

GETTING TO
KNOW THE
NEW LUC

GETTING TO KNOW THE NEW LAND USE CODE

- Discuss 3 chapters tonight

Chapter 70 – General Site Development Standards

Chapter 72 – Supplemental Overlay Standards

Chapter 73 – Standards for Specific Uses

GETTING TO KNOW THE NEW LUC

- **WHAT YOU SHOULD KNOW**

- Highlight chapter content
- Note special features
- Spotlight new

- **WHAT WE NEED TO KNOW**

- Universal suite of questions
 - Is it understandable by a nontechnical audience?
 - Is it easy to navigate?
 - Are the requirements clear and relevant?
 - Is it fair and balanced?
 - Does everyone know where they stand?

STANDARDS



CHAPTER 70 – 73 STANDARDS

- **WHAT YOU SHOULD KNOW:**

- To approve a land use permit, the decision-making body must make findings that the project meets certain approval criteria. To ensure these criteria are met, chapters 70 and chapters 72-73 establish standards which describe the level of quality or quantity that must be complied with or satisfied. Chapter 70 consolidates the standards that are generally applicable to all land use permits, unless otherwise excepted.
- Chapter 70 is then supplemented by standards in chapter 72 (supplemental overlay standards) and chapter 73 (standards for specific uses) that may also be applicable depending upon the location or nature of the development.
- Section 70-5 Compatibility Assessment is a revised tool and includes possible mitigation measures to achieve compatibility.

CHAPTER 70 – 73 STANDARDS

- **WHAT YOU SHOULD KNOW:**
- This code contains two (2) types of standards: **prescriptive** and **performance based**
 - A **prescriptive standard** requires the applicant to satisfy criteria in a specific manner and ensure certainty, predictability and uniformity in the decision-making process. Because of their relevance to public health, safety and welfare, these standards oftentimes apply technical or quantitative measures and are strictly applied to each development.
 - In contrast, a **performance-based standard** allows the applicant and the decision-making body greater flexibility to determine the way a performance goal is reached. The necessity of reaching the stated goal is not waived or varied but the means for accomplishing it may take account of distinguishing attributes of the project and the ability of the applicant to mitigate adverse impacts.

CHAPTER 70 – DEVELOPMENT STANDARDS

EXAMPLES:

- Utilities
- Sewage
- Water
- Compatibility
- Setbacks & Height
- Lighting
- Natural Hazards
- Grading, drainage and erosion control
- Noxious weeds
- Irrigation facilities
- Landscaping & buffering
- Road access
- Noise



SECTION 70-5 COMPATIBILITY ASSESSMENT

Section 70-5 is a performance-based standard that focuses on the effects of a proposed land use. Where the effects of a development are deemed undesirable, adverse or detrimental, this code allows the applicant to propose measures designed to mitigate those effects and thereby make the development compatible with the surrounding area or natural environment.

- All applications for minor and major land use permits shall be assessed in terms of the proposed development's ability to achieve and maintain compatibility with the natural environment and the existing and desired uses where the development is located.
- A performance-based standard that allows the applicant and the decision-making body greater flexibility to determine the way a performance goal is reached.
- Fulfillment of the criteria may be achieved through the implementation of mitigation measures for all potential adverse impacts.

-What
you
should
know

CHAPTER 70

Table 70-5 analyzes:

- Density relative to infrastructure, surrounding context.
- Impacts: Noise, odor, vibration, dust, glare, hours of operation (see Table 70-5)
- Pollution: Air, water, soil
- Maintaining character: 6 criteria
- Adequate provision of services
- Natural environment: Geohazard, wetlands, slope, wildlife, wildfire (See Table 70-5)

-What
you
should
know

CHAPTER 70

- More effective Geohazard provisions (sec. 70-8.VII) modeled on Garfield, San Miguel county, and CO Geological Survey requirements
- Wildfire will be amended/ supplemented after CPAW recommendations but Sec. 70-8.VIII creates starting point for encouraged mitigation measures

-What
you
should
know

CHAPTER 70

-Sec. 70-14 is a statement of Colorado irrigation law.

- Expands width of ditch easements

- Currently 15' from centerline of the ditch unless easements indicate otherwise

- Proposed: If ditch is less than 8' deep = 25' from the top of the ditch on one side of the ditch

- If ditch is more than 8' deep = 30' from the top of the ditch on both sides of the ditch

- Possible need for protective measures (e.g. fence, piping) to avoid improper use of the ditch



WHAT WE NEED TO KNOW: CH. 70

Universal suite of questions:
clear, relevant, balanced

Table 70-5: Are there
additional mitigation
measures that should be
added?

Feedback on Geohazard
analysis and requirements?

CHAPTER 72 – OVERLAY AREAS AND SUPPLEMENTAL OVERLAY STANDARDS

Overlay areas are designated to protect areas with special needs and characteristics, such as airports or may, among other things, be used to encourage newer forms of development around the perimeter of municipal boundaries. These overlay areas may have either independent or supplemental standards on land use and development within the area designated.

Sec. 72-2 Joint planning area overlay

Sec. 72-2 Airport influence overlay designation and standards

Sec. 72-3 Mineral conservation overlay standards – Reserved

Sec. 72-4 State/County proposed highway/road overlay standards – Reserved

Sec. 72-5 Wildland-Urban Interface overlay standards - Reserved

CHAPTER 73 – STANDARDS FOR SPECIFIC USES

The specific uses addressed in this chapter require particular attention for a variety of reasons. Although many uses have the potential to impact neighbors by generating noise, dust, odor, light, traffic or other potential nuisances, some uses require evaluation and mitigation efforts beyond those established more generally elsewhere in the code.

Many warrant special attention in order to accommodate unique technical considerations or to coordinate the county's interests with regulations and standards set at the state and federal levels.

NEW:

Sec. 73-5 Campgrounds and recreational vehicle parks – standards for campgrounds are based on very prescriptive portions of State law. Under State law, RV parks are a type of campground

Sec. 73-7 Commercial outdoor storage and sales areas

Sec. 73-8 Commercial outdoor shooting range

Sec. 73-10 Gravel, sand, topsoil and mineral extraction

Sec. 73-15 Manufactured home parks, tiny home communities or manufactured home subdivisions.

WHAT WE NEED TO KNOW:

Chapter 73:

- Universal suite of questions
- For those not dictated by State law, are setbacks appropriate?
- Are operational restrictions (i.e. hours of operation) balanced?
- Are submittal requirements complete and appropriate for evaluating the project?
- Technical input on small scale solar thresholds and requirements
- Are any uses missing from the chapter?



YOUR TURN TO
SHARE WITH US



**NEXT WORK SESSION:
THURSDAY JUNE 18, 2020**

TOPICS:

**PROCESS – CHAPTERS 66 & 67
REPORT ON COMMUNITY WORKSHOPS
FEEDBACK ON PUBLIC COMMENT
DISCUSSION**