen the materials, except for items that are resting on the ground but have a height more than six (6) feet tall but less than twelve (12) feet tall.

b. Active agricultural operations may have scrap iron "bone yards", lumber stock piles, or other essential collections in ordinary view if necessary for operations and stockpiled in a maintained and orderly fashion.

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c. The keeping or storage of used or waste tires is subject to the requirements of Section 6.02 M. of this LDC. No more than fifty (50) used or waste tires may be kept on a property in any Rural zoning district (unless accessory to a silage pit or hay storage). No more than ten (10) used or waste tires may be kept on a property in any Urban Residential zoning district.

d. All automotive waste, petroleum waste, other regulated fluid, gas or liquid, or contaminants shall be controlled and properly contained and shall not be permitted to seep or leak into the soil.

D. Rubbish, Trash, Garbage and Debris

It is unlawful to deposit, accumulate, store, keep, abandon, or to permit the accumulation, storage, keeping or abandonment of rubbish, trash, garbage or debris on private property within unincorporated Mesa County, unless such area is approved specifically for that use and appropriately zoned for such deposit, accumulation, storage or keeping of rubbish or debris.

1. Any person having the ownership, occupancy, control or management of any property shall keep rubbish, trash, garbage and debris in tightly closed containers or within enclosed structures. Garbage and refuse shall be stored in a manner that will prevent entry by animals and vermin and thereby avoid the dispersal of such garbage and refuse by animals, wind, or any other means.

   a. The use of a manufactured or mobile home, recreational vehicle, or other vehicle for storage of rubbish, trash, garbage or debris is prohibited.

2. Any person having the ownership, occupancy, control or management of any property shall remove from the property or caused to be removed accumulated rubbish, trash, garbage and debris to an approved disposal site on a regular basis (at least once per calendar month) so as to prevent a fire hazard or to mitigate public health and safety concerns.

E. Cargo and Shipping Containers

It shall be permissible to use cargo or shipping containers as principle or accessory buildings, provided site plan approval has been granted and all applicable standards of this LDC are met. Additionally, the container shall comply with all applicable codes, including building code requirements, for the intended occupancy or use.

1. There shall be no signage, business or trade name on the container(s) unless a sign permit has been obtained pursuant to Chapter 9 of this LDC.

2. Storage containers temporarily placed on construction sites to be used for storage of materials and equipment related to work on the site or on adjacent lots shall not be subject to the requirements of this Section.

3. The display and sale of cargo and shipping containers as a commercial activity on a property that is permitted pursuant to this LDC is not subject to the requirements of this Section.

4. Portable moving containers/moving pods placed on private property for no more than ninety (90) days in a calendar year shall not be subject to the requirements of this section. Such containers are intended to be used for temporary short-term storage during construction or renovation of a structure, and are not intended to be used as long-term on-site storage.

F. Manufactured and Mobile Homes

1. Uninhabitable mobile homes and manufactured homes and those that have been removed from their foundation or pad and have not been occupied for a continuous period of one (1) year shall be considered junk and shall be subject to the requirements of this Section.

2. Mobile homes and manufactured homes are constructed specifically as dwelling units. The use of a mobile home or manufactured home for other than a dwelling is not permitted, unless the unit is brought into compliance with applicable building codes for a new structure. A mobile home or manufactured home shall not be used as an accessory structure except as may be permitted under Section 6.04 E., Accessory Dwellings. A mobile home or manufactured home shall not be used for storage or other non-dwelling accessory uses.

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CHAPTER 7 | MEASUREMENT AND DENSITY STANDARDS

SECTION 7.01 | MEASUREMENTS AND EXCEPTIONS

A. Density

Density is measured by dividing the number of dwelling units on a lot or parcel by the parcel's gross land area (in acres). Gross land area includes the entire parcel or property at the time a development application is filed. If a lot or parcel is located within an existing platted subdivision, the size of the parent parcel and the existing number of lots contained within the original subdivision will be used in calculating density unless further development is allowed through a change zoning of the parcel.

1. Exceptions to Minimum Density Requirements

   a. The Director shall be authorized to approve a minimum density of up to twenty (20) percent less than otherwise stated in Chapter 5 (using the Administrative Adjustment review and approval procedure of Section 4.01) when deemed necessary to accommodate unusually small or oddly shaped parcels, roads, right-of-way, floodplains, steep slopes, wetlands, hazard area, open space and other non-developable lands.

   b. Minimum density standards shall not apply to a minor subdivision in the RSF-4, RMF-5, or RMF-8 zone districts if:

      (1) One lot can be reasonably resubdivided or developed in a manner that complies with the underlying zone district's minimum density standards; and

      (2) The new lot(s) created are a maximum lot size of one half (.5) acre in RSF-4, or one third (.33) acre in RMF-5 or one fifth (.2) acre in RMF-8.

      (3) However, if sewer is unavailable, one (1) additional lot shall be allowed with a minimum lot size of one-half (1/2) acre or larger as long as both lots can be reasonably resubdivided or developed in a manner that complies with the underlying zone district's minimum density standards.

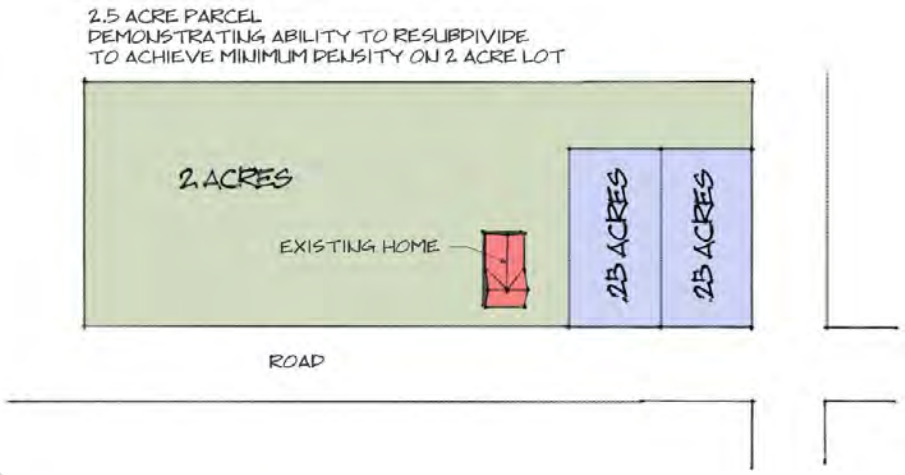


Figure 7-1: Minimum Density Standard

B. Lot Area

1. Lot area is measured as the amount of net land area contained within the property lines of a lot or parcel, not including streets or rights-of-way.

2. For the purpose of calculating density on existing parcels zoned RSF-4, RMF-5, RMF-8, RMF-16 and RMF-24 that are smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

3. Exceptions to Minimum Lot Area Requirements

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No building permit or development approval shall be issued for a lot that does not meet the minimum lot area requirements of this LDC, except in the following cases.

a. Utilities

Utilities using land or an unoccupied building covering less than one thousand (1,000) square feet of site area are exempt from minimum lot area standards.

b. Detached Single-Family Dwelling Unit Exemption

The minimum lot area standards of this LDC shall not prohibit the construction of a detached single-family dwelling unit on a lot or parcel that was legally platted or recorded prior to the adoption of this LDC, provided that the dwelling unit is constructed in compliance with all applicable dimensional standards.

C. Lot Width

Lot width is measured between side lot lines along a line that is parallel to the street lot line or its chord measured perpendicularly to the maximum depth of the setback into the lot.

D. Street Frontage

Street Frontage is measured between side lot lines along the street lot line.

E. Setbacks

Setbacks are unobstructed, unoccupied open areas, measured as follows:

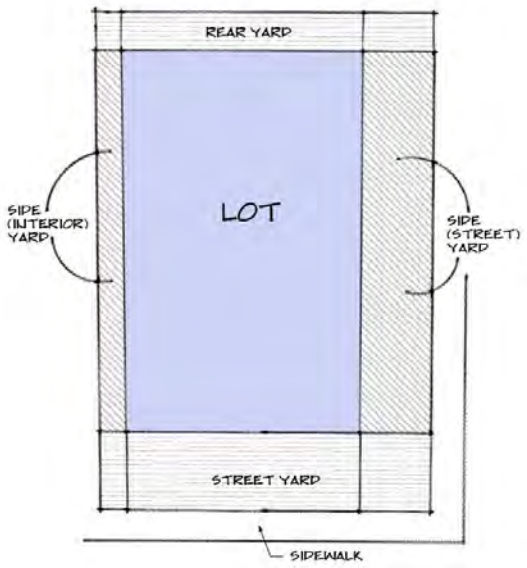


Figure 7-2: Setbacks

a. Street Setbacks

(1) Street setbacks shall be measured between the furthermost projection of a structure and any abutting rights-of-way line.

(2) In the event that lots or parcels abut streets or roads without rights-of-way or inadequate right-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan.

b. Side and Rear Setbacks

Side and rear setbacks shall be measured between the furthermost projection of a structure and the property lines of the lot on which such structure is located.

2. Exceptions and Permitted Encroachments

Setbacks must be unobstructed from the ground to the sky except that the following features may encroach into required setbacks:

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a. Landscaping;

b. Bay windows, not to exceed three (3) feet;

c. Chimneys, not to exceed two (2) feet;

d. Clothesline post;

e. Driveways, curbs and sidewalks;

f. Flagpoles;

g. Heating and cooling units, not to exceed three (3) feet;

h. Swimming pool, not to exceed six (6) feet;

i. Mailboxes;

j. Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed three (3) feet;

k. Septic systems, wells and underground utilities;

l. Signs (in accordance with Chapter 9);

m. Steps, stairs or fire escapes (non-enclosed), not to exceed six (6) feet;

n. Uncovered, unenclosed terraces, porches, patios, or decks not to exceed six (6) feet if no surface is higher than thirty (30) inches from the average finished grade;

o. Accessory buildings, within required rear setbacks only;

p. Required parking where not specifically prohibited;

q. Open carports, up to one-half of the required side or rear yard setback for principal structures, but not closer than three feet to the lot line;

r. Fences or walls seven (7) feet or less in height, if otherwise allowed by County regulations

s. Yard and service lighting fixtures, poles.

t. Electric vehicle charging station.

3. Exceptions allowed for structures within existing subdivisions

a. Required side and rear setbacks may be reduced to a minimum of three (3) feet by the Director on lots abutting "tracts" where the following conditions are met, and to the extent the abutting tract provides for a portion of the minimum setback:

b. The abutting "tract" includes one or more of the following:

(1) A park, trail, or open space that has been dedicated to the County for the use of the general public;

(2) A required landscape buffer;

(3) A required drainage facility; or

(4) Open space (whether required by this Code or otherwise established), which is land within a development designed for and perpetually limited to the common use or enjoyment of the residents or occupants of the development and/or the public, but not including areas used for streets, alleys, driveways, or off-street parking or loading areas.

c. Only that portion of the proposed lot line that is contiguous with the abutting tract may be used for purposes of determining the proposed dimensional reduction;

d. The dimensional reduction shall be less than or equal to the open area provided by the tract;

e. Maintenance of the tract shall be provided for in a binding agreement approved by the County;

f. The tract is part of the subdivision or development that is the subject of the application.

g. Abutting tracts may not be used to reduce any dimension of an easement.

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4. Setback Averaging

Regardless of the minimum street setback required by the underlying zoning district, the minimum street setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the subject lot. The following rules apply in calculating the average setback.

a. Only the setbacks of the existing structures that abut each side of the subject lot and are on the same side of the street may be used.

b. When one abutting lot is vacant or the subject lot is a corner lot, then setback averaging is calculated using the setback of the existing abutting structure and the zoning district minimum setback.

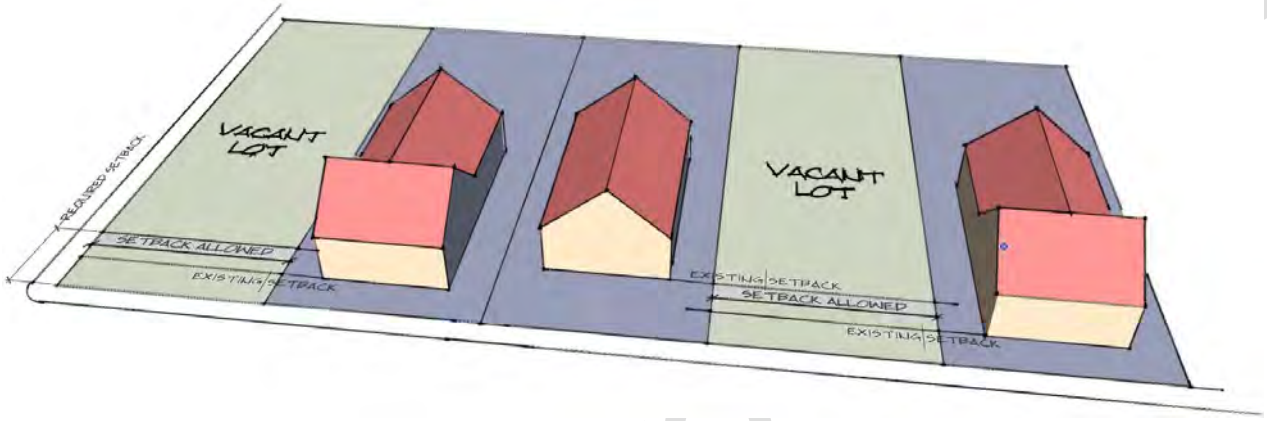


Figure 7-3: Setback Averaging

5. Nonconforming Setback

When an addition to an existing legal, nonconforming structure would not meet current setback requirements, the Director may approve such addition if the following criteria are met:

a. No reasonable alternative exists for the location of the addition on the subject property;

b. The location of the addition would follow and not encroach further than the existing nonconforming setback;

c. The addition would not encroach into any required street setback for garage access; and

d. The addition would not encroach on any existing easement.

F. Lot Coverage

Lot coverage is calculated by dividing the total square footage of all building footprints and all impervious surfaces by the square footage of the lot.

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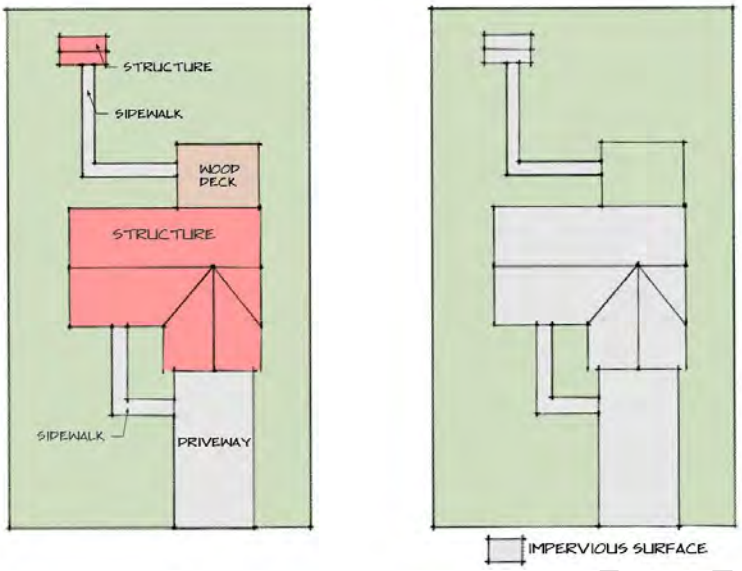


Figure 7-4: Lot Coverage

G. Height

1. Building height is measured as the vertical distance between the average finished grade at the base of the building along the side of the building being measured and:

a. The average height between the eaves and ridge line of a gable, hip or gambrel roof;

b. The highest point of a mansard roof; or

c. The highest point of the coping of a flat roof.

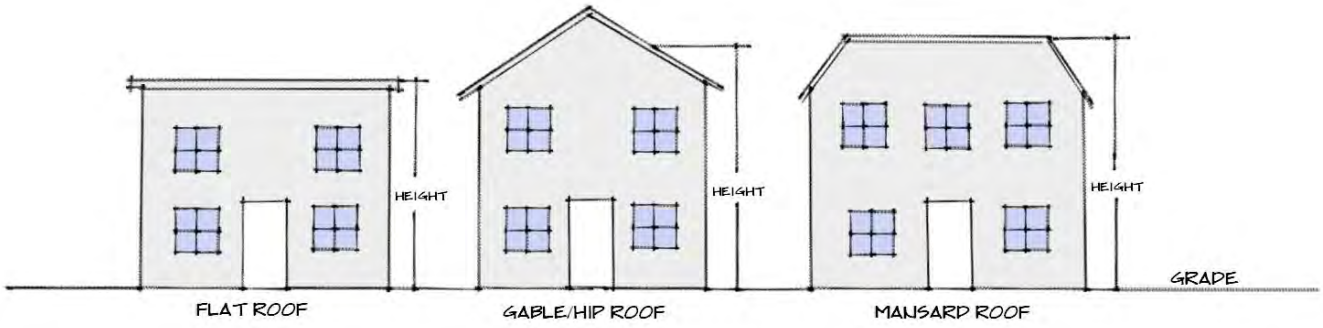


Figure 7-5: Building Height

2. Exceptions

a. Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/ham communication towers, structures for essential services, windmills, flagpoles, chimneys, radio/television receiving antennas or chimney flues.

b. Height limits also do not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than thirty-three and one-third (33 1/3) percent of the area of the roof.

SECTION 7.02 | AFT DISTRICT DENSITY

A. Purpose

In order to provide more certainty regarding appropriate levels of development on land within the Rural

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Planning Area, the County has adopted the provisions of this section to govern density in the AFT Zoning District.

B. Density

The base density allowed on lots and parcels zoned AFT shall be no more than an average of one lot per five (5) acres unless a different base density is identified in Table 7-1 (see below). If density bonus is allowed, the maximum density may only be achieved when an application for density bonus is submitted and approved subject to the criteria listed in Section 7.02 C.

TABLE 7-1: AFT DENSITY					
Future Land Use Classification	Density (acres per dwelling unit)		Minimum Lot Size (acres)	Density Bonus	Required Reserve
	Base	Maximum			
Rural Residential 5	5	N/A	Section 8.10	N/A	N/A
Fruita 201-10	10	N/A	10	N/A	N/A
EOM 10	10	N/A	10	N/A	N/A
Rural Ag 10 (R/A 10)	10	5	Section 8.10	Section 7.02 C.	Table 7-2
Rural Ag 17 A (R/A 17)	17	9	Section 8.10	Section 7.02 C.	Table 7-2
Rural/Ag/20 NB	20	N/A	20	N/A	N/A
Rural/Ag 35+ A	35	N/A	35	N/A	N/A
Large Lot Rural/Ag 35+	35	N/A	35	N/A	N/A
Fruita Buffer North of River (R/A 10)	10	5	Section 8.10	Section 7.02 C.	50%
Fruita Buffer South of River	N/A	Average of existing lot size within 2,500 feet (excluding public lands)	Section 8.10	N/A	N/A
Palisade Buffer North of River (R/A 10)	10	5	Section 8.10	Section 7.02 C.	50%
Palisade Buffer South of River (EOM 10)	10	N/A	10	N/A	N/A
Rural (RUR)	5	N/A	Section 8.10	N/A	N/A

C. Density Bonus Criteria

1. Eligibility

To qualify for a density bonus, the property must have a Future Land Use Classification depicted in Table 7-1 as appropriate for a density bonus.

2. Process

The Major Subdivision application process shall be followed (Section 4.10 E.). In addition to the standards and criteria required for approval of a major subdivision, subdivisions requesting density bonus must apply the following approval criteria in Section 7.02 C.3.

3. Approval Criteria

a. The following reserved land minimums shall be required to achieve associated density bonuses:

TABLE 7-2: RESERVED LAND REQUIRED		
Future Land Use Classification	Density (acres per dwelling unit)	Reserved Land Requirement
R/A 17	15	30%
	12	40%
	9	50%
R/A 10	8.5	30%
	6.5	40%

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	5	50%

b. The lots should be located to avoid development of and minimize adverse impacts on agricultural land, steep slopes, ridgelines, wetlands, wildlife habitats, and public facilities;

c. The reserved land may be located within a tract designated as open space (in which case the tract is not included in the density calculation) or as a building lot (in which case the reserved building lot is included in the density calculation);

d. The reserved land should be located in areas adjacent to any existing agricultural operations;

e. A note shall be placed on the plat that the reserved land is reserved for future development until applicable revision or amendment of the Mesa County Master Plan and Land Development Code occur; and

f. Minimum lot size requirements shall be based on onsite wastewater treatment system regulations, fire protection standards, site-specific conditions, and the need, if any, to protect adjacent agricultural operations under the County's Right to Farm and Ranch Policy.

SECTION 7.03 | RSF-E DISTRICT DENSITY

A. Purpose

In order to provide more certainty regarding appropriate levels of development on land with a Future Land Use Classification of Estate, the County has adopted the provisions of this section to govern density in the RSF-E Zoning District.

B. Maximum Density and Minimum Lot Size Criteria

The maximum density and minimum lot size allowed within the RSF-E Zoning District shall be as follows:

TABLE 7-3: ESTATE FUTURE LAND USE CLASSIFICATION SUMMARY

Future Land Use Classification	Density	Minimum Lot Size
Estate	1 acre / dwelling unit	1 acre
Estate 2	2 acres / dwelling unit	1 acres
Rural Estate 3	3 acres / dwelling unit	1 acre

SECTION 7.04 | ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS

The alternative development options of this section allow for variety in development standards while maintaining the overall character of single-family residential developments.

A. Flagpole Lots

Flagpole lots shall be allowed in all Rural and Urban Residential zoning districts in accordance with the following standards:

1. Frontage

Each flagpole lot shall have at least twenty (20) feet of street frontage and at least twenty (20) feet of width for the entire length of the flagpole.

2. Number

A maximum of one flagpole lot is allowed in subdivisions of four (4) lots or less. No more than twenty (20) percent of the lots within a subdivision containing five (5) or more lots shall be flagpole lots. No more than two (2) flagpole lots may be contiguous.

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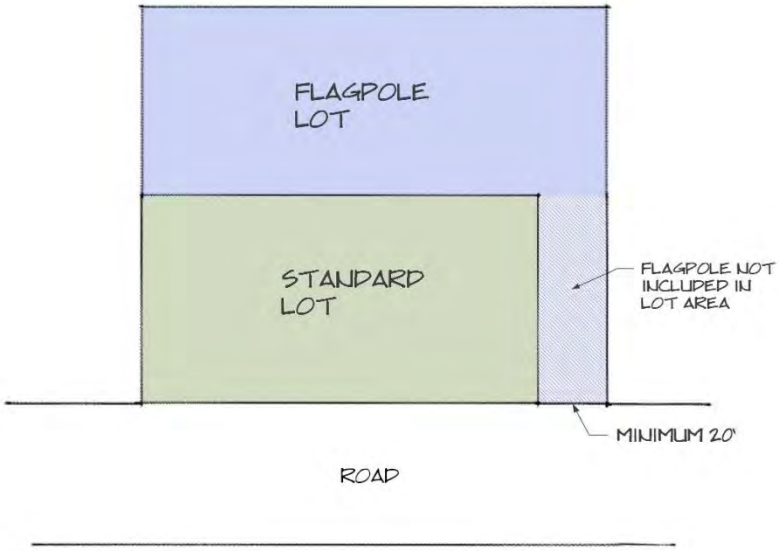


Figure 7-6: Flagpole Lots

3. Lot Area Calculation

The area of the flagpole may not be counted as part of the lot area calculating minimum lot size.

4. Driveways

Driveways shall be designed to allow vehicles to drive-out forward. Common driveways shall be required when two (2) flagpole lots are contiguous.

B. Attached Single-Family

Attached single-family development shall be allowed in accordance with the Table 6-1, subject to the following standards:

1. Setbacks

No interior side setback is required on the "attached" side of a lot containing an attached house. The street, side, and rear setback standards shall apply around the perimeter of an attached housing development.

2. Number of Units

In the RSF-4, no single structure may contain more than eight dwelling units.

C. Zero Lot Line Development

The following additional standards shall apply to Zero Lot Line development:

1. Applicability

Zero lot line developments are allowed by-right in any Urban Residential zoning district.

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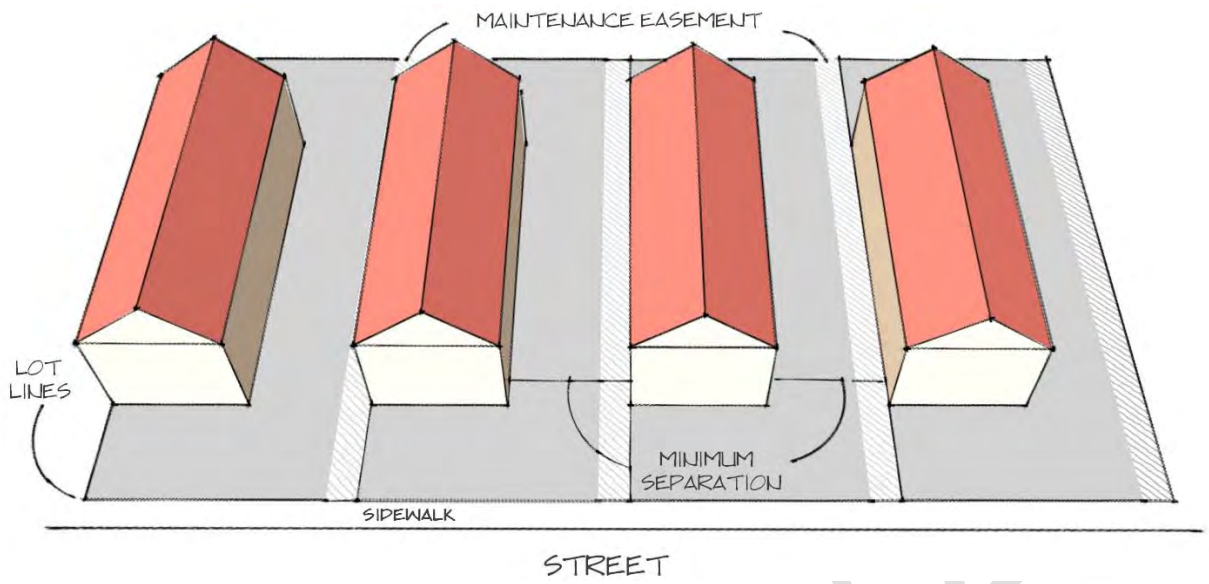


Figure 7-7: Zero Lot Line Development

2. Review and Approval

   Review for compliance with the standards of this section shall occur during the Major Subdivision process.

3. Standards

   a. Building envelopes

      To assure the minimum distance between structures, building envelopes shall be shown on the plat.

   b. Setbacks

      The side setback on one side of the building may be reduced to zero. This reduction does not apply to interior side setbacks adjacent to lots that are not part of the zero lot line project, development, or subdivision.

   c. Distance Between Houses

      The minimum distance between all buildings in the development must be equal to twice the required side setback of the underlying zoning district.

   d. Eaves

      The eaves of a house may project a maximum of twenty-four (24) inches over the adjacent property line

   e. Maintenance Easement

      An easement to allow for maintenance or repair is required when the eaves or side wall of a building are within four (4) feet of the adjacent property line. The easement on the adjacent property must provide at least ten (10) feet of unobstructed space between the furthermost projection of the structure and be wide enough to allow five (5) feet between the eaves or side wall and the edge of the easement.

   f. Privacy

      If the side wall of the house is on the property line, or within three (3) feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a

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clerestory window or a translucent window, are allowed.

D. Cluster Developments

The following additional standards shall apply to cluster development:

1. The number of lots shall not exceed the maximum density of the underlying zoning district.
2. Minimum lot size shall be based on the underlying zoning or if utilizing Onsite Wastewater Treatment Systems, lot size shall be determined by Section 8.10 of the Land Development Code.

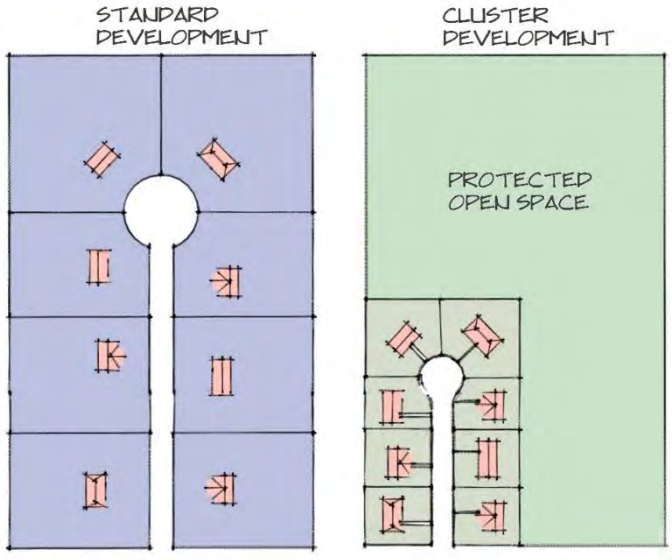


Figure 7-8: Cluster Development

3. The lots and building sites must be located to avoid adverse impacts on steep slopes, ridge lines, wetlands, and wildlife habitats, wildfire hazard areas, floodplains, and, within the Rural Planning Area, any prime, or prime and unique agricultural land.
4. Dimensional standards shall be determined by the closest applicable Zoning District that allows the minimum lot size proposed in the Cluster Development (e.g., if the property is zoned AFT and the proposed minimum lot size is 1 acre, the setbacks and other dimensional standards for the RSF-1 Zoning District shall apply).

E. Urban Residential Reserve (URR) Subdivision Standards

The following standards shall be met for applications for Minor Subdivisions and Major Subdivisions in the URR zone district:

1. The lot or parcel must be a minimum of ten (10) acres to qualify for subdivision. (Previously subdivided lots created under AFT zoning may apply individually without averaging density back to the total acreage of the recorded subdivision.)
2. A minimum of forty (40) percent of the gross site area shall be retained in a single building lot (the Reserve Lot). Two (2) Reserve Lots may be allowed if necessary to accommodate natural physical divisions of the property or necessary rights-of-way dedication.
3. Land in agricultural production shall be located in the Reserve Lot(s) to the greatest extent possible.
4. If outlots or easements are necessary to supply sewer in the future to the developed lots or to the Reserve Lot(s) as determined by the project engineer or the municipality, they shall be designated on the subdivision plat.
5. A site plan may be required to show options for access, utility corridors and circulation for future redevelopment of the Reserve Lot(s).
6. Provisions for weed control on outlots and common areas shall be proposed in the Concept Plan

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phase of review and approved by the Mesa County Weed and Pest Inspector.

7. Future Development of the Reserve Lot

   a. If the service district that will provide sewer confirms that sewer can be extended to serve a URR subdivision, the Reserve Lot(s) may be considered for redevelopment at higher densities.

   b. If sewer is not available within ten (10) years from the date the subdivision is first platted under URR zoning, the Reserve Lot(s) may be redeveloped at a maximum of one (1) dwelling unit per one (1) acre density.

SECTION 7.05 | NON-RESIDENTIAL SUBDIVISIONS

Consideration of the following standards may allow non-residential subdivision lots to be less than the minimum size allowed as defined in Chapter 5 of this LDC, where lots will be connected to a public sewer system:

A. Standards

1. Shared detention facilities shall be pre-determined and location sited on plans. Alternative designs such as open space areas or belowground vaults are accepted for review.
2. Pedestrian connections shall be provided.
3. Shared access points shall be required in order to reduce congestion and to mitigate traffic circulation and parking problems. Access shall be permitted in accordance with the requirements of the Mesa County Design Standards.
4. Shared parking and circulation shall be shown on the plat through ingress/egress easements.
5. Lots shall be of sufficient size to accommodate requirements of this LDC, including but not limited to those in Chapter 6, Chapter 7 and Chapter 8.

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CHAPTER 8 | DEVELOPMENT STANDARDS

The standards in this Chapter apply to all new development unless otherwise stated.

SECTION 8.01 | OFF-STREET PARKING

A. General

1. New Development

The off-street parking standards of this Section apply to all new buildings and uses.

2. Expansions and Alterations

The off-street parking standards of this Section apply when an existing structure or use is expanded or enlarged. Additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces provided for the entire use (preexisting plus expansion) must equal at least seventy-five (75) percent of minimum ratio established in Table 8-1.

3. Changes of use

A change of use that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this LDC. Where this calculation results in the addition of less than five (5) spaces, no additional spaces shall be required.

B. Minimum Required Off-Street Parking

The following Off-Street Parking Schedule establishes the minimum number of off-street parking spaces to be provided for the use categories described in this LDC. The Bicycle Parking requirements shall apply only within the Urban Zoning Districts.

TABLE 8-1: OFF-STREET PARKING SCHEDULE

Use Categories	Specific Uses	Minimum Number of Spaces	
		Vehicle Spaces	Bicycle Spaces
Residential			
Group Living	Boarding/Rooming Houses	1 per bedroom	N/A
	Dormitories/Fraternities/ Sororities	1 per 2 beds	0.5 per unit
	Nursing Homes	1 per 4 beds + 1 per each 3 employees	N/A
	Other Group Living	1 per 4 beds	N/A
Household Living	Single-Family and Duplex	2 per unit	N/A
	Multi-Family – 1 bedroom	1.25 per unit	0.5 per unit
	Multi-Family – 2 bedroom	1.5 per unit	0.5 per unit
	Multi-Family – 3+ bedroom	2 per unit	0.5 per unit
Civic			
Colleges and Vocational Schools		1 per 2 students	1 per 5 vehicle spaces
Community Service		1 per 250 square feet or 1 per 4 patrons, whichever results in more spaces	1 per 20 vehicle spaces
Day Care		1.5 per employee	N/A
Hospital/Clinic		1 per 2 beds + 1 per employee	1 per 20 vehicle spaces
Parks and Open Space	Golf Course	4 spaces per hole	N/A
	All Other	20 spaces per athletic field or ball diamond or 1 per 4 seats, whichever results in more spaces	1 per 10 vehicle 1 per 4 seats

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TABLE 8-1: OFF-STREET PARKING SCHEDULE			
Use Categories	Specific Uses	Minimum Number of Spaces	
		Vehicle Spaces	Bicycle Spaces
Religious Assembly		1 per 4 seats	1 per 20 vehicle spaces
Public Safety Facilities		1 per employee	N/A
Schools	Elementary and Middle Schools	1 per classroom	1 per 10 students
	High Schools	6 per classroom	1 per 20 students
Utilities, Basic		1 per employee	N/A
Commercial			
Retail Sales and Service	Convenience Store	1 per 250 square feet	1 per 10 vehicle spaces
	Funeral Home/Mortuary	1 per 4 seats	N/A
	Shopping Centers Less than 15,000 sq. ft.	1 per 200 square feet	1 per 20 vehicle spaces
	15,000 to 400,00 sq. ft.	1 per 250 square feet	
	400,000 to 600,000 sq. ft.	1 per 225 square feet	
	600,000 + sq. ft.	1 per 200 square feet	
	Vehicle Sales	Spaces equal to ten (10) percent of vehicle display area	N/A
	Other Retail Sales, High Volume, Stand-Alone (e.g., supermarkets, clothing and department stores, shopping complexes, hardware building supplies, and similar uses)	1 per 300 square feet	1 per 10 vehicle spaces
	Other Retail Sales, Low Volume, Stand-Alone (e.g., appliance sales, repair shops and similar uses)	1 per 500 square feet (includes employee parking)	1 per 20 vehicle spaces
	Other Service Business, Stand-Alone (e.g., beauty/barber shops, frozen food lockers, laundries, and similar uses)	1 per 300 square feet (includes employee parking)	1 per 20 vehicle spaces
Office and Personal Service		1 per 300 square feet	1 per 10 vehicle spaces
Entertainment	Bars/Nightclubs	1 per 2 seats	1 per 10 vehicle spaces
	Restaurants	1 per 3 seats	1 per 20 vehicle spaces
	Theaters	1 per 4 seats	1 per 20 vehicle spaces
	Clubs/Lodges	1 per 3 seats	1 per 20 vehicle spaces
	Bowling Alleys	4 per lane	1 per 10 vehicle spaces
Recreation and Entertainment, Outdoor	Driving Range	1 per 20 feet of driving area	N/A
	Minor Entertainment Events	1 per 2 customers + space for musicians and servers at the events	N/A
	Miniature Golf	2 per hole	N/A
Lodging	Hotels/Motels	1 per room + 75 percent of spaces required for other associated uses	N/A
Self-Service Storage		1 per 300 square feet of office space; or the County may require submittal of a parking study	N/A
Vehicle Repair		2 per service bay + 1 per employee	N/A
Vehicle Service, Limited	Car Wash, Self-Service	3 per bay	N/A
	Car Wash, Full-Service	1 space per employee	N/A

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TABLE 8-1: OFF-STREET PARKING SCHEDULE			
Use Categories	Specific Uses	Minimum Number of Spaces	
		Vehicle Spaces	Bicycle Spaces
	Service Stations	4 per service bay + required stacking spaces	N/A
	Other Limited Vehicle Service	2 per service bay + 1 per employee	N/A
Industrial			
Industrial Service		1.1 per employee	1 per 20 vehicle spaces
Manufacturing and Production		1.1 per employee	1 per 20 vehicle spaces
Warehouse and Freight Movement		1 per 1.5 employees	1 per 20 vehicle spaces
Waste-Related Use		1.1 per employee	1 per 20 vehicle spaces
Wholesale Sales		1.1 per employee	1 per 20 vehicle spaces
Other			
Agriculture		None	N/A
Aviation, Surface Passenger Terminals		1 per employee + spaces required to satisfy projected peak parking needs	N/A
Detention Facilities		1.1 per employee	N/A
Mining		1 per employee	N/A
Telecommunications Facilities		None	N/A

C. Rules for Computing Parking Requirements

The following rules apply when computing off-street parking requirements.

1. Multiple Uses

Lots containing more than one use must provide parking in an amount equal to the total parking required for all uses.

2. Area Measurements

Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area.

3. Employment and Occupancy-Based Standards

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

4. Unlisted Uses

Upon receiving a development application for a use not specifically listed in Table 6-1, the Director shall apply the off-street parking standard specified for the listed Use Category or a use that is most similar to the proposed use.

5. Parking Study

A parking study may be submitted with an application if the applicant does not agree with the parking standard applied to the development. The parking study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates. The study must document the source of data used to develop the recommendation and shall be prepared by a Registered Professional Engineer.

a. Review

The Director shall review the parking study and any other traffic engineering/planning data relevant to the establishment of an appropriate off-street parking standard for the proposed use(s). After reviewing the parking study, the Director shall establish a minimum off-street parking

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standard for the proposed use(s).

D. Location of Required Parking Spaces

Except as expressly allowed in this Section, required off-street parking spaces must be located on the same lot or parcel as the principal use. No off-street parking shall be allowed within required street setbacks, except that parking for single-family, duplexes and townhomes may be located in driveways. This requirement may be modified by the Director, provided the intent of this Section is met.

E. Accessible Parking for Physically Handicapped Persons

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

1. Number of Spaces

The minimum number of accessible spaces to be provided shall be determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling the overall off-street parking standards.

TABLE 8-2: ACCESSIBLE PARKING SPACE SCHEDULE

Total Parking Spaces Provided	Minimum Number of Accessible Spaces	Minimum Number of Van-Accessible Spaces	Minimum Number of Car-Accessible Spaces
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6
301-400	8	1	7
401-500	9	2	7
501-1000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1000	20 + 1 per each 100 spaces over 1000		

2. Minimum Dimensions

All parking spaces reserved for persons with disabilities shall comply with the parking space dimensional standards as follows:

a. Car-Accessible Spaces

Car-accessible spaces shall have at least a five (5) foot wide access aisle located adjacent to the designated parking space.

b. Van-Accessible Spaces

Van-accessible spaces shall have at least an eight (8) foot wide access aisle located adjacent to the designated parking space.

3. Location of Spaces

Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

4. Signs and Marking

Required spaces for persons with disabilities shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than sixty (60) inches and no more than seventy-two (72) inches above pavement level.

F. Electric Vehicle (EV) Charging Stations

1. Where a new parking lot or garage is constructed for multi-household dwellings or for any nonresidential uses, the lot or garage shall be provided with electric vehicle power transfer infrastructure in compliance with the Colorado Model Electric Ready and Solar Ready Code.

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2. Electric vehicle charging stations shall be counted toward satisfying minimum off-street parking space requirements.
3. Electric vehicle charging stations shall be reserved for parking and charging electric vehicles only, and shall be signed accordingly. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.
4. Vehicle charging equipment must be designed and located so as to not impair pedestrian, bicycle, or wheelchair movement or create safety hazards on sidewalks.
5. Information shall be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
6. A phone number or other contact information for the equipment owner and/or operator shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

TABLE 8-3: ELECTRIC VEHICLE PARKING SPACE SCHEDULE

Building Type/Space Type	EVSE Installed Spaces	EV Ready Spaces	EV Capable Spaces	EV Capable Light Spaces
All commercial buildings, except for R-2[1] occupancies, with 10 or less parking spaces.	0	2	0	0
Commercial buildings, except for R-2[1] occupancies, with greater than 10 parking spaces.	2% of total spaces	8% of total spaces	10% of total spaces	10% of total spaces
R-2[1] occupancies with 10 or less parking spaces.	0	15% of total spaces	10% of total spaces	10% of total spaces
R-2[1] occupancies with greater than 10 parking spaces.	5% of total spaces	15% of total spaces	10% of total spaces	30% of total spaces

[1]R-2 occupancy as defined in the International Building Code.

G. Parking Area Layout and Design

1. Parking Area Dimensions

a. The dimensions of required off-street parking areas shall comply with standards shown in the following Parking Dimensions Table, unless otherwise specifically stated.

TABLE 8-4: PARKING DIMENSION TABLE

Parking Angle	Stall Width (feet)	Stall Depth (feet)	Aisle Width (feet)
0°	8	22	12
30°	9	18	11
	9.5	18	11
	10	20	11
45°	8.5	20	13
	9		12
	9.5		15
60°	8.5	21	18
	9		16
	9.5		15
75°	8.5	19.5	25
	9		23
	9.5		22
90°	8.5	18.5	28
	9		25
	9.5		24

b. Parking is permitted to overhang into perimeter landscape or a landscape divider a maximum

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of two feet.

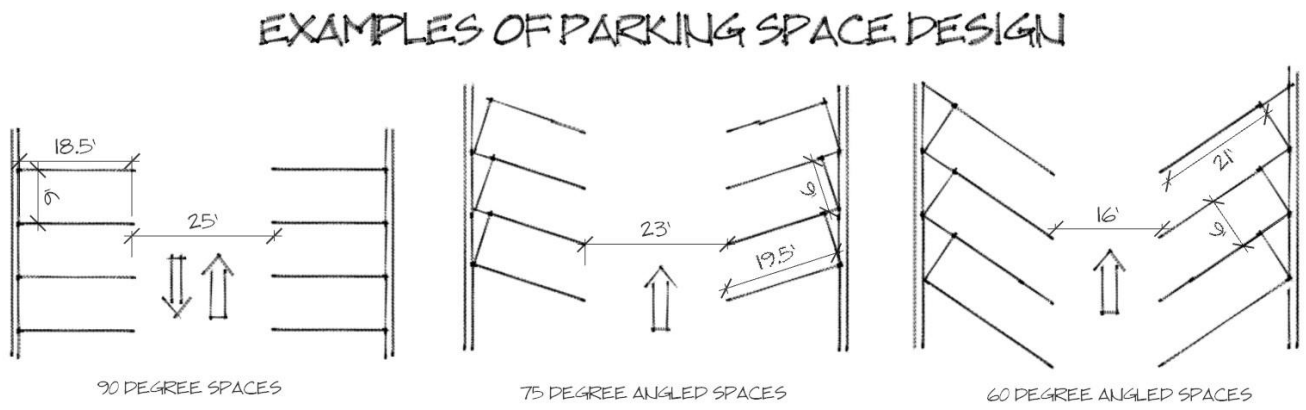


Figure 8-1: Parking Space Design

2. Protective Curbing

Parking spaces abutting a street shall be provided with bumper blocks or curbing to prevent vehicle overhang into the public right of way or over any sidewalk. Vehicles may not overhang landscape areas more than twenty-four (24) inches.

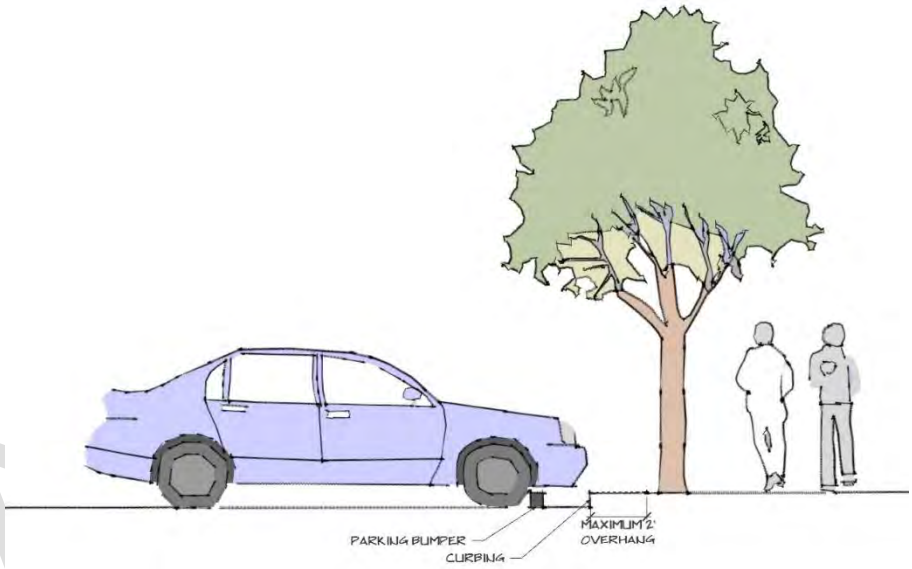


Figure 8-2: Protective Curbing

3. Paving and Striping

a. All required off-street parking areas within the Urban Zoning Districts shall be striped and paved with concrete, asphalt, pavers, or other material approved by the Director. Within Rural Communities, parking areas with more than five (5) spaces shall be paved and striped.

b. In the Rural Zoning Districts, dust suppression shall be required for all non-paved off-street parking areas located within the Grand Valley Airshed.

4. Circulation

a. All required off-street parking areas shall be designed to provide safe, efficient circulation for vehicles and pedestrians.

b. When an individual parking area is adjacent to another individual parking area, the design shall

accommodate a cross-connection between them if possible.

H. Stacking Spaces for Drive-Through

Drive-through facilities shall comply with the following minimum stacking and design standards.

1. The minimum number of stacking spaces shall be as follows:

TABLE 8-5: REQUIRED STACKING SPACES		
Use Type	Minimum Spaces	Measured From
Bank teller lane	3	Teller or Window
Automated teller machine	3	Teller Machine
Personal/Business Service/Retail Sales	3	Window
Restaurant drive-through	5	Order Box
Car wash stall, automatic	3	Entrance
Car wash stall, self-service	1	Per washing bay
Other	Determined by a Traffic Study	
Gasoline pump island	30 feet from each end of pump island	

2. Design and Layout

a. Stacking spaces shall be a minimum of eight (8) feet by nineteen (19) feet in size.

b. Stacking spaces shall be designed not to impede on-site and off-site traffic movements or movements into or out of parking spaces.

c. Stacking spaces may require separation from other internal driveways and pedestrian circulation areas by raised medians, as deemed necessary by the Director for traffic movement or safety.

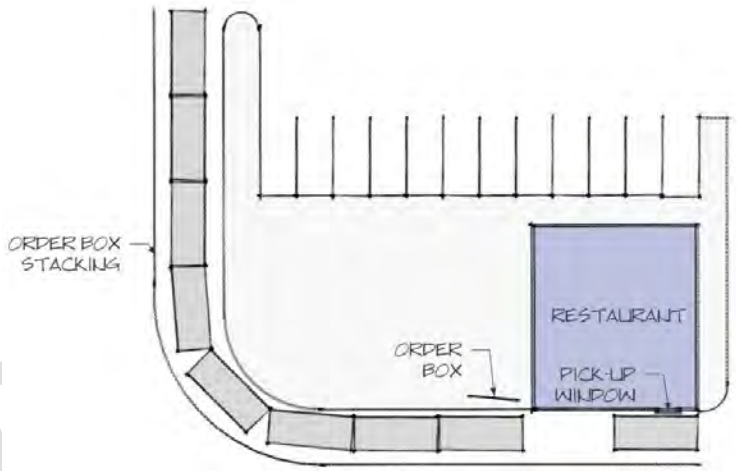


Figure 8-3: Stacking Spaces

I. Alternative Parking Plans

An Alternative Parking Plan represents a specific proposal to meet vehicle parking needs by means other than providing parking spaces on-site in accordance with Section 8.01 B.

1. Procedures

An Alternative Parking Plan shall be submitted using the site plan approval process and shall be reviewed using the Eligible Alternatives and Approval Criteria of this Section.

2. Enforcement

In the event that the Alternative Parking arrangement is not adequately serving the parking and access needs of the subject property, the County shall make a determination of inadequate service and the alternative parking plan shall be revoked and the use shall provide off-street parking spaces

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in accordance with Section 8.01 B.

3. Eligible Alternatives and Approval Criteria

Using the following alternatives and approval criteria, the applicant shall demonstrate that the proposed plan will protect surrounding neighborhoods, maintain existing traffic circulation patterns and promote quality design that strict compliance with otherwise applicable off-street parking standards would yield.

a. Bicycle Parking

The number of required off-street parking spaces may be reduced for uses that provide bicycle parking and make special provisions to accommodate bicyclists. Examples of accommodations include bicycle lockers, employee shower facilities and dressing areas for employees.

b. Valet Parking

Valet parking may be used to satisfying otherwise applicable off-street parking standards, provided that the following conditions are met:

(1) An automobile shall be retrievable from its parking space with the movement of a maximum of two (2) additional vehicles; and

(2) Valet parking will not cause interference with the public use of streets or imperil the public safety.

c. Transportation Demand Management

The number of required off-street parking spaces may be reduced for developments or uses that institute and commit to maintain a transportation management program, in accordance with the following standards:

(1) Required Study

The applicant must submit a study approved by the Director that clearly indicates the types of transportation management activities and measures proposed.

(2) Transportation Demand Management

Applicants are encouraged to use any transportation demand management techniques or studies adopted by the Grand Valley Metropolitan Planning Organization as references.

d. Off-Site Parking Plan

Off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of following standards;

(1) Ineligible Activities

Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

(2) Location

Off-site parking space should be located no more than five hundred (500) feet or one thousand (1,000) feet for employees, from the primary entrance of the use served. Off-site parking spaces should not be separated from the use served by a street right-of-way with a width of more than eighty (80) feet, unless a grade-separated pedestrian walkway, other traffic control, or safety device is provided.

(3) Zoning Classification

Off-site parking areas require the same or a more intensive zoning classification than required for the use served.

(4) Agreement for Off-Site Parking

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An off-site parking plan will be enforced through written agreement among all owners of record. The agreement must have a minimum term of ten (10) years. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation. Recordation of the agreement must take place before issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Section 8.01 B.

e. Shared Parking

Developments or uses with different operating hours or peak business periods may share off-street parking spaces and if the shared parking complies with all of following standards:

(1) Location

Shared parking spaces must be located within five hundred (500) feet of the primary entrance of all uses served.

(2) Zoning Classification

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

(3) Shared Parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements shall submit an analysis to the Director that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(4) Agreement for Shared Parking

A shared parking plan will be enforced through written agreement among all owners of record. The agreement must have a minimum term of ten (10) years. An attested copy of the agreement between the owners of record must be submitted to the Director for recordation. Recordation of the agreement must take place before issuance of a building permit for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided, in accordance with Section 8.01 B.

4. Violations

Violations of an approved Alternative Parking Plan constitute a violation of the Land Development Code and will be subject to the enforcement and penalty provisions of Chapter 11.

SECTION 8.02 | LANDSCAPING AND BUFFERING

The purpose of this Section is to enhance the aesthetic appeal of new development. Landscaping reduces heat and glare, facilitates movement of traffic within parking areas, shades cars and parking surfaces reducing local and ambient temperatures, buffers and screens cars from adjacent properties, promotes natural percolation of surface waters, improves air quality, buffers and screens potentially incompatible uses from one another, and conserves the value of property and neighborhoods within the County. These requirement may be modified by the Director, provided the intent of this Section is met.

A. General Landscape Standards

1. This Section applies to all new development within the Urban Zoning Districts and for non-residential development along State Highways or arterial roads. Conditional Use Permits may be subject to this section as deemed appropriate by the Director.

2. Landscape Plan Requirement

a. Landscape plans shall be stamped by a licensed landscape architect. Inspection and

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compliance with approved landscape plan must be certified by the licensed landscape architect of record prior to Zoning Inspection sign-off/approval.

3. Acceptable Plant Material

   a. Vegetation must be suitable for Mesa County's climate and soils.

   b. The Director may allow the use of any plant if sufficient information is provided to show suitability including salt tolerance, sun and shade requirements based on planting locations, growth habit, etc.

4. Prohibited Plant Material

   a. Plants listed on the Colorado Department of Agriculture Noxious Weed list or in the Mesa County Weed Noxious Weed Plan;

   b. Nonfunctional turf; or

   c. Artificial turf.

5. Minimum Plant Requirements

TABLE 8-6: LANDSCAPE PLANT REQUIREMENTS

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping
Urban Zone Districts (Multi-family and Nonresidential Uses)	One tree per 2,500 square feet of improved area, with no more than fifty (50) percent of any one variety. One shrub per 300 square feet of improved area	Street frontage, parking lots, and required buffers
I-1, I-2	One tree per 3,000 square feet of improved area, with no more than twenty (20) percent of the total being ornamental trees or evergreens. One shrub per 400 square feet of improved area.	Street frontage, parking lots, and required buffers

6. Minimum plant size requirements

   a. Shade tree, two (2) inch caliper (measured (6) six inches above root ball) at time of planting. If two (2) inch caliper trees are not available, the Director may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees.

   b. Ornamental tree, one and one half (1 1/2) inch caliper (measured six (6) inches above root ball) at time of planting.

   c. Evergreen tree, six (6) feet tall at time of planting.

   d. Deciduous shrub, five (5) gallon container.

   e. Evergreen shrub, five (5) gallon container.

   f. Perennials and ground covers, one (1) gallon container.

   g. Nonfunctional turf is not allowed, however, native grasses and wild flower mix may be used as ground cover.

7. Irrigation

   Plant selection shall emphasize drought-tolerant plant species and shall limit the use of high water use plant species. All required landscapes, with the exception of dry landscapes, shall include a designed irrigation system.

8. Fire Hydrants and Utility Facilities

   a. A three (3) foot clear space shall be maintained around the circumference of fire hydrants.

   b. Design of landscaped beds should accommodate access and maintenance of utility facilities.

9. Preservation of Significant Landscape Features

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Significant landscape features, areas of healthy native vegetation, natural environments or habitats to be preserved, shall not be required to meet the plant coverage or plant type requirements.

10. Sight Distance.

All vegetation, fences, walls and berms shall be designed and maintained so that there is no site distance hazard nor road or pedestrian hazard.

B. Parking Lots.

1. Interior Landscaping Requirement

a. The interior of all parking lots shall be landscaped as follows:

(1) One parking lot island, parallel to parking spaces, is required for each twenty (20) parking spaces;

(2) Parking lot islands must be at least one hundred forty (140) square feet;

(3) A parking lot island is required at the end of every row of parking spaces, regardless of length or number of spaces; and

(4) In lieu of the standard parking lot island, one "orchard style" island may be used for every six parking spaces. The orchard style islands shall be evenly spaced between end parking lot islands.

(5) One divider island, parallel to the parking lot drive aisles shall be located for every three (3) parking lot drive aisles.

(6) Parking lot islands, orchard style islands and divider islands should include shrubs and trees. Shrubs shall be maintained at thirty (30) inches or lower where visibility of oncoming vehicles is a concern. Tree canopies shall be maintained no lower than six (6) feet above grade. Landscaping is not required when a parking lot island is used as a pedestrian refuge island. A maximum of one third (1/3) of the required parking lot islands may be used as pedestrian refuge islands.

2. Parking Lot Perimeter

Perimeter parking lot landscaping shall include a wall, fence, planter, earthen berm, plant material or a combination of such elements and shall meet the following standards:

a. The minimum dimension allowed for the parking lot perimeter landscape strip is six (6) feet. The width of a landscape strip can be modified by the Director, provided the intent of this Section is met.

b. Where two or more adjacent parking lots are shared and designed to function as one, perimeter landscaping is only required around the perimeter of the combined lots.

c. When utilities conflict with required planting, the applicant shall propose an alternate solution.

C. Street Frontage

With the exception of single-family and two-family residential lots, street frontages shall be landscaped with trees and plantings giving consideration to historic character of the location, continuity with native vegetation and the natural landscape, and with the ability to provide water for irrigation.

1. All new development shall provide and maintain a minimum fourteen (14) foot wide street frontage landscape area adjacent to the public right-of-way.

2. A minimum of seventy-five (75) percent of the street frontage landscape area shall be covered by plant material at maturity.

3. All unimproved right-of-way adjacent to new development projects shall be landscaped and irrigated.

4. Landscaping within the street frontage shall include trees and shrubs.

5. Where detached walks are provided, a minimum street frontage landscape of five (5) feet is

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acceptable.

6. The Director may approve a screen wall between a parking lot and a right-of-way if the following criteria are met:

   a. A screen wall must not be taller than 30 inches, unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30 inches higher than the adjacent roadway;

   b. A column or jog or equivalent architectural feature is required for every twenty-five (25) linear feet of wall;

   c. The back of the wall must be at least thirty (30) inches from the face of curb for bumper overhang; and

   d. Shrubs must be planted on the street side of the wall.

7. Dry Landscape Substitutions

   The following Table identifies materials that may be substituted for required landscaping in the Street Frontage Landscape Area:

TABLE 8-7: DRY LANDSCAPE SUBSTITUTIONS

Material	Minimum Size or Example	Substitution	Maximum Substitutions
Boulders	24" x 30"	Six (6) shrubs per boulder	Twenty-five (25) percent of required shrubs
Dry creek bed or other significant landscape feature.		One (1) shrub per twelve (12) square feet	Fifty (50) percent of required shrubs
Western collectibles-small.	Wagon wheel, antlers, etc.	One (1) shrub per collectible	Twenty-five (25) percent of required shrubs
Large western antiques.	Mining cart, wagon, etc.	One (1) shrub per twelve (12) square feet	Twenty-five (25) percent of required shrubs
Shade structure or other structure.	Small bridge, pavilion, etc.	One (1) shrub per twelve (12) square feet	
Fine art/sculpture	Small garden ornaments are not included.	One (1) shrub per twelve (12) square feet	Twenty-five (25) percent of required shrubs
Xeric Shrubs: density to attain fifty (50) percent bed coverage after three (3) years	Two (2) gallon container size	Per one (1) shrub	No limitation.

D. Detention Facilities

Detention facilities shall be designed and installed in accordance with the Mesa County Stormwater Management Manual.

E. Buffer and Screening Requirements

The purpose of buffers and screening is to mitigate the view, lighting, noise, heat, and odor impacts of vehicles, pavement, and higher intensity uses. All types of buffering, planting strips, and screening between differing land uses and activities shall be accomplished by separation and by combinations of opaque fences or walls and plant material. Planting dense stands of evergreen trees, canopy shade trees, ornamental trees and shrubs will soften the impact between uses. Integrating plantings into the architectural theme of buildings and their outdoor spaces to lessen differences in architecture or mitigate building scale is encouraged.

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TABLE 8-8: BUFFER, LANDSCAPE STRIP, & SCREENING REQUIREMENTS			
Proposed Use	Adjacent Use	Baseline Requirements	Exceptions & Notes
Residential Subdivision	Street or Right-of-Way	Where rear and side lots abut street frontage: ten (10) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	Single-family and duplexes are exempt from any landscape requirement. In addition, subdivisions in rural zones are exempt from the requirements of this Section.
Industrial or High Impact Commercial	Residential or Institutional	Fifteen (15) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	If lower intensity property is developed last, the fifteen (15) foot buffer is waived but the structural screen must be built.
Multi-story Multi-family Residential	Single-Family	Six (6) foot fence or wall.	
Low Impact Commercial	Residential or Institutional	Six (6) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	If lower intensity property is developed last, the six (6) foot buffer is waived but the structural screen must be built.
Outdoor storage	Residential, or Institutional	Fifteen (15) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	If lower intensity property is developed last, the fifteen (15) foot buffer is waived but the structural screen must be built.

1. When an existing fence or wall substantially meets the requirements of this Section an additional fence on the adjacent developing property shall not be required. Fences or walls required by this Section must meet the following:

   a. Solid opaque wood or material with a similar appearance, finished on both sides.

   b. A wall must have a column or other significant architectural feature every thirty (30) feet of length.

   c. No person shall construct or maintain a fence or a wall without first obtaining a building permit from the Building Department.

   d. Berms.

      A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six (6) feet. Minimum requirements for berms are as follows:

      (1) Maximum slope of 4:1 for turf areas and 3:1 for shrub beds; and

      (2) To control erosion and dust, berm slopes must be stabilized with vegetation or by other means consistent with the requirements for the particular landscape area.

SECTION 8.03 | FENCES

Any fence or wall that exceeds seven (7) feet in height shall be considered a structure requiring a planning clearance and building permit.

A. Fence Height Measurement

1. The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height.

2. Pillars or other support structures for a fence shall be allowed to exceed the maximum fence height by up to one (1) foot at intervals no closer than eight feet.

3. Wildlife fencing shall be exempt from the seven (7) foot height limitation.

B. Fence Materials

1. Acceptable materials include wire, wrought iron, plastic, wood and other materials with a similar look.

2. Unacceptable materials that are visible include glass, bottles, cans machinery parts or appliances, tires, razor wire and concertina wire, or unconventional salvaged materials or similar materials. Electric

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fencing shall be allowed to contain animals.

3. Nothing in this Section shall prohibit the agricultural practice of fencing using field stone or woody vegetation removed from the property upon which the fence is constructed nor shall this Section prohibit the use of antique wagon or antique agricultural machinery wheel for fencing.

4. Fences and walls constructed of alternative materials may be approved by the Director.

C. Nonresidential and Multi-Family Uses

1. Required screening fences in nonresidential districts and for multi-family uses shall meet the following standards:

a. Location of these fences must be shown on the site plan or landscape plan and approved by the Community Development.

b. Screening fences shall be a minimum of ninety-five (95) percent opaque. Cloth or plastic mesh cannot be used for screening.

D. Maintenance

All fences or walls shall be maintained in good repair. Fences in common areas of subdivisions shall be maintained by the property owners' or home owners' association.

SECTION 8.04 | LARGE RETAIL PROJECTS

A. Applicability

The standards of this Section apply to any retail sales and service uses with a total gross floor area of:

1. Fifty thousand (50,000) square feet or more, if the proposed use is adjacent to any Urban Residential Zoning District; and

2. One hundred thousand (100,000) square feet or more, if the proposed use is adjacent to only Nonresidential Zoning Districts.

3. When the provisions of this Section conflict with other standards of this LDC, the provisions of this Section shall control.

B. Community Spaces Site Design

Developments shall provide outdoor spaces and amenities to link structures with the remainder of the community. Bus stops, and drop-off/pick-up points shall be integrated with the traffic patterns on the site. Special design features shall enhance the building's function as a center of community activity.

1. Each development shall provide at least two (2) of the following design features constructed of materials that match the principal structure and linked to the principal building by pedestrian connections: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other approved feature.

2. Each development shall provide an off-street bus stop for customers and employees when located on a bus route.

C. Setbacks

The minimum street setback shall be thirty-five (35) feet.

D. Landscaping

1. Perimeter Buffers

A landscaped buffer with a minimum width of thirty (30) feet shall be provided along all street lot lines with breaks for approved access points. A minimum fifteen (15) foot wide landscape buffer shall be planted along all other property lines and along all internal roadways, except where adjacent to residential or institutional uses; then the buffer shall be twenty (20) feet. No parking or vehicular circulation is permitted within these required buffer or landscape areas.

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E. Pedestrian Circulation

1. Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and, where appropriate, be adjacent to landscaped areas that includes trees, shrubs, benches, flower beds, groundcover, or other such materials.

2. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks may be located an average of six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows or entryways are part of the facade.

3. Internal pedestrian walkways should be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

F. Parking Lot Orientation

Parking areas shall provide safe, convenient, and efficient access. They shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. No more than seventy-five (75) percent of the off-street parking area for the entire property shall be located between the front facade of the principal building and the primary abutting street unless approved by the Director.

G. Building Design

The following standards shall apply to all building facades and exterior walls that are visible from adjoining public streets or properties.

1. Facades greater than one hundred fifty (150) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade, and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred fifty (150) horizontal feet.

2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length. If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.

3. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets. The average height of such parapets shall not exceed one third (1/3) of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than one hundred fifty (150) feet.

4. Overhanging eaves, extending no less than three (3) feet past the supporting walls, for no less than thirty (30) percent of the building perimeter are allowed.

5. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run are required.

6. Three (3) or more roof slope planes are required.

7. Predominant exterior buildings materials shall be high quality materials. These include, without limitation:

   a. Brick;

   b. Wood;

   c. Architectural metal;

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d. Sandstone;

e. Other native stone; and

f. Tinted, textured, concrete masonry units.

8. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is discouraged.

9. Building trim and accent areas may feature brighter colors, including primary colors.

10. Predominant exterior building materials shall not include the following:

a. Smooth-faced concrete block;

b. Smooth-faced tilt-up concrete panels; or

c. Pre-fabricated steel panels.

11. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

a. Canopies or porticos;

b. Overhangs;

c. Recesses/projections;

d. Arcades;

e. Raised corniced parapets over the door;

f. Peaked roof forms;

g. Arches;

h. Outdoor patios;

i. Display windows;

j. Architectural details such as tile work and moldings which are integrated into the building structure and design; and

k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

SECTION 8.05 | OUTDOOR STORAGE, TRASH COLLECTION AND LOADING AREAS

A. Standards

The following standards shall apply in all Nonresidential and Multi-family Residential Zoning Districts.

1. Areas for truck parking and loading shall be screened by a combination of structures and evergreen landscaping, to minimize visibility from adjacent streets and neighboring urban residentially zoned properties.

2. Areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located in the rear of the lot. If that is not feasible, then the side yard may be used, but in no case shall such areas be located within twenty (20) feet of any public street, public sidewalk, or internal pedestrian walkway.

3. Outdoor storage, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping plan. Views of these areas shall be screened from visibility from all property lines and separated from pedestrian areas.

4. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.

5. No delivery, loading, trash removal or compaction, or other such operations shall be permitted

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between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) db, as measured at the lot line of any adjoining property.

6. All trash collection and loading areas shall be located and designed to ensure adequate on-site maneuvering area for delivery and trash collection vehicles.

7. All developments, including multi-family housing, shall provide a designated trash collection area meeting the requirements of this Section.

SECTION 8.06 | GENERAL SITE PLANNING STANDARDS

New construction shall comply with the following standards, unless compliance with a particular standard would (1) prevent the construction of any permanent structure for a primary use on the land, or (2) require the construction to violate another requirement of this LDC. Where more than one buildable site exists on a parcel and all buildable sites would violate at least one of the following standards, the construction shall be located so as to comply with as many standards as possible. These standards are considered reasonable for regulatory purposes and do not create liability on the part of, or a cause of action against, the Board of County Commissioners.

A. Hazard Areas

Land subject to hazardous conditions such as wildfire, landslides, gamma radiation, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, steep slopes, soil creep, seismicity, expansive, hydrocompactive and erodible soils, and polluted or nonpotable water supply, shall be identified in all applications, and development shall not be permitted in these areas unless the application provides for the avoidance of the particular hazards. If avoidance is impossible or would require the construction to violate other development standards, then such hazards shall be minimized or mitigated. Land subject to severe wind and water erosion shall be identified on all plans and shall not be subdivided unless the problems are mitigated by density limitation or some other practical method.

B. Slope Conditions

1. Only after a subsurface soils investigation conducted by a licensed professional civil engineer is reviewed by the Colorado Geological Survey and the licensed professional civil engineer has adequately addressed the recommendations of the Colorado Geological Survey to the satisfaction of the Mesa County Building Department, may new structures be built on any parcel of land within a building envelope, (i.e., within twenty-five (25) feet of any portion of the proposed structure) that contains an average slope of thirty (30) percent or more, as measured from the points with the highest and lowest elevation.

2. Cuts, fills, grading, excavation, vegetation removal, and building construction shall be confined to the footprint of the proposed building plus a working area of thirty (30) feet around each such footprint, plus any site disturbance necessary for installation and maintenance of utilities, access ways, trails, irrigation ditches, and fences, and for landscaping, agriculture, and similar activities. Any site disturbances that remove existing vegetation from a property and leave large areas of soil exposed for more than sixty (60) days shall not be permitted unless an erosion control and revegetation plan has been previously approved by the Director.

C. Wildfire Hazards

If the development is located within a designated low, moderate or high Fire Intensity Classification as designated on the adopted Fire Hazard Map, the development must follow the requirements of the adopted Colorado Wildfire Resiliency Code.

D. Ridge Lines

The purpose of these ridge line development standards is to preserve the character of identified ridge lines, and to minimize soil and slope instability and erosion.

1. Applicability

These provisions apply to lots platted after May 2000 and to structures built after the adoption date of this LDC. These provisions shall not apply to parcels of land and structures existing prior to May 2000.

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2. Grand Junction Comprehensive Planning Area

Within the Grand Junction Comprehensive Planning Area, new buildings and walls located within the mapped ridge line areas (within one (1) mile of the centerline of US Interstate 70, US Highway 6 and US Highway 50, Colorado State Highway 141 and Colorado State Highway 340, Monument Road, South Camp Road, and South Broadway) shall be setback a minimum of fifty (50) feet from the ridge line.

a. Setbacks shall be measured to the building envelope as established at the time of platting or site plan review.

b. Ridge lines shall be determined on a site specific basis and shall be that point at which the line of sight intersects the slope profile.

c. Line of sight shall be measured from the nearest point on the centerline of the road most parallel with the ridge line.

d. This setback shall not apply if the applicant produces adequate visual representation that a proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped road corridors, or that mitigation can be provided, such as vegetation, building height, color, or orientation, that sufficiently minimizes the view of the structure from the road corridor. In no case shall a structure be set back less than thirty (30) feet from the ridge line.

3. Rural Planning Area

Within the Rural Planning Area, new buildings that are located more than one-quarter (1/4) mile and less than one (1) mile from the centerline of US Interstate 70, US Highway 6 or US Highway 50, or Colorado State Highways 65, 139, 141, 330, or 340, and so that any portion of their roof line (excluding chimneys and antennas) is visible against the skyline when viewed from the centerlines of the listed highways, shall conform to the standards set forth below.

a. To the maximum extent feasible, predominant exterior wall colors and roof surfacing materials shall repeat the colors found most commonly in the land and vegetation around the building, including browns, tans, maroons, dark greens, whites, and grays. Bright colors that contrast dramatically with the colors of the land and vegetation around them shall not be used as predominant colors on any wall or roof surface visible from the centerlines of the listed highways.

b. When viewed from the closest centerline point on a listed highway, the shape of the roofline shall taper down on each end in order to reduce the apparent discontinuity between the end of roofline and the ridge line of the surrounding terrain against the sky.

c. To the maximum extent feasible, native vegetation and trees shall be planted within forty (40) feet of the building and visible from the closest centerline point on a listed highway.

E. Grading

1. If applicable, no site grading for development shall occur before of a construction stormwater permit is issued. If public infrastructure is proposed, no site grading for development shall occur prior to the execution of a DIA.

2. New development shall not alter natural watercourses/drainages except in compliance with the Mesa County Floodplain Regulations (Section 8.13) and the Mesa County Storm Water Management Manual.

3. Driveways and access roads shall follow the natural contours of the site, so as to minimize the need for significant grading, and shall be located behind existing land forms and vegetation so as to minimize visibility from nearby roads.

4. When grading for new construction, water shall not be added to the top of a slope, weight shall not be added to the top of slopes over ten (10) percent slope, and existing slope grades shall not be steepened over ten (10) percent slope.

F. Nighttime Light Pollution

All light sources that are located outside of a building shall conform to the standards set forth below;

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however, all agricultural uses are exempt from these standards:

1. Floodlights shall not be used to light all or any portion of any building facade between the hours of 10:00 p.m. and 6:00 a.m.

2. No outdoor light sources shall be mounted more than thirty-five (35) feet above the ground.

3. All outdoor light sources mounted on poles, buildings, or trees to illuminate streets, sidewalks, parking lots, or other outdoor areas between the hours of 10:00 p.m. and 6:00 a.m. shall use full cutoff light fixtures.

G. Protection of Agricultural Lands

1. Land Development applications shall demonstrate that existing, adjacent agricultural operations will not be limited or adversely impacted by the development. Where residential development (this term, as applied in this Section of the Land Development Code, excludes applications for individual single-family dwellings, duplexes and accessory structures) is proposed adjacent to existing agricultural operations, the following criteria shall apply:

   a. The Right to Farm Act notice shall be placed on the recorded plat and/or site plan;

   b. Subdivision covenants shall be recorded requiring dogs and other household pets be controlled and not allowed to interfere with domestic livestock operations in the area; and

   c. Subdivision covenants shall be recorded stating that subdivision perimeter fences and walls shall be maintained and any breaks in fences shall be repaired within seventy-two (72) hours.

2. Separation of New Residential Development from Existing Domestic Livestock Enclosures

   Residential developments proposed on properties designated for urban land uses on the adopted Future Land Use Plan Map shall be designed to maintain a separation of one hundred (100) feet between proposed new residences and pens, fenced corrals, legal buildings or other confined areas used to keep domestic livestock that exist on adjacent lots or parcels at the time of the initial application for development. Pastures are exempt from this requirement. Such residential developments may substitute any of the following measures for the one hundred (100) feet distance requirement:

   a. Construction of a six (6) foot high opaque wall or fence along the entire length of the common property boundary of the proposed lots that border the property(ies) on which the domestic livestock pens, corrals, buildings or other confined areas are less than one hundred (100) feet from proposed residences. The wall or fence must have a subsurface barrier that will prevent dogs from digging underneath. The proposed development is designed so that residential lots do not adjoin domestic livestock pens, corrals, buildings or other confined areas. Improvements that may be placed adjacent to these areas instead of residential lots include non-habitable areas such as, but not limited to:

      (1) Road right-of-way,

      (2) Detention facilities,

      (3) Common area, and

      (4) Flagpole portions only of new residential lots;

      (5) Improvements such as items 1 through 4 above must be a minimum width of twenty (20) feet.

   b. The applicant for the residential development may present an agreement with the domestic livestock property owner which addresses the impacts of the proposed development on the adjacent domestic livestock pens, corrals, buildings or other confined areas for such time as the domestic livestock confinement areas exist. Such agreement must be incorporated into subdivision covenants when appropriate.

   c. In cases where the applicant has demonstrated that above options are not feasible under the circumstances, the applicant for the residential development may present another solution that

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meets the intent of the options within this Section 8.06 G.4. and has an equal or greater effect.

3. If the domestic livestock and agricultural use ceases on land adjacent to the residential development, Section 8.06 G. regarding protection of agricultural lands will no longer apply to either proposed or previously approved residential development adjacent to that land.

4. See Section 6.04 B.3. Domestic Livestock for additional information.

H. Right to Hunt

The following notice shall be recorded on approved site plans and/or plats when the notice is applicable:

"NOTICE OF TRADITIONAL HUNTING ACTIVITIES

This property is potentially within an area which is traditionally hunted; therefore noise and activity associated with lawful hunting and people moving through the area to hunt is normal and may be expected."

SECTION 8.07 | DRAINAGE

Drainage facilities shall be designed and installed in accordance with the Mesa County Stormwater Management Manual.

SECTION 8.08 | POTABLE WATER

A. General

New development shall provide an adequate, domestic, potable water supply that is sufficient in terms of quality, quantity, and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the Decision Making Body shall give substantial weight to the recommendations of the State Water Quality Division, Mesa County Health Department, the State Engineer, other appropriate agencies, and County staff.

B. Municipal, Private and District Water Systems

If a proposed development falls within the service area of a municipality, private water service company, or water service district, or if drinking water is to be provided to the development by any of these systems, then the proposed development may be approved by the County only if the following are met:

1. The applicant submits to the County a written certification from the proposed water service provider, on forms provided by the County, stating:

   a. That it is able and willing to provide an adequate supply of drinking water;

   b. The specific quantity, quality and pressure it will provide to meet the needs of the proposed development based on the projected water usage of that development; and

   c. If an expansion to the existing system is required to obtain adequate service.

2. The applicant agrees in writing to connect the proposed development to such system.

If a proposed development is unable to obtain service from such a system, then the development may be approved only if a new system is created through formation of a Metropolitan District, Water District local improvement district, or other public legal entity approved by the Board of County Commissioners.

C. Wells

If private wells are proposed for new development, the following shall be required to determine the adequacy of such system before approval:

1. Evidence of ownership and water court decree, including an augmentation plan where applicable, proof of a well permit, amenability of existing rights for the proposed use, and evidence concerning the potability of the proposed water supply; and,

2. A geologic report shall be submitted by a qualified groundwater geologist, which indicates:

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a. The probability of ground water withdrawal of wells or on-site supply systems within the proposed subdivision;

b. The expected long-term yield of such wells or systems;

c. The expected depth to potable water;

d. The expected quality of anticipated water;

e. Any expected significant problems of long-term supply; and,

f. Alternate arrangements available in the event of well or treatment system failure.

D. Cisterns

Cisterns are a permitted source of potable drinking water only for individual dwelling units on unplatted parcels of land, unless approved by the Director, and must comply with applicable Colorado Health Department standards and the most recently adopted International Building Code.

SECTION 8.09 | FIRE PROTECTION

A. Applicability

All major subdivisions, minor subdivisions, major site plans, planned unit developments, commercial developments, and industrial development shall comply with the fire protection standards of this Section. With the exception of the aforementioned project types, all other Administrative Reviews as listed in Chapter 4 of this LDC shall be exempt from the standards of this Section.

B. Development Located Outside of Fire Protection District

If a development that is subject to the terms of this Section is proposed in a location that is outside of the boundaries or service area of any fire protection district or volunteer fire department, then the development shall only be allowed if the applicant provides evidence that the property will be annexed to the applicable district, or that a service agreement has been entered into between the applicant and the applicable fire protection district or volunteer fire department.

For existing platted properties, including lots therein which may be further subdivided. In the event that neither inclusion in a fire district nor a service agreement is practicable, the Director may determine that sprinkling of all habitable structures in accordance with the International Fire Code is acceptable if all of the following is true or can be met:

a. The development is for single-family detached residential structures;

b. Each residential lot is at least one acre in size;

c. Fire hydrants shall be installed in the development in accordance with the Land Use Code;

d. Water supply for fire flows shall provide at least twenty (20) pounds per square inch residual and one thousand (1,000) gallons per minute;

e. There shall be recorded covenants, conditions and restrictions that prohibit brush, weeds, wood piles and similar combustible materials within thirty feet (30) of the outside of each structure;

f. The covenants, conditions and restrictions shall also contain a provision that substantially provides notice that "The lots subject to these covenants, conditions and restrictions are NOT within a fire protection district, nor is there a contract with a fire protection district, to provide fire suppression on the properties subject to these covenants, conditions and restrictions.

g. Final plats recorded after the effective date of this amendment shall also contain the statement described in g, above.

h. The findings of items a. through e. above, may be satisfied by the written statement of a licensed fire protection engineer.

C. Water Supply Standards

1. Fire Hydrants

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Fire hydrants shall be installed in any Subdivision or Planned Unit Development where dwellings will be separated by a distance of two hundred (200) feet or less, or in any commercial and industrial development, and shall comply with the following standards:

a. Fire Flows

Water supply shall comply with the standards adopted by the applicable fire protection district. In cases where the local fire authority has not adopted specific standards, water supply shall comply with the fire flow standards set out in the most recent edition of the International Fire Code.

b. Minimum Pipe Size

The minimum pipe size serving the system shall be six (6) inches for development comprised solely of single-family and duplex dwellings, and eight (8) inches for all other development, unless the applicant submits evidence, prepared by a registered professional engineer, demonstrating that the minimum fire flow requirements may be met with a six (6) inch line.

c. Maximum Distance Between Hydrants

The maximum distance between hydrants in all developments shall be five hundred (500) feet.

d. Hydrant Locations

Fire hydrants shall be located as specified by the responsible fire chief. Generally, fire hydrants shall be located in the public rights-of-way at road intersections.

2. Alternative Fire Protection Plan

Whenever installation of fire hydrants is not practical, as determined by the responsible fire chief, the applicant shall agree to an alternative fire protection plan. Applicants for any type of development that is not required to install fire hydrants pursuant to Section 8.09 shall also agree to an alternative fire protection plan.

a. Alternatives

An alternative fire protection plan may include, but not be limited to, providing on-site fire flows, or installing sprinklers within proposed structures. Water may be supplied by a natural water body, or by man-made facilities, such as a cistern, above ground tank, or man-made water body, provided the supply is available year-round.

b. Review by Fire Chief

The alternative fire protection plan shall only be allowed when the responsible fire chief determines it will afford the same level of fire protection to the proposed development as would strict compliance with the fire flow standards of this Section, or will comply with the adopted fire code of the district or volunteer fire department.

c. Accessibility

The location of the alternative firefighting supply and fire protection facilities shall be easily accessible to fire protection personnel and vehicles and shall be identified with a visible sign.

d. Fitting and Connections

All fittings and connections to the fire hydrants or to the alternative water supply shall be provided by the applicant, and shall be compatible with specifications established by the applicable district.

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D. Roads and Driveways

Roads and driveways shall be designed to comply with the standards in the Mesa County Design Standards, the Land Development Code and the Fire Apparatus Access Roads section of the International Fire Code, as may be amended. Shared driveways over one hundred fifty (150) feet in length shall also meet the standards listed in the most recently adopted Fire Code in regards to width, grade, turn radius for curves and turnaround standards.

1. Access Points

Developments containing one or two family dwellings where the number of dwelling units exceeds thirty (30), shall provide two separate and approved fire apparatus access roads.

a. An exception may be granted where more than thirty (30) dwelling units are proposed on an approved single public or private fire apparatus access road if all dwelling units are equipped with approved automatic sprinkler system. An alternative to the exception above may be approved if the responsible fire chief determines the alternative will afford the same level of fire protection to the proposed development as would strict compliance with this LDC.

SECTION 8.10 | WASTEWATER

A. Service by Grand Junction–Mesa County Wastewater Collection and Treatment System

Any development located within the Persigo Wastewater Treatment Plant Service Area shall be required to connect to the Grand Junction-Mesa County Wastewater Collection and Treatment System if a major sewer line exists or is built within four hundred (400) feet of any part of the property on which the development occurs, as measured via any public right-of-way or utility easement. If Onsite Wastewater Treatment Systems are to be utilized by a development on a temporary basis, such use must be in conformity with all County and State Health Department laws and regulations. An estimate of the funds necessary to cover the cost of such a connection shall be prepared by a registered civil engineer and certified as adequate by the City or County Engineer. The funds shall be placed in escrow by the applicant or a bond shall be posted in a form acceptable to the County, prior to the issuance of a development permit, or the recording of a final plat or plan, and shall be utilized by the Board of County Commissioners to contract for and construct such connection if the applicant fails to comply with the provisions of this paragraph. New developments shall be subject to the Mesa County Sewer Trunk Line Extension Policy.

B. Service by Other Systems

1. If a proposed development is located within the service area of an existing wastewater collection and treatment system other than those listed in Section 8.10 A., and if that system is willing and able to provide sewage collection and treatment service to the development, then the development must provide for hook-up to that system.

2. If, in the opinion of the Colorado Department of Health, it would be appropriate for a development to obtain sewage collection and treatment service from an existing system by an enlargement of the capacity of that system, then the development shall be required to obtain services from that system; provided that the cost of the development's hook-up is roughly proportional to the cost of the increase in capacity.

C. Development Outside Service Areas

Any development that is outside the service area of an existing system, that proposes to provide sewage disposal by the creation of a new system, or the expansion of an existing system, shall create a Metropolitan District, Sanitation District or Water/Sanitation District, or local sewer improvement district, or other public legal entity.

D. Onsite Wastewater Treatment Systems

All onsite wastewater treatment systems, where allowed, shall be located, installed, and operated in accordance with the regulations of the Colorado Department of Health and the requirements of the Mesa County Onsite Wastewater Treatment System Regulations.

1. The following minimum lot sizes and dimensional standards for Onsite Wastewater Treatment Systems

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(OWTS) apply to all newly created lots:

a. The minimum lot size for all development applications (except site plans) served by OWTS and a public water system shall be one half (1/2) acre.

b. All lots within proposed major subdivisions, planned unit developments, or administrative review applications served by OWTS and a public water system must meet the requirements of the Mesa County Onsite Wastewater Treatment System Regulations (May 23, 2019, as amended).

2. Lots not served by a public water system:

The minimum lot size for a lot not served by public water service and/or utilizing wells, springs, or cisterns shall be based on the Colorado Department of Natural Resources well permit requirements, or as required by engineered OWTS design, or one (1) acre, whichever is greater.

3. Existing lots served by Onsite Wastewater Treatment Systems:

Existing lots that do not conform to the minimum standards of this Section shall not be made more nonconforming by a Property Line Adjustment.

4. If the provisions of this Section conflict with zoning district standards or other provisions of the Land Development Code, the minimum lot size shall default to the larger lot size.

5. Existing lots (uses) may request a deviation from the standards of this Section 8.10, subject to approval from the Director.

SECTION 8.11 | MONUMENTATION

Monuments shall be provided for all Major Subdivision Plats and Administrative Reviews. They shall be set pursuant to Colorado Revised Statutes 38-51. Materials Specifications shall be as required by Colorado Revised Statutes and the Mesa County surveyor. In addition to any other requirements of a plat permitted or required by this LDC, all plats shall meet the minimum standards for land survey plats, as defined in Colorado Revised Statutes 38-51-102(12) and as provided in Colorado Revised Statutes 38-51-106, and shall include all recorded or apparent rights-of-way and easements.

SECTION 8.12 | IRRIGATION CANALS AND LATERALS

A. Encroachments

No new development shall be permitted to encroach in, under, upon, or interfere with the recorded or apparent easements or rights-of-way of irrigation canals, laterals, or irrigation drainage channels without the written consent of the property owner and the responsible irrigation or drainage company, or district or lateral association.

B. Standards

All new development must comply with the standards of the responsible irrigation or drainage company, or district or lateral association. New development shall be required to use irrigation water for irrigation purposes wherever irrigation water is physically and legally available, rather than use potable domestic water.

SECTION 8.13 | FLOODPLAIN REGULATIONS

A. Findings

B. Purpose and Intent

It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas, by provisions designed to:

1. Protect the public from the burden of avoidable financial expenditures for flood control projects, flood relief measures, and damages to public utilities, streets, and bridges;

2. Protect people and property within the floodplain by regulating the construction of buildings;

3. Protect the people downstream and/or upstream by restricting those uses that may be hazardous to

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life or property in time of flood, and to insure that structures placed in the floodplain be adequately flood proofed;

4. Protect and preserve the natural water carrying and storage characteristics, and capacities of all water courses;
5. Restrict uses which may be hazardous to the public health in time of flood;
6. Minimize or eliminate discharges or infiltration from waste disposal systems into flood waters;
7. Discourage people from purchasing lands which are unsuitable for building purposes due to flood hazards;
8. Protect human life and health;
9. Minimize prolonged business interruptions;
10. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard, so as to minimize future flood blight areas;
11. To notify potential buyers that property is in an area of special flood hazard; and
12. To notify those who occupy the areas of special flood hazards that they assume responsibility for their actions.
13. Determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

C. Methods

In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which helps accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

D. Applicability

The floodplain regulations of this Chapter shall apply to all lands adjacent to any watercourse that would be inundated by the 100-year flood, or that is determined to be flood prone on the basis of on-site evidence. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this regulation, and other applicable regulations of the Land Development Code.

E. Official Floodplain Maps

1. For the purpose of this Section, floodplain and other pertinent boundaries shall be those shown on the October 16, 2012 Federal Emergency Management Agency Flood Insurance Study. Those boundaries are hereby incorporated into this LDC along with related explanatory matter, water surface elevations, profiles, and cross sections.
2. The Board of County Commissioners has incorporated the boundaries of flood regulatory areas shown on the October 16, 2012 Federal Emergency Management Agency Flood Insurance Studies into County Regulations, after holding public hearings prior to the adoption of the official maps.
3. Official maps, as designated by the Board of County Commissioners, shall be recorded with the Mesa

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County Clerk and Recorder immediately following official designation. Amendments to any official maps shall be accomplished by giving public notice of a public hearing by publication in newspaper of general circulation within the County, at least thirty (30) days prior to the Board of County Commissioners' hearing. The public notice shall identify the watercourse involved, and shall state in a general fashion the lands which are proposed for inclusion within the flood regulatory area. The public notice shall also state the map proposed for designation is available in the County Engineering Division for public inspection during normal working hours.

F. Flood Boundary Interpretation

1. Official maps, on file in the Public Works Department and recorded with the Mesa County Clerk and Recorder, define only approximate boundaries of the floodplain. Precise determination of boundaries can only be made by a comparison of flood water elevation at a particular site with the actual ground elevation at that site. Projected flood water elevation data is normally obtained from the Flood Insurance Study.

2. Profile data or other technical information as provided from an approved engineering study, may be used as interpretation of flood boundaries. Where such profile data or other technical data becomes available at any particular site, that data will take precedence over boundaries shown on official floodplain maps, only after a Letter of Map Revision has been submitted to and approved by the Federal Emergency Management Agency. Submittal of Letter of Map Revision shall be the responsibility of the applicant.

3. Correction of an error on any official floodplain map, as proven by data from a registered professional engineer, may be proposed for correction through the procedures defined in this Section.

G. Interpretation

In the interpretation and application of these floodplain regulations, all provisions shall be considered as minimum requirements, liberally construed in favor of the County, and deemed neither to limit nor repeal any other powers granted under State statutes.

H. Warning and Disclaimer of Liability

The degree of flood protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on occasion, or the flood height may be increased by manmade or natural causes, such as ice jams and bridge opening restricted by debris. This Section does not imply that areas outside floodplain area boundaries, or land uses permitted within such areas will always be totally free from flooding or flood damages. This Section shall not create any liability on the part of, or a cause of action against the Mesa County Board of Commissioners or any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that may result from reliance on this regulation or any administrative decision lawfully made thereunder.

I. Floodplain Nonconformities

The existing lawful use of a structure or premises that does not comply with the floodplain regulations of this Section, may be continued subject to the following conditions:

1. No such use shall be expanded or enlarged except in conformity with the provisions of this Section.

2. Substantial improvements, as herein defined, to any nonconforming structure or use must result in the permanent change of the structure or use to a conforming use.

3. If such use is discontinued for twelve (12) consecutive months, any future use of the building and premises shall conform to this Section.

J. Floodplain Land Use Regulations

1. Prohibited Uses

Any land use within a designated floodplain that is not specifically allowed or conditionally allowed by means of a Floodplain Development Permit is prohibited.

2. Uses Allowed in Floodplain Areas

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Designated floodplain areas are usually divided into two subdistricts: the floodway and the flood fringe. Where this distinction has not yet been made, a site-specific comparison between flood water elevation and ground elevations will be necessary to make such distinction. Until such distinction has been made, the land shall be considered to lie within the floodway.

3. Flood Prone Areas

Flood prone areas may require a detailed hydrological engineering study in order to define and map the actual 100-year floodplain, to determine site-specific flood elevations and ground elevations, and to distinguish between the floodway and the flood fringe. Until such a distinction has been made, the land will be considered to lie within the floodway.

4. Floodway Districts

a. Uses Requiring Floodplain Development Permits

Any human-made change to improved or unimproved real estate with the floodway district, including, but not limited to, the following, shall require a Floodplain Development Permit:

(1) Private and public recreational uses, such as, but not limited to, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, target ranges, shooting trap and skeet ranges, fish hatcheries, swimming pools and open air theaters;

(2) Utility transmission lines, pipelines, roadways, water monitoring devices and railroad rights-of-way, but not including railroad sidings and freight or passenger transfer or holding areas;

(3) All open pit sand or gravel extraction, including related offices;

(4) Original construction of bridges, dams, and irrigation structures;

(5) Any type of change, filling, or realignment of a watercourse channel;

(6) Subdivision of land;

(7) Water and wastewater treatment facilities or storage;

(8) Buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations;

(9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted Regulatory Floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revision through FEMA; and/or

(10) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than 0.00-foot (zero-foot) rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with paragraph i, above.

(11) The level of analysis required for a Floodplain Study depends on the severity of the proposed impacts and the flood zone being impacted. For projects with no permanent surface impacts (e.g., subsurface utilities), no hydraulic analysis is necessary: the Floodplain Study may consist of documentation that the proposed project will have no permanent alterations to existing grade, and the required no-rise/no-impact certification. For projects with permanent surface impacts (e.g., buildings, grading, fill, roadway crossings, above-ground utility infrastructure, etc.), a hydraulic analysis must be performed. The hydraulic analysis should demonstrate compliance with floodplain regulations. For development in the floodway, the hydraulic analysis should show that the proposed development will not cause an increase in BFEs. For development in the 100-year floodplain/flood fringe, the hydraulic analysis should instead show that the proposed development does not cause an increase in BFEs or 100-year WSELs in excess of 0.3 foot. If the hydraulic analysis shows that the

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proposed development will cause greater than 0.00 foot of rise in the floodway, or greater than 0.3 foot of rise in the 100-year floodplain/flood fringe, a CLOMR will be required prior to a Floodplain Development Permit being issued (2 CCR 408-1, Rule 12G). Moreover, for proposed developments which result in BFE increases or decreases greater than 0.3 foot, a post-project LOMR will also be required (2 CCR 408-1, Rule 12H).

b. Prohibited Uses

The following land uses and activities are specifically prohibited in the Floodway District:

(1) Any alteration or relocation of a watercourse which reduces its flood carrying capacity;

(2) Any use, obstruction, or encroachment which would result in any increase whatsoever in the elevation of flood waters during the 100-year flood at any point;

(3) Habitable dwellings, including manufactured homes;

(4) Storage or processing of materials that are flammable, radioactive, poisonous, explosive, corrosive, or which would pose a hazard to life and property during times of flooding;

(5) Public or commercial overnight campgrounds or travel trailer parks;

(6) Junk yards, salvage yards, and wrecking yards of any kind; and

(7) Any new or existing and unapproved encroachment, including but not limited to any structure or other development, in a FEMA-mapped floodway which would cause any increase in the base flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the base flood discharge.

5. Flood Fringe Districts

a. Uses Allowed Without a Floodplain Development Permit

The following uses are allowed in the Flood Fringe District without a Floodplain Development Permit, provided that the use complies with underlying zoning and does not involve any human-made change to improved or unimproved real estate:

(1) Growth of agricultural crops or animals, but not including the processing of agricultural products;

(2) Private and public recreational uses; and

(3) Wildlife and nature preserves, game farms, and fish hatcheries, but not including related structures.

b. Uses Requiring Floodplain Development Permits

Unless specifically prohibited, there is no restriction on which uses may locate in the Flood Fringe District. All development that is not specifically exempt from Floodplain Development Permit requirements shall require a Floodplain Development Permit in the Flood Fringe District.

c. Prohibited Uses

The following uses shall be prohibited in the Flood Fringe District:

(1) Any residential structure or substantial improvement in which the lowest floor, including the basement, is lower than one foot above the elevation of the 100-year flood;

(2) Junk yards, salvage yards and wrecking yards of any kind; and

(3) New construction and substantial improvement of any commercial, industrial or other nonresidential structure in which the lowest floor (including basement) is lower than one foot above the elevation of the 100-year flood or not flood proofed below a flood protection elevation of one foot above the elevation of the 100-year flood together with attendant utility and sanitary facilities.

K. Floodplain Development Permit Conditions

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The Floodplain Administrator shall require all of the following to assure the development is reasonably safe from flooding and require the following:

1. New construction or Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure due to hydrostatic and hydrodynamic loads; be constructed with materials and utility equipment resistant to flood damage; and constructed by methods and practices to minimize flood damage.
2. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during the conditions of flooding.
3. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame-to-ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific anchoring requirements are:
    a. Over-the-top ties at each of the four (4) corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie;
    b. Frame ties at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long required four additional ties per side;
    c. That all components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds each; and
    d. Any additions to the manufactured home be similarly anchored.
4. New and replacement sewer and water systems shall be designed to minimize infiltration.
5. Required utility conditions shall be as follows:
    a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
    b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems, into flood waters.
    c. On-site waste disposal systems shall be located to avoid their impairment or contamination from flooding.
6. Required subdivision proposals and other development including manufactured home parks or subdivisions to determine whether such proposals will be reasonably safe from flooding shall be as follows:
    a. All subdivision proposals shall be consistent with the need to minimize flood damage.
    b. All subdivision proposals shall have public utilities and facilities (such as sewer, gas, electrical, and water systems) located and constructed to minimize flood damage.
    c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
    d. If the subdivision or other development exceeds 50 lots or 5 acres, whichever is less, the applicant must provide a determination by a licensed P.E. of the 100-year flood WSELs if they are not otherwise available, i.e., if the affected floodplain is Zone A or otherwise does not have established 100-year WSELs/BFEs.
7. In the instance of an individual manufactured home which is to be elevated on pilings, the piling foundations shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for any piers extending more than six (6) feet above the ground.

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8. All manufactured homes, on a single lot or in a new or expansion to an existing manufactured home park or subdivision, that are placed or substantially improved within Zones A1-30, AH, and AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor elevation of the manufactured home is elevated to at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse or lateral movement.

9. All manufactured homes in an existing manufactured home park or subdivision prior to the time these regulations are implemented, that are placed or substantially improved on sites in existing manufactured home parks or subdivision within zones A1-30, AH, and AE that are not subject to the provisions of the previous paragraph shall be elevated so that either (i) the lowest floor of the manufactured home is at least one (1) foot above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade, and, shall be securely attached to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

10. New construction and substantial improvement of any residential structure shall have the lowest floor (including the basement) elevated to at least one foot above the projected water surface elevation of the 100-year flood.

11. Within the AO and AH Zones on the Flood Insurance Rate Map (FIRM) require that all new construction and substantial improvements of residential structures have the lowest floor (including basement, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one foot (1) above the depth number specified in feet on the FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

12. Within Zones AO and AH require that adequate drainage paths be provided around structures on slopes to guide floodwaters around and away from proposed structures.

13. Within any AO and AH Zones on the FIRM require that all new construction or substantial improvements of nonresidential structures have the lowest floor elevation (including basement) the highest adjacent grade at least 1 foot above the highest the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or together with attendant utility and sanitary facilities be completely flood proofed to that level to meet the requirements of this Section.

14. Nonresidential elevation requirements (Commercial):

    a. Have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork), elevated to at least 1 foot above the BFE/100-year WSEL; or

    b. Together with attendant utility and sanitary facilities, be designed so that, at 1 foot above the BFE/100-year WSEL, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A P.E. or architect registered in the State of Colorado must certify that the design and methods of construction are in accordance with accepted standards of practice.

15. With the exception of Critical Facilities, outlined in Article 5, Section H, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the

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structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator.

16. Fully enclosed areas of all residential, commercial, industrial or other structures below the lowest floor (to be used solely for the parking of vehicles, building access or storage in an area other than a basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

    a. A minimum of two (2) openings with a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding shall be provided; and

    b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

17. A permit shall be required for all proposed construction or other development including placement of manufactured homes to determine whether such construction or development is in a floodplain and reasonably safe from flooding.

L. Standards for Recreational Vehicles

Recreational vehicles within numbered or unnumbered A zones, AO, AE and AH zones shall:

1. Be defined as:

    a. Be built on a single chassis;

    b. Be four hundred (400) square feet or less when measured at the largest horizontal projections;

    c. Be designed to be self-propelled or permanently towable by a light duty truck;

    d. Be designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and

2. Recreational vehicles within numbered or unnumbered A zones, AO, AE and AH zones shall either:

    a. Comply with the permitting, elevating and anchoring requirements for manufactured housing units and manufactured homes as set out in this Section; or

    b. Be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and legal for highway use.

    For the purpose of this Section, a recreational vehicle shall be deemed ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-connect type utilities and securing devices, and has no permanently attached additions.

M. Properties Removed from the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with one (one) foot of freeboard that existed prior to the placement of fill.

N. Standards for Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. Classification of Critical Facilities

    It is the responsibility of Mesa County to identify and confirm that specific structures in their community

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meet the following criteria.

2. Critical Facilities are classified under the following categories: (1) Essential Services; (2) Hazardous Materials; (3) At-risk Populations; and (4) Vital to Restoring Normal Services.

   a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

      These facilities consist of:

      (1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);

      (2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctor's offices, and non-urgent care medical structures that do not provide these functions);

      (3) Designated emergency shelters;

      (4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

      (5) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

      (6) Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

      Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

      Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of Mesa County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to Mesa County on an as-needed basis upon request.

   b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

      (1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

      (2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

      (3) Refineries;

      (4) Hazardous waste storage and disposal sites; and

      (5) Above-ground gasoline or propane storage or sales centers.

      Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities

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equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations.

(a) Specific exemptions to this category include:

(i) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

(ii) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

(iii) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

(b) These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

c. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

(1) Elder care (nursing homes);

(2) Congregate care serving twelve (12) or more individuals (day care and assisted living);

(3) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children);

d. Facilities vital to restoring normal services including government operations. These facilities consist of:

(1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

(2) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to Mesa County that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to Mesa County on an as-needed basis upon request.

3. Protection for Critical Facilities

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not

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determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

a. Location outside the Special Flood Hazard Area; or

b. Elevation or floodproofing of the structure to at least two (2) feet above the Base Flood Elevation.

4. Ingress and Egress for New Critical Facilities

New Critical Facilities shall, when practicable as determined by Mesa County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

SECTION 8.14 | TRAFFIC STUDIES

A Traffic Study shall be required per Chapter 4 of the Mesa County Design Standards.

SECTION 8.15 | STREET ACCESS

All new lots/parcels shall have direct or indirect access to a maintain public road. If indirect access is proposed, then access easements shall be identified. Easements shall be of sufficient width to provide for fire access, utility installation, and drainage improvements. Access standards shall be controlled by the Mesa County Design Standards.

SECTION 8.16 | STREETS AND ROADS

A. Standards

1. When a development proposes improvements to a street or road that requires rights-of-way in excess of the minimum requirements of the Mesa County Design Standards, additional rights-of-way will be required from the developer to accommodate the proposed plan.

2. Streets, roads and pedestrian/bicycle paths shall be designed as shown in any adopted Transportation or Circulation Plan and constructed in conformance with the current Mesa County Design Standards. All new public or private roads constructed within the Grand Valley Airshed shall be paved. Farm service and canal/ditch/drainage maintenance roads are exempt from this paving requirement.

3. Access and construction specifications shall comply with either urban or rural improvements, as specified in the Mesa County Design Standards.

B. Public Rights-of-Way Dedication Criteria

1. Since the need for public rights-of-way are different for every developing property or area, the following criteria will be considered when subdivision or re-subdivision of properties is proposed:

a. The development includes the construction of new roadways that will be petitioned for acceptance into the County road system.

b. The development application proposes more than six (6) lots on one access or more than six (6) lots on a shared driveway.

c. The property that is the subject of the development application is able to develop additional lots in the future according to the existing zoning on the property or designated future land use.

d. Adjacent properties are currently physically or legally landlocked from public rights-of-way.

e. Adjacent properties are otherwise constrained by access regulations from direct access on existing public rights-of-way.

f. Public rights-of-way is necessary on the subject property to provide development improvements to the surrounding area either presently or in the future.

g. Adopted transportation plan(s) show anticipated road circulation that involves the subject parcel.

2. The Mesa County Public Works Department will consider the above criteria prior to requiring dedication of public rights-of-way. Required rights-of-way connections to adjacent properties shall be

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located as effectively as possible, considering topography, environmental constraints, and adopted policies and regulations.

3. If the developer believes that dedication of public rights-of-way internal to the subdivision would not be beneficial to the current or future property owners or to the planned development of the area, then the developer or their engineer shall prepare a report for consideration by the Public Works Department certifying why public rights-of-way should not be required.

4. The applicant may be required to submit a conceptual lay out of the subdivision at the density allowed by the zoning on the property or the Future Land Use classification.

C. Improvements

Limited improvements to adjacent roads shall be required of all types of development (excluding Property Line Adjustments and Residential Site Plans) that are not covered by the Transportation Impact Fee regulation.

1. Required Improvements

a. Streets/Roads

If a development is adjacent to a local street or road (as defined in the Mesa County Design Standards) and if the street/road provides primary access, the developer shall be responsible for all improvement costs (see 2. below).

b. Primary Access Street/Road

When a development is not adjacent to a street/road and a Primary Access Street/Road is required to access the development, the developer shall be responsible for the entire cost of the design and construction of said Primary Access Street/Road.

c. Internal Streets/Roads

The developer shall be responsible for the entire cost of the design and construction of internal streets/roads and connection stubs. In the rural zoning districts, the Developer may have their engineer prepare a specific proposal for reduced improvements when constraints (e.g. the need exists for additional rights-of-way from an adjoining property or when a responsibility to share road construction costs with an adjoining property exists) are identified. When six (6) or fewer residential lots will use the internal road for access, a private shared driveway shall be used for lot access. The minimum standard for shared driveways are specified in the Mesa County Design Standards.

2. Urban Street Improvements

Development within all Urban Zoning Districts and Rural Communities, shall construct required improvements to streets/roads that are in conformance with the urban road sections Mesa County Design Standards.

3. Rural Road Improvements

a. Development located in the Rural Zoning Districts shall construct limited improvements to County maintained roads when the development:

(1) Has boundaries with frontage on a "public road" as defined in the Mesa County Design Standards.

b. Development that satisfies the criteria in Section 8.16 B. shall provide the following road improvements to adjacent County roads classified as local roads:

(1) Install all or portions of gravel shoulder along adjacent roads in compliance with the Mesa County Design Standards; and

(2) Ensure that drainage along roads is not adversely affected by any road improvements installed or accesses constructed.

SECTION 8.17 | CIRCULATION AND STREET LAYOUT

A. Sidewalks and Trails

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All principal structures in Nonresidential zoning districts, and all Urban Residential zoning districts except the URR, RSF-R and RSF-E district shall have direct access to a sidewalk or trail without having to cross a street.

B. Transportation Plans

The layout of streets, highways, sidewalks and trails shall comply with all adopted transportation plans. Where proposed development adjoins other property, the dedicated rights-of-way and improvements required to connect Local, Arterial or Collector streets within the proposed development shall extend to the adjacent property line in conformance with any adopted Transportation Plan.

C. Private Streets

Private streets within a development shall comply with the requirements of the Mesa County Design Standards, and the development shall have a Property Owners' Association and covenants sufficient to ensure road maintenance is performed. Private streets/roads shall only be created through the Major Subdivision Process.

SECTION 8.18 | INTERSECTION AND DRIVEWAY VISIBILITY

Intersection and driveway visibility shall be designed and installed in accordance with the Mesa County Design Standards.

SECTION 8.19 | LAND DEDICATIONS AND FEES IN-LIEU

A. Schools

1. Land Dedications

Dedication of Suitable School Lands for school purposes shall be required of any development if the affected School District determines that such development includes within it land that is necessary for implementing a school plan, provided that every land dedication shall be roughly proportional both in nature and extent of the proposed development, in accordance with the requirements of this Section.

2. Fees In-Lieu of Land Dedications

A fee in-lieu of school land dedication shall be paid by all residential developments except those required to dedicate land for schools in accordance with this Section. The fee per dwelling unit shall be determined by resolution of the Board of County Commissioners, calculated in an amount roughly proportional to the need or demand generated by the proposed development, as determined by one or more studies commissioned and approved by the School District. School Land Dedication (SLD) fees shall be collected by the County for the exclusive use and benefit of the School District in which such development is located, and shall be expended by the School District solely to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities, or to reimburse the School District for sums expended to acquire such property or interests.

a. School Land Dedication Fees shall be collected and held in trust for the use and benefit of the School District containing the Residential Development for which the fee is collected. Such fees shall be expended by such School District to acquire additional real property for expansion of school facilities and construction of new school facilities necessitated by new Residential Development in such School District, or to reimburse the School District for sums expended to acquire such property. The amount of the SLD Fee shall be based on a methodology which takes into account the student generation rates of new Residential Development, the quantity of land required to build new school facilities on a per pupil basis, and the anticipated cost of acquiring Suitable School Lands in the School District to expand existing school facilities and construct new school facilities to accommodate new Residential Development without decreasing current levels of educational services.

b. At the time SLD Fees are initially adopted and once every five years thereafter, the Board of County Commissioners shall determine the average cost per acre of Suitable School Lands, after a public hearing. The County shall give each School District of the County sixty (60) days' prior written notice of the hearing. Such hearing shall consider the School Districts' long range capital

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improvement plans and any other evidence, comments or recommendations submitted by the School Districts and the public in making such determination.

c. The SLD Fee shall then be set, by resolution of the Board of County Commissioners, in accordance with the following formula:

Cost per Acre of Suitable School Lands within each School District	×	Student Generation Fee Factor of .023	=	SLD Fee Per Dwelling Unit

Figure 8-4: School Land Dedication Fee

[For example, if the average cost of Suitable School Lands is $15,000 per acre, the SLD Fee per Dwelling Unit would $15,000 X .023, or $345.] See Section 8.19 A. 2. above for determination of factor.

The student generation fee factor may also be modified at the hearing, provided that either the subject School District gives notice to the Board of County Commissioners that it requests such a modification at least thirty (30) days prior to the hearing, or the Board adopts a motion providing for consideration of a modification of said fee factor, and its hearing notice to the subject School District pursuant to this subsection. Said hearing shall consider the School District's school facilities plan currently in place, the methodology and data supporting the proposed modification, and any evidence, comments or recommendations submitted by the County Planning Department, the subject School District and interested members of the public.

3. Payment of School Land Dedication Fee

a. No building permit shall be issued for a dwelling unit or a multi-family dwelling structure that is or contains one or more dwelling units, until the SLD fee in effect at the time the permit is applied for has been paid.

b. Nothing in this Section shall preclude a holder of a Development Permit for a Residential Development or Mixed Use Development containing a Residential Development component from pre-paying the SLD fees to become due under this Section for one or more Dwellings, Multiple-Family Dwellings or Multi-Family Dwellings to be constructed in such development. Such prepayment shall be made upon the filing of a final plat for a platted Residential Development, at the SLD fee rate then in effect and in the amount which would have been due had a building permit application for such dwellings been pending at the time of prepayment. A subsequent building permit for a Dwelling, Multiple-Family Dwelling or Multi-Family Dwelling that is, or contains, one or more Dwelling Units for which the SLD fees have been prepaid shall be issued without payment of any additional SLD fees. However, if such permit would allow additional Dwelling Units for which SLD fees have not been prepaid, the permit shall not be issued until the SLD fees for the additional Dwelling Units have been paid at the rate per Dwelling Unit in effect at the time the building permit application was made.

c. Any prepayment of SLD fees in accordance with this Section shall be documented by a Memorandum of Prepayment that contains the following minimum components:

(1) The legal description of the real property subject to Residential Development for which an SLD fee is being prepaid;

(2) A description of the development permit issued concerning such real property, and a detailed statement of the SLD fees being prepaid;

(3) The notarized signatures of the owners of record or their duly authorized agents; and

(4) The notarized signature of the County Administrator, indicating approval of the prepayment plan.

4. Exemptions

The following shall be exempted from payment of SLD fee:

a. Alterations or expansion of existing buildings except where the use is changed from nonresidential to residential and except where additional Dwelling Units result;

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b. The construction of accessory buildings or structures;

c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;

d. The installation of a replacement manufactured home on a lot or other parcel when a fee in lieu of land dedication for such manufactured home has previously been paid pursuant to this Section or where a residential manufactured home legally existed on such site on or before the effective date of this Section;

e. Nonresidential buildings, nonresidential structures, or nonresidential manufactured homes;

f. Nursing homes, Adult Foster Care Facilities, or Specialized Group Facilities;

g. County approved Residential Developments that are subject to recorded covenants restricting the age of the residents pursuant to the Federal Fair Housing Amendments Act of 1988; and

h. Residential construction on unsubdivided land.

5. Credits

a. An applicant for a development permit (or a holder of such a permit) who owns other Suitable School Lands within the same School District in which the development is located may offer to convey such lands to such district in exchange for credit against all or portion of the SLD fees otherwise due or to become due. the offer must be in writing, specifically request credit against fees in lieu of SLD, and set forth the amount of credit requested. If the County and the School District in which the development is located accept such offer, the credit shall be in the amount of the value of the Suitable School Lands conveyed, as determined by written agreement between the County, the School District and the permit holder or applicant.

b. Credit against SLD fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this subsection is conveyed to and accepted by the School District in which the development is located. Upon such conveyance, the School District in which the development is located, and the County, shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and a description of the project or development to which the credit shall be applied.

c. Credits shall not be transferable from one project or development to another.

6. Refund of Fees Paid

a. Any SLD fee which has not been expended by a School District within five years of the date of collection shall be refunded, with interest at the rate of five (5) percent per annum compounded annually, to the current owner of the land for which the fee was paid. Prior to such refund, such amount shall be reduced by an amount equal to two (2) percent of the principal amount to be refunded, for the costs incurred by the County in the refund of such fee. The County shall give written notice by first class mail to the person who paid the fee at his or her address as reflected in the records of the Mesa County Clerk and Recorder. If such person does not file a written claim for such refund with the County within ninety (90) days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in this Section 8.19.

b. The Board may, upon a School District's request, extend the 5-year period of time upon a showing that such extension is reasonably necessary in order for the School District to complete or close a purchase transaction entered into in writing by such district prior to expiration of such period, or to give such district an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the Board. In no event shall any extension of time exceed an additional 5-year period.

SECTION 8.20 | PAYMENTS IN LIEU OF IMPROVEMENTS

A. Payment in Lieu of Improvements

When specific public improvements are required by the Board of County Commissioners and/or identified in the County's Capital Improvement Program and/or any adopted Transportation Plan, a payment in the

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amount determined by cost of design, construction, and construction administration may be collected in lieu of the construction of improvements required for a development.

A developer may request that this section be applied to a development. It is entirely at the discretion of Mesa County whether to allow for a payment arrangement under this section.

B. Agreement Required

If both Mesa County and the developer agree to allow for a payment under this section, a separate written agreement shall be required that sets forth the terms that are agreed upon by the parties. The agreement shall set forth the terms of the payment, including describing which specific improvements are subject to the agreement, the total amounts that will be paid, and any other details the parties deem necessary to achieve the intent of this Section. Any such agreement shall be generated in a manner so as to work in harmony to the maximum extent possible with the other provisions of this Code.

At the discretion of Mesa County, if deemed necessary and appropriate, the finalized agreement may be recorded to memorialize its terms.

C. Impact Fees

All traffic-generating developments are subject to assessment and payment of a Transportation Impact Fee (TIF). Transportation Impact Fees are based on one or more studies commissioned and approved by the Board of County Commissioners. The TIF Regulation (MCM 2004-107) was adopted by the BOCC on June 7, 2004. All requirements of MCM 2004-107 and any amendments shall be implemented though this LDC.

SECTION 8.21 | CONSTRUCTION STORMWATER PERMIT

A. Purpose and Intent

It is the purpose of these regulations:

1. To protect and preserve surface water from pollutants associated with stormwater runoff.
2. To meet the terms of the Colorado Department of Public Safety permit regulations.
3. To regulate the contribution of pollutants to the municipal separate storm sewer system from stormwater discharges;
4. To establish legal authority to carry out all inspection, observation, and monitoring procedures necessary to ensure compliance with the regulations of this Section;
5. To promote public awareness of the hazards involved in the improper discharge of pollutants into the municipal separate storm sewer system;
6. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges from construction activity and development and to facilitate compliance with state and federal standards.
7. To reduce pollutants in stormwater discharges from construction activities by regulating the design, construction, use, and maintenance of any development or activity that disturbs more than one (1) acre of land or is part of a larger common plan of development or sale.;
8. To require permanent stormwater quality runoff control measures to be constructed along with development to prevent the deterioration of water quality;
9. To establish provisions for the long-term responsibility for and maintenance of structural stormwater quality control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and do not threaten public safety.
10. To establish timely and appropriate enforcement actions for violations of the regulations of this Section.

B. Methods

In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:

1. Requiring a Mesa County Construction Stormwater Permit as identified in the Stormwater Management Manual, when applicable.

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2. Require the installation and maintenance of permanent stormwater quality runoff control measures to be constructed along with development to prevent the deterioration of water quality as identified in the Stormwater Management Manual, when applicable.

C. Applicability

1. The regulations of this Chapter shall apply to all lands designated as an urbanized areas or located within the Mesa County Growth Area, as defined by the Colorado Department of Public Health and Environment and the U.S. Census Bureau.

2. No new development or redevelopment, which disturbs one (1) acre or more of land and disturbs less than one (1) acre but is part of a larger common plan of development, shall hereafter be allowed without full compliance with the terms of this regulation, the Mesa County Stormwater Management Manual, and other applicable regulations of the Land Development Code.

3. Disturbance includes any activity that disturbs the soil on the site, including: grading, clearing, excavation activities, areas receiving overburden (e.g. stockpiles), demolition areas, and areas with equipment/vehicle traffic and storage that disturb vegetative cover.

D. Interpretation

In the interpretation and application of these stormwater regulations, all provisions shall be considered as minimum requirements, liberally construed in favor of the County, and deemed neither to limit nor repeal any other powers granted under State statutes.

E. Warning and Disclaimer of Liability

The degree of water quality protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based upon the engineering and scientific methods of Construction Stormwater Management Plan and the Drainage Report. This Section shall not create any liability on the part of, or a cause of action against the Mesa County Board of Commissioners or any officer or employee thereof, for any water quality damages that may result from reliance on this regulation or any administrative decision lawfully made thereunder.

F. Nonconformities

The existing lawful use of a structure or premises that does not comply with the stormwater regulations of this Section, may be continued. If the property is redeveloped, and disturbs an acre of land or less than one (1) acre but is part of a larger common plan of development, activities must conform with this Section.

G. Construction Stormwater Permit Conditions

The Stormwater Coordinator shall require that the requirements of Section 15.3 of the Stormwater Management Manual be adhered to. This Section covers the requirements of inspections, reporting, and changes to the Construction Stormwater Management Plan.

SECTION 8.22 | INTERIM DEVELOPMENT POLICIES

A. Findings

The Board of County Commissioners may adopt by resolution Interim Development Policies, stipulating development standards and uses for properties in specific areas prior to availability of infrastructure and services. The purpose of interim development policies is to allow land owners some development potential while ensuring that development does not occur that cannot be adequately served by water, sewer, roads and other appropriate services and infrastructure.

B. Applicability to Development

All development within an area subject to an Interim Development Policy shall be required to meet all applicable standards and limitations set forth in the Policy.

C. Effect on Future Development

New development in an area subject to an Interim Development Policy shall be designed in a manner so as not to interfere with future development or redevelopment consistent with the Future Land Uses and Goals, Policies and Objectives of the Mesa County Master Plan.

1. As a condition of approval of any development in an area planned for urban development, a note

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will be placed on the site plan indicating that urban uses are planned for the subject property in the future as designated on the adopted Future Land Use Plan Map and referencing the adopted Policy Resolution number.

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CHAPTER 9 | SIGNS

SECTION 9.01 | PURPOSE

The sign regulations of this chapter are intended to promote traffic safety and to protect the visual appearance of the County. Signs placed by a governmental entity or approved to be located on public property or in public rights-of-way are exempt from this Chapter.

SECTION 9.02 | PROHIBITED SIGNS

A. The following signs shall be prohibited:

1. Signs that contain statements, words, or pictures of an obscene or indecent nature.
2. Signs that contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning," or similar words;
3. Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
4. Signs that create a hazard for, or impede safe or efficient movement of, motorists or pedestrians;
5. Signs that contain or consist of portable signs, tent signs and strings of light bulbs not permanently mounted on a rigid background;
6. Signs that swing or otherwise move as a result of wind pressure because of the manner of their suspension or attachment; or
7. Signs placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills, except as may otherwise expressly be authorized by this section.

SECTION 9.03 | EXEMPT SIGNS

A. Signs That Do Not Require a Permit

The following signs are allowed on a lot/parcel in any zone district:

1. One sign that is integral to or flush-mounted on a building or structure that is no greater than four (4) square feet in area.
2. Signs that cannot be read from street rights-of-way which inform or instruct customers or visitors on-site. This may include but is not limited to menu boards, directional signs, rear entrance signs and warning signs.
3. Temporary decorations or displays clearly incidental, customary and commonly associated with national or local holiday celebrations.
4. A sign that is not illuminated, not digital or electronic and not permanent in nature; for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, with the following limitation:
   a. On a parcel of less than one (1) acre, up to six (6) such signs are allowed, so long as each sign is not greater than six (6) square feet in area, except in that one of these signs may be up to thirty-two (32) square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
   b. On a parcel of one (1) acre or larger, up to six (6) such signs per acre are allowed, so long as each sign is not greater than six square feet in area, except that one sign per acre can be up to thirty-two (32) square feet in area.

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SECTION 9.04 | WIND DRIVEN SIGNS AND BANNERS

A. Standards

1. Banners and wind driven signs may be displayed for up to thirty (30) consecutive days up to four (4) times in a twelve (12) month calendar year. Permit periods may run consecutively.
2. All banners must be secured directly to the structure, fence, or post that is permanently affixed to the ground.
3. All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public rights-of-way.
4. In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit.

SECTION 9.05 | DIGITAL OR ELECTRONIC SIGN

A. Standards

1. The maximum brightness levels for signs shall not exceed three tenths (0.3) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a footcandle meter, brightness shall be in conformance with the following distance table:

TABLE 9-1: BRIGHTNESS STANDARDS

Area of Sign (square feet)	Measurement Distance (feet from sign)
0 – 10	30
10 – 24	45
25 – 49	55
50 – 99	90
100 – 149	110
150 – 199	135
200 – 300	150

2. The measurement shall be conducted at least thirty (30) minutes after sunset or thirty (30) minutes before sunrise.
3. Interactive signs are prohibited.
4. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

SECTION 9.06 | GENERAL STANDARDS FOR ALL SIGNS

The following requirements shall apply to signs in all zoning districts unless otherwise indicated.

A. Standards

1. Permits shall be required for all new signs except those Exempt Signs listed in Section 9.03.
2. Maintenance, touch-up, repainting or repair of a legal sign shall not require a sign permit.
3. All signs shall be located on the same lot as the use to which it is associated, unless they qualify as off-premise signs under this section.
4. All signs shall be permanent in nature except for those signs allowed as Exempt Signs in under Section 9.03.

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5. The total surface area of one (1) sign face of free-standing signs, roof signs and projecting wall signs shall be counted as the maximum total surface area allowance. Off-premise signs shall not be counted in maximum square foot allowance.

6. Illumination of all signs shall comply with the following standards:

   a. The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity does not generate glare onto nearby residential areas between the hours of 8 p.m. and 8 a.m.

   b. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares, as determined by the Department of Public Works.

   c. No exposed reflective type bulbs or incandescent lamps which exceed forty (40) watts shall be used on the exterior surface of a sign.

7. Each sign requiring a permit hereafter erected or remodeled shall bear, in a permanent position, an identification plate stating the date the sign was erected and the name of person, firm or entity responsible for the construction and erection.

8. Touching up, repainting or changing existing letters, text, symbols, graphics, or other content, that does not alter the existing sign area, is considered maintenance and repair and does not require a permit.

SECTION 9.07 | RURAL AND URBAN RESIDENTIAL ZONING DISTRICTS

Signs shall be allowed in Rural and Urban Residential zoning districts in accordance with the standards of this section.

A. Sign Types Allowed

1. A bulletin sign, not to exceed twenty-five (25) square feet per face, may be erected upon the premise of any public institution for the purpose of displaying the name of the institution and its activities or services.

2. One identification sign shall be allowed for each entrance to a subdivision, institutional or multi-family development, provided that:

   a. Such sign shall not to exceed thirty-two (32) square feet per face;

   b. If lighted, such sign shall utilize indirect illumination only.

B. Location

Permitted signs may be located anywhere on the property.

C. Height

The height of free-standing signs shall not exceed ten (10) feet. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roof line.

D. Illumination

Only indirect or internal illumination shall be used for letter faces and logos.

SECTION 9.08 | AFT ZONING DISTRICT

The following signs shall be allowed for nonresidential uses in the AFT zoning district.

A. Allowed Sign Area

A total of thirty-two (32) square feet of signage shall be allowed for each nonresidentially used property. Total signage allowed may be divided between flush wall and freestanding signage. Allowed signage for uses that require approval of a Conditional Use Permit shall meet the standards set forth under Section 4.03.

B. Flush Wall Signs

1. Flush wall signs may be placed on a building facade that faces a dedicated public street.

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2. In the event a building does not have frontage on a dedicated public street, the owner shall designate the building façade where wall signs shall be located.

3. Flush wall signs may extend up to twelve (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. Window signs incorporated with a window display will not be considered part of the total sign allowance.

4. A maximum of two (2) flush wall signs may be located on a building facade.

C. Freestanding Signs

1. No more than one (1), twelve (12) foot high free-standing sign shall be permitted for any parcel on each street frontage.

2. Signs may be installed at street rights-of-way line but no part of the sign shall project into the rights-of-way. In the event that lots or parcels abut streets or roads without rights-of-way or inadequate rights-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan.

3. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

SECTION 9.09 | NONRESIDENTIAL ZONING DISTRICTS

Signs shall be allowed in Nonresidential zoning districts in accordance with the standards of this subsection.

A. Signs Types Allowed

Signs in Nonresidential zoning districts may include flush wall signs, free-standing signs, projecting signs, and roof signs. All signs allowed in Rural and Urban Residential Zoning districts are also allowed in Nonresidential zoning districts.

B. Location and Size

Permitted signs may be located anywhere on the premises except as specifically restricted in this section. The total amount of signage to be allowed on any property shall not exceed the sign allowance standard of this section. No single sign may be larger than three hundred (300) square feet.

C. Flush Wall Signs and Roof Signs

1. The sign allowance shall be calculated on the basis of the length of the building facade which is most nearly parallel to the street it faces. Each building facade that faces a dedicated public street shall have its own sign allowance.

2. In the event a building does not have frontage on a dedicated public street, the owner of the building may designate the one (1) building facade which shall be used for the purpose of calculating sign allowance. In the event the only building facade that faces on a dedicated street contains no commercial display area, a property owner may designate another building facade to serve as the basis for calculating the total amount of sign area allowed.

3. Up to two (2) square feet of sign area shall be allowed for each linear foot of building facade for flush wall signs and roof signs. Flush wall signs may extend up to twelve (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. Window signs incorporated with a window display, will not be considered part of the total sign allowance.

4. If a flush wall sign and roof sign are used, the total sign allowance may be divided between the signs.

5. Roof signs shall be manufactured in such a way that they appear to be a part of the building with no visible guy wires, braces or secondary supports. Maximum height for roof signs shall be forty (40) feet above grade.

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Figure 9-1: Signage

D. Projecting Signs

1. Signs may project up to six (6) feet from the face of the building if located eight (8) feet or more above grade but shall not project beyond the back of curb. Total area per sign face shall not exceed one-half (½) square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, it need not be less than twelve (12) square feet per face.

2. On places of public entertainment such as theaters, arenas, meeting halls, etc., where changeable copy signs are used which project over public domain, the projection may be one-half (½) foot for each linear foot of building frontage provided that it does not extend further than four (4) feet back of the curb face.

E. Freestanding Signs

1. No more than one (1) free-standing sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage.

2. Maximum sign allowance shall be calculated by the linear front foot of property on a public right-of-way in accordance with the following:

TABLE 9-2: FREESTANDING SIGN AREA STANDARDS		
Number of Traffic Lanes	Maximum Sign Face Area (per foot of street frontage)	Maximum Height
2	0.75	25
3+	1.5	40

3. Signs may be installed at street rights-of-way line but no part of the sign shall project into the rights-of-way line. In the event that lots or parcels abut streets or roads with inadequate rights-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan. Single legs of one-way pairs shall be treated as four-lane roads.

4. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

SECTION 9.10 | PLANNED UNIT DEVELOPMENTS AND CONDITIONAL USES

Properties in an approved Planned Unit Development or part of an approved Conditional Use Permit shall have the

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signs on the property reviewed and approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

SECTION 9.11 | OUTDOOR ADVERTISING SIGNS

A maximum of one (1) outdoor advertising sign, erected on the ground or affixed to a wall shall be allowed per parcel of land in the C-2, I-1 and I-2 zoning districts, subject to the following conditions:

A. Height Limitations

No outdoor advertising sign shall be erected higher than forty (40) feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No outdoor advertising sign shall have a surface or facing exceeding three hundred (300) square feet in area or containing less than fifteen (15) square feet in area. Off-premise signs shall not be denied permits because of maximum size limitations for on-premise signs on the same parcel.

B. Distance

For each square foot of surface or facing of the sign, two (2) feet of space from adjacent outdoor advertising signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no sign can be erected closer than six hundred (600) feet to an existing three hundred (300) square foot sign.

C. Illumination

Outdoor advertising signs that are illuminated by indirect or external illumination shall use only downward facing, downcast light to confine direct light beams to the sign and out of the direct vision.

SECTION 9.12 | REMOVAL AND DISPOSITION OF SIGNS

A. Maintenance and Repair

1. No person shall retain on any premises owned or controlled by them, any sign which is in a dangerous or defective condition. The Director shall require the removal or repair of any sign by the owner of the sign or the owner of the premises upon which it is located. In cases of immediate danger to the public due to the defective nature of a sign, the Director may cause the immediate removal of the sign and may assess the costs of the removal against the owner of the property.
2. The appearance and safety of all signs shall be maintained by the replacement of all defective parts and by periodic painting, repainting, cleaning and other acts required for proper maintenance.

B. Abandoned Signs

1. Signs are allowed on otherwise vacant property so long as a permit is obtained (unless a permit is otherwise expressly not required) and so long as the sign allowance for the zone district is adhered to. However, a sign structure that has no content or is "blank" and has fallen into disrepair and which is located on property which is unoccupied for a period of 12 consecutive months or more shall be deemed abandoned.
2. An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this section.

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CHAPTER 10 | NONCONFORMITIES

SECTION 10.01 | GENERAL

A. Purpose

The purpose of this Chapter is to regulate uses, structures, improvements, lots, and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this LDC.

B. Nonconformities Regulated

The regulations of this Chapter address the following types of situations, all of which are collectively referred to as nonconformities.

1. Nonconforming Uses

A "nonconforming use" is one that was legally established but which no longer complies with the use regulations that apply within the zoning district in which the use is located.

A use that was legally established without a Conditional Use Permit shall be deemed to have a Conditional Use Permit and shall not be deemed nonconforming solely because a Conditional Use Permit is now required for the use.

2. Nonconforming Structures

A "nonconforming structure" is a building, improvement, and/or structure, not including signs, that was legally established but which no longer complies with the dimensional or development standards that apply within the zoning district in which the building, improvement, or structure is located.

3. Nonconforming Signs

A "nonconforming sign" is one that was legally established but which no longer complies with the sign regulations of Chapter 9.

4. Nonconforming Lots

A nonconforming lot is a tract of land, designated on a duly recorded plat, or by a duly recorded deed, or by other lawful means, that complied with the lot area, lot width, and other dimensional standards of the zoning district in which it was located at the time of its creation, but that does not comply with the minimum lot area, minimum width or other dimensional requirement of the zoning district in which it is now located.

C. Policies

1. Nonconforming Uses, Structures, Signs and Lots

a. It is the general policy of the County to allow uses, structures, signs, and lots that came into existence legally and in conformance with then-applicable requirements and do not have a negative impact on public health or safety, but that do not conform to all of the applicable requirements of this LDC, to continue to exist and be put to productive use while bringing as many aspects of the use or structure into conformance with the LDC as is reasonably practicable, all subject to the limitations of this Chapter. The limitations of this Chapter are intended to recognize the interests of the property owner in continuing to use the property in a safe and beneficial manner and allow changes and modifications to specified nonconformities, while working to reduce or eliminate nonconformities that may be detrimental to the public welfare.

b. Property owners shall be encouraged to pursue all remedies available within this LDC, including but not limited to Administrative Adjustments, Rezoning, Variances, or Subdivision in order to reduce or eliminate nonconformities.

2. Authority to Continue

Nonconformities shall be allowed to continue in accordance with the regulations of this Chapter.

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3. Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists shall be on the owner, not the County (Section 10.07).

4. Maintenance

Normal maintenance required to keep nonconforming uses, nonconforming structures, nonconforming signs, and nonconforming lots in a safe condition shall be permitted, provided that no changes or expansion shall be made unless specifically allowed by this Chapter or allowed by law or ordinance.

5. Change of Ownership, Tenancy, or Management

Changes of ownership, tenancy, or management of an existing nonconformity shall be permitted, and in such cases the nonconforming situation shall continue to be subject to the standards of this Chapter.

6. Appeals

The Director's decisions regarding nonconformities as set forth in this Chapter may be appealed to the Board of Adjustment, in accordance with the provisions of Section 4.02 of this LDC.

SECTION 10.02 | NONCONFORMING USES

Nonconforming uses shall be subject to the following standards.

A. Nonresidential Uses

1. Expansion

In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded provided all other provisions of this LDC are met.

a. A nonconforming nonresidential use shall not be expanded in any residential zoning district.

b. Any expansion of a nonresidential use that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:

(1) An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection 2. below.

(2) For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area, as set forth in this LDC.

2. Change of Use

The Director may approve a different use, provided such use is deemed by the Director to be less intense and/or have fewer negative impacts on public health or safety than the existing use. Prior to approval, the Director shall consider traffic generation, parking, and screening requirements for the new nonconforming use. No change to a more intense nonconforming use is allowed.

a. A nonconforming use may be changed to a conforming use subject to the processes identified in this LDC.

3. Abandonment

A nonresidential nonconforming use that has been discontinued for a period of one (1) year, for whatever reason, shall be considered abandoned and shall not be reestablished. Any use on the property after that time shall conform to all provisions of this LDC. Evidence of intent to abandon is not required.

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4. Relocation

A nonresidential nonconforming use may be moved in whole or in part to another portion of the property, provided the relocation will bring the use into conformance with applicable development standards or otherwise reduce the degree to which the use is nonconforming or impacts to neighboring properties.

5. Damage or Destruction

A nonconforming nonresidential use that is damaged or destroyed may be reestablished in accordance with the following:

a. A use may only be reestablished within a conforming structure, except as may be permitted in Section 10.03 of this chapter;

b. All restorative and other work must be in compliance with current fire and building codes and other applicable regulations;

c. A building permit must be issued within one (1) year from the date of the damage; and

d. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.

e. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the claim beyond the applicant's control.

B. Residential Uses

A "nonconforming residential use" is a structure or property that contains more dwellings than allowed by the zone or is a dwelling located in a nonresidential zone that does not permit residential uses.

1. Expansion

In all zones, a residential use may be expanded if no additional dwelling units are created and all other provisions of this LDC are met. Accessory structures for a nonconforming residential use such as a garage or storage shed shall be allowed if all applicable provisions of this LDC are met. Accessory dwelling units shall not be permitted.

a. Any expansion of a residential use that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:

(1) An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection (2) below.

(2) For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area, as set forth in this LDC.

2. Abandonment

a. A nonconforming residential use, other than a single-family dwelling, that has not been occupied for a continuous period of one (1) year, for whatever reason, shall be considered to be abandoned and shall not be reoccupied except in conformance with all applicable provisions of this LDC. Evidence of intent to abandon the nonconforming use is not required.

b. A nonconforming single-family dwelling that has not been occupied for a continuous period of one (1) year or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use, and unless reoccupying the structure poses a risk to public health and safety.

c. Removal of a nonconforming mobile home or manufactured home, not in a mobile home park,

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from its foundation or pad for a continuous period of one (1) year shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this LDC. Evidence of intent to abandon the nonconforming mobile home or manufactured home use is not required.

3. Damage or Destruction

Nonconforming residential uses that are damaged or destroyed may be reestablished in accordance with the following:

a. All portions of the structure being restored are not and were not on or over a property line;

b. The number of dwelling units does not increase;

c. All construction must be in compliance with current fire and building codes and other applicable regulations;

d. A building permit must be obtained within one (1) year from the date of the damage; and

e. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.

f. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the loss beyond the applicant's control.

C. Agricultural Uses

Agricultural uses, as defined in Section 12.07 A. of this LDC, that are located in the Rural zoning districts shall not be deemed to have been abandoned regardless of how long the use has been abandoned.

D. Accessory Uses

No use that is accessory to a principal nonconforming use shall continue after the principle use is abandoned, damaged or destroyed and not reestablished according to this Section.

SECTION 10.03 | NONCONFORMING STRUCTURES

Nonconforming structures shall be subject to the following standards.

A. Enlargement

1. Any expansion of a nonconforming structure that increases the degree of nonconformity shall be prohibited. Expansions of the structure that comply with applicable dimensional standards shall be permitted. (For example, adding to a building within the allowable setbacks when another part of the building is encroaching into a setback is permissible. Increasing the height of a building over the portion of a building that is encroaching in a setback would not be permitted.) The determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Director.

2. Any expansion of a structure that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:

a. An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection (b) below.

b. For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area as set forth in this LDC.

B. Damage or Destruction

In the event that any nonconforming structure is damaged or destroyed, such structure may be reconstructed in accordance with the following:

1. All portions of the structure being restored are not and were not on or over a property line;

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2. The number of dwelling units does not increase;

3. All construction is in compliance with current construction codes, such as the fire and building codes and other applicable regulations;

4. A building permit must be obtained within one (1) year from the date of the damage;

5. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit; and

6. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the loss beyond the applicant's control.

C. Relocation

Nonconforming structures shall not be moved unless the movement or relocation will bring the structure into compliance or closer to compliance with applicable dimensional standards.

SECTION 10.04 | NONCONFORMING LOTS

A. Uses

A parcel of land with an area or other dimension less than prescribed in the applicable zone may be used for any purpose permitted in the zoning district if:

1. The owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created;

2. No reasonable alternative exists to make the nonconforming lot conforming, such as the addition of adjoining land under the property owner's control; and

3. The use meets all other regulations prescribed for the zoning district prior to occupancy or use.

B. Vacant Lots

Vacant nonconforming lots may be developed with uses permitted in the underlying zoning district, provided that they comply with the minimum setback standards of this LDC. If the underlying zoning district allows a variety of uses and one or more uses and intensities that would comply with applicable lot area, lot width, or other dimensional and development standards while others would not, then only the uses or intensities that comply with applicable dimensional standards shall be permitted.

C. Developed Lots

If a developed nonconforming lot is occupied by a building or structure, then the owner may continue the use of that building or structure in any way that does not increase the extent of nonconformity. An increase in building size shall not be deemed to increase the extent of nonconformity unless it encroaches into a required minimum setback, exceeds the maximum allowed height or otherwise violates a required zoning district intensity, density, dimensional, or development standard.

D. Dimensional Standards

Development on nonconforming lots shall comply with the dimensional standards of the underlying zoning district. If the owner is able to demonstrate to the satisfaction of the Director that there would not be sufficient area to build a structure on a nonconforming lot in compliance with the dimensional standards, the following alternative setbacks may be used:

1. Interior Side and Rear Setbacks

The minimum interior side and rear setback shall be permitted to be three (3) feet.

2. Street Setbacks

The minimum street setback shall be permitted to be twenty (20) percent of the lot depth.

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SECTION 10.05 | NONCONFORMING SIGNS

A. Change of Copy; Repairs

Change of copy or the substitution of panels or faces on nonconforming signs shall be permitted. Repairs and maintenance of nonconforming signs, such as repainting, electrical repairs, and neon tubing replacement shall be permitted. Alterations to nonconforming signs that change the structure, character, or function of the sign shall not be permitted, except in accordance with Chapter 9 of this LDC.

B. Discontinuance

Any nonconforming sign that ceases being used for a continuous period of one (1) year or more shall not be reused for sign purposes until it is brought into full compliance with the standards of Chapter 9. Any nonconforming sign that pertains to a business or institution that ceases operation for a period of one (1) year or more shall not be reused for sign purposes until it is brought into full compliance with the sign regulations of Chapter 9.

SECTION 10.06 | NONCONFORMITIES CREATED BY PUBLIC ACTION

When lot area or setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose and the remaining area is at least seventy-five (75) percent of the required minimum standard for the district in which it is located, then that lot is deemed to be in compliance with the minimum lot size and setback standards of this LDC.

SECTION 10.07 | CERTIFICATION OF NONCONFORMING STATUS

Owners of nonconforming uses, structures, or signs may request a "Certificate of Legal Nonconforming Status" by filing an application with the Director in accordance with the "Written Interpretation" procedures of Section 4.22. The application shall be accompanied by documentation that establishes the approximate date that the use, structure, lot, or sign was established. The Director shall be authorized to require additional information if deemed necessary to permit an accurate determination. "Certificates of Legal Nonconforming Status" shall not be required. Once issued, a certificate shall be recorded with the Mesa County Clerk and Recorder, clearly identifying the land by parcel number and/or a legal description of the property. The certificate shall "run with the land;" and its status shall not be affected by changes of tenancy, ownership, or management.

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CHAPTER 11 | VIOLATIONS AND ENFORCEMENT

SECTION 11.01 | RESPONSIBILITY FOR ENFORCEMENT

The Director shall be responsible for enforcing this Land Development Code, unless otherwise specifically stated.

SECTION 11.02 | TYPES OF VIOLATIONS

Any of the following shall be a violation of this LDC and shall be subject to the remedies and penalties provided for in this LDC:

A. Use, Structure or Sign Without Permit or Approval

To place any use, structure, improvement, or sign upon land that is subject to this LDC without all of the approvals required by this LDC;

B. Activities Inconsistent with Land Development Code

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, improvement, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this LDC;

C. Activities Without Permit or Approval

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this LDC, without all of the approvals required by this LDC;

D. Activities Inconsistent with Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity;

E. Activities Inconsistent with Conditions

To violate, by act or omission, any term, condition, or qualification placed by a Decision Making Body upon any permit or other form of authorization;

F. Making Lots or Setbacks Nonconforming

To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this LDC;

G. Increasing Intensity of Use

To increase the intensity of use of any land, improvement, or structure, except in accordance with the procedural requirements and substantive standards of this LDC;

H. Removing or Defacing Required Notice

To remove, deface, obscure or otherwise interfere with any notice required by this LDC;

I. Failure to Remove Signs or Other Improvements

To fail to remove any sign or other improvement installed, created, erected or maintained in violation of this LDC, or for which the permit has lapsed.

J. Violation of National Flood Insurance Program (NFIP) Standards

To fail to be fully compliant with Section 8.13, Floodplain Regulations, within this LDC. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is in violation of this LDC.

SECTION 11.03 | CONTINUING VIOLATIONS

Each day that a violation remains uncorrected after receiving notice of the violation from the County shall constitute a separate violation of this LDC.

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SECTION 11.04 | REMEDIES AND ENFORCEMENT POWERS

The County shall have the following remedies and enforcement powers:

A. Withhold Permits

The County may deny or withhold all permits, clearances, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this LDC, or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County, until the violation is corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The County may deny or withhold all permits, clearances, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this LDC, until the violation is corrected. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

B. Permits Approved with Conditions

Instead of withholding or denying a permit or other authorization (as described in Section 11.04 A.), the County may grant such authorization subject to the condition that the violation be corrected.

C. Revoke Permits

Any development permit or other form of authorization required under this LDC may be revoked when the Director determines:

1. That there is departure from the plans, specifications, or conditions as required under terms of the permit;
2. That the development permit was procured by false representation or was issued by mistake; or
3. That any of the provisions of this LDC are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

D. Stop Work

With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this LDC or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

E. Revoke Plan or Other Approval

Where a violation of this LDC involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of County Commissioners may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), and after a public hearing, revoke the plan or other approval or condition its continuance on (1) strict compliance with this LDC; (2) the provision of security to ensure that construction is completed in compliance with approved plans, or (3) such other conditions as the Board of County Commissioners may reasonably impose.

F. Injunctive Relief

The County may seek an injunction or other equitable relief in court to stop any violation of this LDC, or of a permit, certificate or other form of authorization granted hereunder and may recover costs of any such action.

G. Abatement or Removal of Unapproved Activity

The County, pursuant to Section 30-28-124 of the Colorado Revised Statutes, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use and to otherwise restore the premises

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in question to the condition in which they existed prior to the violation.

H. Penalties

The County may seek such criminal or civil penalties as are provided by Colorado law.

I. Other Remedies

The County shall have such other remedies as are and as may be, from time to time, provided by Colorado law for the violation of zoning, subdivision, sign or related LDC provisions.

J. Other Powers

In addition to the enforcement powers specified in this Chapter, the County may exercise any and all enforcement powers granted by Colorado law.

K. Continuation

Nothing in this LDC shall prohibit the continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

SECTION 11.05 | REMEDIES CUMULATIVE

The remedies and enforcement powers established in this Chapter shall be cumulative, and the County may exercise them in any order.

SECTION 11.06 | ENFORCEMENT PROCEDURES

A. Non-Emergency Matters

In the case of violations of this LDC that do not constitute an emergency or require immediate attention, the Director shall give notice of the nature of the violation to the property owner, or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have thirty (30) days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance, and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters

In the case of violations of this LDC that constitute an emergency situation as a result of safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this Chapter without prior notice, but the Director shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

C. Enforcement Actions Involving Agricultural Operators

Before taking enforcement action to correct a violation of this LDC by any agricultural operator, the Board of County Commissioners shall direct the Agricultural Advisory Panel to investigate the alleged violation to determine whether a violation of this LDC exists, and whether the activity is protected under the County's Right to Farm and Ranch policy as "historical, traditional, legitimate and reasonable." The Agricultural Advisory Panel shall have fifteen (15) days to return its findings and recommendations to the Board of County Commissioners.

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CHAPTER 12 | DEFINITIONS

SECTION 12.01 | GENERAL

A1-30, AE: (Flood Hazard Zone): Area of special flood hazards with base flood elevations determined.

AASHTO: American Association of State Highway and Transportation Officials

AH: (Flood Hazard): Area of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet, and with water surface elevations determined.

A0: (Flood Hazard Zone): Area of special flood hazards having shallow water depths (usually sheet flow) between one and three feet and with water surface elevations determined. Areas of alluvial fan flooding, velocities also determined.

Abut/Abutting: To physically touch or border upon; or to share a common property line or border.

Access: A way or means of approach to provide safe, adequate and usable physical entrance and exit to a property, use, or parking space.

Accessory Use: A use or structure that:

1. Is clearly incidental to and customarily found in connection with a principal structure or use;
2. Contributes to the comfort, convenience or necessity of occupants of the principal use; and
3. Is located on the same lot and in the same zoning district as the principal use.

Adjacent: Same as "abutting."

Adult Bookstore: Any establishment that sells or rents Adult Material including but not limited to books, magazines, movies, films, slides, or other photographic or written material and/or devices.

Adult Cabaret, Restaurant or other Business: A cabaret, restaurant or place of business that features topless or bottomless dancers, waitresses, waiters, or entertainers.

Adult Entertainment Establishment: Any establishment that conducts as a principal use of the premises or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of live entertainment, dancing or material that is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas as an attraction to the premises, including but not limited to Adult Bookstores, Adult Hotels/Motels, Adult Motion Picture Theaters, Adult Restaurants, Adult Cabarets or other Adult Businesses.

Adult Hotel or Motel: Any hotel or motel in which the presentation of Adult Material is the primary or a principal attraction.

Adult Material: Any material including, but not limited to books, magazines, newspapers, movie films, slides, or other photographic or written materials, video tapes or devices that are distinguished by their emphasis on depicting, describing or relating to Specified Anatomical Areas or Specified Sexual Activities.

Adult Motion Picture Theater: Any fully enclosed theater in which the presentation of Adult Material is the primary or principal attraction.

Agrivoltaics: Agrivoltaics, agrophotovoltaics, agrisolar, or dual-use solar is the integrated use of land for both solar panels and agricultural production, such as crop or livestock production, underneath the solar panels. The relationship between the solar panels and agricultural production must be interdependent and the principal use of the property must remain agricultural. To qualify as a valid agricultural use, the property must demonstrate at least 24 months of verified commercial agricultural activity prior to the installation of the solar facility. Furthermore, this agricultural use must be maintained as continuous, commercial-based activity following the solar installation.

Air Navigation Facility: Any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe take-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

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Airport: Any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon however financed. Such facilities may also include land and buildings, together with all appurtenances necessary or convenient thereto for the accommodation or convenience of the public, whether or not the members of the public so accommodated are directly or indirectly engaged in transportation by air, including, but not limited to, parking, dining, recreational, and hotel facilities.

Airport Environs: The geographic area that is affected by the airport air traffic operations and defined on the basis of those lands immediately affected by the 65 Ldn and greater noise exposure area from the Airport Environs Overlay Maps. For purposes of conveyance of avigation easements, the airport environs shall also include the area identified as the Airport Area of Influence (Subdistrict A).

Amateur Radio: Radio communications, which are licensed or regulated as such by the Federal Communications Commission.

Animal - Nondomestic: An animal not normally adapted to live and breed in a tame condition (see Animal - Exotic).

Animal Confinement: Any building, corral, pen or other enclosure used for the feeding or care of 20 to 1,000 animal units. Any sorting pens, alleyways, milking parlors, shelters, scales, or other equipment and buildings directly related to the operation shall be considered accessory uses to the animal confinement.

Animal - Exotic: An animal introduced from another country not normally kept as a household pet or farm animal.

Animal - Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. A limit of one litter, brood, or offspring is permitted, per household, per year.

Animal Unit: A unit of measurement used to determine the animal capacity of an animal-feeding operation containing one or more species of animals.

Animal Waste Collection System: A system, including pipelines, conduits, pumping stations, force mains, and all other construction, devices, appurtenances, and facilities, used for collecting or conducting wastes to an ultimate point for treatment or disposal.

Animal Waste Treatment Facility: An animal waste receiving facility designed to digest or alter animal waste either mechanically or biologically.

Antenna: Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

Antenna Array: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). It does not include a "telecommunications support structure."

Apartment: (see Dwelling, Multiple-Family)

Architectural Metal: Including but not limited to: steel, aluminum, copper, and zinc, fabricated into functional and decorative elements utilized for structural support and/or aesthetic features.

Area of shallow flooding: A designated AH or AO zone with a one (1) percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Avigation Easement: An avigation easement limits construction and heights of vegetation, and grants the right of flight over the surface together with the right, subject to the applicable local, state, and federal laws (such as noise pollution laws) to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and other effects of aircraft operations.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building that is partly or completely below grade.

Battery Energy Storage System (BESS): A system consisting of one or more battery modules capable of collecting

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and storing energy from the grid or a generation facility and then discharge that energy to the electrical grid at a later time. A BESS is not a system of one or more batteries used within a residence or business for personal or private use.

Bed and Breakfast: A facility of residential character that provides sleeping accommodations and breakfast for hire on a day-to-day basis in which the proprietor resides.

Best Management Practices (BMP): Practical activities, procedures, or practices necessary for achieving minimum compliance with appropriate standards (e.g., air quality, odor, water quality, etc.).

Business Residence: Dwelling unit(s) on the site of a nonresidential use.

Building: Anything constructed, erected or placed, which requires a permanent location on the ground or is anchored to the ground, or attached to something having a permanent location on the ground. This includes, but is not limited to advertising signs (on- or off-premise), antennas, satellite dishes, wind generators, and buildings, whether for storage or occupancy. It does not include fences that are less than seven (7) feet in height, poles, lines or other transmission or distribution facilities of public utilities or services.

Building, Principal: The building or structure that is occupied by the principal use.

C.R.S.: Colorado Revised Statutes

Campground: An outdoor facility designed for temporary overnight accommodation in tents or shelters for recreation, education, or vacation purposes. A campground is a principal use of land in this LDC. Common accessory uses may include shower or toilet facilities or small retail sales of camping-related items operated solely for the benefit of those staying in the camping area.

Camping: The overnight use of camping equipment or facilities such as tents, tarpaulins or temporary shelters or the overnight use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

Cemetery: Land used for burial of the dead, whether human or animal, including a mausoleum or columbarium.

Channel: A natural or artificial low-lying area of perceptible extent, with a definite bed and banks, which confines and conducts continuous or periodic flows of water.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, preservation of environmentally sensitive areas or agricultural uses.

Co-location: The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities will take place at different times on different schedules under one plan. An example would be a commercial development with multiple separate buildings constructed over the course of multiple construction schedules.

Community Solar Garden: A solar power generating facility designed to produce electricity as defined in C.R.S 40-2-127. A community solar garden may include battery storage equipment as accessory equipment.

Conditional Letter of Map Revision (CLOMR): FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Confined Animal Feeding Operation: An agricultural operational unit that meets all of the following criteria: (1) is designed to confine more than 1,000 animal units, (2) animals are confined, fed, and maintained for 45 consecutive days or more between May 15 and September 15, (3) crop or forage growth is not maintained in the area of confinement, (4) a majority of the crops or forage used to feed the animals is not grown on the same property, and (5) generates an average of more than five truck trips per week transporting animals to or from the confinement area (see also, "Animal Confinement").

Concealed, or Stealth: Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a Tower such as

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light poles, power poles and trees. The term Stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole Tower designs.

Conservation Easement: A Deed Restriction placed on property that restricts its owner to specific limited uses of the property, typically agriculture or as passive, private open space.

Contributing: A building, structure, site or object located within a Historic District that has sufficient historic, architectural or cultural significance and physical integrity and is related by a pattern of physical elements or social and cultural activities to other properties within the Historic District, so as to add to the historic significance of the Historic District.

Cooperative Planning Area: An Intergovernmental Agreement between Mesa County, the Town of Palisade, the City of Fruita and the City of Grand Junction also commonly known as a Community Separator and Buffer Zone.

County Register of Historic Landmarks (County Register): A listing of significant historic places that represent the historical, architectural and cultural heritage of Mesa County and are worthy of recognition and preservation. Places may be a building, site, structure, object or district.

Data Center: A building or buildings whose primary use is to house information technology or telecommunications equipment with which digital information is processed, transferred, and/or stored. A data center may include associated ancillary structures, including, but not limited to, offices, security buildings, cooling water tanks, and backup power systems.

Decision Making Body (Decision-Maker): the entity (Board of County Commissioners, Planning Commission, other board or commission or department head) that is authorized to finally approve or deny an application or permit required under this LDC.

Dedication: The grant of an interest in property to the public for public use and benefit.

Deed: A legal document conveying ownership or other interests in real property.

Deed Restriction: A legal document, recorded with the County Clerk describing restricted activities on a property, which may or may not include a Conservation Easement.

Designated Floodplain: An area designated by official action by the Board of County Commissioners.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, or enlargement of any structure; and any mining, dredging, filling, grading, paving excavation, drilling operation or storage of equipment and materials.

Domestic Livestock: Those animals listed on the Table of Animal Unit Equivalents in Section 6.04 B., Animals, within this LDC.

Driveway: A paved or unpaved area used for the ingress and/or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Duplex: Two dwelling units structurally attached, located on the same lot and designed to be occupied by two households living independently of each other.

Dwelling Unit: A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities.

Easement: An interest or right in land owned by another that entitles its holder to a specific limited use which is reserved, conveyed or granted by the property owner to and for the use of the public, a utility, a corporation or other persons, without the transfer of fee title.

Electric Vehicle Charging Station: A facility in which electric vehicle charging services are made available to the public or to a group of occupants or users of the property or development, including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Electrical Transmission Line: Means any electric transmission line and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of the transmission of electricity at 115 kilovolts or greater.

Energy Generation/Production Facility: A facility designed to generate electricity by the conversion of natural

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resources such as light, fossil fuels, nuclear or water which is directly connected to the utility grid supplying electricity serving a wide customer base without being connected to specific end-users.

FAA: Federal Aviation Administration

FIRM: Flood Insurance Rate Map

ft.: Feet

Feedlot: See Confined Animal Feeding Operation.

Fence: A barrier constructed to mark a boundary or to prevent exit from or entry onto or into premises or property to screen premises or property from view or noise. A fence may be constructed of any material not otherwise prohibited herein, provided that the height of the fence is equal to or less than seven (7) feet and the thickness of the fence, excluding poles, posts, pillars, or columns less than sixteen (16) inches.

Field Office Headquarters for Oil and Gas: Land uses which provide central oil and gas field office facilities for operators of oil and gas wells, gathering lines, and gas processing and compression facilities. Oil and gas field office facilities are for the purpose of allowing these operators to locate and maintain personnel and equipment headquarters in close proximity to their areas of operations. These land uses may be allowed in locations in the more remote rural areas of Mesa County. Field office facilities include buildings with offices for employees, day rooms for unexpected overnight stays by personnel caused by unforeseen weather and operational circumstances (not for routine occupancy), temporary office space for employees and contractors, warehouses, outdoor storage of equipment, supplies, fuel and chemicals necessary for oil and gas field operations on the site, lay down yards, maintenance shops for vehicles, equipment and prefabrication of oil and gas facilities, and private communication towers and satellite dish communication equipment. This use is not intended to replace those uses more appropriately permitted under Oil and Gas Support Services.

Fill: A deposit of material or obstruction of any kind which is placed, stored, or dumped within an area subject to flooding.

Fire Protection District: A Fire Protection District within Mesa County is defined as one which has been recognized by resolution as per C.R.S 32-1-102 (2022) by the BoCC.

Flea Market: Commercial activities held in an open area or enclosed structure in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various individuals where goods are offered for sale to the general public by individual sellers. This does not include shopping centers, individual retail operations, or sales conducted by a nonprofit or charitable organization. Flea markets are also known as swap meets, auctions or open-air markets or other similarly named or labeled activities. Garage sales, rummage sales, and events defined in Section 6.05 B. are not considered to be flea markets.

Flood: Temporary rise in a watercourse, flow, or stage, that results in water overlapping its banks and inundating areas adjacent to the channel.

Flood Fringe District: The area within the 100-year floodplain in which the flood waters are relatively shallow, and move at velocities in the neighborhood of one to four feet per second.

Flood Fringe: The area, other than the stream channel and floodway, which occupies the remainder of the 100-year floodplain, and receives shallower waters and less velocities, as defined by the Federal Emergency Management Agency.

Flood Insurance Study: An official report provided by the Federal Emergency Management Agency (Federal Emergency Management Agency) that includes profiles, the Floodplain and Floodway Boundary Maps, and the water surface elevation of the 100-year flood.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood of One Hundred Year Frequency (100-Year Flood): A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year, as determined by probability analysis of historical and hydrological data.

Flood Prone Area: An area adjoining a watercourse, which may be considered subject to flooding during the 100-

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year flood on the basis of historical information, topography, vegetation, and other naturally occurring indicators, but where precise dimensions of the 100-year floodplain have not been delineated by Flood Insurance Studies.

Flood Proofing: A combination of provisions, changes, or adjustments to structures and movable objects, or to surrounding areas, primarily for the reduction or elimination of flood damages.

Flood Regulatory Area: That portion of the floodplain that is subject to inundation by the 100-year flood. This area may be divided into the Floodway District and the Flood Fringe District.

Floodplain: The floodplain is made up of three parts, the stream channel, the floodway, and the flood fringe, as defined by the Federal Emergency Management Agency.

Floodway District: That portion of the designated floodplain which is required to carry and discharge a 100-year flood without cumulatively increasing the water surface elevation more than a designated height at any point. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (.5) foot. Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Floor Area: Measurement in determining the minimum floor area of a building/structure. All measurements shall be made along the outside enclosing walls, except that the garage and carport areas shall not be included as a part of the required floor area.

Forestry: A land use which creates, conserves and manages forests and forest lands for the continuing use of both commodity and non-commodity benefits.

Forestry Support Services: Land uses which provide support service for forestry land uses in that they contract with private land owners and public land managers to harvest trees. Forestry support services' sites include office space, storage and maintenance of equipment used to harvest and transport forest trees, and storage of harvested trees. Wood grinding/chipping may be allowed as an accessory use.

Frontage: The length of any one property line of a premise, which property line abuts a legally accessible street right-of-way.

Fuel Sales, Vehicle/Appliance: A lot or portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles or certified tanks, or the principal use of land for an Electric Vehicle Charging Station, or a lot or portion of a property that includes a combination of those forms of vehicle/appliance fuel dispensing and electric charging facilities. Such an establishment may offer other convenience items for retail sale as a clearly secondary activity.

Full Cutoff Light Fixture: A light fixture in which no more than two and one half (2.5) percent of its total output is emitted above ninety (90) degrees from the vertical pole or building wall on which it is mounted.

Greenhouse/Nursery: An establishment engaged principally in the cultivation of and sale of trees, shrubs, flowers, or other plants. Accessory uses may include but are not limited to the sale of materials commonly used for landscaping purposes such as soil, rock, mulch, packaged fertilizers or chemicals. The seasonal sale of locally produced fruits and vegetables (produced on the Western Slope) is permitted as an accessory use.

Grade: (a) The slope of a road, street or other public way, specified in percentage terms, and (b) The average elevation adjoining all the walls at ground level of the buildable area, i.e. the area conforming to all setback requirements, of a lot, tract or parcel of land.

Hazardous Substance: Any material as described in 40 CFR 300.5.

Hazardous Substance User: A nonresidential use that consumes or produces in the course of its activities, or as a byproduct of its activities, over 1,000 pounds of any hazardous substance within any one year.

Heavy Equipment: Any vehicle with a gross weight greater than fifteen thousand (15,000) pounds which is used primarily for commercial purposes, including but not limited to trucks, earthmovers, backhoes and loaders, but not

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including recreational vehicles or farm equipment.

Historic District: A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Historic Landmark: A building, structure, site, object or district that is of historic, architectural or cultural significance to the community, region, state or nation, and is so designated and listed on the County Register of Historic Landmarks.

Historic Resource: A building, site, structure, object or district that is listed on the County Register of Historic Landmarks, the State Register of Historic Properties, or the National Register of Historic Places.

Home Occupation: A business, profession, occupation or trade conducted for gain, conducted within a dwelling unit for gain or support by a resident of the dwelling unit.

Household: Any one of the following:

1. A single person occupying a dwelling unit;
2. Any number of people occupying a dwelling unit as a single housekeeping unit; or
3. The number of persons occupying each dwelling unit described above shall not exceed the maximum permitted by the applicable building code or safety code or by any applicable state or federal law or regulation.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater or other water into previously undeveloped land.

Improvement: Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

Junk: Used, old, or second-hand or scrap: machinery; dismantled machinery, equipment, vehicles, and parts; ferrous and non-ferrous metals; paper or paper products; fibers or fabrics; wood or wood products; tires or tire parts; manufactured rubber or plastic products; tools; appliances; implements or portions thereof; glass, clay, or porcelain products; trash or similar materials; cordage, building materials, dismantled machinery or other waste that has been abandoned from its original use.

Junk Yard: Any lot, site, yard, building, structure or other place, covered or uncovered, used for any one or all of the following purposes:

1. The collection, storage, keeping, abandonment or sale of junk whether of value or valueless.
2. The collection, storage, keeping, abandonment or sale of metal parts or scrap metals or any other scrap materials whether of the same source or kind; and/or,
3. The collection, storage, keeping, abandonment, wrecking, salvage, sale or exchange or abandonment of automobiles or parts thereof or of any other machinery or parts thereof, except as otherwise may be permitted in these regulations.

Kennel: Any place or premises used in whole or in part for the purpose of keeping, boarding, breeding or sale of domesticated dogs and/or cats in which six (6) or more domestic animals exist, and all of which exceed four (4) months in age, to include animal pounds and shelters.

Land Surveyor: A land surveyor licensed and registered in the State of Colorado.

Large Construction Project: Any project hauling four thousand five hundred (4500) tons of material within a one (1) month time frame.

Ldn: Interior Day-Night Average Noise Level

Ldn Contour: A line linking together a series of points of equal cumulative noise exposure based on the Ldn metric. Such contours are based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway use patterns.

Letter of Map Revision (LOMR): FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood

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Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Lot: A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot Lines: The property lines along the edge of a lot or site.

Lot Line, Front: The shortest lot line of all street lot lines. If all street lot lines are the same length, then all shall be considered front lot lines.

Lot Line, Rear: A lot line that is opposite a front lot line, but which does not abut a street. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

Lot Line, Side: Any lot line except a street or rear lot line.

Lot Line, Street: Any lot line that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot lines can include front lot lines and side lot lines.

Lot Area/Size: The total horizontal area included within lot lines.

Lot, Corner: A lot located at the intersection of and abutting two or more streets.

Lot Depth: The average distance from the front lot line to the rear lot line, measured in the general direction of the side lot lines, that is, from the direction the lot faces and is addressed by.

Lot, Double Frontage: A lot having a frontage on two streets that do not intersect at the boundaries of the lot, as distinguished from a corner lot.

Lot, Flagpole: A lot not meeting minimum frontage requirements and where the access to the public or private road is by a narrow private right-of-way or driveway, also known as a flagpole. The length of the flagpole shall be measured from the frontage line to the nearest point of intersection with the property line parallel or most nearly parallel to the frontage line. The area of the flagpole shall not be included determining the site area of a flagpole lot.

Lot Frontage: That dimension of a lot or a portion of a lot abutting a street right-of-way, excluding the exterior side dimension of a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot of Record: A lot which is part of an approved plat, the map of which has been recorded in the office of the Mesa County Clerk and Recorder.

Lot, Reverse Frontage: A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Lot Width: The distance between the side lot lines, measured at the required street setback line.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

Manufactured Home: Single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401), which became effective June 15, 1976 (i.e. HUD approved). The structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 30 body feet in length, or, when erected on site is 360 or more square feet, and which is built on a permanent chassis and designed to be used for human occupancy with or without a permanent foundation and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured Home Park: A unified development of mobile home or manufactured home spaces arranged on a tract of land for the purpose of renting or leasing spaces or manufactured homes or mobile homes meeting the requirements of these regulations.

Manufactured Home Park, Existing: A manufactured home park or subdivision for which the construction of facilities

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for servicing the lots on which the manufactured homes are to be affixed (including, at minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 18, 1973, the effective date of the floodplain management regulations adopted by Mesa County.

Manufactured Home Park, New: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 18, 1973, the effective date of the floodplain management regulation adopted by Mesa County.

Manufactured Home Park, Expansion: The preparation of additional sites to an Existing Manufactured Home Park or Subdivision by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Mesa County Master Plan: includes the Mesa Countywide Land Use Plan, the Mesa County Land Use and Development Policies and other plans and policies adopted pursuant to C.R.S. §30-28-108 as elements of a Master Plan.

Mineral: An inanimate constituent of the earth, in either solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material. This definition does not include surface or ground water useable for domestic, agricultural, or industrial purposes, nor does it include geothermal resources subject to regulation under C.R.S. §37-90.5-101 et seq. or oil and gas resources subject to regulation under C.R.S. §34-60-101, et seq.

Mineral Deposit: An area in which minerals are located in sufficient concentrations in veins, deposits, bodies, beds, seams, fields, pools or otherwise capable of economic recovery.

Mining: The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater.

Minor Entertainment Events: Events such as weddings, reunions or other social or business gatherings scheduled and held as a business enterprise on a property in a rural zone district. Activities may be held indoors and/or outdoors.

Mixed Use District:The Mixed Use District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The Mixed Use District also permits a mix of residential and retail/service uses in close proximity to each other.

Multi Family: One or more buildings or portion of buildings on a single lot or parcel of land that contains three (3) or more individual dwelling units, where each unit is occupied by one household living independently of each other and maintaining separate cooking facilities and where each unit has an individual entrance to the outdoors or to a common hallway. This use includes facilities that provide independent living services but that are not required to be licensed by the state of Colorado.

Municipal Separate Storm Sewer System: A conveyance or the system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, ditches, drainage inlets, catch basins, pipes, tunnel, culverts, channels, detention basins and ponds owned and operated by a municipality or county and designed or used for collecting or conveying stormwater that is not a combined sewer or used for collecting or conveying sanitary sewage.

N/A: Not applicable

National Register of Historic Places (National Register): The list of places significant in American history, architecture, archeology, engineering or culture on a national, state or local level, as designated by the Secretary of Interior. Places may be a building, site, structure, object or district.

Neighborhood Association:Any group that has filed required registration forms and map and description of its boundaries with the Director.

New Construction (Related to Floodplain Management): For the purpose of determining flood insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (Flood

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Insurance Rate Map) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

No-Rise Certification: A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Noncontributing: A property within the boundaries of a Historic District that has had substantial alterations, is not of sufficient age, or is otherwise deemed not historic and does not add to the historic character, significance or architectural integrity of the Historic District.

Nonresident Employee: Means an employee, business partner, co-owner, or other person affiliated with a home occupation, who does not live at the site but who reports to the site in person as part of the home occupation.

Nuisance Conditions: Means "public nuisance" as defined by common and case law.

Nursing Care Facility: A licensed health care entity that is planned, organized, operated and maintained to provide supportive, restorative and preventative services to persons who, due to physical and/or mental disability, require continuous or regular inpatient nursing care.

Obstructions: Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification culvert, building, fence, stockpile, refuse, fill, structure or matter, in, along, across, or projecting into any drain way, channel, or watercourse, which might impede, retard or change the direction or flow of water, either by itself or by catching or collecting debris carried by such water, or which is placed where the 100-year flood may carry the debris downstream.

Occupied: The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

Off-Site Improvement: Any utility, paving, grading, drainage, structure or modification of topography which is, or will be located on property that is (a) not within the boundary of the property to be developed or (b) on or under any perimeter roadway surrounding the property to be development.

Onsite Wastewater Treatment System (OWTS): A septic tank, seepage tile-sewage disposal system, or any other approved on-lot sewage treatment device.

Open Space: An outdoor, unenclosed area, located on the ground, designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.

Open Space, Common: Open space within a development that is owned in common by a Property Owners' Association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common Open Space does not include areas used for streets, alleys, driveways, or off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, and other recreation facilities may be counted as common open space.

Operator: The mineral estate owner, mineral estate lessee, drilling contractor, production company, or any party or parties acting on behalf of any of the above that has control or management of operations of the oil and gas well.

Ordinary View: A sight line from beyond the subject property within normal visual range by a person standing on a public sidewalk or adjacent property at non-elevated ground level without the use of special tools (i.e. telephoto lens, ladder, etc.).

Overburden: All of the earth and other materials which lie above natural mineral deposits of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, and also means such earth and other materials disturbed from their natural state in the process of open mining.

Parcel: An area of land described as one entity in a legal document and in the possession of, or owned by, or recorded as the property of, the same person or persons. Not to be confused with a tax parcel.

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Parent Parcel: The original parcel or parcels prior to being divided into two or more smaller lots.

Pasture: Land, including fenced fields, where plants, including but not limited to hay, grass, alfalfa, or corn are cultivated and irrigated or watered and are grown for the purpose of grazing. Fenced yards for dwellings cannot be used as pasture. Weeds (including plants which are not being planted, cultivated and watered or irrigated) cannot be used as pasture.

Areas where animals are tied or contained in a pen, corral or building are not considered pasture areas. Any rangeland or forested lands that can be used for grazing shall be considered pasture.

Permanent Monument: Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Physical Barrier: An obstruction that impedes movement, access, or creates the inability to maintain the continuity of land use on a specific parcel.

Plan, Concept: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail according to these regulations to indicate the suitability of the proposed subdivision.

Plat, Final: A map of a land subdivision prepared according to applicable laws of the State of Colorado and these regulations having the necessary affidavits for filing, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

Potable Water: Water which complies with all requirements of the Colorado State Health Department for drinking water and related to chemical and bacterial content and which, in addition, complies with other potability standards which may be imposed by the Board of County Commissioners, by resolution, from time to time.

Private Energy Facilities: An electric generating of a residential or commercial building that generates electricity for use on-site not to exceed 120% of onsite usage. The facility may be ground or roof mounted. Ground-mounted systems shall comply with applicable codes, and shall be identified as an accessory structure.

Private Utility: A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequences and need, such as electricity, gas, transportation or communication.

Property Line: The lines bounding the property.

Property Line Adjustment: A change in parcel boundaries that does not create additional parcels.

Property Owners' Association: A private, nonprofit corporation of property owners for the purpose of owning, operating and maintaining various common properties and irrigation facilities.

Province of an entity: The service area or boundary of a utility or municipal district .

Public Improvement: Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public private utilities, parks or recreational, energy or similar essential services.

Public Purpose: A municipal, quasi-municipal (Public Improvement Districts, Title 32 & 37 districts, etc.) or governmental use established primarily for the benefit and service of the population of the community in which it is located. Private utilities, for-profit entities, non-profit organizations, cooperatives, and other organizations that provide a benefit or service similar to a publicly owned entity may also be considered a Public Purpose. This can include by way of example but not limited to, a fire or police department substation; dedication of land to public ownership for multi-modal transportation facility construction (such as trails); recreation and open space; public education; utilities; telecommunication facilities; irrigation and drainage facilities; or uses that provide a governmental function, activity or service for public benefit.

PUD: Planned Unit Development

Reclamation: The employment, during and after, an open mining operation of procedures reasonably designed to minimize as much as practicable and disruptive from the open mining operation and to provide for the rehabilitation of any such surface resources adversely affected by such opening operations through the rehabilitation of plant cover, soil stability, water resources and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

Reclamation, Final: That part of mined land reclamation that occurs after the mining activity ceases and completes

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the reclamation effort.

Recreational Vehicle: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle, or all-terrain vehicle.

Registered Neighborhood Association: Any organization representing or purporting to represent a defined geographic region of the County and that has registered with the Director on forms available in the County Planning Office.

Regulatory Flood Protection Elevation: An elevation equal to the elevation level of the projected water surface during a 100-year flood.

Residential Occupied Structure: See Building, Principle see also Dwelling Unit.

Re-subdivision: A change in lot boundaries in a previously platted subdivision.

Review Body: the entity (County department head, board or commission) that is authorized to recommend approval or denial of an application or permit required under this LDC.

Rights-of-way (Easement): A strip of land, either public or private, recorded or apparent, for which rights of use exist.

Rights-of-way (Street): A strip of land dedicated by a recorded plat to the public, or a warranty deed with a qualifying statement, for which the interest is fee simple ownership.

Road: See Street

Rural Community: An area designated as a "Rural Community" in the Mesa County Master Plan.

Rural Planning Area: A rural area or a countryside is a geographic area that is located outside towns and cities. Typical rural areas have a low population density and small settlements. Agricultural areas and areas with forestry typically are described as rural (AF35, AFT, URR & RSF-E zoning districts).

SLD: School Land Dedication

SLD Fee: The fee in lieu of school land dedication imposed pursuant to this LDC.

Satellite Dish: An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

Self-Storage - Indoor: A facility that rents out secure, enclosed spaces, also called "storage units," to individuals and businesses, usually on a short-term basis.

Self-Storage – Outdoor: A facility that rents out space, outdoors, for vehicles, motorcycles, RVs, boats, etc.

Setback: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise expressly stated.

Setback, Street (see also Lot Line, Street): A setback extending along the full width of a street lot line between side lot lines and from the street lot line to the building line in depth.

Setback, Rear: A setback extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear setback depth shall be measured at right angles to the rear line of the lot.

Setback, Side: A setback lying between the side lot line and the nearest point of the building and extending from the street setback to the rear setback, or in absence of either such street or rear setback, to the street or rear lot lines. Side setback width shall be measured at right angles to the side lines of the lot.

Setback Line: A line or lines within a property defining the minimum horizontal distance required between a building/structure and property line.

Sidewalk: A paved surface area usually paralleling and separate from the roadway, used as a pedestrian way.

Sign: A structure or device designed or intended to convey information to the public in written or pictorial form.

Sign Area: The entire area within a continuous perimeter, enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual

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surface area. The copy of signs composed of individual letters, numerals or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both sign faces coincide and are parallel.

Sign, Awning, Canopy, or Marquee: See Sign, Projecting.

Sign, Digital or Electronic: Any sign that uses changing lights to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, Free-standing: A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Sign, Identification: Such signs shall refer only to the principal use of the lot upon which such signs are located.

Sign, Illuminated: A sign lit in any manner by an artificial light source.

Sign, Monument: A freestanding sign, generally lower in height and attached to the ground by means of a wide base of solid appearance.

Sign, Off-premise: A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign, Portable: Any sign that is not permanently affixed to a building, other unmovable structure or the ground.

Sign, Projecting: Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/awning/canopy/marquee sign.

Sign, Roof: Any sign erected upon, against, or directly above a roof or roof eave, or on top or above a parapet, or on a functional architectural appendage above the roof or roof eave.

Sign, Flush Wall: A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

Sign, Window: A sign painted, stenciled or affixed on a window, which is visible from the right-of-way.

Single-Family, Attached: One of two or more residential buildings, each of which is located on a separate lot and is separated from the others by common fire-resistant walls.

Single-Family, Detached: A building containing one dwelling unit, designed to be occupied by one household, entirely surrounded by open space on the same lot.

Single Housekeeping Unit: Generally characterized by a family-like social setting where common areas (e.g., cooking, eating, recreation and sanitation facilities) are jointly used by the residents.

Site Plan: A plan, prepared to scale, showing accurate and with complete dimensioning, the boundaries of a site and all other information required by these regulations.

Skyline: The visual line where the earth or vegetation and the sky seem to meet.

Small Engine Repair: Means an engine that powers equipment such as: lawn mowers, tillers, cultivators, trimmers, snow blowers, chain saws, pumps, generators, air compressors, outboard boats, snowmobiles, all-terrain vehicles, and ultra-light aircraft.

Specified Anatomical Areas: any of the following that are less than completely and opaquely covered: (a) human genitals and pubic region; (b) buttocks; (c) the human female breast or breasts to a point immediately below the top of the areola; and (d) human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities or Sexual Conduct: (a) human genitals in a state of sexual stimulation or arousal; (b) actual or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, anilingus or any sexual acts that are prohibited by law; and (c) touching or fondling of the human breasts, buttocks, anus or genitals.

sq.ft.: square feet

Start of construction (for floodplain regulation): Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other

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improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Register of Historic Properties (State Register): A listing of Colorado's significant cultural resources worthy of preservation for the future education and enjoyment of Colorado's residents and visitors. Properties listed in the State Register include individual buildings, structures, objects, districts and historic and archaeological sites.

Stream Channel: The area of the floodplain which carries the normal course of the watercourse.

Street: A public or private right-of-way which is used, or intended to be used for passage or travel of motor vehicles.

Structure: See Building.

Structure (for floodplain regulation): A walled and roofed building or manufactured home that is principally above ground.

Subdivision: Subdivision shall have the meaning given in C.R.S. §30-28-101.

Substantial damage (for floodplain regulation): Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violation of state or local health, sanitary or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure."

TIA: Traffic Impact Analysis

Telecommunication Facilities: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a Tower or Antenna Support Structure.

Telecommunication Facility, Attached: An array that is attached to an existing building or structure, including utility poles, signs, water towers, and similar structures with any associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

Telecommunications Support Structure: A structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device used solely to attach an attached telecommunications facility to an existing building or structure shall be excluded from this definition.

Temporary Shelter: The use of camping equipment or facilities such as tents or other manufactured fabric shelters that may include the use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

Tiny House: A single-household dwelling that is permanently constructed on a vehicle chassis; is not self-propelled; is designed for long-term residency; contains less than 400 square feet of gross floor area; includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home; is constructed to the International Residential Code as adopted by the Building Codes and Standards program of the Colorado Division of Housing; and has affixed to it a metal plate insignia certifying that it is built to those standards. This use does not include recreational park trailers (as defined in C.R.S. 24-32-902), or recreational vehicles (as defined in C.R.S. 24-32-902).

Tire, Used or Waste: An inflatable rubber or synthetic casing, or any part thereof, designed to be sealed to a wheel

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rim under pressure, which has been applied to a given purpose, or which has been discarded from its original use.

Tower: A self-supporting lattice, guyed or monopole structure constructed from grade which supports Telecommunications Facilities. The term Tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Townhouse: Attached or semi attached dwelling, containing a single dwelling unit and located on a separate lot.

Turf: Areas of continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions and that, when regularly mowed, form a dense growth of leaf blades and roots.

Turf, Artificial: Synthetic materials developed to resemble natural grass.

Turf, Functional: Turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, that may include playgrounds, sports fields, picnic grounds, amphitheaters, portions of parks, and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways, and roughs.

Turf, Nonfunctional: Turf that is not functional turf. This term includes turf located in a street right-of-way, parking lot, median, or transportation corridor. The term does not include turf that is designated to be part of a water quality treatment solution required for compliance with federal, state, or local agency water quality permitting requirements that is not irrigated and does not have herbicides applied.

Urban Development Boundary: That area planned for urban land uses as depicted on the Future Land Use Plan Map in the Grand Junction Comprehensive Plan.

Urban Planning Area: A residential area which typically exhibits higher population density and smaller parcel sizes (URR, RSF-E, RSF, RMF, MU, B, C and I zoning districts).

Use: The purpose for which land or the building is designed, arranged or intended, or for which is or may be occupied or maintained; also any activity, occupation, business or operation which is carried on, in or on a structure or on a tract of land.

Vehicle, Inoperable: Includes but is not limited to any automobile, truck, tractor, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

1. Absence of an effective registration plate upon such vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports; or
3. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

Vehicle, Unlicensed: Includes but is not limited to any car, truck, van, motor home, camper, trailer, motorcycle or other vehicle not bear or display proper and/or current proof of licensing from the state of license plate issuance.

Watercourse: A natural or man-made channel through which water flows.

Waters of the State: All streams, lakes, rivers, ponds, wells, impounding reservoirs, watercourses, springs, drainage systems, and irrigation systems; all sources of water such as snow, ice, and glaciers; and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, located wholly or partly within or bordering upon the State of Colorado and within the jurisdiction of the State of Colorado."

Water Surface Elevation: The height, in relation to the National American Vertical Datum (NAVD) of 1988 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WildlifeFence: A fence designed and built to keep animals from accessing roadways and agricultural properties. May also include design to funnel animal movement to safe crossing locations (e.g., wildlife crossing structures). The fencing may incorporate design features like barbless wire, appropriate heights for jumping or crawling, and visibility markers to prevent injury, entanglement, and habitat fragmentation depending on the needs of the fencing.

Zero Lot Line Development: Means a single-family detached development where the single-family dwellings do not have a common wall, but have one wall abutting a side property line.

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Zoning District: A portion of territory of the County, within which certain uses of land, premises and buildings are permitted by a uniform set of regulations.

SECTION 12.02 | USE CATEGORIES

A. Basis for Classifications

Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

B. Principal Use Characteristics

Principal uses are assigned to the category that most closely describes the nature of the principal use. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.

C. Considerations Used in Categorizing Principal Uses

The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity is likely to be found independent of the other activities on the site.

D. Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the Retail Sales and Service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

E. Accessory Uses

Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

F. Use of Examples

The "Examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale

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Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

SECTION 12.03 | RESIDENTIAL USE CATEGORIES

A. Group Living

1. Characteristics

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of lodging (see the "Retail Sales and Service" and "Community Service" categories). Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the care givers also reside at the site or the site is staffed twenty-four (24) hours a day.

2. Accessory Uses

Accessory uses commonly associated with Group Living are recreational facilities and parking of vehicles for occupants and staff.

3. Examples

The Group Living category is further broken down into the following specific uses:

a. Assisted Living Facility

A residence for up to eight (8) unrelated individuals, none of which are receiving on-site medical or psychological treatment, therapy, or counseling, but some or all of whom are receiving on-site physical assistance with day-to-day living activities. The limit of eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, an Assisted Living Facility may include any of the following:

A nonprofit group home for the aged or an owner-occupied group home for the aged;

A state-licensed group home for the developmentally disabled; and

A state-licensed group home for persons with mental illness.

b. Treatment Facility

A residence for up to eight (8) unrelated individuals, where some or all of the residents are receiving on-site medical or psychological treatment, therapy, or counseling. The limit of eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, a Treatment Facility may include any of the following:

(1) A nursing home;

(2) A nursing facility;

(3) Institutions providing life care;

(4) A state-licensed group home for the developmentally disabled;

(5) A state-licensed group home for persons with mental illness;

(6) An adult day treatment facility; and

(7) A physical/mental rehabilitation home.

c. Small Group Living Facility

A residence for up to eight (8) unrelated individuals, none of which are receiving on-site medical or psychological treatment, therapy, counseling, or physical assistance with day-to-day living activities. The restriction to eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, a Small Group Living Facility use may include, without limitation:

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(1) A family care home;

(2) A state-licensed residential child care facility;

(3) An adult foster home;

(4) A family foster home; and

(5) A receiving home.

d. Large Group Living Facility

Any residence for more than eight (8) unrelated individuals, and any residence for up to eight (8) unrelated individuals that does not meet the definition of "Treatment Facility," "Assisted Living Facility" or "Small Group Living Facility." Provided that the use complies with this definition and size restriction of this definition, a Large Group Living Facility may include, without limitation:

(1) A secure residential treatment center;

(2) A shelter for homeless persons; and

(3) A group home including persons assigned to such home in lieu of being sentenced to a correctional facility, or upon their release from a correctional facility.

4. Exceptions

a. Lodging where tenancy may be arranged for periods of less than thirty (30) days is to be considered a hotel or motel use and classified in the Retail Sales and Service category.

b. Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.

c. Facilities for people who are under judicial detainment and under the supervision of sworn officers are included in the Detention Facilities category.

B. Household Living

1. Characteristics

Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (Section 12.05 E.).

2. Accessory uses

Accessory uses commonly associated with household living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies, parking of the occupants' vehicles, and accessory dwellings. Home occupations and accessory dwellings are accessory uses that are subject to additional regulations of this LDC.

3. Examples

Uses include living in single-family dwellings, duplexes, triplexes and other multi-dwelling structures, retirement center apartments, manufactured housing and other structures with self-contained dwelling units. Agricultural labor housing and temporary employee housing, which are intended to house workers on or near the site, may include self-contained dwelling units or shared facilities.

4. Exceptions

Lodging in a dwelling unit or where less than two thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the Lodging category.

SECTION 12.04 | INSTITUTIONAL AND CIVIC USE CATEGORIES

A. Colleges and Vocational Schools

1. Characteristics

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This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree or professional certification. Colleges tend to be in campus-like settings or on multiple blocks.

2. Accessory Uses

Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial uses.

3. Examples

Examples include universities, colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, and business, trade, technical and vocational schools.

4. Exceptions

Martial arts, dance and music studios are classified as Office and Personal Service.

B. Community Services

1. Characteristics

Community Services are uses of a public, nonprofit, or charitable nature, generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.

2. Accessory Uses

Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.

3. Examples

Examples include libraries, museums, senior centers, community centers, community gardens, publicly owned swimming pools, youth club facilities, hospices, social service facilities, temporary shelters, vocational training for persons with physical or mental disabilities, columbariums and mausoleums.

4. Exceptions

a. Private lodges, clubs and private or commercial athletic or health clubs are classified as Entertainment. Commercial museums are classified as Office and Personal Service.

b. Parks are classified as Parks and Open Areas.

c. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential and are classified as Household or Group Living.

C. Day Care

1. Characteristics

Day Care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than twenty-four (24) hours per day. There are (3) three types of day care:

a. Family Care Home, Small

A family child care home that provides care for 2 to 6 children or adults.

b. Family Care Home, Large

A family child care home that provides care for 7 to 12 children or adults.

c. Day Care Center

A center that provides care for more than 12 children or adults.

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2. Accessory Uses

Accessory uses include offices, recreation areas and parking.

3. Exceptions

Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

D. Hospitals

1. Characteristics

Hospitals include uses providing medical or surgical care to patients and offering overnight care.

2. Accessory Uses

Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.

3. Examples

Examples include medical centers and hospitals.

4. Exceptions

a. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.

b. Medical clinics that provide care where patients are generally not kept overnight are classified as Office and Personal Service.

c. Emergency medical clinics not associated with a hospital are classified as Office and Personal Service.

E. Parks and Open Areas

1. Characteristics

Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

2. Accessory Uses

Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters and parking.

3. Examples

Examples include parks, golf courses, cemeteries, public squares, plazas, playgrounds, ballfields, recreation areas, recreational trails, botanical gardens, nature preserves and land used for grazing that is not part of a farm or ranch.

F. Religious Institutions

1. Characteristics

Religious Institutions primarily provide meeting areas for religious activities.

2. Accessory Uses

Accessory uses include Sunday school facilities, parking, caretaker's housing and group living facilities such as convents.

3. Examples

Examples include churches, temples, synagogues and mosques.

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4. Exceptions

Elementary and secondary schools are classified as Schools. Colleges and other post-secondary schools are classified as Colleges and Vocational Schools. Child care other than that provided during church events is considered Day Care.

G. Public Safety Facilities

1. Characteristics

Safety Services are uses that provide public safety and emergency response services as well as detention facilities. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site. Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.

2. Accessory Uses

Accessory uses include offices and parking. Accessory Detention uses also include recreational and health facilities, therapy facilities, maintenance facilities and hobby and manufacturing activities.

3. Examples

Examples of public safety facilities include fire stations, police stations, emergency medical and ambulance stations. Examples of detention facilities include prisons, jails, probation centers, honor camps, juvenile detention homes, reformatories and rehabilitation centers.

4. Exceptions

Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are also classified as Group Living.

H. Schools

1. Characteristics

This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education.

2. Accessory Uses

Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.

3. Examples

Examples include public and private daytime schools, boarding schools and military academies.

4. Exceptions

Preschools are classified as Day Care uses.

I. Utilities, Basic

1. Characteristics

Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.

2. Accessory Uses

Accessory uses may include parking and control, monitoring, data or transmission equipment.

3. Examples

Examples include water and sewage pump stations; electrical substations; water towers and

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reservoirs; public and private water and sewage treatment facilities; regional stormwater retention and detention facilities; telephone exchanges; recycling drop-off stations; and park-and-ride facilities for mass transit. Minor facilities are those that cover a small or limited area, or are underground.

4. Exceptions

a. Services where people are generally present are classified as Community Services, Office and Personal Services, or Safety Services.

b. Utility offices where employees or customers are generally present are classified as Office and Personal Services.

c. Bus barns are classified as Warehouse and Freight Movement.

d. Telecommunication facilities and support structures are classified as Telecom Facilities.

J. Utility Corridors

1. Characteristics

This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

2. Examples

Examples include major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines and gas compressor and transfer stations. Minor facilities include above ground structures such as valves, pump stations, transformers and other equipment with that cover a small or limited area.

3. Exceptions

Utility corridors located within public rights-of-way are not included.

K. Utilities, Production

1. Characteristics

A facility designed and operated for the generation, and distribution of electricity which use fossil fuels, solar energy, hydroelectric energy, geothermal energy, nuclear, biomass energy or wind energy as a resource for the primary purpose of selling electricity generated to the electric power grid.

2. Accessory Uses

Accessory uses may include parking and control, monitoring, data or transmission or battery storage equipment and agrivoltaics.

3. Exceptions

a. Does not apply to on-site generation equipment when such use is an accessory use as described in Section 6.02 CC of this LCD.

b. Transmission lines, substations, and pipelines.

c. Utility production facilities with no occupied structures or full-time on-site employees are exempt from the requirements for potable water required in Section 8.09.

SECTION 12.05 | COMMERCIAL USE CATEGORIES

A. Retail Sales and Service

1. Characteristics

Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide offices, personal services or entertainment, or provide product repair or services for consumer and business goods.

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2. Accessory Uses

Accessory uses may include offices, drive-throughs, services, repair, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

3. Examples

Stores selling, leasing, or renting consumer, home and business goods (including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, and stationery); food sales; sales or leasing of consumer vehicles (including passenger vehicles, motorcycles, light and medium trucks and recreational vehicles and equipment); wineries; retail plant nurseries; flea markets; and farmer's markets.

4. Exceptions

a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

b. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Sales.

c. Wholesale plant nurseries are classified as Agriculture.

B. Office and Personal Service

1. Characteristics

Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Personal service uses may also provide personal services, product repair or services for consumer and business goods.

2. Accessory Uses

Accessory uses may include cafeterias, health facilities, parking, other amenities primarily for the use of employees in the firm or building, drive-throughs, and storage of vehicles and materials associated with the business. Limited retail that complements the service being provided may be included as accessory to the primary use.

3. Examples

Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, banks, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; emergency medical care not associated with a hospital; and blood-collection facilities.

Examples of personal services include laundromats; photographic studios; photocopy and blueprint services; hair, tanning and personal care services; martial arts studios; art, dance or music classes; taxidermists; mortuaries and crematoriums; private museums; repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; tailor; locksmith; upholsterer; veterinarians; and animal care, grooming, boarding and training.

4. Exceptions

a. Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.

b. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Industrial Service.

c. Commercial boarding stables are classified as Agriculture.

C. Entertainment

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1. Characteristics

Entertainment businesses provide continuous recreation and entertainment-oriented activities and services, Entertainment businesses also include Major Entertainment Event uses, which are characterized by activities and structures that draw large numbers of people to specific events or shows and are generally of a spectator nature. Minor Entertainment Event uses are smaller special events such as weddings, reunions and similar social or business gatherings, held on a limited basis.

2. Accessory Uses

Accessory uses may include drive-throughs, concessions, parking, and maintenance facilities.

3. Examples

Entertainment businesses include restaurants, cafes and delicatessens; bars, taverns and nightclubs; adult entertainment; banquet, meeting and exhibition areas; indoor continuous recreation businesses (such as arcades, bowling alleys, skating rinks, play centers, health clubs, gyms, membership clubs and lodges, pool halls, dance halls, and indoor shooting ranges); and indoor theaters, Examples of Major Entertainment Event businesses include stadiums; sports arenas; coliseums; auditoriums; and fairgrounds.

4. Exceptions

a. Banquet halls that are part of a hotel or restaurant are accessory to those uses.

b. Uses such as dance studios and martial arts studios are classified as Office and Personal Service.

D. Recreation and Entertainment, Outdoor

1. Characteristics

Outdoor Recreation and Entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.

2. Accessory Uses

Accessory uses may include concessions, restaurants, parking, caretaker's quarters and maintenance facilities.

3. Examples

Examples include riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, miniature golf facilities, outdoor shooting ranges, amphitheaters, drive-in theaters, and zoos. Outdoor Major Entertainment Event uses are characterized by activities such as concerts, events and shows that draw large numbers of people, are generally of a spectator nature, and are located in an outdoor venue.

4. Exceptions

a. Golf courses and driving ranges are classified as Parks and Open Space.

b. Publicly owned swimming pools are classified as Community Services.

E. Lodging

1. Characteristics

Lodging is the provision of rooms and temporary accommodations to individuals for a short term, typically with an average length stay of less than thirty (30) days.

2. Accessory Uses

Accessory uses include restaurants, bars, meeting and banquet halls, parking, spas and salons, laundry facilities, and recreation facilities and activities that are primarily for the use of guests.

3. Examples

Examples include hotels, motels, bed & breakfasts, resorts, cabins, lodges, campgrounds, camps and

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recreational vehicle parks.

4. Exceptions

a. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter (Section 12.04 B.).

b. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Vehicle Service.

c. Camping in an AFT zoning district that is not located in a campground and that meets the requirements of Section 6.04 F. is considered accessory to the residential use.

F. Parking, Commercial

1. Characteristics

Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

2. Accessory Uses

In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.

3. Examples

Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).

4. Exceptions

a. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.

b. Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.

c. Public transit park-and-ride facilities are classified as Basic Utilities.

G. Self-Service Storage

1. Characteristics

Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Storage may be enclosed in a building (indoors) and/or may be located outdoors for vehicles and recreational equipment. Where only outdoor storage is proposed, access to storage area may be limited to employees only.

2. Accessory Uses

Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

3. Exceptions

a. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

b. The rental of trucks or equipment is considered Retail Sales and Service.

H. Vehicle Repair

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1. Characteristics

   Vehicle Repair firms service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

2. Accessory Uses

   Accessory uses may include offices, sales of parts and vehicle storage.

3. Examples

   Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing and tire sales and mounting.

4. Exceptions

   Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage, are classified as Industrial Service.

I. Vehicle Service

1. Characteristics

   Vehicle Service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.

2. Accessory Uses

   Accessory uses may include auto repair and tire sales. Truck stops and travel plazas may include restaurants, hotels and similar uses serving the traveling public.

3. Examples

   Examples include full-service, mini-service and self-service gas stations, truck stops and travel plazas, car washes, and quick lubrication services.

4. Exceptions

   Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

SECTION 12.06 | INDUSTRIAL USE CATEGORIES

A. Industrial Service

1. Characteristics

   Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

2. Accessory Uses

   Accessory activities may include offices, parking and storage.

3. Examples

   Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; building, heating, plumbing or electrical contractors; delivery and dispatch services; printing, publishing and lithography; exterminators; janitorial and building maintenance services; propane, fuel, and oil storage and distributors; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and

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photofinishing laboratories.

4. Exceptions

Repair of personal goods and small appliances and equipment is included in the Office & Personal Service category.

B. Manufacturing and Production

1. Characteristics

Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

2. Accessory Uses

Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.

3. Examples

Examples include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; electric power generation plants; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments (including musical instruments), vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including manufactured homes.

4. Exceptions

a. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.

b. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

c. Manufacturing that occurs in a small office-type setting is considered Office and Personal Service.

C. Warehouse and Freight Movement

1. Characteristics

Warehouse and Freight Movement firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

2. Accessory Uses

Accessory uses may include offices, truck fleet parking and maintenance areas.

3. Examples

Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants (including frozen food lockers); storage of weapons and ammunition; major wholesale distribution centers; truck or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

4. Exceptions

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a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

b. Mini-warehouses are classified as Self-Service Storage uses.

D. Waste-Related

1. Characteristics

Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the composting of organic material. Waste-Related uses also include uses that receive hazardous wastes from others.

2. Accessory Uses

Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.

3. Examples

Examples include sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, incinerators, energy recovery plants, sewage treatment plants, brine disposal/storage and hazardous-waste-collection sites.

4. Exceptions

a. Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill.

b. Recycling drop-off stations (no on-site processing) are basic utility uses.

E. Wholesale Sales

1. Characteristics

Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

2. Accessory Uses

Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

3. Examples

Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.

4. Exceptions

a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.

b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

SECTION 12.07 | OTHER USE CATEGORIES

A. Agriculture

1. Characteristics

Agriculture includes activities that primarily involve raising, producing or keeping plants or animals. Normal farming and ranching activities such as grazing and crop and orchard production are a use by right unless specifically identified in this LDC, as described in the Mesa County "Right to Farm and

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Ranch" policy.

2. Accessory Uses

Accessory uses include dwellings for operators and employees of the use, animal training, retail and wholesale sales of products produced on-site, sorting and packaging of fruit and vegetables, "farmkill" of livestock, feed processing, equipment repair and maintenance; tasting rooms; vintner's restaurants; produce stands; agritourism (in accordance with Section 5.a below) and other activities that are secondary or minor parts of the operation but necessary functions of the operation.

3. Examples

Examples include breeding or raising of fowl or other animals; dairy farms; commercial boarding stables; farming, orchards, vineyards, truck gardening, forestry, forestry support services, tree farming; wineries, breweries and distilleries; agricultural support businesses; agricultural production greenhouses; aquaculture; and wholesale plant nurseries.

4. Exceptions

a. Processing of animal or plant products that is the primary use of the operation on the premises are classified as Manufacturing and Production.

b. Livestock auctions are classified as Wholesale Sales.

c. Commercial riding academies, roping arenas and equestrian arenas are classified as Recreation and Entertainment, Outdoor. Personal arenas are an accessory use.

d. Animal Care/Boarding/Sales, excluding boarding stables, are classified as Office and Personal Service.

e. The keeping of exotic animals is considered Animal Care/Boarding/Sales.

f. Retail plant nurseries are considered Landscaping Materials Sales, classified as Retail Sales and Service.

g. Farmer's Markets are Retails Sales and Service.

5. Agritourism

As an accessory use to an agriculturally based operation or activity at a working farm, vineyard, orchard or ranch, conducted for the enjoyment, education, or active involvement of visitors that adds to the economic viability of the agricultural operation. Agritourism activities are accessory to, and directly supportive of the agricultural use on the property. Activities or frequencies outside of the examples listed below and any use that is not accessory to the agricultural use on the property shall follow all other standards and requirements found in this LDC.

a. Examples

(1) U-Pick orchard or farm.

(2) Truck and flower garden with direct sale to customers.

(3) Production, manufacture and direct sales of value-added products derived, in whole or in part, from produce grown on site.

(4) Outdoor events relating to the principle agricultural use:

(a) The allowed number of attendees shall be calculated as follows:

a. Up to twenty-five (25) attendees for the first two (2) acres and fifteen (15) additional attendees for each additional acre up to a maximum of two hundred-five (205) attendees; and

b. If the number of attendees is greater than allowed by the calculation above, the use shall be considered a Minor Entertainment Event;

(b) The allowed number of outdoor events will be:

a. Limited to 4 per month, not to exceed 24 per year, and

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b. If the number of outdoor events is greater than allowed by the above, the use shall be considered a Minor Entertainment Event;

(5) Hayrides, pumpkin patches, mazes, etc.

(6) Experiential Lodging:

(a) Maximum number of lodging units shall be no greater than one (1) lodging unit per one (1) acre in agricultural production up to a maximum of ten (10) lodging units;

(b) Lodging shall be short-term, fourteen (14) days or less;

(c) Lodging units shall be exempt from standards listed in Section 6.02 E. of this LDC.

(d) Temporary portable toilets (port-a-potty) or approved pit or vault toilet(s) shall be provided and serviced regularly.

(e) A lodging unit may include, but is not limited to, tents with or without an established "platform", tipis, sheep wagons, yurts, RVs, tiny homes, cabins or camp and tent sites.

(7) Farm animal viewing and petting.

(8) Tours of grounds and facilities.

(9) Exhibits or other activities related to the principle agricultural use, as determined by the Director.

b. Additional Standards:

(1) Sound generated by outdoor amplified music shall neither exceed sixty-five (65) decibels between the hours of 7:00am and 10:00pm nor sixty (60) decibels between the hours of 10:00pm and 7:00am, as measured at or beyond any of the property lines from which the noise is emanating.

(2) The use shall not interfere with normal agricultural practices or convert agricultural land to a non-agricultural use.

c. The access provided shall be from a public road and shall meet all requirements of the Mesa County Design Standards.

B. Aviation and Surface Passenger Terminals

1. Characteristics

Aviation and Surface Passenger Terminals include facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service and regional rail service.

2. Accessory Uses

Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.

3. Examples

Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, and helicopter landing facilities.

4. Exceptions

a. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as Basic Utilities.

b. Private helicopter landing facilities that are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

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C. Mining

1. Characteristics

Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use regardless of whether or not the State of Colorado requires a Reclamation Permit for the activity.

2. Accessory Uses

Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.

3. Examples

Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling, also included are support services for drilling or mining such as temporary employee housing; parking, storage and maintenance of exploration, production or workover equipment, pipe and production equipment; equipment and storage yards for road and pipeline construction contractors and production unit set-up and maintenance contractors; and field offices used by production related personnel.

D. Telecommunications Facilities

1. Characteristics

Telecommunications facilities include all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz, and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system.

2. Accessory Uses

Accessory uses may include transmitter facility buildings.

3. Examples

Examples include broadcast towers, communication towers, point-to-point microwave towers and all FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

4. Exceptions

a. Receive-only antennas and amateur radio facilities that are owned and operated by a federally-licensed amateur radio station operator are not included in this category.

b. Radio and television studios are classified in the Office category.

c. Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.

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PROPOSED RESOLUTION FOR APPROVAL

DRAFT RESOLUTION 2026-22

Planning Department Number PRO2026-0092

A RESOLUTION FOR APPROVAL OF THE ADOPTION OF THE 2026 LAND DEVELOPMENT CODE

WHEREAS, on October 15, 2026, the Mesa County Planning Division Staff (the "Staff') presented the Project Review for Agenda Item No. PRO2026-0092 (the "Agenda Item") for consideration by the Mesa County Planning Commission; and

WHEREAS, the Agenda Item consisted of a request for approval of a comprehensive update to the Mesa County 2020 Land Development Code (as amended); and

WHEREAS, the Staff recommended approval of the Agenda Item, and the Planning Commission voted 7-0 to recommend approval of the Agenda Item to the Board of County Commissioners; and

WHEREAS, the Mesa County Board of County Commissioners considered the Agenda Item at a properly noticed public hearing on January 14, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA AS FOLLOWS:

THAT public notice requirements of Sections 3.0I of the Mesa County 2020 Land Development Code (as amended) have been met; and

THAT the Mesa County Board of County Commissioners hereby determines that the comprehensive updates to the Mesa County 2020 Land Development Code (as amended) contained in the Agenda Item are in the best interest of the citizens of Mesa County, and that such Code updates promote the health safety and welfare of the citizens of Mesa County; and

THAT the updates to the Mesa County 2020 Land Development Code (as amended) shall be titled and adopted as the "Mesa County 2026 Land Development Code;" and

THAT the Mesa County 2026 Land Development Code adopted November 17, 2026 replaces and supersedes the Mesa County 2020 Land Development Code (as amended); and

THAT the Mesa County Board of County Commissioners hereby directs the Community Development Department to correct any scrivener's errors, typographical errors, and/or make any other necessary non-substantive changes to the Mesa County 2026 Land Development Code prior to posting and implementing it for public use; and

THAT the Chair is authorized to take all action necessary and appropriate to effectuate the provisions of this Resolution in accordance with Colorado law.

DULY MOVED, SECONDED and PASSED this 17th day of November, 2026.

_____

James “JJ” Fletcher, Chair
Board of County Commissioners of
Mesa County, Colorado

ATTEST:

_____

Bobbie Gross
Mesa County Clerk and Recorder