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## CHAPTER 7: DEVELOPMENT STANDARDS

### 7-10: GENERAL

This Chapter 7 contains standards related to the quality of development in Pitkin County, including provisions related to the protection of rural character, environmental protection and avoidance of hazard areas, lighting, parking, signs, development in special areas, and other topics. This chapter integrates development standards related to “1041 regulations” with other types of development standards. These standards shall apply in addition to:

- (a) Those district-specific standards listed in Chapter 3 (for the zone district(s) where the property is located);
- (b) Those use-specific standards listed in Chapter 4 (as applicable to the proposed use); and
- (c) Those density requirements in Chapter 5 (applicable to the proposed use and the zone district where the property is located).

In the event of any conflict between the standards set forth in this Chapter 7 and the standards set forth in Chapters 2 through 5, the stricter standard shall govern.

### 7-10-20: APPLICABILITY

All activities and development in all zone districts shall comply with all applicable standards in this Chapter 7, unless the text of this Chapter 7 or some other portion of this Land Use Code provides an exemption. Some provisions specifically related to the avoidance of environmental hazards only apply within mapped areas designated on Pitkin County’s adopted constraint maps, or in unmapped areas known to fall within the definition of Areas of Local and State Interest as implemented by Pitkin County. The standards in this Chapter 7 specifically apply not only to the creation of new subdivided lots and development of those lots, but also to development, additions, reconstruction, or modification of structures on all other parcels of land, including without limitation previously-platted lots and parcels defined by metes and bounds descriptions, unless specifically exempted. The construction of new trails and the relocation of existing trails are subject to the standards in this Chapter 7.

### 7-10-30: EXEMPT DEVELOPMENT ACTIVITIES

The following activities are exempt from Site Plan and Activity Envelope review if the activities are in compliance with the standards in Secs. 7-10-40 through 7-20-90 and 7-20-160, and are exempt from Scenic View Protection Review pursuant to Sec. 7-20-120 (c). For the purposes of (a) through (j) below, Wildfire Hazard shall not be considered a Constrained Area and compliance with Section 7-20-60 is required.

- (a) The Community Development Director may exempt agricultural buildings of less than 4,060 square feet (except for a barn of more than 20’ and up to 25’ to the

- midpoint of the roof on a lot/parcel of 10 to <20 acres) or greenhouses of less than 3,000 square feet from review, if the owner demonstrates that (1) there is no construction in a Constrained Area; and (2) the agricultural building is sited consistent with Sec. 7-20-120(e), Rural Character Guidelines for Building Locations; and (3) the agricultural building is not visible from the rights-of-way designated in Sec. 7-20-120(b), or has limited visual impact and the exterior and roof comply with Secs. 7-20-120(d)(11) and (12); and (4) the agricultural building maintains yard setbacks of at least one and a half times the required yard setbacks specified in Sec. 5-10
- (b) The Community Development Director may exempt remodeling, expansion or reconstruction of any existing legally created structure provided there is no expansion or construction of a structure into a Constrained Area. ~~For the purposes of this exemption only, areas categorized as low wildfire hazard shall not be considered constrained areas.~~
  - (c) The Community Development Director may exempt construction of an accessory structure, provided there is no construction in a Constrained Area.
  - (d) The Community Development Director may exempt temporary disturbance of land for development including but not limited to, drilling a well percolation testing, test pits and installation of utilities, and temporary access to accomplish these activities, provided there is no development in a Constrained Area.
  - (e) Clearing, grading or grubbing of less than two hundred (200) square feet in the area or earthmoving of less than fifty (50) cubic yards.
  - (f) The Community Development Director may exempt installation of landscaping that does not include removal of native vegetation, is not within Constrained Areas, and is limited in area and scope such that the rural character of the County is not compromised as per Sec. 7-20-130.
  - (g) ~~For the purpose of sub-sections (a) through (g) above, areas categorized as low wildfire hazard shall not be considered constrained areas.~~ Reserved.
  - (h) Development activity not exceeding twenty thousand (20,000) dollars in construction costs, that avoids or adequately mitigates Constrained Areas.
  - (i) ~~For the purposes of this exemption only, areas categorized as low wildfire hazard shall not be considered constrained areas.~~ Reserved.
  - (j) The Community Development Director or the Assistant Community Development Director may exempt renewable energy generation and collection, and/or renewable energy storage from Activity Envelope requirements, provided there is no development in a constrained area and the development is not a utility scale development.

*(Code repealed and reenacted Ord. No. 14-D, 2006 - § 7-10-30 amended (part) [Ord. 28-07, 11-14-07](#); [Ord. 011-11, 08-10-11](#); [Ord. 032-14, 10-09-14](#); [Ord. 040-2019, 11-20-2019](#); [Ord. 031-13, 12-18-2013](#); [Ord. 028-2014, 07-23-2014](#))*

#### **7-10-40: REVIEW FOR COMPLIANCE**

(a) The procedures for reviewing proposed activities or development for compliance with the standards in this Chapter 7 shall differ depending on the location of the property, the nature of the activity proposed, and the size and impact of the proposed change. All such procedures are described in Chapter 2. In general, most proposed development will be reviewed pursuant to the Site Plan process in Sec. 2-30-20.

#### **7-10-50: SITE PLAN AND ACTIVITY ENVELOPE**

(a) The intent of this Chapter 7 is to allow activities and development to take place where they comply with the provisions of this Land Use Code and with the Pitkin County Comprehensive Plan for the area. Compliance will generally involve avoidance of “Constrained Areas” through the identification of an “Activity Envelope,” as well as approval of a Site Plan. For purposes of Chapter 7, “Constrained Areas” include all areas included in each of the following categories, as defined and regulated by this Land Use Code: (i) Areas of Statewide Interest listed in C.R.S. 24-65.1-101 et. seq.), (ii) steep and potentially unstable slopes, (iii) water courses, drainage channels, and areas subject to erosion, (iv) floodplain hazard areas, (v) geological hazard areas, (vi) ~~severe or low to moderate~~ wildfire hazard areas, (vii) wildlife habitat areas, (viii) river and stream corridors and wetlands (ix) irrigated lands for food or crop production, (x) historic preservation areas, and (xi) archeological resource areas.

(b) The Site Plan process incorporates an “Activity Envelope” approach in which the County staff works with the applicant to determine which portions of the site (if any) would permit the proposed activity or development to be conducted in compliance with this Land Use Code and in conformity with the Comprehensive Plan for the area. In general, this process will involve both a determination of (i) which portions of the site are not available for development because of the existence of Constrained Areas, and (ii) of the remaining portions of the site, which areas would accommodate the activity or development so as to minimize impacts on surrounding properties, maximize compliance with the requirements of the development standards in this Chapter 7, and maximize compliance with the Comprehensive Plan goals and objectives.

(c) In general, the defined Activity Envelope for development of primary uses shall be large enough to accommodate the proposed principal use of the property and traditional permitted accessory structures, infrastructure (roads and septic systems), and uses, but should not be significantly larger than the area needed for such structures. In the case of a site with few Constrained Areas, the defined Activity Envelope may include more than one potential building site for a new single family home. The defined Activity Envelope may include non-contiguous areas (including separate areas for septic fields,

landscaping, driveways to public roads, mitigation measures required in connection with any provision of this Chapter 7, and/or areas to be disturbed only during construction on the property – including staging areas and materials storage areas). Construction of trails will not require an Activity Envelope analysis except as required by Sec. 7-20-50.

(d) Clearing, grading or grubbing of two hundred (200) square feet or more in area, earthmoving of fifty (50) cubic yards or greater, or changes in the natural drainage of the site shall occur only after an Activity Envelope has been defined and all applicable local, state and federal permits have been obtained. In addition, Site Plan Approval is required if these activities will occur on a property within a Scenic View Protection Area and the development is not exempt pursuant to Sec. 7-20-120 (c).

(e) Activity Envelope and Site Plan Review for a Stream Restoration Project shall adhere to all development standards in 7-20-40 and 7-20-80 and shall be reviewed by the BOCC as set forth in Table 2-1.

(f) Once an Activity Envelope has been defined, the natural grade, topography, vegetation and drainage of areas outside the defined areas shall not be disturbed except as specifically permitted in this Land Use Code. Prior to any development activity on the parcel, the boundaries of the Activity Envelope shall be identified with construction fencing, and such fencing shall remain in place until development has been completed.

(g) While it is preferable to obtain approval of an Activity Envelope as part of the Site Plan approval process, applicants who are not prepared to submit a Site Plan for a specific structure may request approval of an Activity Envelope separately. Prior to the issuance of a Development Permit, the applicant shall be required to apply for and obtain approval of a Site Plan confirming that the proposed development is consistent with the defined Activity Envelope and with other standards in this Land Use Code not considered at the time the Activity Envelope was defined.

(h) The standards in this Chapter 7 shall be used (i) to identify the Activity Envelope on a property, (ii) to review and approve the Site Plan for proposed development, and (iii) to regulate development within the Activity Envelope pursuant to the Site Plan. Development Standards in this Chapter 7 which are to be reviewed as part of Activity Envelope and Site Plan review are set forth in Table 7-1 below.

***(Code repealed and reenacted Ord. No. 14-D, 2006 - § 7-10-50 amended (part) [Ord. 24-08, 07-23-08; Ord. 040-19, 11-20-2019; Ord. 028-2014, 07-23-2014](#)***

TABLE 7-1: Review Requirements for Activity Envelope and Site Plan Approval		
Development Standard	Site Plan if no prior approval of Activity Envelope	Activity Envelope if done prior to full Site Plan review
Site Preparation and Grading	X	X
Steep and Potentially Unstable Slopes	X	X

Water Courses and Drainage Channels; Areas Subject to Erosion	X	X
Floodplain Hazards	X	X
Geologic Hazards	X	X
Wildfire Hazards	X	X
Wildlife Habitat Areas	X	X
River and Stream Corridors and Wetlands	X	X
Irrigated Lands for Food or Crop Production	X	X
Historic Preservation	X	X
Archeological Resources	X	X
Scenic View Protection	X	
Landscaping and Vegetation Protection	X	
Lighting	X	
Solar Access	X	
Roads, Driveways, and Parking	X	
Trails	X	
Public Services and Utilities	X	
Water Supply and Distribution Systems	X	
Sewage Treatment and Collection	X	
Signs	X	
Standards for Solar Roof Readiness & Guidelines for Site Orientation for Solar Access	X	

*(Code repealed and reenacted Ord. No. 14-D, 2006 - § 7-10-50 chart amended [Ord. 040-19, 11-20-2019](#)*

**7-10-60: PRIORITIES IN LOCATING ACTIVITY OR DEVELOPMENT**

When the property contains Constrained Areas where proposed activity or development could not comply with this Land Use Code or the Pitkin County Comprehensive Plan, the following order of priority shall be followed:

(a) Avoidance

The activity or development shall be located on a portion of the site that is free from Constrained Areas and where the proposed activity or development would comply with this Land Use Code and the Comprehensive Plan, if such an area exists.

(b) Adjustment of Range, Size, or Intensity of Proposed Activity or Development or Activity

If there is no adequately sized area on the property that would avoid Constrained Areas and would allow the proposed activity or development to occur in compliance with this Land Use Code and the Comprehensive Plan, the range of permitted activities and/or the permitted density or intensity of development and/or the maximum size of a permitted activity or development may be limited to bring the proposal into compliance

with this Land Use Code and the Comprehensive Plan. If the Community Development Department determines that the proposed development can only occur in compliance with this Land Use Code and the Comprehensive Plan if the maximum structure size on a lot or parcel that is not subject to an FAR limitation is reduced to less than five thousand seven hundred fifty (5,750) square feet, the application shall automatically be converted to a One-Step Review before the Board of County Commissioners. The Scenic View Protection standards of Sec. 7-20-120 shall not be utilized to reduce the maximum gross floor area of permitted development to less than 5,750 square feet. Because the full impacts of a proposed development or activity can only be determined at the time of Site Plan review, this review will normally not occur if the applicant requests approval of an Activity Envelope alone, but will be reserved until submission of a Site Plan.

(c) Administrative Modification of Standards

(1) If there is no adequately sized area on the property that would avoid Constrained Areas and would allow the proposed activity or development to occur in compliance with this Land Use Code and the Comprehensive Plan, even after adjustment of the proposed activity pursuant to subsection (b) above, because of the conflicting requirements of two or more standards, but an Administrative Modification of one or more standards pursuant to Sec. 2-20-10(c) would allow compliance with the remainder of the standards, then an Administrative Modification may be made.

(2) In determining what type of Administrative Modification should be approved, the Community Development Director shall give priority to strict compliance with those standards affecting human health and safety over other development standards. In addition, the Community Development Director shall give priority to strict compliance with those standards affecting human health and safety and wildlife habitat areas over the scenic view protection standards and guidelines. For purposes of this Chapter 7, standards affecting human health and safety include Sec. 7-20-20; 7-20-40; 7-20-50; and 7-20-60.

(3) Because the full impacts of a proposed development or activity can only be determined at the time of Site Plan review, this review will normally not occur if the applicant requests approval of an Activity Envelope alone, but will be reserved until submission of a Site Plan.

(d) Prohibition

The proposed activity or development may be prohibited if the proposed activity or development:

(1) Does not meet the standards of this Land Use Code and/or is not in compliance with the Pitkin County Comprehensive Plan; and

(2) Cannot be modified pursuant to subsection (b) above (i.e. there is no portion of the site where the activity or development can occur, even in a limited form, while avoiding Constrained Areas and in compliance with this Land Use Code and the Pitkin County Comprehensive Plan); and

(3) A permitted Administrative Modification would not bring the application into compliance with this Land Use Code and the Pitkin County Comprehensive Plan.

Because the full impacts of a proposed development or activity can only be determined at the time of Site Plan review, this review will normally not occur if the applicant requests approval of an Activity Envelope alone, but will be reserved until submission of a Site Plan.

**7-20: RURAL CHARACTER, ENVIRONMENTAL PROTECTION,  
AND NATURAL HAZARDS**

**7-20-10: SITE PREPARATION AND GRADING**

(a) Grading and Fill Placement

Grading and filling on a site shall take place only within a defined Activity Envelope. All grading and fill placement that exceeds fifty (50) cubic yards shall be indicated on the Site Plan.

(b) Clearing, Grubbing, and Vegetation Removal

Clearing or grubbing of land, or removal of vegetation shall take place only within an approved Activity Envelope except for the removal of noxious weeds. Each Site Plan shall document compliance with the requirements of this Sec. 7-20-10(b) and Sec. 7-20-130.

(c) Protection of Natural Terrain

The County Planning Engineer or Community Development Director shall suggest and may require design and construction techniques that lessen or mitigate any physical and visual damage caused by the proposed activity or development to Constrained Areas or to the natural terrain, stream vegetation, and other natural features of the landscape within the Activity Envelope. Techniques shall include, but are not limited to:

(1) Revegetation

Revegetation and reforestation utilizing native or similar horticultural material, to be completed during the first planting season after construction; where vegetation is removed, it shall be replaced with vegetation that will reach similar density and height to that removed within two (2) years following conclusion of construction.

(2) Topsoil

Removing and saving topsoil prior to any grading or excavating and replacement for revegetation.

(3) Weed Prevention

Weed prevention, thistle management, and prohibition of non-native plants, which may include reducing animal damage to vegetation cover, as determined by the United States Soil Conservation Service Soil Survey.

(4) Utility Installation

Locating and installing utilities in a manner minimizing damage to the natural environment and scenic quality.

(5) Erosion, Sedimentation, and Storm water Management

(a) Land uses shall:

- (1) Not cause erosion problems and, if practicable, retain all soil on site;
- (2) Minimize disturbance of natural vegetation and soil cover;
- (3) Ensure that all cuts and fills are adequately designed and vegetated to control erosion as well as stability of the slope area;
- (4) Ensure that natural drainage patterns are preserved and protected from increased water flows that subject existing channels and adjacent areas to increased erosion; and
- (5) Preserve natural vegetation and soil cover within those buffer distances adjacent to rivers, streams, lakes, reservoirs and wetlands/riparian areas established in Sec. 7-20-80.

(b) Mitigation measures identified in an approved erosion, sedimentation, or storm water management plan shall remain in place until revegetation is viable.

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-06; § 7-20-10 (part) Ord. 019-09, 06-24-2009; Ord. 035-2015, 12-02-2015)*

**7-20-20: STEEP AND POTENTIALLY UNSTABLE SLOPES**

The following provisions shall apply whenever steep slopes or potentially unstable slopes occur within the Activity Envelope, but do not apply when the Activity Envelope have been defined to avoid such areas.

(a) Slope Delineation

Slopes shall be delineated within the Activity Envelope with two (2) foot contour intervals. Slopes between each two (2) foot contour in each of the following categories shall be designated by a distinct graphic pattern.

- (1) Slopes that are fifteen (15) percent or greater, but less than thirty (30) percent;
- (2) Slopes that are thirty (30) percent or greater, but less than forty-five (45) percent;
- (3) Slopes that are forty-five (45) percent or greater.

(b) Forty-five (45) Percent or Greater Gradient

Development is prohibited on slopes with a slope gradient equal to or exceeding forty-five (45) percent, except:

- (1) Where:
  - (a) The lot is in a legally platted subdivision, recorded prior to 1972, and
  - (b) There is no alternative building site that avoids areas of slope exceeding forty-five (45) percent, and
  - (c) An engineer or geologist licensed in the State of Colorado demonstrates that the site can be engineered so that there is no hazard posed by the location of development on such slopes, and
  - (d) The proposed development complies with all standards in subsection (c)(1) below applicable to slopes of thirty (30) percent or greater; and
- (2) As provided in subsections (c)(3) or (c)(4) below.

(c) Thirty (30) Percent or Greater Gradient

Development is prohibited on slopes with a slope gradient of thirty (30) percent or more, except as follows:

- (1) No Alternative Building Site

If there is no alternative building site available on the parcel with slopes of less than thirty (30) percent, development (but not roads or driveways) may be approved by the Community Development Department through the Site Plan process subject to the following development standards:

(a) An engineer or geologist licensed in the State of Colorado shall be required to demonstrate that the site can be engineered so that there is no hazard posed by the location of development on such slopes.

(b) To the extent possible, the development shall be designed so as to: avoid adding water to the site that would cause decreased stability; avoid removing the toe of the slope without adequate mechanical support; avoid increasing the weight load on top of the slope; re-contour disturbed slopes so that they can be re-vegetated; avoid steepening of existing slopes.

(c) Any development approved pursuant to this section shall be conditioned upon compliance with the engineer or geologist's recommended mitigation measures.

(d) Following Site Plan review, and prior to the application for a Building Permit, a precise engineer or geologist approved mitigation plan shall be submitted by the applicant that shows the area of disturbed slope, any re-grading required and the exact size and location of all mitigation devices. The mitigation measures must be determined by the Community Development Department to be the least visually and ecologically obtrusive alternatives.

(2) Parcels with Some Areas of Less than Thirty (30) Percent Slopes

(a) If a parcel contains areas with less than thirty (30) percent slopes that are accessible by a road or driveway that meets the requirements of this Land Use Code, but such areas (after exclusion of Constrained Areas) are not large enough to develop the floor area permitted by underlying zoning, then areas containing slopes of less than thirty (30) percent must be utilized to develop as much of the floor area as can feasibly be accommodated. Areas containing slopes of thirty (30) percent or greater (but not exceeding forty-five (45) percent) may then be used for development of the remainder of the permitted floor area. The resulting area specified for development should define a contiguous area with slopes of less than thirty (30) percent to the maximum extent practicable.

(b) Development on slopes equal to or exceeding thirty (30) percent (but less than or equal to forty-five (45) percent) shall be subject to the development standards in Sec. 7-20-20(c)(1)(a) through (d)., and shall

minimize disruption of natural terrain as viewed from any of those roads identified in Sec. 7-20-120(b).

(3) Minor Slope Anomaly

Through the Site Plan process, exceptions for minor changes in slope-development may be permitted on lands that have a slope equal to or in excess of thirty (30) percent when the slope is due to the presence of a minor natural or minor man-made change in the gradient of a continuous slope, provided that an engineer or geologist licensed in the State of Colorado demonstrates that the slope's ground surface is not prone to instability or failure and that the proposed development will not cause greater instability or increase the potential for slope failure.

(4) Existing Roads and Driveways

Through the Site Plan process, an exception for minor road and driveway improvements may be permitted to existing roads and driveways that traverse previously disturbed slopes equal to or in excess of thirty (30) percent, provided that the applicant demonstrates that all of the following conditions are met:

- (a) The road or driveway was legally created, as demonstrated by (i) a valid copy of the permit for the road or driveway, or (ii) evidence that the road or driveway was constructed prior to the County's road or driveway permit system in 1993, or (iii) that a permit was not required to construct the road or driveway.
- (b) The proposed use of the road is an existing legal use (i.e., if residential development is proposed, it shall be demonstrated that the road already services an existing, legal residential structure). The current use of the road or driveway shall not change between residential, commercial, lodging or industrial use. No road improvements shall be permitted pursuant to this provision to allow the development of any structure where there is no pre-existing, legal structure (e.g., a mining road or jeep road that provides access to a vacant parcel shall not be improved pursuant to this provision to create access to a new residence).
- (c) The improvements shall be limited to existing roads and driveways that traverse previously disturbed slopes equal to or in excess of thirty (30) percent and comply, or can comply without impacting slopes equal to or in excess of thirty (30) percent, with the minimum requirements in the Pitkin County Road Management and Maintenance Plan for width, grade and curvature. New road and driveway improvements that traverse undisturbed slopes equal to or in excess of thirty (30) percent are prohibited.

(d) The improvements shall be minor in scope and shall be the minimum required to ensure the safety of both the general public and safety agency personnel. Improvements that may be permitted pursuant to this provision may include, but not be limited to, pullouts, turnarounds or grading, if the road or driveway otherwise complies with the standards of the Pitkin County Road Management and Maintenance Plan.

Improvements that would create further impacts on slopes equal to or in excess of thirty (30) percent in order to bring an existing road or driveway into compliance with the minimum standards of the Pitkin County Road Management and Maintenance Plan are prohibited.

(e) An engineer or geologist licensed in the State of Colorado demonstrates that the slope's ground surface is not prone to instability or failure, and that the proposed improvements will not cause greater instability or increase the potential for slope failure.

#### (5) Short Driveway Encroachments

Through the Building Permit process, an exception for short driveway encroachments may be permitted as follows:

(a) This exception may only be utilized where there is no alternative alignment on slopes less than thirty (30) percent and the proposed driveway is free of all of the following hazards: high hazard avalanche zone (red zone) and moderate hazard avalanche zone (blue zone), landslide areas, or rockfall areas. (See Sec. 7-20-50).

(b) For a maximum of one-hundred (100) linear feet per lot or parcel, the driveway may encroach on slopes between thirty (30) percent and a maximum of forty-five (45) percent gradient. The maximum of one hundred (100) linear feet of permitted encroachment shall be measured along the centerline of the driveway.

(c) All development permitted pursuant to this section shall be subject to the development standards of Sec. 7-20-20(c)(1)(a) through (d).

#### (6) Micro Hydroelectric Systems

Construction and maintenance of micro hydroelectric system improvements on steep slopes may be approved by the BOCC through the Special Review and Site Plan process subject to the following development standards:

(a) An engineer or geologist licensed in the State of Colorado shall be required to demonstrate that the site can be engineered so that there is no hazard posed by the location of the system components on such slopes.

(b) To the extent possible, the system components shall be designed so as to: avoid adding water to the site in a manner that would cause decreased stability; avoid removing the toe of the slope; re-contour disturbed slopes so that they can be revegetated; avoid steepening of existing slopes.

(c) Any development approved pursuant to this section shall be conditioned upon compliance with the engineer or geologist's recommended mitigation measures.

(d) Following site plan review and prior to the application for a building permit, a precise engineer or geologist approved mitigation plan shall be submitted by the applicant that shows the area of disturbed slope, any re-grading required and the exact size and location of all mitigation devices. The mitigation measures must be determined to be the least visually and ecologically obtrusive alternatives, and can include but are not limited to hand-burial or non-burial of transmission pipelines; prohibition of the use of excavation equipment for foundation improvements; and the positioning of facilities so that vegetation removal is kept to a minimum.

#### (7) Habitable Retaining Structures

Through the Site Plan process, an exception for "habitable retaining structures" and similar types of construction may be permitted at the toe, or along the base of slopes equal to or in excess of thirty (30) percent, including slopes in excess of forty-five (45) percent. This section shall not modify other prohibitions on development including but not limited to those in Section 7-20-50 Geologic Hazards. This section is available only when all of the following conditions are met:

(a) The property on which the habitable retaining structures are proposed to be built has previously been developed with a structure(s) that meets County Codes for human habitation and that was built pursuant to valid County land use approvals and building permits (as applicable).

(b) An engineer or a geologist licensed in the State of Colorado has provided a report demonstrating to the satisfaction of the BOCC that the site can be engineered so there is no hazard posed by the location of the proposed habitable retaining structures on such slopes.

(c) The proposed structures shall be designed to function principally as retaining structures, but may also be permitted for human habitation. A habitable retaining structure that also meets the Code definition of a residential dwelling unit, or is a structure that would typically be accessory to a residential dwelling (such as a garage), or any structure

that includes plumbing facilities shall not be allowed pursuant to this sub-section.

(d) The proposed development at the toe or base of the slope shall be designed to avoid adding water to the site that would cause decreased stability or would increase the weight load on the top of the slope.

(e) Slopes that are disturbed by the proposed development shall be re-contoured so they can be re-vegetated, and a plan for such re-vegetation shall be provided which restores the exposed slopes to a stable, natural condition.

(f) The proposed habitable retaining structures shall comply with the standards for retaining walls found in Section 7-20-20 (e) (6) of this Code as applicable, but shall not be subject to the limits on changing natural grade, the limits on graded, excavated or filled man-made slopes, and the guidelines for retaining walls found in Section 7-20-20 (e) (2), (3), and (5) of this Code.

#### (8) Pitkin County Solid Waste Center Operations

The BOCC may authorize the following types of activities to occur at the Pitkin County Solid Waste Center through the PUB Zone District Master Plan process:

(a) Earth moving and similar types of land-disturbing activities necessary to operate the Solid Waste Center on man-made slopes that are in excess of thirty percent (30%) shall be exempt from the provisions of this Sec. 7-20-20 of the Land Use Code if they occur within the “Limit of Earth Moving Activity” line depicted on the adopted Solid Waste Center Master Plan.

(b) Earth moving and similar types of land-disturbing activities necessary to operate the Solid Waste Center may also be authorized to occur on natural slopes that are in excess of thirty percent (30%) within the “Limit of Earth Moving Activity” line depicted on the adopted Solid Waste Center Master Plan provided the applicant demonstrates that all of the following conditions are met:

(1) The applicant shall demonstrate that there are no alternative locations available within the Limit of Earth Moving Activity line where the proposed earth moving or similar land-disturbing activities could occur that would avoid disturbing slopes that are in excess of thirty percent (30%).

(2) A plan shall be presented that was prepared by an engineer or a geologist licensed in the State of Colorado that demonstrates

that there will be no hazard posed by the proposed earth moving or similar land-disturbing activities on slopes in excess of thirty percent (30%).

(a) The plan shall show the area of disturbed slope, any re-grading that will occur, and the size and location of any planned mitigation measures, including how disturbed slopes will be re-vegetated.

(b) The plan shall receive the approval of the State of Colorado (if such approval is necessary).

(c) The plan shall demonstrate that the slopes resulting from the earth moving or similar land disturbing activities will be stable.

(3) This exemption shall not be used to authorize development of a structure on a slope in excess of thirty percent (30%) and may only be used to authorize earth moving and similar types of land-disturbing activities on such slopes.

(d) Less Than Thirty (30) Percent Gradient

Development is permitted on slopes with less than a thirty (30) percent gradient.  
Additional Standards

(e) All activity and development on slopes with a gradient of thirty (30) percent or greater shall comply with the following standards.

(1) Density Slope Reduction

If more than thirty (30) percent of the total land area of parcel is encumbered with slopes of forty-five (45) percent or greater, the maximum permitted density of development on the parcel shall be reduced pursuant to Sec. 5-10-20.

(2) Limits on Changing Natural Grade

The original, natural grade of areas within the Activity Envelope shall not be raised or lowered more than four (4) feet at any point for construction of any structure or improvement, except:

(a) The site's original grade may be raised or lowered a maximum of seven (7) feet if retaining walls are used to reduce the steepness of man-made slopes, provided that the retaining walls comply with the requirements set forth in this section.

(b) As necessary to construct a driveway from the street to a garage or parking area, grade changes or retaining walls up to seven (7) feet may be allowed.

(3) Grading for Accessory Building Pads Discouraged

Separate building pads for accessory buildings and structures other than garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be discouraged except where the natural slope is twenty (20) percent or less.

(4) Limits on Graded, Excavated, or Filled Man-Made Slopes

(a) Where grading, excavation, or filling is necessary, grading, excavation, or filling to create slopes of twenty-five (25) percent or less is strongly encouraged.

(b) Graded or filled man-made slopes shall not exceed a slope of fifty (50) percent.

(c) Cut man-made surfaces or slopes shall not exceed a slope of fifty (50) percent unless a soils engineering or a geotechnical report is furnished stating that the site has been investigated and that in the opinion of a qualified professional a cut at a steeper slope will be stable and not create a hazard to public or private property.

(d) All cut, filled, and graded slopes shall be recontoured to the natural, varied contour of the surrounding terrain.

(5) Guidelines for Retaining Walls

Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to revegetation.

(a) Retaining walls may be permitted to support steep slopes but should not exceed four (4) feet in height from the finished grade, except for (i) a structure's foundation wall, or (ii) as necessary to construct a driveway from the street to a garage or parking area, or (iii) as otherwise expressly allowed by this Land Use Code.

(b) A retaining wall should not exceed seven (7) feet in height. Retaining walls greater than four (4) feet in height shall be supported by appropriate engineering and reviewed and approved by the County Engineer.

(c) Terracing should be limited to two (2) tiers. The width of the terrace between any two four (4) foot vertical retaining walls should be at least

three (3) feet. Retaining walls higher than four (4) feet should be separated from any other retaining wall by a minimum of five (5) horizontal feet. Terraces created between retaining walls shall be permanently landscaped or revegetated with native vegetation.

(d) Retaining walls used to support existing road cuts may exceed (a), (b), and (c) of these guidelines.

(6) Standards for Retaining Walls

(a) Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape.

(b) All retaining walls shall comply with the adopted building code, except that when any provision of this section conflicts with any provision set forth in the adopted building code, the more restrictive provision shall apply.

(7) Detention/Stormwater Facilities

Where detention basins and other storm and erosion control facilities may be required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized to the maximum extent practicable.

(8) Utility Cuts

Utility cuts on any slope with a gradient of fifteen (15) percent or greater shall be reviewed through the Site Plan process.

(9) Revegetation Required

Any slope exposed or created in new development shall be landscaped or revegetated pursuant to the standards and provisions set forth in Sec. 7-20-130 as well as the revegetation standards in the Pitkin County Revegetation Guide, the Pitkin County Landscaping Guidelines maintained by the Pitkin County Public Works Department, and the Roadway Landscaping Guidelines included in the Pitkin County Asset Management Plan, as applicable. In the event those documents contain inconsistent requirements with regard to a particular area of land, the stricter provision shall govern.

(f) Exceptions

Construction of non-motorized, public trails on land owned or held in easement by a public or non-profit organization shall be reviewed through the Site Plan process, but shall be exempt from the standards for development in Sec. 7-20-20 (Steep and Potentially Unstable Slopes) and Sec. 7-20-50 (Geologic Hazards)

provided that such trails shall be subject to any other applicable regulations of this Land Use Code and the following provisions:

(1) No non-motorized, public trail shall be permitted in steep and potentially unstable slope area that would subject occupants or users of the area to hazardous conditions; create or worsen such conditions affecting other developments, activities and lands; subject other persons or the County to dangers or expenses required to mitigate such hazardous conditions, respond to emergencies created by such conditions or rehabilitate the improvements, activities and lands.

(2) All non-motorized, public trails in steep and potentially unstable slope area shall be constructed in such a manner as to mitigate the hazard to public health and safety or to property due to steep and potentially unstable slope hazards.

*(Code repealed and reenacted (all sections) July, 2006 by Ord. 014-D-2006 - § 7-20-20 20 (part) by [Ord. 023-07, 08-28-07](#) - [Ord. 012-08, 04-09-08](#); [Ord. 016-08, 05-14-08](#); [Ord. 024-08, 07-23-08](#); [Ord. 026-10, 11-17-10](#))*

#### **7-20-30: WATER COURSES AND DRAINAGE**

(a) Applicability

The water resources standards in this Sec. 7-20-30 are applicable to all development.

(b) Encroachment or Channeling

Encroachment or channeling activities in a river, stream (including intermittent streams), pond, wet meadow, or wetland are also subject to the requirements of Secs. 7-20-40 and 7-20-80 of this Land Use Code, as well as all other applicable state and federal statutes and regulations (including, but not limited to the U.S. Army Corps of Engineers permitting requirements of Section 404 of the Federal Clean Water Act).

(c) Drainage

(1) All Activities and development shall provide for:

- (a) The unimpeded flow of natural water courses and ditches;
- (b) Adequate drainage for all low points; and
- (c) Maintenance of drainage systems

(2) Activities and development that disturb more than 1,500 square feet, are located in a Constrained Area or a deemed necessary by the County Planning Engineer, shall be required to submit engineering documents for stormwater detention facilities designed by a professional engineer licensed in the State of Colorado that shall:

- (a) Detain flows to historical peak discharge rates and provide water quality benefits; and
- (b) Ensure the post-development peak discharge rate does not exceed the undeveloped peak discharge rate for the 25-year return frequency, 24-hour duration storm. The drainage system shall account for an entire drainage basin capable of accommodating runoff from a proposed development and the runoff from contributing areas adjacent and upstream;
- (c) Provide safe passage of the 100-year storm event, minimizing the threat of major property damage and loss of life;
- (d) Be maintained to ensure function; and
- (e) Provide on-site treatment of stormwater by use of best management practices designed to detain and allow infiltration of runoff prior to discharge to any water body.

(d) Groundwater

Activities and development shall not result in the introduction of any contaminants to groundwater, or interfere with any recharge area or aquifer.

(e) Irrigated Areas

Activities and development shall:

- (1) Not adversely affect the adequacy of water supplies available for the irrigation of agricultural lands; and
- (2) Not adversely affect the exercise of any existing and decreed irrigation water right.

(f) Irrigation Ditches

Activities and development shall:

- (1) Access

Provide for access to irrigation ditches by ditch owners and to the public if a ditch is to be, or is part of the Pitkin County Open Space and Trails System or other public property.

(2) Preventing Leakage

Ensure that no building shall be constructed immediately downhill of a ditch unless the ditch can be placed in a culvert, lined, or otherwise treated to avoid leakage of water downhill towards the building.

(3) Avoid Flooding

Design land uses to avoid flooding problems from flood irrigation.

(4) Avoid Seepage

Place basements and soil absorption on-site wastewater treatment systems in locations where they will not be impacted by flood irrigation or seepage from irrigation ditches.

(g) Sedimentation

Activities and development shall:

(1) Control During Construction

Provide adequate sedimentation control throughout all phases of development.

(2) Sedimentation

Retain sediment produced by soil disturbances on site where the disturbance occurs and prohibit run-off into any water body, wetlands, or riparian area.

(3) Revegetation

Revegetate clearing and grading as soon as possible, but in no event longer than one growing season after conclusion of development on a site.

(h) Water Quality

(1) All land uses shall comply with those setbacks required by Sec. 7-20-80 and those setbacks required by Table 5-1.

(2) Activities and development shall comply with all state and federal statutes and regulations concerning the protection and enhancement of water quality (including but not limited to the requirements of all state and federal permitting programs).

(3) Activities and development shall be consistent with maintenance of the Stream Classifications for the Roaring Fork River watershed, as identified in Section 2.8 of the Roaring Fork Water Management Plan, and shall comply with state regulations pertaining to maintenance of those classifications.

(i) Efficient Water Use

Activities and development shall emphasize the most efficient use of water, including, to the extent permissible under law, the re-cycling and reuse of water.

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-06; § 7-20-30 amended (part [Ord. 029-2019, 08-14-2019](#))*

**7-20-40: FLOODPLAIN HAZARDS**

**Purpose:** The purpose of this section is to promote the public health, safety and general welfare, protect our rivers and streams, and to minimize public and private losses due to flood conditions in specific areas.

**Applicability:** The development standards in this Sec. 7-20-40 apply to all development within the Special Flood Hazard Area (SFHA) and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F).

All activity and development is prohibited within the SFHA except as specifically permitted in Section 7-20-40 (p), (q) and/or (r).

This code section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this code section and another code section, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**(a) Permit Required**

All development, including but not limited to new construction, placement of manufactured homes, substantial improvements to existing structures, earthwork or other development, within SFHA requires a Floodplain Development Permit which shall be reviewed by the Pitkin County Floodplain Administrator and the Community Development Director. It shall be the burden of the applicant prior to submitting the Pitkin County Permit Application, to obtain documentation of all required State and Federal permits as part of the permit application.

**(b) Permit Procedures**

Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but

not be limited to, plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including manufactured homes, and the location of the foregoing in relation to SFHA. Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- (2) Elevation (in relation to mean sea level) to which any nonresidential structure shall be flood proofed;
- (3) A certificate from a registered Colorado Professional Engineer that the nonresidential flood proofed structure shall meet the flood proofing criteria of 7-20-40 (h) and by providing an Elevation Certificate with the proposed finished elevation of the lowest floor of the structure, including the basement in relation to mean sea level;
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- (5) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this-section and the following relevant factors:
  - (a) The danger to life and property due to flooding or erosion damage;
  - (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (c) The danger that materials may be swept onto other lands to the injury of others;
  - (d) The compatibility of the proposed use with existing and anticipated development;
  - (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

- (f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (g) 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;
- (h) The necessity to the facility of a waterfront location, where applicable;
- (i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (j) The relationship of the proposed use to the comprehensive plan for that area.

**(c) Duties and Responsibilities of the Floodplain Administrator**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any flood proofing certificate required by the 7-20-40 (b) Permit Procedures.
- (2) Review, approve, or deny all applications for Floodplain Development Permits required by this section.
- (3) Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (4) Review permits for proposed development to confirm that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

- (5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
- (6) Where interpretation is needed as to the exact location of the boundaries of the SPFH (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (7) When Base Flood Elevation data has not been provided, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of 7-20-40.
- (8) For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Maps (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 Base Flood Elevation more than one half of one (1/2) foot.
- (9) Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
- (10) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (11) Before providing a Certificate of Occupancy for any structure within a SFHA, the Floodplain Administrator shall be provided an Elevation Certificate from a registered Colorado Professional Engineer that the built structure meets the requirements of 7-20-40 (g) or the flood proofed structure shall meet the flood proofing criteria of 7-20-40 (h) and shall be provided an Elevation Certificate with the finished recorded elevation of the lowest floor of the structure, including the basement in relation to mean sea level;

**(d) Warning and Disclaimer of Liability**

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering

considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of the floodplain or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance such provisions or any administrative decision lawfully made thereunder.

(e) Floodplain Maps

- (1) The maps depicting the floodplain for the base flood in the report, Federal Emergency Management Agency (FEMA) Flood Insurance Study for Pitkin County, dated August 15, 2019, with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto and hereby adopted by reference, shall be the maps used to locate the SFHA, together with all of the technical information contained in such report, The Floodplain Administrator shall keep a copy of this report on file and available for public inspection.
- (2) Where a property owner believes that the mapped SFHA shown on the FEMA Flood Insurance Rate Map are inaccurate, the property owner may request that FEMA process an amendment to that map, Where the proposed development is within Zone A on the FIRM, the applicant may present alternative mapping to the County Floodplain Administrator, who may accept such mapping as an indication of the SFHA only if the County Flood Plain Administrator believes the alternative mapping to be more accurate than the FEMA Flood Insurance Rate Map.
- (3) When Base Flood Elevation (BFE) data has not been provided the applicant shall obtain, review, and reasonably utilize other BFE and floodway data as a basis for elevating residential structures to or above the Base Flood Elevation, and for flood proofing or elevating non-residential structures to or above the Base Flood Elevation.
- (4) For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated no new and permitted development may increase the Base Flood Elevation more than one half of one (1/2) foot.
- (5) Where the SFHA has not been established, a property owner may conduct a floodplain study to determine the boundaries of the SFHA. The applicant shall demonstrate 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 Elevation more than one half of one (1/2) foot as at any point within the community. The property owner should consult with the County Floodplain Administrator to determine the appropriate methodology for the floodplain study.

- (6) It shall be the burden of the applicant to demonstrate that the property seeking development approval is not within SFHA.

**(f) General Standards**

The following conditions apply to all new development and/or substantial improvements, including development in SFHA. All development plans shall:

- (1) Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) Include an Elevation Certificate which shall be prepared by a registered professional engineer, architect or land surveyor and shall be submitted to the Floodplain Administrator both at permit application and with as-built conditions prior to Certificate of Occupancy;
- (3) Be constructed with flood-resistant materials;
- (4) Be constructed by methods and practices that minimize flood damage;
- (5) Be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry or accumulation within the components during conditions of flooding;
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system; and
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
- (8) Within the SFHA, no use, fill, construction, excavation, embankment, or alteration on or over any portion of the SFHA shall be permitted that would result in any of the following:
  - (a) The storage or processing of materials that in times of flooding are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal or plant life.
  - (b) The disposal of garbage or other solid waste materials.

- (c) The human occupation of structures either fixed or mobile, permanent or temporary.
- (d) Substantial solid debris being carried downstream by floodwaters.
- (e) Any obstruction that would impair the flow or storage capacity of SFHA so as to cause foreseeable damage to others either within or outside of SFHA boundaries.
- (f) A substantial increase in sedimentation or erosion.
- (g) The infiltration of floodwaters into on-site water supply and wastewater disposal systems that would impair their functioning or pollute the stream.
- (h) Damage to or destruction of aquatic ecosystems, including but not limited to, wetlands and riparian habitat areas.

**(g) Residential Construction**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot or higher above the Base Flood Elevation. A registered professional engineer, architect or land surveyor shall submit an Elevation Certificate to the Floodplain Administrator citing that this standard has been met.

**(h) Nonresidential Construction**

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall:

- (1) Have the lowest floor (including the basement) shall be elevated to at least one (1) foot above, the level of the Base Flood Elevation; or
- (2) All attendant utility and sanitary facilities, shall be flood proofed to an elevation one (1) foot above the Base Flood Elevation, the structure shall watertight with walls substantially impermeable to the passage of water; and
- (3) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (4) A registered professional engineer or architect licensed in the State of Colorado shall develop and/or review structural design, specifications,

and plans for the construction, and shall certify that the design methods of construction are in accordance with accepted standards of practice.

**(i) Enclosures**

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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. The design must be either certified by a registered professional engineer or architect or meet the following criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one 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.

**(j) Manufactured Homes**

New placement and substantial improvements of all manufactured homes shall meet the following requirements:

- (1) Homes within Zone A on the FIRM 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. Methods of anchoring may include, but are not limited to, use of over-the-top frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (2) Homes within Zone A1-30, AH, and AE on the FIRM 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 a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one (1) foot above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (3) Homes on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the FIRM shall be elevated so that either:
  - (a) The lowest floor of the manufactured home is at least one (1) foot above the BFE, or
  - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

**(k) Recreational Vehicles**

Recreational vehicles placed on sites within Zones A1-30, AH and AE on the FIRM shall be required to either:

- (1) Be on the site for fewer than 180 consecutive days;
- (2) Be fully licensed and ready for highway use (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.), or
- (3) Meet the permit and anchoring requirements of Section 7-20-50.

**(l) Subdivision Proposals**

The following shall apply to all subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding:

- (1) Such proposals shall minimize flood damage.
- (2) BFE data shall be generated for subdivision proposals and other proposed development which are greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided
- (3) Adequate drainage shall be provided to reduce exposure to flood hazards
- (4) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

**(m) Floodways**

Floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential. The following provisions shall apply to floodways:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the 100 year flood.
- (2) Under the provisions of the NFIP a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevation, provided that the community first applies for and obtains a Conditional Letter of Map Revision and floodway revision through FEMA.

**(n) 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), unless such new structure or addition complies with the following:

**(1) Residential Construction**

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

**(2) Nonresidential Construction**

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the Base Flood Elevation that existed prior to the placement of fill 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.

**(o) 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) Protection for Critical Facilities

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the SFHA shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this section, protection shall include one of the following:

- (a) Location outside the SFHA; or
- (b) Elevation of the lowest floor or flood proofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

(2) Ingress and Egress for New Critical Facilities

New Critical Facilities shall, when practicable as determined by the Board of County Commissioners, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

**(p) Floodplain Hazards - Uses Permitted**

The following uses shall be permitted in the SFHA to the extent that they are not prohibited by any other regulation and they comply with the guidelines set forth in this Section 7-20-40.

- (1) Agricultural uses such as general farming, grazing, forestry, sod farming and wild crop harvesting.
- (2) Identified and approved public and private recreational uses are permitted in the SFHA only if the approved uses do not cause a concentration of people in such areas during high flood hazard probability. Any structures associated with such uses shall be subject to the provisions of this Section 7-20-40. Terrestrial and aquatic habitat restoration activities shall also be an allowed use in the SFHA, provided that the BOCC makes a finding that the restoration project has been designed for the purpose of restoring, or preventing further degradation of the natural, dynamic functions of the river, stream, or other body of water; the applicant shall be required to provide sufficient scientific information to establish both the existence of pre-restoration degradation

and the scope and desirability of the post-restoration improvements. Acceptable scientific information may include, but is not limited to, information on channel hydrology, site geomorphology, streambed characteristics, macroinvertebrate populations, and fish populations. Applicant must also demonstrate that the scientific information provided has been generated by an individual(s) or legal entity (ies) qualified to render an assessment in all pertinent subject areas. This demonstration may be provided in the form of a curriculum vitae (CV) for an individual, a company resume of project experience, personnel certifications and licenses, etc., or any other manner reasonable under the circumstances.

- (3) Bridges or other structures for irrigation, drainage, flood control, hydropower, or water diversion may be allowed upon approval of plans and specifications by the County Floodplain Administrator and Community Development Director, provided they are engineered to prevent blockage of drainage channels during peak water flows and their placement does not result in the loss of wetlands or riparian areas. All structures shall be required to clear span the waterway to the maximum extent practicable. Any structures associated with such uses shall be subject to the provisions of this Section 7-20-40.
- (4) Bank stabilization, riparian restoration work and restoration of natural, dynamic riverine functions (in accordance with the requirements of Section 7-20-40) may also be permitted in the SFHA upon the BOCC finding that any adverse impacts will be adequately mitigated, as required by Section 7-20-80.
- (5) Placement and maintenance of improvements for a micro hydroelectric facility may be permitted within the SFHA, upon finding that any adverse impacts will be adequately mitigated, as required by Section 7-20-80.

**(q) Redstone Townsite Floodplain Exemption Area**

Because of the extensive historical development within the SFHA of the Redstone Townsite, the public interest in providing incentives for the preservation of the historic character of the Townsite, and the determination that the SFHA will not be unduly impacted, any property within the Redstone Townsite zoned Village Commercial or Village Residential shall be allowed to develop within the SFHA, subject to the conditions outlined in 7-20-40 (f) and (g), and the following development standards:

- (1) No alternative Building Site:

If there is no alternative building site on the property, development may be approved subject to compliance with the minimum development standards set forth in Sec. 7-20-40 and 7-20-50.

(2) Building Site with Fewer Impacts:

If the building site proposed creates fewer impacts than if the development was limited exclusively to an area outside of the SFHA, development may be approved subject to compliance with the minimum development standards set forth in Sec. 7-20-40 and Sec. 7-20-50.

(r) Lazy Glen Floodplain Exemption Area

Because of the existing mobile home park development within the SFHA of the Lazy Glen MHP Subdivision/PUD, any property within the Lazy Glen MHP Subdivision/PUD shall be allowed to develop within the SFHA, subject to Sec. 7-20-40(j) and the following development standards:

- (1) Structures on all lots located within the SFHA shall be placed so that the lowest floor is at least 1-foot above the Base Flood Elevation.
- (2) Structures on all lots located within the SFHA shall be firmly anchored to the ground so as not to float or drift during the catastrophic event.
- (3) Water heater, furnaces, and other major appliances shall be placed on or above the lowest floor in structures on all lots located within the SFHA.
- (4) Basements are prohibited. Crawl spaces shall be limited to a maximum depth of four feet below existing grade.

(s) Standards if No Hazard-Free Area Exists

In the event that an application is denied because there is no hazard-free area on a site, and an appeal is granted pursuant to Sec. 2-20-180 or relief is granted pursuant to Sec. 2-40-150, the proposed activity or development shall be reviewed according to subsections 7-20-40 and 7-20-50.

(t) Variance Appeal Procedures

- (1) The Appeal Board, hereby designated as the Board of County Commissioners, shall hear and render judgment on requests for appeals from the requirements of this section.
- (2) The Board of County Commissioners shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement,

decision, or determination made by the Floodplain Administrator in the enforcement or administration of this section.

- (3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- (4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report appeals to the Federal Emergency Management Agency upon request.

*(Code repealed and reenacted Ord. No. 14-D, 2006 - § 7-20-40 amended (part) by [Ord 24-08, 07-23-08](#); [Ord 019-09, 06-24-09](#); [Ord. 032-13, 12-28-2013](#); [Ord. 029-19, 08-14-2019](#)*

#### **7-20-50: GEOLOGIC HAZARDS**

This section identifies development standards applicable to specific geologic hazard areas. Major geologic hazards are identified on the Geologic Hazards Map maintained in the Community Development Department.

##### **(a) Avalanche Areas**

Restrictions on activities or development in avalanche areas are set forth in subsections (1) and (2) below. In the event that an application is denied because there is no hazard-free area on a site, or because the proposed activity or development does not comply with the restrictions in this section, and an appeal is later granted pursuant to Sec. 2-20-180 or relief is granted pursuant to Sec. 2-40-90 or Sec. 2-40-130, the proposed activity or development shall incorporate hazard mitigation according to the standards in subsection (3) below.

##### **(1) High Hazard Avalanche Zone**

Development is prohibited within High Hazard Avalanche Zones.

##### **(2) Moderate Hazard Avalanche Zone**

Development within a Moderate Hazard Avalanche Zone may only be permitted under the following circumstances:

(a) If an entire property is affected by the Moderate Hazard Avalanche Zone, development may be permitted if the hazard can be adequately mitigated to ensure public safety pursuant to the standards in subsection (3) below.

(b) In the event that development outside of the Moderate Hazard Avalanche Zone will result in significant incursions into or impacts on Constrained Areas, the County may, in its discretion, approve such

development with adequate mitigation measures to assure the safety of the occupants of the property.

(c) If the County finds that other hazards present on a property outweigh the risks associated with development in the Moderate Hazard Avalanche Zone, the County may, in its discretion, grant approval to such project subject to compliance with the mitigation measures specified in subsection (3) below.

### (3) Mitigation Standards

(a) Development shall be restricted to the least hazardous area of a project site.

(b) If structural avalanche defenses are required to protect people or structures, they shall be designed by a certified professional engineer licensed in the State of Colorado to withstand avalanche impact forces.

(c) Clear-cutting or other large scale removal of vegetation, particularly within avalanche path starting zones, shall be prohibited.

(d) Extractive operations are prohibited within avalanche hazard zones during the winter unless there is an approved program of avalanche control and defense measures.

(e) Utility lines or pipes crossing avalanche hazard zones shall be buried. Surface pipes, poles or towers for suspended transmission lines in avalanche hazard zones shall be protected by utilizing avalanche diversion methods or protection structures.

(f) Roads intended for winter use shall avoid avalanche hazard areas. If the County finds that it is not possible to construct a road that avoids high or moderate avalanche hazard areas, then the County may approve a road subject to site specific mitigation methods. Roads that must cross hazardous areas shall be designed to limit exposure and utilize avalanche control practices to reduce the danger along exposed road segments. Where the main access road to a proposed development is crossed by an avalanche path, a secondary access may be required.

(g) Warning signs shall be placed along commonly traveled winter roads and trails that cross avalanche hazard zones.

(h) Property owners who develop in avalanche areas or obtain driveway access through avalanche areas shall bear the costs of any avalanche control measures that may be required to mitigate the hazard.

### (b) Landslide Areas

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Development is prohibited within landslide areas. In the event that an application is denied because there is no landslide hazard-free area on a site, and an appeal is later granted pursuant to Sec. 2-20-180 or relief is granted pursuant to Sec. 2-40-90 or Sec. 2-40-130, the proposed activity or development shall be reviewed according to the following standards:

- (1) Ensure strict adherence to recommended design, construction and maintenance procedures approved by qualified professional geologists or engineers licensed in the State of Colorado;
- (2) Avoid adding water to the site that would cause decreased stability;
- (3) Avoid removing the toe of the slide without adequate mechanical support;
- (4) Avoid increasing the weight load on the top of the slide;
- (5) Avoid removing vegetation from the site; and
- (6) Avoid steepening the existing slope of the slide area.

(c) Rockfall Areas

The Rockfall Hazard Area standards in this section are intended to protect the health, safety, and welfare of the public, as well as public and private capital facilities, by identifying and avoiding Rockfall Hazard Areas, and requiring rockfall hazard evaluations and mitigation for development in Rockfall Hazard Areas.

The Community Development Department may require rockfall hazard investigations for:

- (a) All new activities and development that are proposed on or adjacent to areas where bedrock crops out on steep slopes and wherever the rockfall shadow angle is 20-degrees or greater;
- (b) Areas identified on the “Pitkin County Colorado Potential Geologic Hazard” maps prepared by the 1974 Colorado State University Resource Analysis; and/or
- (c) Areas identified by the Community Development Department staff as known to be in a rockfall hazard area.

(3) Rockfall Areas

Development in rockfall areas shall be restricted to the least hazardous area of a project site and as far as practicable from the rockfall hazard. Restrictions on activities and development in Rockfall Hazard Areas are set forth in subsections (a) and (b) below. In the event that an application is denied because there is no hazard-free area on a site, or because the proposed activity or development does not comply with the standards in this section, and an appeal is later granted pursuant to Sec. 2-20-180 or relief is granted pursuant to Sec 2-40-90 or Sec. 2-40-130, the proposed activity or development shall incorporate hazard mitigation according to the standards in subsection (b) below.

(a) Rockfall High Hazard Area

Development is prohibited in Rockfall High Hazard Areas.

(b) Rockfall Low-Moderate Hazard Area

- (1) If an entire property is affected by the Rockfall Low-Moderate Hazard Area, development may be permitted if the hazard can be adequately mitigated to ensure public safety pursuant to the standards in subsections (4) and (5) below.
- (2) In the event that development outside of the Rockfall Low-Moderate Hazard Area will result in significant incursions into or impacts on Constrained Areas, the County may, in its discretion, approve such development with adequate mitigation measures to assure the safety of the occupants of the property.
- (3) If the County finds that other hazards present on a property outweigh the risks associated with development in the Rockfall Low-Moderate Hazard Area, the County may, in its discretion, grant approval to such project subject to compliance with the mitigation measures specified in subsection (4) and (5) below.
- (4) Development shall only be permitted if design, construction stabilization, and maintenance measures approved by a professional geologist or professional engineer licensed in the State of Colorado are utilized. Construction stabilization measures may include but are not limited to:
  - (a) Energy dissipating rockfall barriers to protect structures and resources; All such structures should comply with European Test and Approval Guidelines (ETAG) 027 for rockfall barriers, latest edition. Rockfall barriers shall not be taller than 16.4 feet (5.0 meters) in height above existing or finished grade, whichever is more restrictive.

- (b) Stabilization of rocks by bolting, drapery, gunite application (cementing), removal of unstable rocks (scaling), cribbing or installation of retaining walls.
  - (c) Slowing or diverting the moving rocks by site grading, channeling and earthen berms, or by concrete barriers or covered galleries.
  - (d) Physical barriers around vulnerable structures.
  - (e) Other approved mitigation measures.
- (5) The County shall only approve development within a Rockfall Hazard Area if the following standards are met:
- (a) Provision shall be made for the long-term health, welfare, and safety of the public from geologic hazards to life, property, and associated investments.
  - (b) Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.
  - (c) Provisions shall be made for periodic maintenance of the rockfall mitigation structures and site to assure the effectiveness of the structures. Rocks and debris shall be annually removed from the uphill side of mitigation structures and any damage to such structures shall be repaired or replaced. The Community Development Department may require recordation of a covenant for the maintenance of the rockfall mitigation structures be recorded.
  - (d) Rockfall mitigation designs shall be based on the findings of a site specific rockfall study for all new development, or when substantial improvements or redevelopment are proposed.
  - (e) There may be no hazard increase to other properties, public rights of way and utilities.
  - (f) Mitigation structures shall be designed and/or screened with landscaping to minimize visual impacts on neighboring properties including public rights of way.
  - (g) If feasible, mitigation structures or barriers shall be installed in the initial phase of site development to provide for protection of workers and visitors at the site.

A Professional Geologist (PG specializing in engineering geology) or Professional Engineer (PE specializing in geological and/or geotechnical engineering) shall conduct the required rockfall hazard investigations and accompanying geologic-hazard evaluation, and shall prepare a final site specific rockfall hazard assessment.

A site-specific rockfall investigation typically shall include at a minimum:

- a) Literature review.
- b) Analysis of stereoscopic aerial photographs and other remote-sensing imagery.
- c) Use of Pitkin County's GIS resources, including topography, aerial imagery and LiDAR data.
- d) Site characterization, usually including surficial geologic mapping, measuring rockfall shadow angles, and characterizing rockfall source areas, acceleration zones, and runout areas.
- e) Other investigations as necessary to fully evaluate the rockfall hazard at a site (e.g., computer modeling, boreholes, geophysics, slope and groundwater instrumentation and monitoring)

**(d) Alluvial Fans (Areas of Shallow Flooding)**

Alluvial Fans or Areas of Shallow Flooding (AO/AH Zones) have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. In the event there is not an adequate hazard-free area on a site, activities or development may proceed within an alluvial fan if the use: however, the following shall apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM and at least three feet if no depth number is specified.
- (2) All new construction and substantial improvements of non-residential structures; have the lowest floor (including basements) 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;

- (3) Together with attendant, utility and sanitary facilities be designed so that below one foot above the base flood level 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 effects of buoyancy.
- (4) A registered professional engineer, geologist or architect licensed in the State of Colorado shall submit a certification to the Floodplain Administrator that the standards of this Section are satisfied.
- (5) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
- (6) The development may be required to be protected by channelizing, damming or diverting potential flows utilizing engineering structures by a professional engineer or geologist licensed in the State of Colorado; and
- (7) Avoids disturbance in the drainage basin above the fan unless an evaluation of the effect on runoff and stability of the fan shows that disturbance is acceptable.

(e) Talus Slope

In the event there is not an adequate hazard-free area on a site, activities and development associated with residential, commercial, industrial and high impact recreational activity may be permitted on talus slopes only if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer (licensed in the State of Colorado) and the County are utilized and:

- (1) Developments are designed to withstand downslope movement;
- (2) Foundations and utilities in talus slope areas are buried below the active surface;
- (3) Site disturbance in talus slope areas is minimized to avoid inducing slope instability; and
- (4) The toe of a talus slope is not removed without providing adequate mechanical support.

(f) Mancos Shale

Activities and development within a mancos shale area may be permitted if they:

- (1) Include design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer (licensed in the State of Colorado) and the County are utilized;
- (2) Are based on an evaluation of the development's effect on slope stability and shrink-swell properties;
- (3) Are designed to provide adequate surface drainage; and
- (4) Avoid concentrated runoff from impervious surfaces into natural drainages unless it is demonstrated that there will be no adverse effects.

(g) Faults

Known faults are identified on the Geological Hazards Maps. In the event there is not a hazard-free area on the site, land uses shall incorporate adequate mitigation measures determined by a qualified professional engineer or geologist (licensed in the State of Colorado) and approved by the County.

(h) Expansive Soil and Rock

Development may be permitted in an identified area of expansive soil and rock upon County approval of engineered foundations and floor systems designs.

(i) Ground Subsidence

In the event a development site is comprised exclusively of moderate and extremely hazardous areas, development may be permitted if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer (licensed in the State of Colorado) and the County are utilized.

(j) Exceptions

Construction of non-motorized, public trails on land owned or held in easement by a public or non-profit organization shall be reviewed through the Site Plan process, but shall be exempt from the standards for development in geologic hazard areas, provided that such trails shall be subject to any other applicable regulations of this Land Use Code and the following provisions:

- ~~(1)~~ ~~(4)~~ No non-motorized, public trail shall be permitted in a geologic hazard area that would subject occupants or users of the area to hazardous conditions; create or worsen such conditions affecting other developments, activities and lands; subject other persons or the County to dangers or expenses required to mitigate such hazardous conditions, respond to

emergencies created by such conditions or rehabilitate the improvements, activities and lands.

(2) Reserved.

- (3) All non-motorized, public trails in geologic hazard areas shall avoid avalanche hazard areas, and shall be constructed in such a manner as to mitigate the hazard to public health and safety or to property due to geologic hazards.

**Code repealed and reenacted Ord. No. 14-D, 2006 - § 7-20-50 (part) Ord.032-13, 12-18-13; Ord. 040-20, 11-21-20**

**7-20-60: WILDFIRE HAZARDS**

(a) -INTENT

- (1) To establish minimum regulations for the safeguarding of life and for property protection. Regulations are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

(b) ~~(b)~~-INTERFACE FIRE INTENSITY CLASSIFICATION MAP

- (1) Wildland-Urban Interface Fire Intensity Classification Map (“Wildfire Hazard Map”) is maintained by the Division of Fire Prevention and Control and the Colorado State Forest Service at the direction of the Colorado Wildfire Resiliency Board, as amended from time to time.
- (2) Refer to County Code Title 11, 11.35 for Wildfire Resiliency Code for more information about the Wildfire Hazard Map and the Fire Intensity Classifications, including: Low Fire Intensity, Moderate Fire Intensity, and High Fire Intensity.

(c) ~~(c)~~- WILDFIRE HAZARD AREA AND ACTIVITY ENVELOPE

- (1) The Activity Envelope shall be located to reduce the site-specific wildfire hazard, to the maximum extent practicable, by locating development back from the top of steep slopes. The Fire Code Official may provide specific requirements.
- (2) Wildfire defensible space mitigation may occur outside the defined Activity Envelope.

- (3) The process for Ground-Truthing to determine a site-specific fire intensity shall be conducted in the Activity Envelope and/or Activity Envelope and Site Plan Review process, or other planning review processes as practicable. Review the standards for Ground-Truthing in County Code Title 11, 11.35 for Wildfire Resiliency Code.

(d) STRUCTURE HARDENING AND SITE AND AREA REQUIRMENTS

- (1) Refer to County Code Title 11, 11.35 for Wildfire Resiliency Code, Chapter 4 for Structure Hardening to review building spacing and structure hardening requirements.
- (2) Refer to County Code Title 11, 11.35 for Wildfire Resiliency Code, Chapter 5 for Site and Area Requirements. Compliance review shall be conducted in the Activity Envelope and/or Activity Envelope and Site Plan Review process, or other planning review processes as practicable.
  - (a) Fuel Modification and Defensible Space shall be created in compliance with Section 7-20-80 to avoid the removal of riparian vegetation within the required riparian area/wetland buffer to the maximum extent practicable.
- (3) The following properties are exempt from Title 11, 11.35 for Wildfire Resiliency Code but must otherwise comply with Section 7-20-60.
  - (a) Metes and Bounds Parcels sized 35 acres or greater with only one residential structure on it that does not share a property boundary with a residential or commercial property. See Section 7-20-60(g) for requirements for these properties.
  - (b) Historic Preservation Assets may be exempt as described in the Historic Covenant or as approved by the Historic Preservation Officer and/or the Chief Building Official.

(e) WATER SUPPLY FOR FIRE SAFETY

- (1) When access to a public or private pressurized water system is not available or if it is necessary to augment fire protection water systems, private ponds may be used if approved by the Community Development Department and the local fire district.
- (2) Any fire department recommendation for individual building water supply and storage shall be accessible to fire department vehicles from the exterior of the building through a fire department approved mechanism (such as a fire hydrant). The amount of storage capacity shall be

determined by the fire protection district with a minimum of one thousand (1,000) gallon storage capacity per building.

(3) Fire sprinkler systems may be required by the local fire protection district, per adopted codes.

(f) FUEL STORAGE AND GAS METERS. Fuel tanks shall be installed pursuant to NFPA 58 standards and the following standards:

(1) Fuel tanks shall be buried underground with an approved container, or

(2) Fuel tanks shall be installed as an above-ground tank pursuant to the following standards:

(a) The tank shall be located along the same contour as the building being serviced by the tank, and

(b) The tank shall be located a minimum distance of thirty (30) feet from buildings, and

(c) Flammable vegetation shall be removed within ten (10) feet of the tank, and

(d) If a fence or enclosure structure is utilized, it shall be constructed with materials approved for two (2) hour fire-restrictive construction on the exterior side of the walls.

(3) Flammable vegetation shall be removed within ten (10) feet of gas meters.

(g) REQUIREMENTS FOR PROPERTIES MEETING CRITERIA IN SECTION 7-20-60(d)(3)(a).

(1) Applicability: All development projects. Development projects with additional residential floor area of 500 square feet or less is exempt. Owners shall comply with additional site specific and emergency response requirements from the Fire Code Official, if provided.

(2) Exterior building materials shall be noncombustible material including:

(a) Fire-retardant-treated wood, and/or

(b) Ignition-resistant building material.

(3) Roofs shall be Class A covering or Class A Assembly as defined by the currently adopted Building Code. No wood shakes or shingles.

(4) Site and Area Requirements for within 0 to 5 feet of the building and/or structures affixed to buildings but excluding fencing greater than eight (8) feet from the structure.

(a) Use noncombustible, hard surface materials such as rock, gravel, sand, concrete, bare earth or stone/concrete pavers.

(b) Remove all plantings including shrubs, slash, combustible mulch and other woody debris. Ignition-resistant plantings with Ignitability Scores of eight (8) or greater are allowed.

(c) Mature trees of no less than 10-inch diameter at 4.5 feet above ground level may be maintained.

(d) Tree crowns extending to within 10 feet of any building and/or structures affixed to buildings shall be pruned to maintain a minimum clearance of 10 feet.

(e) Prune tree branches to a height of 6 to 10 feet from the ground or a third of the total height of the tree, whichever is less.

(5) Retaining walls. Retaining walls shall be constructed with either noncombustible or ignition-resistant materials when any of the following conditions exist:

(a) The retaining wall is within eight (8) feet of a structure regulated by this code or up to the property line when the property line is less than eight (8) feet away from the structure.

(b) The retaining wall is integral to the support of a building and/or structure.

(c) The retaining wall is integral to the egress from a building and/or structure to a public way, easement, or private road.

(6) Fencing. Fencing within eight (8) feet of a building and/or structure or up to the property line when the property line is less than eight (8) feet away from the structure shall be constructed with noncombustible or ignition-resistant materials.

(h) ONGOING MAINTENANCE REQUIREMENTS. Owners shall prepare and maintain their properties for wildfire with the following:

(1) Clear roof, deck, and gutters of pine needles and other debris.

(2) Mow grass and weeds to a height of four (4) inches or less.

- (3) Rake and remove all pine needles and other flammable debris from five (5) feet around the foundation of buildings and structures.
- (4) Treat or mow shrubs that re-sprout aggressively (such as Gambel Oak) every three to five years or more depending on growth rates.
- (5) Prune branches that hang over the roof and chimney.
- (6) Yards and fences shall be kept clear of litter, slash and flammable debris.
- (7) Keep firewood stacked uphill from any residential structures and keep the wood piles at least thirty (30) feet away from buildings.
- (8) Do not stack firewood between trees, underneath the deck or on the deck.
- (9) Remove flammable vegetation within ten (10) feet of wood piles.

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-06; § 7-20-60 amended (part [Ord. 019-09, 06-24-2009](#))*

#### **7-20-70: WILDLIFE HABITAT AREAS**

This section establishes land use standards for wildlife habitat to preserve, protect, and expand the full range of biodiversity present in Pitkin County. Wildlife habitat shall be addressed broadly to include locations that are ecologically significant and where activities or structures would interfere with important wildlife functions and activities. For purposes of this Sec. 7-20-70, Constrained Areas shall include, but shall not be limited to, locations that include: any portion of a wetland; riparian habitat; critical wildlife habitat; severe winter range, and/or winter concentration areas; wildlife migration corridors or habitat; wildlife production, birthing or calving areas; important waterfowl and wading bird habitat areas; significant mountain sage, aspen, and mountain shrub dominated habitat; and rare, imperiled, sensitive, threatened, or endangered species critical habitat.

##### **(a) Wildlife Habitat Maps**

Areas of designated wildlife habitat are shown on the Colorado Division of Wildlife (CDOW) Species Activity Maps (the Wildlife Maps), which are maintained in the Community Development Department and hereby adopted by reference, and may be amended from time to time by the Colorado Division of Wildlife. Areas shown on those maps are known to be wildlife habitat areas by the Colorado Division of Wildlife. In all cases, mapping will be field verified by the Colorado Division of Wildlife or a wildlife expert approved by Pitkin County. The following regulations shall apply to all areas known to be wildlife habitat as a result of such field verification, regardless of whether those areas are mapped on the wildlife maps.

(b) General Principles

Delineation of the Activity Envelope, and the location and design of activities and structures within the Activity Envelope, shall be based on consideration of the five (5) principles listed in subsections (1) through (5) below. These principles shall be evaluated not only on a site specific basis, but should also be used to consider the location and role of the property in the context of larger habitat and wildlife patterns. Implementation of these principles may also include consideration of connectivity between other parcels and the cumulative effect of the proposed activity or development in light of other activity in the area affecting related habitat areas. Approved development shall:

- (1) Maintain large, intact areas of native vegetation and habitat area by preventing fragmentation of those patches by development.
- (2) Protect rare landscape elements such as locally rare vegetation, unique rock formations, sheltered draws or drainage ways, or other features, and guide development towards areas of landscape containing more common elements.
- (3) Maintain connections among wildlife habitats by identifying and protecting corridors for movement.
- (4) Contribute to the regional protection of rare species by protecting their habitat locally.
- (5) Minimize the combined and cumulative impacts of activities and development on wildlife species, wildlife habitat, wildlife movement, and unique landscape elements.

(c) General Standards

The standards in this section apply to all wildlife habitat areas shown on the Species Activity Maps or field verified by a wildlife expert approved by the County, or by the Colorado Division of Wildlife.

- (1) When existing native vegetation must be altered within the Activity Envelope, the applicant may be required to prepare a habitat mitigation plan acceptable to the County. Such mitigation plan may substitute (in a nearby area on the subject property) vegetation equal in type and quantity to that being removed to mitigate effects on wildlife species. Should there be no opportunity on the property for habitat mitigation or restoration, off-site mitigation benefiting the same species may be required, or financial mitigation may be paid into a County habitat mitigation fund should such a fund be established in the future.
- (2) Manipulation of vegetation outside of the Activity Envelope is prohibited.

- (3) Mesh or woven wire fences are prohibited outside the Activity Envelope.
- (4) Wood rail fencing shall employ three (3) rails or less, be the round or split rail type, shall not exceed fifty-four (54) inches in height above ground level, and twelve (12) inches in width (top view), and shall have at least eighteen (18) inches between the lower two (2) rails.
- (5) Wire fencing must be three (3) strands or less. The top wire should be a twelve-point-five (12.5) gauge twisted barbless type at a maximum height of forty-two (42) inches. The middle strands (which may be barbed) should be located a minimum twelve (12) inches apart and from the top wire preventing entanglement when mule deer jump over. The bottom strand should be sixteen (16) inches from the ground.
- (6) Tall overly mature trees and standing dead trees (snags) should be retained at the rate of two (2) to five (5) per acre whenever possible as nesting and perching habitat.
- (7) In areas of high black bear activity, fruit bearing trees and shrubs shall be prohibited within the Activity Envelope. This does not include pre-existing native trees and shrubs.
- (8) Development shall be clustered to the maximum extent possible to minimize impact on wildlife.
- (9) Access shall be provided to the Colorado Division of Wildlife for trapping, tagging, studying, or otherwise managing wildlife.
- (10) Trash/garbage shall be kept in an approved bear resistant container or enclosure.
- (11) Bird feeders, including hummingbird feeders, shall be hung away from any deck or window, and be at least ten (10) feet from the ground suspended between two (2) trees or posts. All seed feeders shall include a seed catchment pan to catch discarded seed.
- (12) Horse grains, pellets, and cookies shall be stored in bear resistant containers.
- (13) Pet food shall not be left outside.
- (14) All outside doors shall utilize only solid round handled door knobs unless another type is required by the applicable Building Code for disabled accessibility purposes.

(15) [Reserved for standard for raptor protection from new above ground utility poles].

(d) General Buffer Standards

Structures located near wildlife habitat shall comply with the following standards for maintaining buffer distances, unless (i) Pitkin County or the Colorado Division of Wildlife suggests that a different buffer is appropriate due to unusual wildlife factors or other unique features of the property, and the alternative is approved through the Site Planning process, or (ii) the parcel in question is too small to accommodate the required buffers, in which case the buffers shall be provided to the maximum extent practicable.

(1) Nest/Roost Buffer

The minimum buffer for any structure located near an active peregrine falcon, osprey, golden eagle, or bald eagle nest or roost site shall be one-half (1/2) mile (2,640 feet) in Rural Areas, and five hundred (500) feet in Urban Areas. The minimum buffer for any structure located near any other active raptor nest site (except American kestrels) shall be one-quarter (1/4) mile (1,320 feet).

(2) Intensive Use Buffer

Intensive uses such as commercial, industrial or motorized commercial/organized recreational uses, open pit mineral extraction or the construction of roadways shall require a building or structure buffer of a minimum of one thousand (1,000) feet from any wildlife habitat area in Rural Areas, and five hundred (500) feet in Urban Areas.

(3) Endangered, Threatened, or Rare Species

No structure shall be located in rare, threatened, or endangered species critical habitat. There shall be a minimum one-half 1/2 mile (2,640 foot) buffer between any building or structure and any threatened or endangered species critical habitat. There shall be a minimum one-quarter (1/4) mile (1,320 foot) buffer between rare and/or imperiled species habitat.

(4) Important Waterfowl and Wading Bird Habitat Area

There shall be a minimum three hundred (300) foot buffer between any building or structure and important waterfowl and wading bird habitat areas. Within all important waterfowl and wading bird habitat, dogs shall be kenneled within fifty (50) feet of the residential buildings or leashed under human supervision.

(5) Wildlife Migration Corridors

There shall be a minimum one-quarter (1/4) mile (1,320 foot) buffer between any building or structure and wildlife migration corridors.

(6) Severe Winter Range, Winter Concentration Area

There shall be a minimum one-quarter (1/4) mile (1,320 foot) buffer between any building or structure and critical habitat, severe winter range, and/or winter concentration areas.

(7) Production Area

If development is approved adjacent to ungulate (bighorn sheep, mule deer and elk) production areas, there shall be a minimum one-quarter (1/4) mile (1,320 foot) buffer between any building or structure and production areas.

(e) General Livestock and Domestic Animals

The following standards shall apply to all habitat areas unless a standard for livestock and domestic animals in relation to specific species is provided in subsection (f) below, in which case the standards in subsection (f) shall govern.

(1) Wetland and Riparian Areas

Activities that involve the keeping of livestock and/or horses adjacent to wetlands or riparian areas or their buffer areas shall include provisions in the Site Plan that protect the wetland and buffer areas from damage due to such domestic animals or livestock.

(2) Winter Range, Severe Winter Range, and Winter Concentration Areas and Critical Habitat

If development is approved within winter range, severe winter range and/or winter concentration areas, dogs shall be kenneled within fifty (50) feet of the residential buildings or leashed under human supervision when outside a required kennel.

(3) Wildlife Migration Corridors

If development is approved within migration corridors, dogs shall be kenneled within fifty (50) feet of the residential buildings or leashed under human supervision when outside a required kennel within a ¼ mile (1,320 feet) of migration corridors and within or adjacent to migration patterns, transition range, or highway crossings.

(4) Wildlife Production Areas

If development is approved within or adjacent to wildlife production areas, dogs shall be kenneled within fifty (50) feet of the residential buildings or leashed under human supervision when outside a required kennel. If livestock is present, a livestock management plan shall be required to prevent interference with wildlife production.

(5) Predation

If the County determines that one or more wildlife species on or near the property are subject to predation by domestic animals, including dogs and cats, the County may impose additional standards to reduce or eliminate such predation.

(6) Overgrazing

Overgrazing of ranges by livestock shall be avoided.

(f) Additional Species-Specific Standards

(1) Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Development is prohibited within deer, elk, and bighorn sheep winter concentration areas and severe winter range areas. In the event that an application is denied because there is no hazard-free area on a site, and an appeal is later granted pursuant to Sec. 2-20-180 or relief is granted pursuant to Sec. 2-40-150, the proposed activity or development shall be reviewed according to the following standards and shall comply with Secs. 7-20-70(b), (c), and (e). Approved development shall:

- (a) Prohibit commercial activity (such as seismic activity, construction and timber harvesting) and recreational uses from December 1st through March 31st.
- (b) Prohibit dogs within or adjacent to elk, mule deer, and bighorn sheep severe winter ranges and winter concentration areas, except for dogs working as part of an agricultural operation.

(2) Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Secs. 7-20-70(b), (c), and (e), and the standards in this section.

- (a) High impact recreational uses are prohibited.

(b) Dogs within or adjacent to winter range shall be kenneled, except for working dogs when at work.

(3) Deer and Elk Migration Patterns/Corridors and Highway Crossings

Development that blocks a deer or elk migration corridor and prevents migration between summer and winter ranges is prohibited. In the event that an application is denied because there is no hazard-free area on a site, and an appeal is later granted pursuant to Sec. 2-20-180 or relief is granted pursuant to Sec. 2-40-150, the proposed activity or development shall comply with Secs. 7-20-70(b), (c), and (e), and the standards in this section.

(a) Dogs within one-quarter (1/4) mile (1,320 feet) of mule deer and elk migration corridors and patterns shall be kenneled, except for working dogs when at work.

(4) Deer and Elk Production Areas

Development is prohibited within deer and elk production areas. In the event that an application is denied because there is no portion of the site outside of a deer or elk production area, and an appeal is later granted pursuant to Sec. 2-20-180 or relief is granted pursuant to Sec. 2-40-90 or Sec. 2-40-130, the proposed activity or development shall comply with Secs. 7-20-70 (b), (c), and (e), and shall be reviewed according to the following standards. Approved development shall:

(a) Prohibit other activities during the calving season that would disrupt reproduction.

(b) Dogs are prohibited within one-quarter (1/4) mile of deer or elk production areas. Dogs within one-half (1/2) mile of deer or elk production areas shall be kenneled.

(c) Manipulation of vegetation is prohibited, except as approved by the Colorado Division of Wildlife or a wildlife expert approved by Pitkin County.

(g) Timing of Construction

(1) Winter Range, Severe Winter Range, and Winter Concentration Areas

No construction shall be permitted from December 1st through March 31st if the proposed development is within one-quarter (1/4) mile (1,320 feet) of a severe winter range or winter concentration area. This restriction shall also apply to winter range areas if recommended by the Colorado Division of Wildlife, or

other expert acceptable to the County, due to site specific circumstances, and/or cumulative habitat loss.

(2) Wildlife Migration Corridors

No construction shall be permitted within or adjacent to wildlife migration corridors between October 15th and November 30th or between April 15th and May 30th.

(3) Wildlife Production Areas

(a) No construction shall be permitted in or adjacent to wildlife production areas between May 15th and June 30th.

*(Code repealed and reenacted Ord. No. 14-D, 2006 - § 7-20-70 amended (part) [Ord 24-07, 10-02-07](#) [Ord. 023-07, 08-28-2007](#); [Ord. 018-2010, 08-11-2010](#)*

**7-20-80: RIVER AND STREAM CORRIDORS AND WETLANDS**

(a) Riparian and Wetland Areas and Buffers

(1) Protected Features

Each Site Plan shall identify each of the following features on the property.

- (a) “Blue line” perennial streams shown on U.S. Geological Survey maps of the area; and
- (b) Intermittent streams or streambeds known or apparent from field study, with the exception of man-made waterways such as ditches and water features.
- (d) Isolated, natural wetland and riparian areas.

(2) Minimum Setbacks

All activity and development shall maintain a minimum setback from the protected features identified in subsection (1) above.

- (a) All activity and development after the 5th of July, 2006 shall maintain a riparian area/wetland buffer of at least one hundred (100) feet, measured horizontally from the ordinary high water line of each feature identified in subsections (a)(1)(a) and (b) above. This one hundred (100) foot setback may be reduced to between one hundred (100) feet and a minimum of fifty (50) feet upon demonstration by the applicant that such reduction shall not result in water quality degradation, stream bank

erosion and/or a reduction in the quality of riparian or wetland habitat pursuant to standards in Section 7-20-80(4).

(b) All activity and development after the 5th of July, 2006 shall maintain a buffer of a minimum of twenty-five (25) feet from isolated wetlands and/or riparian areas identified in (a)(1)(c) above.

(3) Additional Setbacks

(a) Site Specific Factors

In addition, some or all activity and/or development may be required to maintain an additional riparian area/wetland setback of up to fifty (50) feet from each feature indentified in subsection (a)(1)(a) and (b) above -- beyond the minimum setback in subsection (2) above. The width of any required additional setback may vary across different portions of the property, and the types of activities or development prohibited within the additional setback may also vary in different portions of the additional setback. Establishment of any additional setback requirement shall be based on an analysis of the following limiting factors during review of the Site Plan or Activity Envelope for the proposed development or activity:

1. Slopes adjacent to the protected feature equal or exceed thirty (30) percent.
2. Highly erodible soils or unstable streambank conditions are present.
3. The proposed use of the property presents a special hazard to water quality or wetlands (e.g., storage or handling of hazardous or toxic materials).
4. The one hundred (100) year or intermediate regional flood zone exceeds the minimum fifty (50) foot setback requirement.
5. Trees, shrubs, or other natural features that provide for streambank stability, habitat enhancement for aquatic environments, and riparian area protection exist, or to maintain pre-development riparian plants.
6. Habitat for plant, animal, or other wildlife species listed as threatened or endangered by the United States Fish and Wildlife Service exists.

7. Habitat for plant, animal, or other wildlife species listed by the State of Colorado as rare, threatened, or endangered, species of special concern, or species of undetermined status exists.

8. The area is needed to prevent or minimize flood damage by preserving storm and flood water storage capacity.

9. The area is needed to protect fish spawning, breeding, nursery and feeding grounds.

10. The area is needed to preserve areas of special recreational, historical, archeological, scenic, or scientific interest.

(b) Public Health and Safety

In appropriate cases, a setback of greater than one hundred fifty (150) feet may be required by the Board of County Commissioners in order to protect the public health, safety and welfare.

(4) Reduced Setbacks

(a) Site Specific Factors – New Development Activity

Where an applicant is seeking a reduction in the one hundred (100) foot riparian/wetland setback specified in subsection (a)(2)(a) above, a site specific analysis shall be submitted to prove that there is no area on the property that can be used for development outside of the one hundred (100) foot setback, without encroachment into the following area(s) prohibited from development in Section 7 of the Land Use Code:

1. Slope;
2. Geologic Hazard
- ~~3. Severe Wildfire;~~ and
- ~~4.~~ 3. Wildlife Habitat

In the event that no developable area exists outside of the 100 foot setback, the applicant shall provide an analysis demonstrating compliance with the following criteria as well as any other criteria specified by Pitkin County, as part of the Site Plan or Activity Envelope application for the proposed development or activity:

1. Slopes adjacent to the protected feature are less than thirty (30) percent.
2. Highly erodible soils or unstable stream bank conditions are not present.
3. The proposed use of the property does not present a special hazard to water quality or wetlands (e.g., storage or handling of hazardous or toxic materials).
4. The one hundred (100) year or intermediate regional flood zone does not encroach into the setback reduction requested.
5. Trees, shrubs, or other natural features that provide for stream bank stability, enhance wildlife or aquatic movement within a stream corridor, provide habitat enhancement for aquatic environments and riparian area protection do not exist. Or will be unaffected by the proposed activity or development within the setback reduction being requested.
6. Habitat for plant, animal, or other wildlife species listed as threatened or endangered by the United States Fish and Wildlife Service does not exist within the setback reduction being requested.
- (7) Habitat for plant, animal, or other wildlife species listed by the State of Colorado as rare, threatened, or endangered, species of special concern, or species of undetermined status does not exist within the setback reduction being requested.
8. The area within the setback reduction being requested is not needed to prevent or minimize flood damage by preserving storm and flood water storage capacity.
9. The area within the setback reduction being requested is not needed to protect fish spawning, breeding, nursery and feeding grounds.
10. The area within the setback reduction being requested is not needed to preserve areas of special recreational, historical, archeological, scenic, or scientific interest.

If the riparian/wetland setback is reduced under this provision and the setback area shows signs of riparian/wetland vegetation disturbance or removal, the Applicant may be required to submit a restoration plan for review, approval, and implementation.

(b) Site Specific Factors – Reclamation of Previously Developed Areas

Where an applicant is seeking a reduction in the one hundred (100) foot riparian/wetland setback specified in subsection (a)(2)(a) above for purposes of reclaiming a previously-developed area (e.g., removal of concrete rubble, or removal of a paved roadway or parking lot), the application shall include an analysis demonstrating that the proposed reclamation of the site will result in;

1. A return to natural conditions that better preserves and/or enhances the protected feature and other natural attributes of the site.
2. Preservation and/or enhancement of any public viewsheds.
3. Preservation and/or enhancement of any public recreational opportunities associated with the protected feature.

The applicant shall also address any other site-specific factors specified by Pitkin County during review of the Site Plan or Activity Envelope for the proposed development or activity.

(c) Variations in Encroachment in Prescribed Setback

The width of any permitted encroachment into the one hundred (100) foot setback may vary across different portions of a property, and the types of activities or development allowed within the encroachment may also vary on different portions of a property.

(b) General Standards

1. All development and activity involving disturbance of the land shall be prohibited within the setbacks established in subsection (a) above, except as permitted by subsection (c) below.
2. In the event that an application is denied because there is no portion of the site where the proposed activity can take place outside of the required buffer areas, and an appeal is later granted pursuant to Sec. 2-20-180, or relief is granted pursuant to Secs. 2-40-90 or 2-40-150, the proposed development shall be reviewed according to the mitigation standards in subsection (d) below.

(c) River and Stream Corridors and Wetlands Exceptions

(1) Bridges, roads, paved and gravel trails, utility crossings, existing overhead utility lines, irrigation devices, water diversion facilities, culverts, and flood control structures, may be permitted in riparian and wetland buffer areas upon a finding that there is no feasible alternative location and that any adverse impacts will be adequately mitigated as required by subsection (d) below.

(2) Bank stabilization, riparian restoration work and restoration of natural, dynamic riverine functions (in accordance with the requirements of Section 7-20-40(c)(2)) may also be permitted in riparian and wetland buffer areas upon the BOCC finding that any adverse impacts will be adequately mitigated, as required by subsection (d) below.

(3) Development on lots in County approved subdivisions with designated building or development envelopes.

(4) Development on lots in the Lazy Glen MHP Subdivision/PUD may develop according to setbacks identified in the PUD approval.

(5) Development on lots zoned VC or VR in the Redstone Historic Townsite shall maintain a minimum twenty (20) foot setback, measured horizontally from the ordinary high water mark of each feature identified in subsections (a)(1)(a) and (b) above.

(6) Expansion of legal non-conforming structure(s) in the form of added height and bulk, with no changes to existing structure footprint, subject to provisions in Section 9-50-20 (c).

(7) Placement and maintenance of improvements for a micro hydroelectric facility may be permitted within riparian/wetland area and associated stream and riparian/wetland setbacks, upon finding that any adverse impacts will be adequately mitigated, as required by subsection (d) below. These facilities include:

- (a) Intake facilities (catch basins, gate valves, sediment tanks);
- (b) Transmission pipelines of 12" diameter or less;
- (c) Exposed/anchored or shallow buried;
- (d) Hydro turbine generator power delivery systems housed in an outbuilding in accordance with Section 4-30-050(m); and
- (e) Tailraces to return water flow back to a stream.

(f) In addition to requirements outlined in subsection (d) below, a site specific analysis shall be submitted for review and approval that identifies riparian, wetland, and in-channel habitat that will be disturbed as a result of construction of the facility and associated infrastructure. A mitigation plan that employs best management practices for restoring such disturbed habitat shall also be submitted for review and approval. A bond shall be collected to ensure revegetation and mitigation occurs.

(8) Development on lots in the Little Elk Creek Village Subdivision shall maintain a one-hundred foot (100 ft) setback from the ordinary high water mark of Little Elk Creek except in the following circumstances :

(a) An owner of a legally created residential structure, or portion thereof, that encroaches partially or completely into the fifty foot (50 ft) setback area from Little Elk Creek may redevelop, reconstruct or replace that portion of the structure which encroaches into the fifty foot (50 ft) setback area in the same footprint configuration as exists prior to the reconstruction, with no additional encroachment allowed into the fifty foot (50 ft) setback.

(b) An owner of a legally created residential structure, or portion thereof, that is partially or completely within the area that is at least fifty feet (50 ft.) from Little Elk Creek, but less than one-hundred (100 ft) from Little Elk Creek may redevelop, reconstruct, or replace the structure within this area, with no additional encroachment allowed into the fifty foot (50 ft) setback, but with expansion permitted in the area that is at least fifty (50 ft) from Little Elk Creek.

In either of these cases, enhancement of riparian vegetation will be required through the site plan review process. The riparian vegetation enhancement required will be proportional to the extent of the riparian habitat degradation on the site. A construction management plan and drainage and erosion control plan will be required to insure there will be no deleterious effects on existing riparian vegetation.

**(d) Mitigation Standards**

Any disturbance of the buffer area must be reclaimed by regrading and revegetation in accordance with the Pitkin County Revegetation Guide or as directed by the Pitkin County riparian expert, the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, or Colorado Division of Wildlife, and compliance with such standards shall be included as a condition of any approval. In addition, the following standards shall apply:

- (1) Utility corridors in buffer areas shall be located at the outside edge of the buffer.
- (2) Access roads for utility maintenance shall be located outside the buffer area.
- (3) Access for utility maintenance in buffer areas should be at specific points rather than parallel to the utility corridor.
- (4) Development shall incorporate specific measures designed to reduce erosion and prohibit sedimentation; no development that will increase stream sedimentation and suspension loads shall be permitted.
- (5) Development shall comply with Sec. 7-20-30 and those stream setbacks contained in Table 5-1.
- (6) Removal or disturbance of vegetation in riparian and wetland buffer areas shall be avoided to the maximum extent practicable.
- (7) Areas where vegetation in wetland or riparian buffer areas is disturbed or removed shall be revegetated as quickly as possible, but in no event later than one growing season following conclusion of construction activities in the area.
- (8) Channelization of streams is prohibited; development shall be designed to fit the channel rather than allowing changes in the channel in order to fit the development.
- (9) Perennial stream channels shall be bridged whenever possible; when this is not practicable, culverts shall be designed to avoid plugging and prevent washouts.
- (10) Development shall not result in the raising of water temperatures.
- (11) Alterations to stream channels (including their capacity, filling and dredging) shall be prohibited unless it has been satisfactorily demonstrated, through site-specific scientific study and analysis (including an evaluation of all upstream and downstream impacts), that the proposed channel work will improve the dynamic stream channel function, the habitat for a diversity of species, and that future and historical public uses, such as stream navigation, recreation, and aesthetics are not diminished by the proposed channel improvements. All approved stream work must be permitted and notification shall be sent to adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA. Acceptable scientific information may include, but is not limited to, information on channel hydrology, site geomorphology, streambed characteristics, macroinvertebrate populations, and fish populations. Applicant shall demonstrate and ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. Applicant must also

demonstrate that the scientific information provided has been generated by an individual(s) or legal entity (ies) qualified to render an assessment in all pertinent subject areas. This demonstration may be provided in the form of a curriculum vitae (CV) for an individual, a company resume of project experience, personnel certifications and licenses, etc, or any other manner reasonable under the circumstances.

*(Code repealed and reenacted Ord. No. 14-D, 2006 - § 7-20-80 (part) [Ord 021-07, 04-24-07](#); [Ord 024-08, 07-23-08](#); [Ord. 019-09, 06-24-09](#); [Ord.032-13, 12-18-13](#); [Ord. 012-08, 04-09-2008](#); [Ord. 038-08; 12-17-2008](#); [Ord. 024-09, 10-28-2009](#); [Ord. 011-2022, 02-23-2022](#)*

### **7-20-90: IRRIGATED LANDS FOR FOOD OR CROP PRODUCTION**

The Activity Envelope shall be defined to ensure the preservation of at least ninety-five (95) percent of the acreage historically used for production of food for humans, or hay, grain and other feed crops for livestock. If compliance with that standard would require a dwelling or other structure to be constructed in another Constrained Area that would create an inconsistency with this Land Use Code or the Pitkin County Comprehensive Plan then the standard may be reduced to require preservation of at least eighty-five (85) percent of such acreage and may condition such adjustment in the standard on location of the structure where it allows substantially greater compliance with other standards in this Land Use Code. Adjustment of this standard shall be at the discretion of the County, not the applicant.

### **7-20-100: HISTORIC PRESERVATION**

#### **(a) Purpose and Intent**

The purpose of this Sec. 7-20-100 is to promote the general welfare by providing for the recognition, protection, enhancement, perpetuation and continued use of historic sites, structures, buildings, features and areas that contribute to the unique quality of the landscape in Pitkin County for the following reasons:

- (1) To encourage public knowledge, understanding and appreciation for the broad historic trends that have shaped the county's historic and scenic character.
- (2) To provide a mechanism to identify and preserve the distinctive historic and architectural characteristics of our heritage, which represent the important elements of the county's cultural, social, economic, political, and architectural history.
- (3) To conserve and improve the value of property recognized as significant and encourage their productive, economical and sustainable reuse.
- (4) To safeguard the historic architectural and cultural resources that support tourism and the economic welfare of the community.

(5) To provide a mechanism to resolve conflicts between the preservation of important historic resources and cultural landscapes and the growing pressures of development and alternative land uses.

(b) Recognition of Historic Resources – Three-Tiered System

The first step for the preservation of the county’s significant historic resources is the identification of the sites, structures, buildings and areas associated with the county’s historic development and then a systematic public process to determine their value to the community. This process is intended to provide a means of deciding and communicating which properties are in the public interest to protect. The three-tiered system for recognition takes into account the relative importance of the range of historic resources that exist in the county. The basic level of recognition by the County is listing on an inventory. Listing on the Pitkin County Historic Inventory has no regulation associated with it (with the exception of a demolition permit as required on all properties in the County), unless the property owner voluntarily agrees to regulation, and there are selected incentive programs available to inventory properties. Inclusion on the historic inventory makes properties eligible for designation to the Pitkin County Historic Register. Properties designated on the Historic Register are afforded protection through the regulation of demolition and exterior rehabilitation work. Register properties are also eligible for an array of optional incentives as well as the base incentives provided by the County to assist in the preservation of its significant historic and architectural resources. While the County makes an effort to identify those properties eligible for the Historic Inventory or Historic Register, owners of historic properties interested in the recognition of their significance and assistance in their preservation are encouraged to apply for listing or designation of their properties. In addition to the Historic Inventory and Register, there is a Redstone Historic District, in which properties are subject to the guidelines and procedures in the 2022 Village of Redstone Design Guidelines.

(1) The Pitkin County Historic Inventory

This section sets forth the criteria and process for listing on the Historic Inventory and identifies the incentives available to properties listed on the inventory. The Inventory list, which is maintained by the Community Development Department, is intended to provide a comprehensive list of those sites, structures, buildings, objects, features and areas that have associative qualities and/or physical characteristics that illustrate the historic and architectural influences that have shaped the county’s historic built environment and cultural landscapes. The locations of those properties listed on the Pitkin County Historic Inventory are indicated on documents available at the Community Development Department.

(a) Criteria for Inclusion in the Inventory

Individual sites, structures, buildings, objects and features or collections of sites, structures, buildings, objects and features can be included in the inventory with evidence that these property types are associated with, represent or illustrate through their location, setting, physical form, materials and/or workmanship the following historic contexts:

1. Agriculture
2. Ranching
3. Railroads
4. Mining
5. Tourism
6. Community Development & Planning
7. Vernacular Architecture
8. Rustic Architecture
9. Victorian Architecture
10. Work of a Master
11. Association with individuals whose contribution to local, state, regional or national history is deemed important and has been documented
12. Prehistoric Occupations

(b) Sufficient Evidence for Inclusion on Inventory

Staff will update the Inventory as information is compiled (i) in the conduct of historic resource surveys, and (ii) as part of the review of development projects, and (iii) through the submission of information by property owners, preservation organizations and interested citizens. Sufficient evidence that a property type merits inclusion on the Pitkin County Historic Inventory includes:

- (1) Listing individually or as a “Contributor” to an historic district on the Colorado State Register of Historic Properties or the National Register of Historic Places, or

(2) Determination as to eligibility either individually or as historic district contributor and associated documentation as part of a State Historic Preservation Office sponsored survey or National Historic Preservation Act of 1966, as amended, Section 106 consultation, or

(3) Conducting research and preparing a written report supplemented with photographs, maps and drawings, as necessary, in conformance with the Secretary of Interior's Standards for Identification and Evaluation, or

(4) Documentation by individuals or firms meeting the Secretary of Interior's Standards for Professional Qualifications, or

(5) Properties identified as part of a public planning process that have a high level of significance and support for its preservation by the community.

(c) Historic Inventory Information

Information maintained by Pitkin County as part of the Pitkin County Historic Inventory will include, but not be limited to: (i) historic resource name; (ii) historic property type classification, (iii) address, (iv) documentation of significance, (v) photographs, (vi) boundaries, as applicable, and (vii) ownership.

2. Pitkin County Historic Register

It is recognized that there exist some historic properties that possess a level of historic, architectural or cultural significance; integrity, visual prominence and/or high value to the community such that they are of greater importance and clearly distinguishable from other historic resources. The Pitkin County Historic Register is hereby established to ensure the protection of and encourage the preservation and enhancement of these significant historic resources.

(a) Criteria for Designation to the Historic Register

Properties may be designated to the Historic Register through resolution of the Board of County Commissioners after a One-Step Review process, as described in Sec. 2-30-30. Properties eligible for designation to the Historic Register include individual sites, structures, buildings, objects and features or collections of sites, structures, buildings, objects and features. These historic properties must meet the criteria and have the minimum level of documentation for listing on the Pitkin County Historic Inventory. Additionally, to initiate the designation process, a set of findings must be prepared documenting the higher level of

significance for the historic resource(s). Included in the analysis shall be information about:

1. Importance of the historic theme to which the resource is related to the County's history.
2. The number of other historic properties that this resource represents and how it is exemplary.
3. The resource's level of integrity of location, setting, design, materials, workmanship, feeling and association.
4. The qualities of singularity such as rarity, uniqueness, and age.
5. Visual prominence.
6. Role in community events and celebrations.
7. If the work of a notable architect, builder or craftsman, how this property compares with the body of work produced by the individual or firm.
8. If associated with a notable individual, how the property illustrates their contribution to the county, state or nation.

b. Effect of Designation to the Pitkin County Historic Register

From and after the adoption by the Board of County Commissioners of a resolution designating a property to the Pitkin County Historic Register, any demolition, relocation, alteration, new construction or any other development within the boundaries of the designated property is subject to provisions of this section.

- (1) Pitkin County will prepare design guidelines for designated properties to offer assistance to property owners and/or their representatives in understanding the physical characteristics that contribute to the significance of the historic property. The guidelines recognize that changes will occur to historic properties for their continued use and functional viability. Their intent is to provide guidance in the planning of alterations and new construction such that the proposed work does not adversely affect the character-defining features and/or diminish the significance of the historic properties. These guidelines shall apply to exterior features only. The guidelines shall be organized

to include (i) general guidelines that apply to categories of property types or historic architectural styles, and (ii) specific guidelines tailored to address the unique qualities or characteristics of a particular site, structure, building, complex or district. Until the design guidelines are adopted by the Board of County Commissioners, the Secretary of the Interior's Standards for Rehabilitation shall be utilized to review alterations and new construction.

(2) For designated properties, the provisions and processes of other County codes, sections and regulation standards may be modified, as described in this section, if it can be demonstrated that it will assist to maintain the historic and architectural character of the property. Modifications to zoning standards must be approved by the Board of County Commissioners.

(3) Designated properties will be eligible and have priority to participate in County programs related to financial, developmental, technical and promotional assistance that will serve to maintain, preserve and/or enhance their historic and architectural character.

### (3) The Redstone Historic District

The third mechanism used by Pitkin County for the recognition of significant historic properties is the Redstone Historic District.

(a) The Redstone Historic District was designated by the County in 1980 by the Board of County Commissioners through the establishment of an Historic Preservation (HP) overlay zone.

(b) The Redstone Historic Preservation Commission (RHPC) was authorized by the Board of County Commissioners in 1994 to serve as a regulatory body responsible for the review and approval of all repair, alteration or new development within the historic district. The procedures and standards used in the review and approval of such work are set forth in the 2022 Village of Redstone Design Guidelines and as amended from time to time.

(c) Specific benefits have been developed that are available to property owners within the district that will remain in effect and are not modified by the adoption of this section of this Land Use Code.

### (c) Requirement for Certificate of No Effect and Certificate of Appropriateness

#### (1) Applicability

(a) An application for a building permit or a development permit for exterior alterations, relocation or development of a property designated to the Pitkin County Historic Register, shall be incomplete unless a Certificate of No Effect or a Certificate of Appropriateness is submitted concurrently.

(b) In the event work requiring a Certificate of No Effect or a Certificate of Appropriateness is being performed without such an approval, the County will contact the person performing the work and require that all work cease. If the work continues, the Chief Building Official will issue a Stop Work Order. In the event that work is being performed that is not accordance with an approved Certificate of No Effect or Certificate of Appropriateness, the Chief Building Official will issue a Stop Work Order. The County may seek an injunction to enforce a Stop Work Order.

(c) The provisions for the issuance of Certificates of No Effect or Appropriateness shall not be construed to prevent ordinary maintenance or repair that does not change the design, materials or, architectural elements or site features of a designated property. Selected activities are exempt from the review procedures including interior remodeling, exterior repainting and paint color selection, and the repair of exterior walls with materials and finishes to match the existing walls.

(2) Certificate of No Effect

An application for a Certificate of No Effect is subject to Administrative Review pursuant to Sec. 2-30-20(g)(14). If the Community Development Department determines that the proposed work is not eligible for a Certificate of No Effect, then the property owner must apply for and obtain a Certificate of Appropriateness.

(3) Certificate of Appropriateness

An application for a Certificate of Appropriateness is subject to Administrative Review pursuant to Sec. 2-30-20(g)(15). However, if there are any issues about the appropriateness of the proposed work, or if the project is of a magnitude that community input is desired, the Community Development Director may determine that the application is subject to a One-Step Review process before the Board of County Commissioners, pursuant to Sec. 2-30-30.

(d) Avoiding Demolition

Historic properties are irreplaceable assets of a community. Once demolished they are forever gone and cannot be replaced. It is the intent of this section to preserve the

historic and architectural resources that have a demonstrated significance to Pitkin County, to require reasonable measures to ensure that historic properties are not inadvertently or unnecessarily destroyed, and to require consideration of alternatives to their demolition.

(1) Demolition Permit Required

(a) No permit shall be issued by the Chief Building Official or designee to demolish a property designated on the Pitkin County Historic Register or listed on the Pitkin County Historic Inventory and for which a growth management exemption for an additional single family dwelling unit was granted prior to the 5th of July, 2006 without a Certificate of Demolition approval.

(b) An application for a Demolition Permit shall be subject to Administrative Review pursuant to Sec. 2-30-20. If the Community Development Department determines that a Demolition Certificate cannot be issued based on those criteria set forth in Sec. 2-30-20(g)(16), then the applicant may appeal that decision to the Board of County Commissioners pursuant to Sec. 2-20-180.

(2) Appeals of Denial of Demolition Certificate

(a) In addition to those actions listed in Sec. 2-20-180, the Board of County Commissioners may delay the demolition for a specified period of time or continue the application to obtain additional information necessary to consider the demolition request.

(b) If a demolition request is delayed in an attempt to find an alternative to demolition, the County will work: (i) with the property owner(s) to determine what types of assistance might be provided by the County to retain the property and/or place it in productive use; and (ii) to investigate methods of acquisition by a private, non-profit or public entity that will preserve the property; and (iii) to make the larger community aware of the impending loss of the historic resources.

(c) At the end of the specified period of time for the delay of demolition, a report will be made to the Board of County Commissioners and (i) if no prudent or practicable alternative has been identified, the demolition permit will be issued in conformance with the procedures established in this section, or (ii) if substantial financial, development or technical assistance has been offered by the County to the property owner or if an offer for purchase at fair market value of the property is refused by the property owner, the application for demolition may be denied or the delay period extended.

(d) If the demolition request is denied because it does not meet the aforementioned criteria, the applicant may request a determination that such denial constitutes a taking of private property pursuant to Sec. 2-40-150.

(3) Properties for Which Designation to the Pitkin County Historic Register Has Been Initiated

(a) While it is the intent of this Sec. 7-20-100 to preserve historic properties that have been formally recognized as significant through designation to the Historic Register, it is understood that the identification, evaluation and designation of all sites, structures, buildings, objects and districts within the county of importance to the general welfare, economic prosperity and civic pride of the community is an on-going process. Therefore it is important to establish reasonable measures to protect properties that potentially qualify for designation and allow for a review and hearing process to ensure they are not needlessly lost.

(b) When an application has been filed requesting permission to demolish any property for which designation to the Historic Register has been initiated, the application shall be stayed for a period of six (6) months. During that six (6) month period, the County shall consider the application for designation to the Historic Register as set forth in this Land Use Code. If a public hearing on the application for designation is not held within the six (6) month stay period, the stay shall expire and the application for demolition shall be processed. An additional six (6) month stay period may be extended by a resolution by the Board of County Commissioners for a showing of good cause.

(4) Properties Listed on the Pitkin County Historic Inventory

When a demolition application is filed for a property listed on the Pitkin County Historic Inventory, the following procedures will be followed:

(a) The demolition request may be approved by the Community Development Department if it is determined the criteria for demolition approval have been met.

(b) The demolition request may be delayed for thirty (30) days to allow for notification to the larger community of the planned demolition. During the thirty (30) day period notice will be published in the newspaper, the property will be posted and preservation-related organizations and known interested parties will be contacted to seek assistance in developing alternatives to the demolition.

(c) At the end of the thirty (30) day period if no alternative acceptable to the property owner has been identified, the demolition permit will be issued without further review.

(e) Redstone Historic District

(1) General

When development occurs within the Redstone Historic District, the following standards shall apply:

- (a) The project shall be compatible in general design, massing, volume, and scale with historical structures that are located on the parcel and/or in the surrounding neighborhood.
- (b) The site plan shall be consistent with the historic town pattern and supports or enhances the pedestrian nature of Redstone.
- (c) The project shall preserve the architectural and historical integrity of any and/or all historic structures on the property.
- (d) The project shall utilize the Village of Redstone Design Guidelines (Guidelines adopted January 21st, 1981, revised 1996, revised 2004 and revised 2022) as the basis for proposed development activity within the Redstone Historic District.

(2) Minor Development Activities within the Redstone Historic District

Minor development activities within the Redstone Historic District may be subject to Administrative Review, if it is determined that the development has no negative effect on a historic structure or the District.

Minor development may include the following:

- (a) Routine building maintenance and repairs to historic buildings provided that the work complies with all the applicable Guidelines;
- (b) The installation of a fence provided all the applicable Guidelines are met.
- (c) Re-roofing projects, where the roof is being replaced in kind or continues to comply with the Guidelines;
- (d) Where staff finds that the proposed minor development has an impact on the District, in lieu of making an administrative decision,

the application will be referred for review by the Redstone Historic Preservation Commission.

(f) Benefits

Pitkin County is committed to providing support to private property owners to assist in their efforts to maintain, preserve and enhance their historic properties. The benefits provided are intended to balance any inconveniences that might be imposed by the protective measures of this section. They also recognize the value gained by the larger community from the preservation of these resources.

(1) Applicability

(a) Prior to the adoption of this Land Use Code provision, a program of incentives was previously developed for the historic properties in the Redstone Historic District. It is the intent of Pitkin County to maintain those existing incentives that are available to the property owners within the Redstone Historic District.

(b) Properties that are subsequently designated to the Historic Register or listed on the Historic Inventory may be eligible for the following benefits subject to the specific provisions for participation.

(2) Base Incentives

All properties designated to the Pitkin County Historic Property Register or listed on the Pitkin County Historic Inventory are eligible for:

(a) Alternative Building Code Compliance

To preserve and maintain the historic and architectural character of listed and designated properties the International Existing Building Code (IEBC) may be utilized to provide alternative approaches to the requirements of the International Building Code (IBC). These modifications may not change the goals of the applicable safety and permit requirements and must follow the procedures provided for modification set forth in the IEBC. The Chief Building Official may also grant exemption from the Energy Code and Efficient building program for listed or designated historic properties.

(b) Variances

The Board of Adjustment may approve variances from the dimensional requirements of this Land Use Code as permitted pursuant to Sec. 2-40-110 if it is demonstrated that these variances assist in the preservation and maintenance of the listed and designated historic properties.

(c) Priority for Participation in County Programs

Listed or designated properties will be eligible and have priority to participate in other County programs related to financial, developmental, technical and promotional assistance that will serve to maintain, preserve and/or enhance their historic and architectural character.

(3) Optional Incentives

Properties designated to the Pitkin County Historic Register may be granted the following incentives by the Board of County Commissioners on a discretionary basis:

(a) Expedited Review

A project involving a designated property may be brought before the Board of County Commissioners for consideration of its merits and the circumstances needed for the preservation of the historic site, structures or buildings, without the completion of all the necessary application materials. Completion of the necessary reports may be required for final approval but an initial review may be scheduled if the Community Development Director determines that the proposed project's preservation accomplishments should be the overriding consideration.

(b) Transfer of Development Rights

Transfer of Development Rights may be allowed subject to compliance with standards for issuance of TDRs on historic register properties in Section 6-70-40.

(c) Extended Vesting Period

An extended vesting period may be granted.

(d) Exemptions

The following exemptions may be granted by the Board of County Commissioners on a discretionary basis.

1. Growth Management Quota System exemptions are available pursuant to Sec. 6-30 and/or development may be fully or partially exempt from the Growth Management Quota System;
2. Subgrade space may be exempted from floor area calculations; and/or

3. Exemption from affordable housing mitigation requirements.

(e) Density Bonus

The ability to construct one (1) additional house, notwithstanding the existence of a historic building on the property and the failure of the lot or parcel to meet the minimum size otherwise required to accommodate both the historic and the new building.

(f) Reduced Riparian Area/Wetland Setback

The riparian/wetland setbacks established in Sec. 7-20-80(a)(2) may be reduced in order to effectuate the preservation of an historic resource, when there is no other reasonably appropriate area outside of the setback to accommodate additional development. To be eligible for this incentive, the applicant shall demonstrate as part of an Activity Envelope application for proposed development that the reduction in the setback will not result in water quality degradation, stream bank erosion and/or a reduction in the quality of riparian or wetland habitat, pursuant to the following criteria:

1. Slopes within the setback reduction requested are less than thirty (30) percent.
2. Highly erodible soils or unstable stream bank conditions are not present within the setback reduction requested or will be unaffected by the proposed activity or development within the setback reduction requested.
3. The proposed use of the property does not present a special hazard to water quality or wetlands (e.g., storage or handling of hazardous or toxic materials).
4. The setback shall not be reduced such that it encroaches into the one hundred (100) year or intermediate regional flood zone as defined in Sec. 7-20-40(a). Development shall not impede the one hundred (100) year flood flow.
5. Trees, shrubs or other natural features that provide for stream bank stability, enhance wildlife or aquatic movement within a stream corridor, provide habitat enhancement for aquatic environments and riparian area protection do not exist, or will be unaffected by the proposed activity or development within the setback reduction requested.

6. Habitat for plant, animal, or other wildlife species listed as threatened or endangered by the United States Fish and Wildlife Service does not exist within the setback reduction requested.
7. Habitat for plant, animal, or other wildlife species listed by the State of Colorado as rare, threatened, or endangered, species of special concern, or species of undetermined status does not exist within the setback reduction requested.
8. The area within the setback reduction requested is not needed to prevent or minimize flood damage by preserving storm and flood water storage capacity.
9. The area within the setback reduction requested is not needed to protect fish spawning, breeding, nursery and feeding grounds.
10. The area within the setback reduction requested is not needed to preserve areas of special recreational, historical, archeological, scenic, or scientific interest.
11. The applicant shall agree to enhancement of riparian vegetation as a condition of the activity envelope designation and shall demonstrate compliance with said condition during the Site Plan Review process. The riparian vegetation enhancement that is accomplished shall be proportional to the extent of the existing riparian habitat degradation on the site. A construction management plan and drainage and erosion control plan will be required to insure that there will be no deleterious effects on existing riparian vegetation.

#### (4) Eligibility

The granting of any of the optional incentives is not a matter of right but is at the sole discretion of the Board of County Commissioners based on the Board's assessment of the merits of the proposed project, its ability to advance the County's preservation goals, and its demonstration of exemplary historic preservation practices. Any benefits that are awarded by the Board of County Commissioners will be subject to recordation of a covenant in a form acceptable to the County Attorney and the Historic Preservation Officer, to ensure that anticipated historic preservation benefits accrue to the County and are maintained over time. To be granted an optional incentive, the applicant must demonstrate that:

- (a) The design of the project meets all applicable historic preservation design guidelines and is in conformance with the Pitkin County Comprehensive Plan; and

- (b) The benefits provided are proportional to the significance of the historic resource; and
- (c) The historic building remains a key element of the property and the new development does not compromise the visual integrity of the historic property; and
- (d) The new construction is reflective of the proportional patterns found in the historic building's form, materials and openings, or the work removes later alterations and restores the historic building to its appearance during its period of significance; and
- (e) The project is compatible with the character of the neighborhood in which it is located; and
- (f) Historic outbuildings, site and landscape features are retained and stabilized and restored, as appropriate.

*(Code repealed and reenacted Ord. No. 14-D, 2006 - § 7-10-100 (part) amended [Ord. 003-2013, 03-13-2013](#); [Ord. 021-2007, 07-24-2007](#); [Ord. 039-2022, 09-14-2022](#)*

#### **7-20-110: ARCHEOLOGICAL RESOURCES**

(a) Applicability

The development standards in this Sec. 7-20-110 apply development within the County's adopted list of Archaeological Resource Areas.

(b) General Standards

Development within Archaeological Resource Areas shall minimize damage to known archaeological sites and shall demonstrate that the proposed activity will enhance the meaning of an archaeological site as representative of a period, style, occasion or unique activity.

#### **7-20-120: SCENIC VIEW PROTECTION**

Preservation of the character of Pitkin County requires careful attention to the visible impacts of proposed development. In general, the standards of this Sec. 7-20-120 are designed to minimize the visual impact of new development (including expansions to existing structures) when viewed from designated road corridors, as well as to preserve the rural character of all Rural Areas of the county. Scenic View Protection Areas shall be considered at the time of Site Plan approval and Building Permit issuance.

(a) Intent

The intent of this Sec. 7-20-120 is:

- (1) To establish a Scenic View Protection Area that includes lands that are proximate to and most visible from specific roads in the County, with specific concerns for the areas that constitute the visual entrance "image" and passage through Aspen and Pitkin County as well as views of ridgelines from those roads.
- (2) To maintain a natural ridgeline silhouette against the sky and to steer development away from ridgelines and skylines throughout the County as viewed from public roadway corridors.
- (3) To insure that new development is designed and located to complement the natural landscape and the natural features within the public viewplane in order to achieve an aesthetically pleasing, rural atmosphere.
- (4) To reduce visual damage to the natural landforms and views throughout the County.

(b) Applicability

(1) All areas shown on the County's Scenic View Protection Area maps, which are maintained in the Community Development Department, shall comply with the standards of subsection (d) below. The Scenic View Protection Area map includes scenic foreground areas, public viewplanes, and ridgelines. The mapped areas are identified as viewed from the following rights-of-way:

- (a) State Highway 82;
- (b) Brush Creek Road;
- (c) Capitol Creek Road;
- (d) Snowmass Creek Road;
- (e) State Highway 133;
- (f) Frying Pan Road;
- (g) Castle Creek Road;
- (h) Maroon Creek Road;
- (i) West and East Sopris Creek Roads;

- (j) Owl Creek Road;
- (k) Upper and Lower River Roads;
- (l) McLain Flats Road; and
- (m) Woody Creek Road.
- (n) Emma Road
- (o) Coal Creek Road
- (p) Thompson Creek Road (North, Middle, and South Forks);
- (q) Watson Divide Road
- (r) Prince Creek Road; and
- (s) Lime Creek Road

(2) All development in the Rural Area shall be sited in consideration of the rural character guidelines of subsection (e) below.

(c) Exemptions

These standards shall not apply to:

- (1) Activity or development that is covered by a valid building permit.
- (2) All interior remodels that do not change any outside visual aspect of the structure.
- (3) Lots within platted subdivisions approved by the County, which have designated Activity, Building or Development Envelopes, unless the terms of the approval require ridgeline or scenic review prior to construction.
- (4) Any proposed development for which the Community Development Director determines that:
  - (a) The proposed development is not visible from those rights-of-way listed in subsection (b) above; or
  - (b) A proposed addition to or remodel of an existing structure or a proposed accessory structure has been located to minimize perceived mass when viewed from those rights-of-way listed in subsection (b) above and has been placed so it does not project above a ridgeline. The

new or remodeled/expanded structure shall not silhouette against the sky when viewed from those corridors listed in subsection (b) or

(c) The development is exempt from Activity Envelope and Site Plan Review pursuant to Sec. 7-10-30(a), (b), (e), (f) and (g).

(d) For purposes of this section, visible means that a structure or use is discernible to the naked eye from the designated roadway.

(e) Standards for Development within Scenic View Protection Areas

(d) All non-exempt development located within a mapped Scenic View Protection Area shall comply with the following standards.

(1) The proposed development shall utilize existing topography and natural vegetation, such as ridges, hills, and existing trees, to screen buildings to the maximum extent practicable when viewed from those right-of-way listed in subsection (b) above.

(2) The proposed development shall avoid the location of structures within the Scenic View Protection Areas, and shall avoid the location of structures within any Viewplane identified in the State Highway 82 Corridor Master Plan and Down Valley Comprehensive Plan if possible. If location outside the Scenic View Protection Area and defined Viewplanes is not practicable, then the proposed development shall not be located on the highest ground or most visible portion of any site as viewed from those corridors listed in subsection (b) above.

(3) The proposed development's height and bulk shall be designed to avoid, to the maximum extent practicable, the visibility of buildings from those corridors listed in subsection (b) above. This may include, but shall not be limited to, breaking the mass of the building down into a series of smaller forms, articulation of the building façades to avoid a wall or row effect, and staggering rooflines to avoid a long unbroken plane.

(4) The proposed structure shall be placed so it does not project above a ridgeline. The structure shall not silhouette against the sky when viewed from those corridors listed in subsection (b), unless there are no alternate building sites on the lot or parcel.

(5) The proposed development shall be designed to complement the natural topography of the land through the use of techniques such as earth-sheltered design, the use of natural materials and coloring, the use of low-reflectance materials, or clustering of structures on the least visible portions of the site. When a building is proposed near a ridgeline, then its form (particularly its roof form) shall replicate, parallel, or complement the natural form of the ridgeline so that it appears to be an element of the natural ridgeline.

(6) The proposed development shall preserve natural vegetation and avoid development within irrigated meadows, to the maximum extent practicable.

(7) The proposed development shall install utilities in locations and through procedures that minimize visual impacts to the maximum extent practicable.

(8) All satellite dishes in the proposed development shall be located to minimize visibility from those rights-of-way listed in subsection (b), and shall use earth tone colors and/or screening to minimize their visual impact.

(9) The proposed development shall not use earth moving and berms as the primary means of compliance with these regulations, but earth moving may be utilized in conjunction with other techniques to comply with standards in this section. Where earth moving techniques are necessary, man-made forms should be undulating and natural in appearance.

(10) In the Rural Areas only, development shall be located so that activities and development occur in at least one of the locations specified in subsection (e) as they may apply to the particular property.

(11) Earth Tone Materials

The exterior of all development, except development located and designed in the form of a ranch compound, shall be built or painted with indigenous earth tone materials or colors. The exterior of a ranch compound should be built or painted with indigenous earth tone materials, or shall be painted or stained using local, traditional ranch colors, which shall include shades of red, brown, or white. Paints or stains that simulate weathered barn wood also shall be permitted.

(12) Roofs

All roofs shall have a non-reflective color or composition. Reflective roof materials shall not be used unless the materials are treated prior to installation to eliminate reflection, with the exception of materials associated with solar or photovoltaic equipment.

(13) Revegetation of Disturbed Areas

Lands disturbed by earth moving or berms should be revegetated using native species that are already growing on or near the site. Topsoil shall be stockpiled and placed on disturbed areas. Irrigation shall be provided to the revegetated areas if it is necessary to ensure survival of planted native species.

(14) Driveways Avoid Dividing Meadows and Pastures

To the maximum extent practicable, roads and driveways shall be located to skirt the edge of and avoid dividing meadows and pastures and to avoid major road cuts. Roads and driveways should take advantage of the screening potential of natural topography and existing vegetation. Existing roads and driveways shall be used where practical. To enhance screening, a row of trees may be planted along the roads or driveways. To the maximum extent practicable, roads and driveways located around the edge of or in meadows shall be laid out with soft, curving edges and shall avoid straight line corridors that are incongruous with the natural setting.

(e) Rural Character Guidelines for Building Location

In addition to complying with the standards of subsection (d) above (if applicable), all development in Rural Areas should be located so that activities and development occur in one or a combination of the following locations as they may apply to the particular property: (1) at the edge of an open meadow or pasture; (2) behind an existing stand of vegetation; (3) behind or built into a change in natural topography; or (4) within a pasture or meadow, clustered in the form of a ranch compound, or adjacent to or integrated into an existing ranch compound. Where guidelines reference distances from a road, and more than one road borders the property, the guideline applies to the road carrying the greater amount of traffic. Guidelines for each of these locations follow:

(1) Development Located at Edge of Meadow or Pasture

When located at the edge of an open meadow or pasture, the development shall comply with the following standards:

(a) Distance

Located at the greatest practicable distance from the road and, where applicable, it shall be located adjacent to existing development.

(b) Edge of Meadow or Pasture

Located along the edge of the meadow or pasture, where the meadow or pasture meets the toe of a hillside, or on a relatively less steep, lower hillside area adjacent to the meadow.

(c) Separate Developed Areas

Located so as to separate developed areas that from natural areas and pastures, and to preserve open space in the largest contiguous tracts practicable, taking into account the allowed densities and uses.

(2) Development Located Behind Existing Stand of Vegetation

When located behind an existing stand of vegetation, the development shall comply with the following standards:

(a) Scale of Development

The scale of the development shall not interrupt or obscure the existing occurring stand of vegetation behind which it is located.

(b) Supplementary Vegetation

Where natural vegetation does not adequately screen the development as determined by the visual analysis, native vegetation shall be planted to augment the existing vegetation and maintain the visual integrity of the protected view.

(3) Development Behind or Built into Natural Topographic Break

When located behind a natural topographic break or built into the natural topography in an earth-sheltered design, development shall comply with the following guidelines:

(a) Scale

Scale and height of the development shall be subordinate to the natural change in topography.

(b) Earth Moving

Earth moving shall be used to the minimum extent practicable to extend a naturally occurring topographic change and screen the development, but not to create a new, man-made landform.

(4) Ranch Compound within Irrigated Pasture or Meadows

When development is located within an irrigated pasture or meadow in the form of a ranch compound or adjacent to or integrated into an existing ranch compound, it shall comply with the following guidelines.

(a) Views to Rear Portion of Property

It shall not preclude views from the public road to the rear portions of the pasture or meadow.

(b) Clustering Structures

Structures shall be clustered together in close proximity to preserve the maximum amount of the meadow or pasture as open areas.

(c) Native Vegetation

Native vegetation shall be planted to mimic either the existing species composition and pattern of growth or traditional farm and ranch-stead planting patterns (e.g., clustered or linear tree plantings to act as windbreaks). Applicants are strongly advised to use native plant materials and consider Colorado Division of Wildlife recommendations with respect to their relative attractiveness to wildlife.

(5) Partial Impracticability

If a portion, but not all, of the proposed activity or development can be located in conformance with the guidelines in subsections (1) through (4) above, then the portion that cannot be located in conformance with such guidelines shall be located in accordance with the following guidelines:

(a) Along Front Edge of Meadow or Pasture

To the extent practicable, it shall be located along the front edge of the meadow or pasture and in proximity to similarly situated development on adjacent lands.

(b) Maintain Contiguous Open Space

It shall be located so as to maintain the largest amount of contiguous open space practicable, in relation to the scenic view being protected.

(c) Screening of Development

The development shall be screened with native vegetation planted to mimic either the existing species composition and pattern of growth or traditional farm and ranch-stead planting patterns (e.g., clustered or linear tree plantings to act as windbreaks). Applicants are strongly advised to use native plant materials and consider Colorado Division of Wildlife recommendations with respect to their relative attractiveness to wildlife.

(6) Alternate location

Proposed development may be located in an area of the property that is not in conformance with the guidelines in subsections (1) through (5) above, if the applicant can demonstrate that the proposed location will have less scenic impact than if the development was sited in conformance with the guidelines.

***(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-06; § 7-20-120 amended (part [Ord. 028-2014, 07-23-2014](#); [Ord. 019-09, 06-24-2009](#))***

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**7-20-130: LANDSCAPING AND VEGETATION PROTECTION**

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(a) Purpose

These regulations are intended to preserve existing vegetation on development sites to the maximum extent consistent with the permitted development, and to ensure that specific types of man made improvements are screened from view in order to preserve the rural character of the County, and to prevent the use of landscaping in ways that would compromise the rural character of the County.

(b) General Provisions

(1) Protection of Natural Vegetation

In order to protect the rural character of Pitkin County, natural vegetation should be preserved to the maximum extent practicable, and any installed landscaping shall use the species plant materials naturally occurring on the site or on neighboring properties (except for flower gardens). Restrictions on removal of natural vegetation, and requirements for revegetation, are set forth in other portions of this Chapter 7.

(2) Conformance with Wildfire Regulations

In the event the provisions of this Sec. 7-20-130 conflict with any provisions of Sec. 7-20-60, as those requirements may be varied by a wildfire expert approved by the County, the provisions of Sec. 7-20-60 shall govern.

(3) Berms

Berms may be incorporated into any required landscaping, buffering, or screening area, provided that the County determines, during the development approval process, that the proposed berms will not cause drainage or erosion problems. No installed berm shall have a slope of greater than four-to one (4:1), nor a height greater than four (4) feet above grade.

(4) Landscape Enclosures

Landscaping shall not be used to mark or enclose the boundary of a parcel, or to privatize an otherwise public viewplane. Use of indigenous shrubs or trees to enclose a portion of the property immediately surrounding a dwelling, barn, and/or accessory buildings (as opposed to the entire property or a large area of the property) are permitted if made to resemble similar windbreaks located near older properties in Rural Areas of the County.

(5) Visibility Clearance

All landscaping shall be installed and maintained so that it does not interfere with the ability of drivers to see nearby traffic at the intersection of any driveway with a public road, or at the intersection of two public roads.

(6) Utility Easements

Whenever the provisions of this Sec. 7-20-130 would require the installation of trees or shrubs over or on utility easements, where branches or roots might interfere with utility lines or pipes, the required location for such trees and shrubs shall be modified to require installation at the closest location that would avoid potential conflicts with utilities and would enable the trees and shrubs to serve the same landscaping purpose.

(7) Financial Security

The Community Development Department may require financial security in a form acceptable to the County Attorney to ensure completion of installation of all required landscaping and/or successful establishment of plants.

(8) Maintenance

All plants shall be maintained continually in a healthy condition in accordance with generally accepted professional horticultural standards and practices. Within areas required to be landscaped with installed plant materials, plants that die or are unhealthy shall be replaced. Landscape areas shall remain free of weeds, litter, junk, rubbish and other nuisances and obstructions.

(c) Required Landscaping in Rural Areas

In the Rural Area:

(1) Landscaping is required for the following purposes: (i) to screen satellite dishes and other telecommunications equipment when located within five hundred (500) feet of adjacent public roads and visible from such roads, and (ii) to screen parking areas and service areas when viewed from adjacent public roads, (iii) where necessary to comply with the standards of Secs. 7-20-70, 7-20-80, or 7-20-120, and (iv) to revegetate disturbed areas.

(2) Landscape treatments shall cluster shrubs and trees into groupings similar to those naturally occurring on the site or neighboring sites, shall use indigenous species of shrubs and trees, and shall not be installed in regularly spaced lines or rows, unless more specific provisions of Secs. 7-20-70, 7-20-80, or 7-20-120 require a different treatment.

(d) Required Landscaping in Urban Areas

In the Urban Area:

(1) Where Required

Landscaping is required for the following purposes for new development on the property: (i) to screen satellite dishes and other telecommunications equipment when located within two hundred (200) feet of adjacent public roads and visible from such roads, (ii) to screen non-residential parking areas and service areas when viewed from adjacent public roads, (iii) to create a landscaped street edge in the B-2 zone district, (iv) to break up required parking areas in the B-2 zone district into smaller “cells” of parking, and (v) to break up the perceived mass of larger buildings in the B-2 zone district through the use of foundation plantings.

(2) Minimum Areas and Plant Densities Required

All required areas for landscaping, buffering, or screening shall comply with the following standards unless these standards conflict with another development standard in this Chapter 7.

(a) Satellite Dishes and Telecommunications Equipment

Landscape treatments shall use indigenous species of shrubs and trees and shall be sufficient to block visibility of seventy-five (75) percent of the dish or equipment within three (3) years of planting.

(b) Non-Residential Parking Areas and Service Areas in all Zone Districts, and Street Edge in B-2 Zone District

Screening for non-residential parking areas and service areas shall be at least fifteen (15) feet in width and shall have at least (1) large tree (minimum 30 foot height at maturity) per fifty (50) linear feet of landscape area, plus one (1) shrub per ten (10) feet of linear landscape area, plus two (2) groundcover plants per each five (5) linear feet of landscape area.

(c) Parking Cells in B-2 Zone District

Landscaped islands shall be used to break up parking into “cells” containing no more than forty (40) parking spaces, and the landscaped islands shall cover at least five (5) percent of the gross area of the parking lot, including areas for driving aisles, but excluding any areas occupied by perimeter landscaping along adjacent public streets. Each landscaped island shall be a minimum of eight (8) feet wide and shall contain at least one (1) medium tree ( minimum 20 feet height at maturity) per fifty (50) feet of linear length, plus one (1) shrub per ten (10) feet of linear landscaped area, plus two (2) groundcover plants per five (5) linear feet of landscaped area.

(d) Building Perimeter Landscaping in B-2 Zone District

Shrubs shall be planted within ten (10) feet of the foundation of the primary structure along each building façade visible from an adjacent public road, at the rate of at least twenty (20) shrubs per one hundred (100) linear feet of visible building façade. Foundation plantings may be clustered to provide interest, and plants of larger size or differing species shall be installed adjacent to the main pedestrian entryway to each building to emphasize that entryway. The Community Development Department may waive foundation planting requirements for portions of the sides or rears of buildings where loading areas or other similar areas precluding planting.

(e) Alternative Approaches

Plant spacing and densities differing from those in subsections (a) through (d) above may be approved if the Community Development Department determines that such alternative will include at least the same amount of living landscape material and will have an equally landscaped appearance when viewed from adjacent roads and properties.

(e) Tree Removal

(1) Intent

The intent of these tree removal standards is to manage the removal of trees in order to preserve scenic resources, to maintain air and water quality, to protect wildlife habitat areas, and for the continued health, safety and welfare of the people of Pitkin County. This section applies to minor tree removals and does not implicate logging as per Sec. 4-30-20 (f) or removals that will change the character of the site or parcel.

(2) Applicability

A tree removal permit is required for removing, damaging, destroying, or altering the natural character of trees six (6) inches Diameter-Breast-Height (D.B.H.) or greater whose aggregate D.B.H is twenty four (24) inches or greater in a twelve (12) month period, or for any tree twelve (12) inches D.B.H. or greater. The term damaging, destroying, or altering trees includes but is not limited to activities such as topping, girdling, irresponsible pruning, damaging driplines, and poisoning.

(3) Prohibited Activities

- (a) Removing, damaging or destroying trees or other vegetation including snags within one hundred (100) feet of riparian and wetland areas and buffers identified in Sec. 7-20-80(a)(1) is prohibited unless approved by Pitkin County pursuant to other sections of this Land Use Code.
- (b) Removing, damaging or destroying trees or other vegetation within wildlife production areas is prohibited unless approved by Pitkin County pursuant to other sections of this Land Use Code.
- (c) Removing, damaging or destroying trees containing significant wildlife habitat such as raptor habitat, raptor nest sites, and raptor winter roost sites or disturbing trees containing nesting birds listed on the Migratory Bird Treaty Act pursuant to the Migratory Bird Treaty Act.
- (d) Removing non-hazardous, tall, overly mature trees or standing dead trees (snags) at a rate that would leave less than two (2) to five (5) per acre.

(4) Exemptions

A tree removal permit is not required for:

- (a) Removal of trees that have either been approved or required pursuant to a development approval granted by the County.
- (b) Removing trees with a D.B.H between six (6) inches and twelve (12) inches whose aggregate D.B.H is less than twenty four (24) inches in a twelve (12) month period, provided the trees are not within one hundred (100) feet of riparian and wetland areas and buffers identified in Sec. 7-20-80(a)(1)
- (c) Removing, damaging or destroying trees with a D.B.H. of less than six (6) inches, provided the total area disturbed is less than two hundred (200) square feet, and provided the trees are not within one hundred (100) feet of riparian and wetland areas and buffers identified in Sec. 7-20-80 (a)(1).
- (d) Removing trees in times of emergency, including the repair or restoration of public roads, electrical lines, natural gas lines, water lines, sewage lines, and storm drainage systems, when immediate action is necessary to protect public health or safety or to prevent imminent damage to property.

(5) Tree Removal Permit

A tree removal permit shall include the following:

(a) Site Plan

A site plan shall include property lines, easements, structures, roads, and the location, species and D.B.H. of all trees proposed to be removed.

(b) Tree Replacement Plan

Trees six (6) inches D.B.H. or greater which are removed beyond the aggregate exemption, or any tree twelve (12) inches D.B.H. or greater shall be replaced with a tree of comparable, though not necessarily identical, size based on a caliper-for caliper basis to the maximum extent practicable (e.g. a 14 inch caliper tree is replaced with two (2) seven (7) inch caliper trees) unless exempt pursuant to 7-20-130 (e)(6). Species and general location of the replacement trees shall be represented on the submitted site plan. Any required trees that do not survive for at least one (1) year after installation shall be replaced at the owner's expense, and the County may require financial security for such replacement pursuant to Sec. 7-20-130(b)(7).

(c) Revegetation Plan

Revegetation plans shall provide that all disturbed areas be reestablished with appropriate tree and ground cover vegetation, and all removed vegetation will be properly disposed of. The finished, final condition of the property shall be in accordance with the approved plan.

(6) Tree Replacement & Permit Fee Exemptions

Under certain conditions, tree replacement will not be required and a permit fee will be waived. These conditions include but are not limited to controlling parasites, controlling invasive non-native species, or implementing wildfire mitigation as part of a fire district or Pitkin County approved fire mitigation plan. To be exempt from replacement and permit fees, a tree removal permit application containing a report from a certified arbor professional, local fire district personnel, or county recognized wildfire expert documenting the condition of the tree and the harmful condition created if removal does not take place must be submitted and accepted by the County.

*(Code repealed and reenacted Ord. No. 14-D, 2006 - § 7-20-130 (part) amended [Ord. 035-2015, 12-02-2015](#))*

## 7-20-140: LIGHTING

### (A) INTENT

- (1) To give flexibility within limits and support the goals of Land Use Code (LUC) Section 1-60-180(k): the Ecological Bill of Rights, specifically the right to see the night sky without the interference of unnecessary artificial light from growth, urbanization, and highway development.
  - (a) Permit the use of exterior lighting that does not exceed the recommended levels specified in the Illuminating Engineering Society (IES) recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
  - (b) Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light. Curtail light pollution, reduce sky glow and improve the nighttime environment for astronomy, migrating birds and other wildlife.
- (2) To give flexibility within limits and support the goals of LUC Sections 1-60-70: Rural Development and 7-20-120: Scenic View Protection. To preserve the natural, rural scenery and natural landmarks of the County by minimizing the visible impacts of development.
- (3) To conserve energy and resources to the greatest extent possible. All exterior and interior light fixtures shall have a high efficacy as defined in the currently adopted International Energy Conservation Code (IECC).
- (4) These lighting standards acknowledge some exterior lighting is appropriate and necessary for the safety and enjoyment of people at night. What to light, why, and when, is a cornerstone of these lighting standards. Because the effects of light pollution can persist as far as 120 miles from the source, local control and regional coordination is encouraged for dark sky preservation and ecological protection. The following principles of responsible lighting design have guided the development of these standards:
  - (a) Useful – Lighting shall have an intended purpose.
  - (b) Targeted – Lighting shall be directed only where it is needed.
  - (c) Low Light Levels – Lighting shall be no brighter than required for the task.
  - (d) Controlled – Lighting shall only be used when it is necessary.
  - (e) Spectrum – Harmful short wavelengths shall be limited (blue and violet).

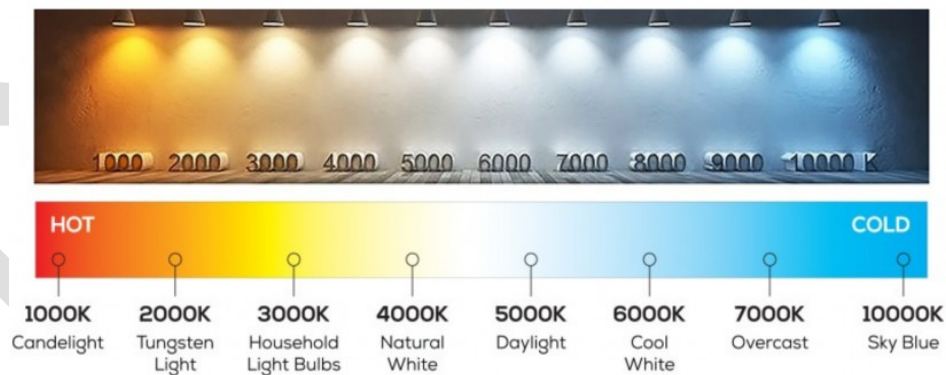
**(B) GENERAL REQUIREMENTS FOR ALL EXTERIOR LIGHTING**

- (1) Conformance with All Applicable Codes:
  - (a) All exterior lighting shall be installed in conformance with the provisions of this Section and the currently adopted National Electric Code (NEC), International Energy Conservation Code (IECC), International Residential Code (IRC) and International Building Code (IBC).
- (2) Applicability:
  - (a) The lighting standards of this Section shall be applicable to all exterior lighting within Pitkin County.
- (3) Exemptions: All exterior lighting shall follow the provisions in this Code; however, any special requirements for lighting listed below shall take precedence.
  - (a) Lighting required by federal and state laws or regulations.
  - (b) Lighting required by Pitkin County for public right-of-ways, monuments, and statuary.
  - (c) Temporary lighting if approved by a Special Event Permit.
  - (d) Underwater lighting in swimming pools and spas.
  - (e) Lighting that is only used under emergency conditions.
- (4) All exterior lighting shall be extinguished when sufficient daylight is available.
- (5) Nighttime Lighting Reduction Requirements: A curfew shall be observed between the hours of 10 pm and 6 am. All exterior lighting shall be extinguished during this time.
  - (a) Exemptions: Exterior lighting reductions are not required for any of the following:
    - i. Photocell with timer set to one hour max, or motion sensor set to five (5) minutes.
    - ii. For non-residential uses where normal operating hours begin or end within the hours of curfew, the curfew applies from one hour after closing to one hour before opening.
    - iii. Egress lighting for steps, stairs, walkways, and building entrances of non-residential structures as required in the currently adopted IBC.

- iv. Street lighting as permitted by subsection (B)(12) below.
- v. Multi-family parking lot lighting as permitted by subsection (D)(2)(a) below.

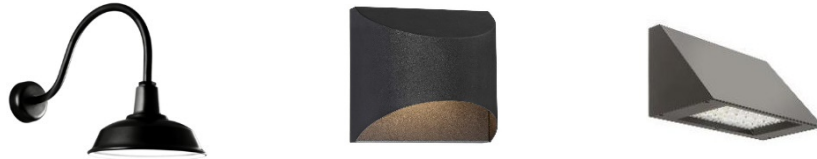
(6) Prohibited Lighting

- (a) Lighting that's intended purpose is to illuminate a building facade or landscape.
  - (b) Lighting that illuminates the Roaring Fork, Frying Pan, or Crystal Rivers, or their tributaries.
  - (c) Lighting that may be mistaken for warning, emergency, or traffic signals.
  - (d) Lighting of construction sites is prohibited except during approved construction hours (7am – 7pm Monday through Saturday) when sufficient daylight is not available and work is actively occurring.
  - (e) Colored lights (for example RGB LEDs).
  - (f) Blinking, flashing, moving, revolving, scintillating, flickering, and changing intensity lights.
- (7) Correlated Color Temperature (CCT) is a gauge of how yellow or blue the color of light emitted appears. All lighting shall have a nominal CCT no greater than 3000 Kelvin.



- (8) Fully Shielded: All exterior light fixtures shall be fully shielded except as permitted in Table 1.
- (a) Fully shielded is defined as a fixture constructed and installed in such a manner that all light emitted by the fixture, either directly from the lamp, light source or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part. Translucent fixtures are not considered fully shielded.

(b) Examples of fully shielded fixtures:



(c) Examples of non-shielded fixtures



(9) Light Trespass Limitations

(a) Exterior and interior point light sources shall not be visible from the property line during hours of curfew. A point light source is defined as a non-diffused single light source that is identifiable from one location.

(b) The maximum vertical illuminance level at the lot line, measured at approximately five feet (5'- 0") above finished grade, shall be no more than 0.2 footcandles (fc) caused by exterior and/or interior light fixtures located on the site. To measure vertical light trespass, the light meter shall be aimed perpendicular to the property line, pointed towards the light source. Multiple readings shall be taken to ensure compliance around the property line. If the lot line abuts a public street, the illuminance values shall be measured at the centerline of the public street. These levels shall be used for enforcement, should concerns of obtrusive lighting or question of compliance arise.

(10) American flags: When possible, lower and remove flags from sunset to sunrise so illumination is not needed. Only illumination of the American flag is allowed, other flags are not permitted to be lit. To preserve the night sky a top of pole downward directed light is required.

(11) Seasonal Lighting, or string lighting, meant for temporary use and displayed on buildings or landscaping.

(a) Residential: Shall only be permitted between November 15<sup>th</sup> and January 30<sup>th</sup>.

- (b) Non-Residential and Redstone Boulevard: Shall only be permitted between November 15<sup>th</sup> and March 1<sup>st</sup>.
  - (c) Shall comply with subsections (B)(4, 5, 6b, 6c, and 9) above.
- (12) Street lights may be permitted on local streets, as defined in LUC Chapter 11, at the discretion of the Community Development Director in areas with medium or high pedestrian traffic. Medium pedestrian traffic is defined as 11-99 pedestrians during the highest nightly average one-hour volume period. High pedestrian activity areas have more than 100 pedestrians during nightly average one-hour volume (IES, 2022). Recommended Practice: Lighting Roadway and Parking Facilities (RP-8-22). A traffic engineer or other accredited professional shall submit a Pedestrian Count Survey, as defined by the American Planning Association (APA).

If permitted, all light fixtures shall meet the following requirements:

- (a) Shall comply with LUC Section 7-20-140(B) General Requirements for All Exterior Lighting
- (b) All fixtures shall be light emitting diodes (LEDs)
- (c) Fixture distribution shall be equal or less than the BUG rating of B1-U1-G1 in LZ2 and B0-U1-G0 in LZ1. Street lighting is not permitted in LZ0.
- (d) Fixtures for street lighting shall be mounted so that the bottom of the fixture is no higher than twenty feet (20'-0").
- (e) Initial lumen output shall be no more than 4,000 lumens.
- (f) Fixture spacing shall be no less than one hundred feet (100'-0").
- (g) All fixtures shall have a field adjustable dimming system to allow for onsite dimming once installed.
- (h) All fixtures shall have a Type II distribution.
- (i) All fixtures shall have standard house-side shielding options. Front-side shielding may also be required to control light trespass across the street. Front-side shields may be custom, but manufacturer standard shielding is preferred.

**(C) LIGHTING ZONES** - Ambient light is defined as general lighting of an area.

(1) Lighting Zone Zero (LZ0): No ambient light

- (a) LZ0 includes areas zoned Rural and Remote. The purpose of the rural and remote zone district is to conserve and protect the natural

environment and its resources, while allowing for limited recreational uses and limited residential development.

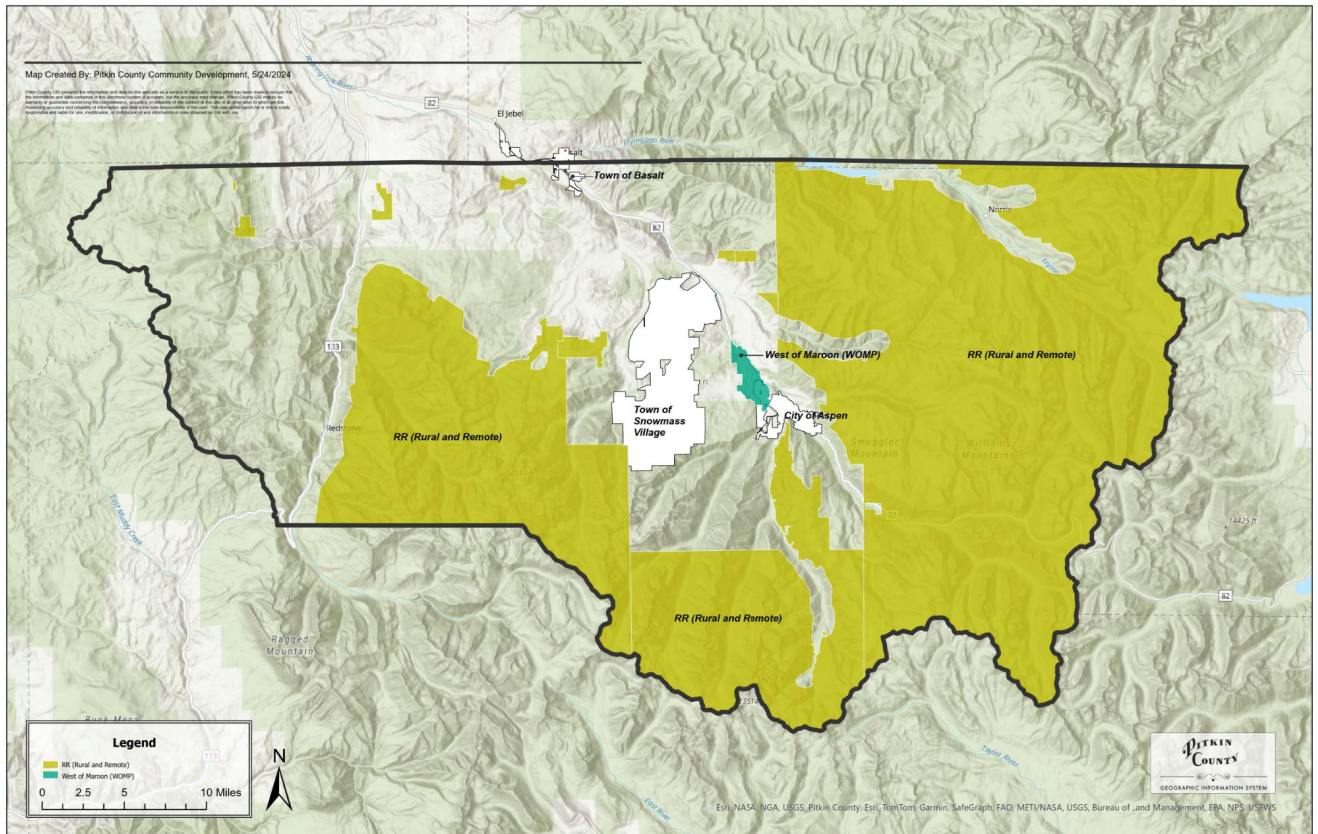
(2) Lighting Zone One (LZ1): Low ambient light

(a) LZ1 encompasses all areas not zoned as Rural and Remote or within the West of Maroon Creek Master Plan (WOMP) Overlay Zone District. These are areas of less dense residential and non-residential uses where lighting may be used for safety and convenience but may not need to be uniform or continuous.

(3) Lighting Zone Two (LZ2): Moderate ambient lighting

(a) LZ2 includes areas within the WOMP Overlay Zone District, beginning with the Aspen/Pitkin Airport and the Aspen Airport Business Center (AABC) and continuing up the Highway 82 corridor to the City of Aspen limits. This area consists of dense residential, institutional, and commercial uses and is subject to a certain amount of existing ambient lighting and warrants a greater allowance for exterior lighting.

(4) Lighting Zone Map:



**(D) REQUIREMENTS FOR RESIDENTIAL EXTERIOR LIGHTING**

- (1) For residential properties all exterior light fixtures shall comply with the initial lumen output in Table 1.

<b>Table 1. Maximum Allowed Initial Lumens* Per Fixture.</b>		
<b>Lighting Application</b>	<b>LZ0</b>	<b>LZ1 + LZ2</b>
Type 1. Up to two (2) unshielded fixtures per dwelling unit.	Not allowed	800 lumens
Type 2. Fully shielded fixtures.	630 lumens	1,260 lumens
Type 3. **Low-voltage point source hardscape light fixtures	500 lumens	500 lumens
Type 4. ***Linear Lighting	Not allowed	100 lumens/ linear foot
<p>* Fixture lumens equal either the total initial lumens or lamp lumens multiplied by the number of lamps in the fixture.                      **Low voltage lighting uses less than 50V and requires a transformer device.                      *** Linear lighting shall be fully shielded so that the light source is not visible.</p>		

- (2) In addition to the maximum initial lumen output established in Table 1, above, a total lumen allowance for exterior light fixtures shall apply to each structure. This includes all building mounted fixtures and site lighting. The lumen allowance shall be based on the approved above grade floor area at a rate of 3.5 lumens/square foot. Single family residences are limited to a maximum of 35,000 lumens.

- (a) Exemptions: Parking lot lighting may be permitted for multifamily residential developments containing 8 or more units at the discretion of the Community Development Director.
- i. Whenever possible, parking lot lighting shall be controlled by a motion sensor set to a maximum of five (5) minutes.
  - ii. The preferred option is for low-level "bollard" fixtures that have a maximum of four feet (4'-0") mounting height. If pole-mounted

fixtures are desired, twelve feet (12'-0") is the maximum mounting height.

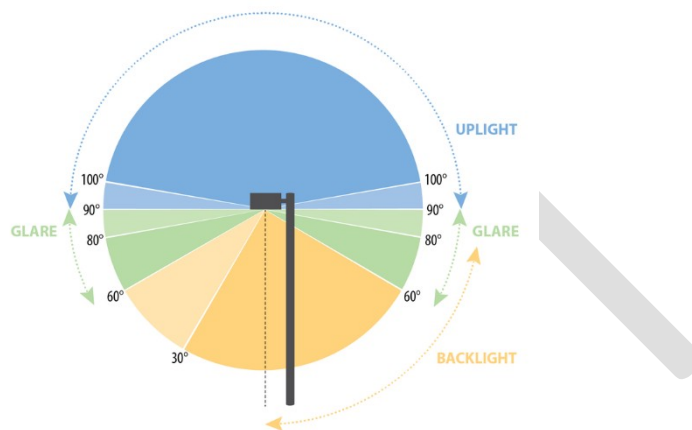
- iii. Pole-mounted fixtures have a maximum limit of 3,000 lumens and a BUG rating of B1-U1-G1 or less and shall comply with the parking space or hardscape area methods outlined in Tables 3 and 4 in subsection (E)(2)(a) below.
- (3) Driveway, sport court, and tree mounted lighting shall be compliant with the allowed initial lumens per fixture in Table 1. Mounting height is the vertical distance between the finish grade and the center of the apparent light source of the fixture. The light fixtures shall be aimed no more than 30 degrees from nadir. Nadir is defined as the invisible vertical line projecting downward to the ground from the center of the lens of the fixture.
- (a) Driveway lighting shall be controlled by a motion sensor set to a maximum of five (5) minutes. The preferred option is for low-level "bollard" fixtures that have a maximum of four feet (4'-0") mounting height. If pole-mounted fixtures are desired, twelve feet (12'-0") is the maximum mounting height.
  - (b) Sports court lighting shall be controlled by a timer and turn off automatically after one hour. Pole mounting height shall not exceed sixteen feet (16'-0") and correct aiming, shielding, and/or internal louvers is required to prevent light trespass and/or glare.
  - (c) Tree mounted lighting is permitted when used to illuminate outdoor patios, walkways, autocourts, driveways, etc. Tree mounted lighting shall not exceed twelve feet (12'-0") above grade and shall not be used for the sole purpose of highlighting vegetation.
- (4) One address monument per property is permitted to be lit by one shielded or unshielded fixture compliant with Table 1. An internally illuminated channel shall be considered shielded if the face and sides are constructed of an opaque material.

**(E) REQUIREMENTS FOR NON-RESIDENTIAL EXTERIOR LIGHTING –**

- (1) Limits to offsite impacts:
  - (a) All fixtures shall be rated and installed according to Table 2, which outlines maximum BUG (Backlight-Uplight-Glare) Ratings (per IES TM-15) for all individual fixtures installed.

*BUG (Backlight, Uplight, Glare) Rating* – The quantity of light per the most recently adopted IES TM-15 within various beam angles.

- *Backlight* – the percent lamp lumens (non-LED fixtures) or the fixture initial lumens (LED fixtures) distributed behind a fixture between zero degrees vertical (nadir) and 90 degrees vertical.
- *Uplight* – the percent lamp lumens (non-LED fixtures) or the fixture initial lumens (LED fixtures) distributed above a fixture between 90 and 180 degrees vertical.
- *Glare* – the percent lamp lumens (non-LED fixtures) or the fixture initial lumens distributed 60 and 90 degrees vertical.



(b) Property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be five feet (5'-0") beyond the actual property line for the purpose of determining compliance with this section. For property lines that abut public roadways, the property line may be the centerline of the public roadway for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table 2 only and shall not be used to increase the hardscape area of the site.

<b>Mounting Condition</b>	<b>Backlight</b>	<b>Uplight</b>	<b>Glare</b>
Greater than 2 mounting heights from the property line	B3	U1	G2
1 to less than 2 mounting heights from the property line	B2	U1	G1
0.5 to less than 1 mounting heights from the property line	B1	U1	G0
Less than 0.5 mounting heights from the property line	B0	U1	G0

(2) Site lumen limit

- (a) The total installed initial light fixture lumens of all exterior lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using either the Parking Space Method (Table 3) or the Hardscape Area Method (Table 4). Only one method shall be used per site. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

<b>Table 3. Allowed Total Initial Lumens per Parking Space Method.</b>		
May only be applied to properties up to ten parking spaces (including handicapped accessible spaces).		
<b>LZ0</b>	<b>LZ1</b>	<b>LZ2</b>
0 lumens per space	490 lumens per space*	630 lumens per space*

<b>Table 4. Allowed Total Initial Lumens per Hardscape Area Method.</b>			
May be used for any project.			
	<b>LZ0</b>	<b>LZ1</b>	<b>LZ2</b>
Base Allowance	0 lumens per square foot of hardscape	1.25 lumens per square foot of hardscape*	2.5 lumens per square foot of hardscape*
Additional allowances for sales and service facilities.			
<b>Drive Up Windows</b> In order to use this allowance, fixtures must be within 20 feet horizontal distance of the center of the window.	0	2,000 lumens per drive-up window	2,000 lumens per drive-up window
<b>Automobile Service Station Canopy</b> This allowance is lumens per installed fuel pump. Each side of a two-sided pump qualifies for an allowance.**	0	4,000 lumens per pump	8,000 lumens per pump

\* All non-residential structures are allowed the minimum lighting required in the currently adopted IBC, specifically Sections 1008.2.1 and 1008.2.3, even if the Parking Space or Hardscape Area Method calculation results in a site lumen limit less than that.

\*\* Light fixtures mounted on Automobile Service Station canopies and other canopies shall be recessed so that the lens cover is flush with the bottom surface of the canopy or shielded by the fixture or the edge of the canopy. Lights shall not be mounted on the top or sides of the canopy. Signs that are compliant with sign regulations may be placed on these surfaces.

### (3) Lighting Control Requirements

(a) Controls shall be provided that automatically extinguish all exterior lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

i. Exemption: Automatic lighting controls are not required for egress lighting required by the Building Code for steps, stairs, walkways, and building entrance.

(4) Pole mounted fixtures shall be mounted so that the bottom of the fixture is no higher than sixteen feet (16'-0").

(5) The following shall apply to sign illumination:

(a) Internally-illuminated signs are prohibited.

(b) Sign lighting shall be directed downwards and shielded from neighboring property and the vision of passing motorists.

(c) Initial lumen output shall not exceed 200 lumens per square foot of signage.

### (F) AGRICULTURAL BUILDINGS

(1) Agricultural buildings compliant with LUC Section 5-20-70(j) do not have a total lumen allowance. These structures are permitted to have up to one light per entrance. It shall be fully shielded, directed downwards and have an initial lumen output equal to or less than 1,260 lumens.

### (G) SPECIAL DISTRICTS: HISTORIC LIGHTING

(1) Historic Applications

(a) For the preservation of the integrity of historic structures the County may relax requirements such as shielding, uplight, and light trespass upon

request and subsequent approval from the Historic Preservation Officer (HPO) or Redstone Historic Preservation Commission (RHPC). All lighting related to historic properties or located in a historic district shall be otherwise consistent with the lighting standards laid out in LUC Section 7-20-140(B, D, E, and F) above, as applicable. For properties within the Redstone Historic District please refer to the Redstone Historic Preservation Committee Design Guidelines for additional information.

(2) Review Process

- (a) For historically designated structures, the HPO shall review and approve the proposed lighting to determine appropriateness. The HPO may vary lighting types as appropriate to the building but may not exceed the total lumen allowance for the structure.
- (b) If the property is within the Redstone Historic District Overlay the lighting plan shall be reviewed and approved by the RHPC prior to applying for permits.

(3) Design Standards

- (a) Light spill from historic properties shall be minimized to the greatest extent practical and the design shall be compatible with a property's or historic district's character, setting, and context.
- (b) If new exterior light fixtures are added, the design shall be based on historic site or building lighting patterns if known. If unknown, ensure that new lighting features are of a simple design that does not compete with the historic character of the property.
- (c) Limit the use of exterior lighting to entry lighting as required by the Building Code. Minimal site lighting may be appropriate for parking areas, walkways and patios.

**(H) SPECIAL DISTRICTS: PITKIN COUNTY OPEN SPACE AND TRAILS (OST)**

- (1) All lighting shall comply with LUC Section 7-20-140(B, D, E, and F) above, as applicable. Additionally all exterior lighting shall be reviewed and approved by the Open Space and Trails Board prior to applying for permits.
  - (a) Open Space: No exterior lighting is permitted within properties classified as nature preserves, riverine, or backcountry. Minimal exterior lighting as required for safety is permitted on properties classified as open space for facilities associated with agriculture, residential, and administrative uses.

- (b) Trailheads and Greenways: Minimal exterior lighting as required for safety and wayfinding is permitted for trail amenities on properties classified as trailheads or greenways with medium or high pedestrian traffic, as defined by OST trail use counts.
- (c) Parks: Minimal exterior lighting as required for safety and wayfinding is permitted for park amenities and terrain. Elements such as gazebos, restroom entrances, and stairs may be illuminated. Lighting for nighttime recreation amenities shall not exceed the minimum levels needed for recreation and enjoyment of the space, and shall only be illuminated during active nighttime use. Lighting adjacent to historic resources shall be compatible with the surrounding historic character and compliant with LUC Section 7-20-140(G) above.

**(I) SPECIAL DISTRICTS: ASPEN/PITKIN AIRPORT**

- (1) Lighting associated with the airside facilities at the Airport (runway/taxiway system, deice pad, aircraft parking areas and other facilities located inside the security fence) is regulated by the Federal Aviation Administration (FAA) for safety and shall be exempt from these standards. All other exterior lighting shall comply with LUC Section 7-20-140(B and E) above.

**(J) SPECIAL DISTRICTS: SKI-RECREATION ZONE DISTRICT**

- (1) All lighting shall comply with LUC Section 7-20-140(B, D, and E) above, as applicable.
  - (a) Ski area operations occur around the clock in preparation for and throughout the ski season. Minimal exterior lighting as required for safety and wayfinding is permitted for general ski area nighttime operations, including but not limited to snow cat grooming, snowmaking, track vehicle maintenance, and work in and around ski area facilities. Exterior lighting shall only be illuminated during active nighttime use.

*(Code repealed and reenacted Ord. No. 14-D, 2006 - § 7-20-140 repealed and reenacted [Ord. 004-2025, 01-22-2025](#))*

**7-20-150: SOLAR ACCESS**

To ensure maximum solar access, all subdivisions shall:

- (a) Provide for east-west street orientations, when practicable, based upon relationships to existing connecting roadways, grades, natural features and all other relevant physical considerations; and
- (c) Be designed to insure the maximum number of buildings receive sunlight. Locate buildings and vegetation so unobstructed sunlight reaches the rooftop

and south wall of the greatest possible number of buildings between the hours of 9:00 a.m. and 3:00 p.m.

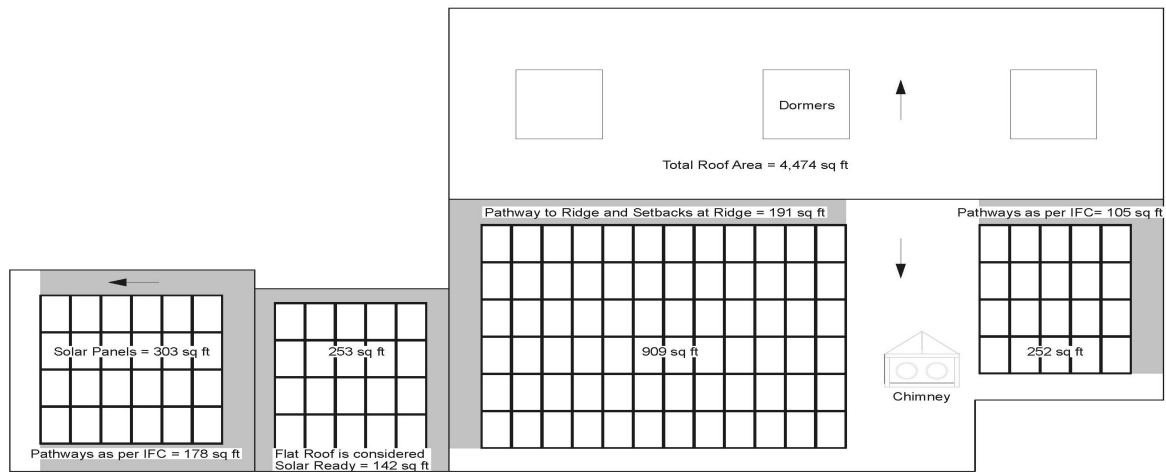
**7-20-160: STANDARD FOR SOLAR ROOF READINESS AND GUIDELINES FOR SITE ORIENTATION FOR SOLAR ACCESS:**

A. Intent:

These provisions are intended to enhance the passive solar gain potential of new buildings and provide for the future installation of roof-mounted solar energy collectors at the site design stage of development.

B. Solar Roof-Readiness Standard

1. All newly constructed residences shall have a minimum of thirty-five (35) percent of total roof space constructed for solar gain and be wired pursuant to the Pitkin County Building code for the construction of solar energy collectors.



\* Note: "Total Roof Area" includes all roof surfaces; including overhangs, dormers and porte-cochère.

35% of Roof Area is Solar Roof Ready



Total Roof Area = 4,474 sq ft (Shed + Flat + Gable)  
so 35% of Roof Area =  $4,474 * .35 = 1,565.9$  sq ft

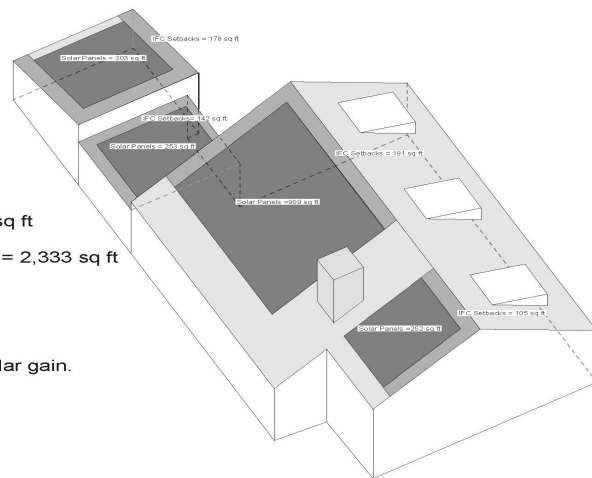
Total Roof Area that is Solar Roof Ready =  
Solar Panels + IFC Access and Pathways

Solar Panels =  $303 + 253 + 909 + 252 = 1,717$  sq ft  
IFC Access and Pathways =  $178 + 142 + 191 + 105 = 616$  sq ft

Solar Roof Ready =  $1,717$  Solar Panels +  $616$  IFC Setback =  $2,333$  sq ft

Solar Roof Ready as a Percentage of Total Roof  
Area =  $2,333$  sq ft /  $4,474 * 100 = 52.14\%$

52.14% exceeds the minimum requirement of  
thirty-five (35) percent of total roof space constructed for solar gain.



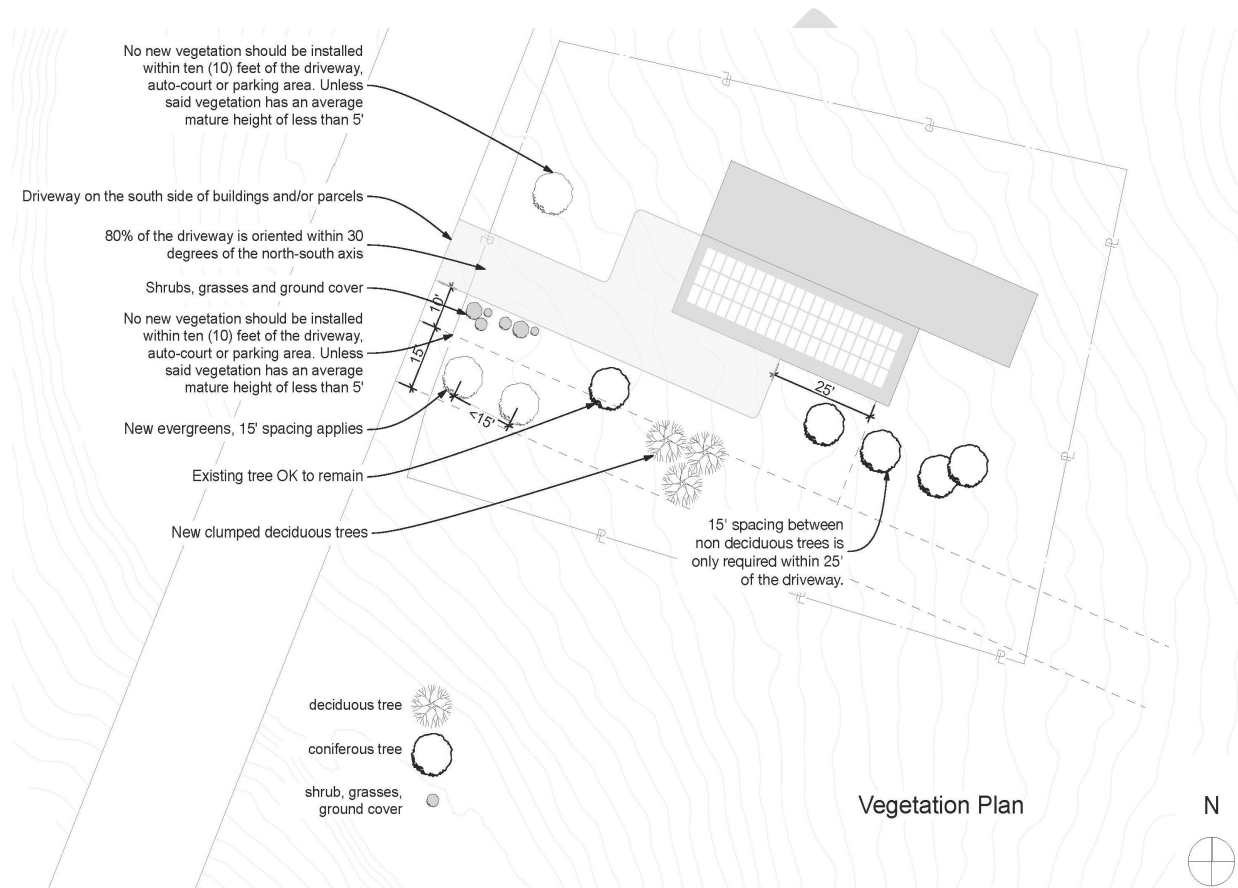
35% of Roof Area is Solar Roof Ready

### C. Driveway Orientation Guidelines:

Driveways, auto-courts, and parking areas should exhibit some or all of the following characteristics:

1. Location on the south-facing side of buildings and/or parcels:
2. Eighty (80) percent of the driveway is oriented within thirty (30) degrees of the north-south axis.

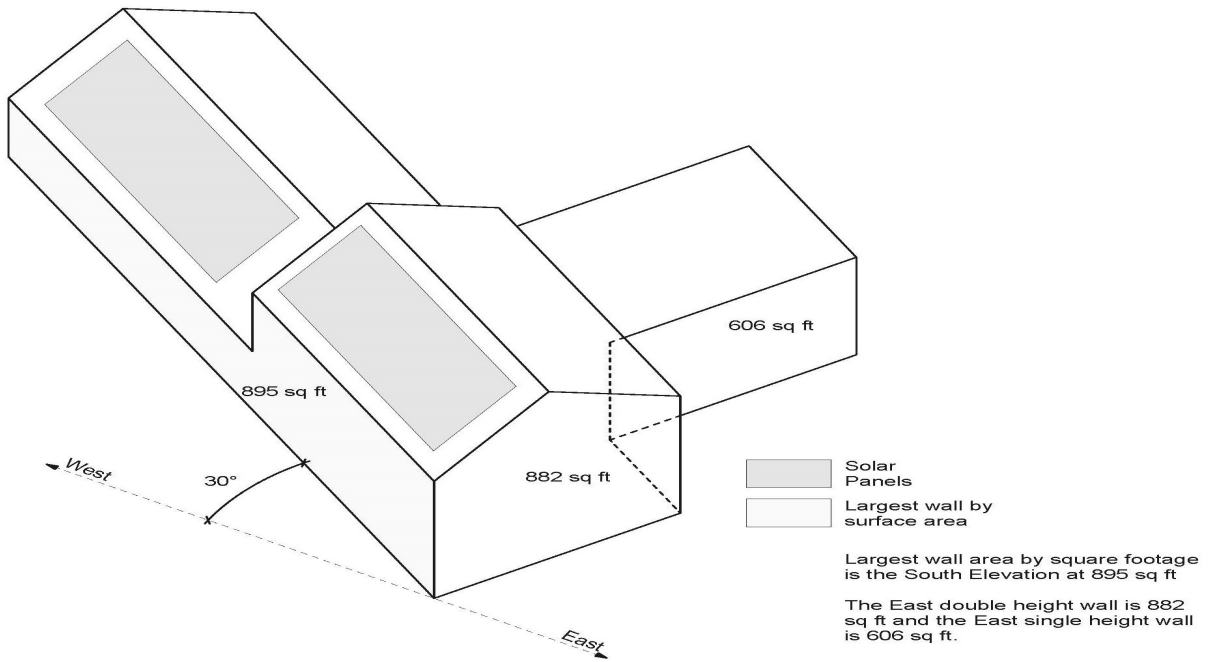
3. No new vegetation should be installed within ten (10) feet of the driveway, auto-court or parking area unless said vegetation has an average mature height of less than five (5) feet.
4. New non-deciduous vegetation, which is installed within twenty-five (25) feet of the driveway, auto-court or parking area and has an average mature height of over five (5) feet, should have a minimum spacing of fifteen (15) feet between the bases of tree trunks.



**D. Building Orientation Guidelines:**

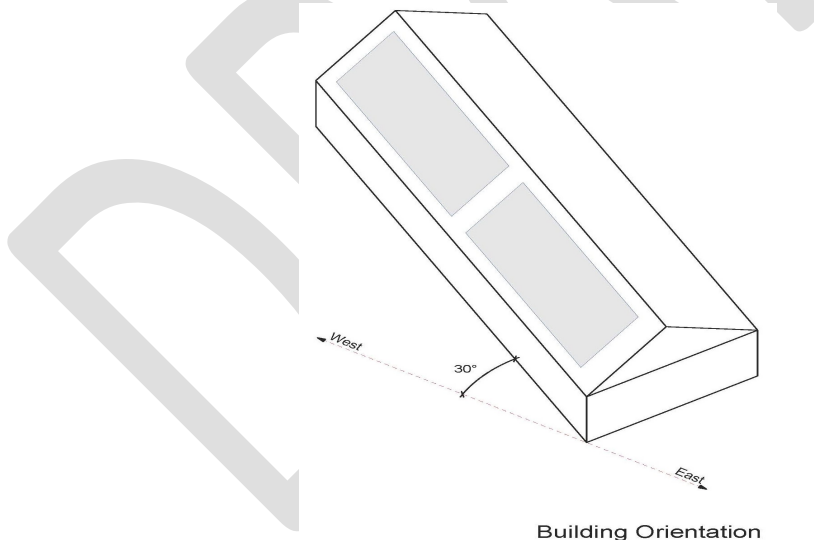
New buildings should exhibit some or all of the following characteristics:

1. Orientation of the largest building wall of the buildings, as measured by surface area, should be south-facing and within thirty (30) degrees of the east-west axis.



Largest Wall by Surface Area

2. Orientation of the long axis of the building should be within thirty (30) degrees of the true east-west axis.



*(Code repealed and reenacted (all sections) July, 2006 by Ord. 014-D-2006 - § 7-120-160 added [Ord. 040-2019, 11-20-2019](#); [Ord. 017-2020, 04-22-2020](#)*

## 7-30: ROADS, DRIVEWAYS, AND PARKING

### 7-30-10: ROADS

(a) Applicability

The road standards in this section are applicable to all roads and driveways. All new road and driveway construction must receive a development permit from the County Engineer and Community Development Director in compliance with subsection (c) below.

(b) Consistency with County Plans

All roads and rights-of-way shall consider adopted County plans and needs for the extension of roads.

(c) Design and Construction Standards shall comply with the following:

(1) For access roads and driveways:

(a) Outside the Aspen Urban Growth Boundary, roads and driveways shall be designed and constructed in compliance with the Pitkin County Road Standards and Specifications and Pitkin County Asset Management Plan, or

(b) Within the Aspen Urban Growth Boundary, roads and driveways shall be designed and constructed in compliance with those standards and specifications applicable within the City of Aspen.

(c) Access road and driveway standards may be increased to mitigate natural hazards based on comments provided by the Colorado State Forest Service, the Sheriff's Department, local fire protection districts and other referral agencies utilized by the County.

(d) New driveways and access roadways shall enter the roadway at a ninety (90) degree angle for the first twenty-five (25) feet of driveway.

(2) For access roads:

(a) Where feasible, looped routes of access/egress to a public road shall be incorporated in the design of a proposed development. Looped routes of access/egress is defined as two (2) or more dedicated access roads to the main artery/highway for widely separated ingress/egress; looped drives with one (1) entrance point or divided single entrances do not satisfy this condition. Where this is not feasible, the Community Development Department may approve vehicular turnaround areas a maximum of seven hundred fifty (750) feet apart installed between the road intersection and its terminus. Turnaround

areas shall be the same standard as cul-de-sac turnaround pads; these may be incorporated into the proposed driveway entries.

(b) New dead-end streets shall not be permitted, except for cul-de-sacs and other turnarounds accepted by the applicable local fire district.

(c) Cul-de-sac turnaround pads shall have a minimum of a thirty (30) foot drivable surface inside turning radius or a hammerhead or other T-turn area acceptable to the applicable local fire district.

(d) Subdivision Access

All access points to subdivisions shall be reviewed and approved through the applicable development review and approval process in Chapter 2. All access points and road designs must comply with the standards in subsection (c) above.

(e) Completion of Road Improvements

Required County highway, road, street and private street improvements must be completed within the time limits set forth in the development approval.

(f) Traffic Volumes in Excess of Existing Road Capacities

Development proposals for all types of development other than single family detached dwellings that generate traffic volumes in excess of existing road capacities are prohibited unless a road improvement plan is approved by the County. Any development proposal that is expected to generate or attract vehicle trips in excess of existing road capacities may propose to upgrade the road(s) to serve the additional traffic volume. Techniques other than road improvements may also be proposed to provide for public or private transit solutions to increased traffic volumes. The County may approve any road improvement plan, Transportation Demand Management (TDM) plan, or other technique that is found to be consistent with adopted County plans and policies. The County may deny any road improvement plan or other technique that it finds to be inconsistent with adopted plans and policies, or that fails to adequately mitigate increased traffic impacts. Any road improvements required of a proposed development shall be assessed on a pro rata basis considering the traffic to be generated by the development in relation to the design and/or operational capacity of the finished road.

## **7-30-20: PARKING REQUIREMENTS**

(a) Applicability

The parking standards in this section are applicable to all development, off-street parking lots and areas. Wherever the off-street parking requirements of subsection (c) below apply, the provision of non-commercial off-street parking to meet the

requirements of subsection (c) shall be considered a permitted accessory use of the property.

(b) Design Standards

All off-street parking spaces shall conform to the following standards:

- (1) Each space shall be at least eight and one-half (8-1/2) feet wide, eighteen (18) feet long; if covered shall be at least seven (7) feet high; and shall have unobstructed back out space of twenty-four (24) feet.
- (3) Each space shall have vehicular access to a street or alley, and be located on the same lot as the principal use, unless otherwise provided on an approved development plan.
- (4) Parking lots for businesses, commercial, or multi-family developments shall be suitably screened and concealed from the arterial highways, major roads, or collector streets by landforms and/or landscaping.

(c) Quantity of Off-Street Parking

The minimum quantity of off-street parking spaces to be provided for allowed land uses in each zone district is determined from the standards identified in the following table.

TABLE 7-3: Minimum Required Off-Street Parking SPACES	
Use	Minimum Number of Off-Street Spaces Required
All Dwelling Units	Two (2) spaces per dwelling unit
Special Review Uses and Dwellings with More than Five (5) Bedrooms	Determined by Community Development Director, based on anticipated traffic generation rates as documented in publications of the Institute of Transportation Engineers or similar organizations and/or parking requirements for similar uses as documented in publications of the National Parking Association or similar organizations.
Bed and Breakfast	One (1) space per bedroom
Non-Residential Uses	One parking space per four hundred (400) square feet of non-residential floor area
PUD and AH/PUD Zone Districts	Parking requirements to be established through the PUD approval process.
P-I and SKI-REC Zone Districts	Parking requirements to be established through the PUD approval process, based on anticipated traffic generation rates as documented in publications of the Institute of Transportation Engineers or similar organizations and/or parking requirements for similar uses as documented in publications of the National Parking Association or similar organizations.
VC Zone District –	One (1) space per dwelling unit

TABLE 7-3: Minimum Required Off-Street Parking SPACES	
Use	Minimum Number of Off-Street Spaces Required
Multi Family	
VC Zone District – Commercial Use	Two (2) spaces per commercial unit

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-06; § 7-30-20 amended (part) [Ord. 039-2022, 09-14-2022](#)*

**7-40: TRAILS**

**7-40-10: APPLICABILITY**

The trail standards in this section are applicable to all public trails.

**7-40-20: CONSISTENCY WITH COUNTY PLANS**

All trail rights-of-way shall consider adopted County plans.

**7-40-30: DEDICATION FOR PUBLIC USE**

In the event that a trail designated by an approved trail or master plan is located within the development site, the applicant is encouraged to dedicate a trail easement or to make such trail available for public use. However, no applicant shall be required to dedicate any portion of such trail lands that is disproportionate to the impact on demand for trails created by applicant’s proposed development.

**7-40-40: DESIGN AND CONSTRUCTION STANDARDS**

Trails shall be located, designed and constructed utilizing the standards of the American Association of State Highway and Transportation Organization (AASHTO) and other adopted plans or standards as applicable.

**7-40-50: COMPLETION OF TRAIL IMPROVEMENT**

Required trails improvements must be completed within eighteen (18) months after issuance of a building permit for the property.

**7-50: PUBLIC SERVICES AND UTILITIES**

All development shall comply with the provisions of this Sec. 7-50 regarding the design and installation and/or extension of public services and utilities. Extensions of public utilities shall take place within a defined Activity Envelope which may include separate designated areas for such extension different from those portions of the Activity Envelope designated for primary

structures, accessory structures, or driveways. Disturbed areas shall be required to be revegetated pursuant to Sec. 7-20-10(d) to the maximum extent permitted by Colorado law.

#### **7-50-10: LOGICAL EXTENSION OF UTILITIES**

(a) Applicability

The standards in this section are applicable to all utility extensions.

(b) Consistency with Land Use Policies, County Master Plans and Utility Service Plans

The Land Use Policies, applicable County master plans, and any applicable utility service plans, should be considered when reviewing utility extensions.

(c) No Adopted Master Plan or Utility Service Plan

In the absence of an adopted master plan or service plan, utility extensions shall be consistent with the Land Use Policies, and the standards in this section.

(d) Sizing of Utility Lines

Utility line extensions shall generally be designed to have adequate capacity to serve the ultimate expected build out of the property, based on applicable zoning and land use regulations.

(e) One-Time Installation

Utility lines shall be properly designed, sized, and installed to serve the ultimate population of a service area and avoid future land disruption to upgrade undersized utility lines.

(f) Coordinate Utility Line Extensions

The extension of a sole utility line shall be postponed until a full range of necessary services and utilities are offered, rather than increasing the size or number of areas to which some necessary services and utilities are provided and others are not.

(g) Avoid System Overloads

The volume, nature and timing or the use of an extension shall not result in overloads on other components of the same system.

(h) State and County Standards

Extensions shall meet applicable State and Pitkin County engineering standards.

(i) Utility Company Service Commitments

Prior to final plat approval by the Board of County Commissioners a developer must provide written commitments from:

- (1) A public or private utility company to provide power, telephone, and gas, if available as may be needed to serve a development.
- (2) Each of the utilities serving a development demonstrating necessary arrangements have been made for installation of utilities.

(j) Colorado Public Utility Commission Approval

If applicable, the Colorado Public Utility Commission shall approve extensions prior to installation.

(k) Location of Service Lines

(1) New electric power lines under 35 KV and extensions of existing electric power lines under 35 KV shall be installed underground and shall be installed in the rights-of-way of new or approved roads and driveways to the maximum extent practicable. All related utility facilities shall be placed underground, except for those exempted below.

(a) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground facilities may be placed above ground within the utility easement provided, or within a street or other public place as appropriate.

(b) Temporary utility facilities may be installed above ground during construction of a development for a period not exceeding one year.

(c) Existing utility facilities currently used to serve a development.

(2) In order to minimize impacts on Constrained Areas, the Community Development Director may attach conditions to any approval of service line routing, including but not limited to requirements for hand-digging of trenches or for additional revegetation of the service line area.

Where a new service line is being installed to replace an existing line, the Community Development Director may authorize the use of the same routing as the existing line if such routing does not create significant additional impacts on surrounding properties.

## 7-50-20: WATER SUPPLY AND DISTRIBUTION SYSTEMS

### (a) Applicability

The standards in this section are applicable to all water supply systems and all water distribution systems.

### (b) New Water Rights

(1) If a proposed activity or development is not required to connect to a public water system pursuant to subsection (d) below and proposes to rely upon use of newly appropriated water rights or the change of existing water rights, adequate evidence of water rights availability shall be required. Such evidence shall demonstrate adequate water rights to meet needs for domestic water, irrigation water as applicable, and water for fire protection purposes.

(2) The “Capitol Creek and Snowmass Creek” and “Crystal River and West Sopris Creek” Hydrologic Systems analysis Study Area Maps are hereby adopted. Regardless of whether a property is located in a subdivision or is a metes and bounds parcel, all applicants for building permits for dwellings shall be required to show proof of adequate water supply (in terms of both quantity and availability) for domestic and fire protection purposes, and for irrigation purposes, if applicable. Such evidence may include a well permit and pump test. In any area of the County with mapped surface or groundwater depletion/recharge issues as shown on the adopted Pitkin County Hydrologic Systems Analysis Study Area Maps, the County may require an applicant to provide additional information (e.g., a hydrogeologic analysis, pumping data from nearby wells) sufficient to demonstrate the adequacy of the property’s water supply.

(3) In all cases, at the time of conceptual submission application for a subdivision or application for a subdivision exemption for fully developed lands or separation of substandard size lots, proof of adequate water rights (in the form of a final judgment and decree of water rights, including a final augmentation plan, if required, from an appropriate Water Court) shall be required.

### (c) Adequate Water Provision

#### (1) Community and Non-Community Public Water Systems

Public water systems (as defined in C.R.S. 25-1.5-201(1)), whether a community water system or a non-community water system (as such terms are defined in 5 C.C.R. 1003-1), shall comply with all regulations and permitting requirements for such systems established by the Colorado Department of Public Health and Environment and the Colorado Division of Water Resources (State Engineer).

(a) For new public water systems, the following must also be demonstrated to the satisfaction of the County before approval of the development:

- (1) That there is no existing public water system that will provide the service;
- (2) Current ownership of, or the legal right of acquisition or use of, existing decreed water rights sufficient in quantity and dependability (including pressure) to serve the proposed use;
- (3) Legal capability to accomplish any changes in the uses or points of diversion of such water rights, while maintaining the quantity and dependability necessary to serve the proposed use, without material injury to vested water rights;
- (4) Adequate physical facilities, or the necessary financial and technical resources and legal commitment to construct such facilities for raw water storage, water treatment, treated water storage, distribution, and water pressure maintenance adequate to serve the proposed use; and
- (5) The financial resources, or the legal commitment for the financial resources necessary to extend such service to the proposed development, and to adequately maintain and operate the system on a long-term basis.

(2) Connection to Public Systems

If the property line of a development is located within a one-half mile (2,640 feet) radius of a public water system's service area, the County may require information for analysis of the environmental impacts of connecting to the public system versus use of an individual well(s) or other water source. Based upon the results of such analysis, the County may require that development connect to a public system if service is available, or that water be provided from a source other than the public system. In the event that connection to a public system is pursued, documentary evidence of the water or utility district's agreement to service the new development must be provided to Community Development Department prior to submission of any building permit application.

(d) Water Distribution Systems

Water distribution systems shall comply with the applicable federal and state statutes, regulations, policies, and procedures, and shall meet the requirements of the fire district serving the area.

(e) Adequate Water Quality

(1) Subdivisions

Developers shall be required to submit evidence of a potable water supply for the subdivision at the time of detailed submission. Detailed subdivision approval shall not be granted unless satisfactory documentation of a potable water supply has been submitted.

(2) Other Development

(a) Private Wells

There are no regulatory standards for drinking water obtained from private wells. Individual property owners are strongly encouraged to have their water tested by a State-certified laboratory and to obtain an analysis of those results in order to assess the potability of their water supply.

(b) Community and Non-Community Public Water Systems

Community and non-community public water systems shall comply with all federal and state statutes and regulations governing the provision of safe drinking water from public water systems.

*(Code repealed and reenacted (all sections) by Ord. 014-D-2006, 07-05-06; § 7-50-20 amended (part [Ord. 019-09, 06-24-2009](#))*

**7-50-30: SEWAGE TREATMENT AND COLLECTION**

(a) Applicability

The standards in this section are applicable to all sewage treatment and collection systems.

(b) Connection to Public Systems Required, Where Available

All development shall connect to a public sewage disposal system if the development is located within one-half mile (2,640 feet) of a public system's service area the applicable district is willing to serve the proposed development. For subdivisions, connection to the public sewage disposal system shall be required if any point in the subdivision is located within one-half mile of such system. In the event a site is located outside the

boundaries of a public sewage disposal system service area or service is not available from the public system, a private system may be utilized.

(c) Design Standards

Public and private sewage disposal systems and connections to such systems shall comply with the sewage disposal regulations of the County's Environmental Health & Natural Resources Department. Each applicant for an on-site wastewater treatment system, regardless of capacity, shall be required to submit an application to the Environmental Health & Natural Resources Department, and the Department shall then determine whether state permitting is necessary. Any septic tank/soil absorption field system with a design capacity greater than or equal to an average daily flow of two thousand (2,000) gallons per day shall be required to obtain approval and permits from the Colorado Department of Public Health and Environment, Water Quality Control Division.

**7-60: SIGNS**

**7-60-10: APPLICABILITY**

The sign standards in this Section are applicable to all signs and the maintenance of signs.

**7-60-20: GENERAL**

Signs shall be prohibited unless permitted pursuant to Secs. 7-60-30 or 7-60-40 below.

**7-60-30: SIGNS REQUIRING A PERMIT**

The following signs are permitted within all zone districts subject to a) obtaining a Building Permit pursuant to the procedures in Sec. 2-30-20, except for Local Government Jurisdictional Signs that shall be reviewed in a public hearing by the Board of County Commissioners, and b) compliance with the design standards in Sec. 7-60-50.

- (a) Free-standing identification signs;
- (b) Projecting identification signs;
- (c) Wall identification signs;
- (d) Free-standing identification signs adjacent to the State Highway 82 right-of-way;
- (e) Directional signs;
- (f) Local government jurisdictional signs (applicable to incorporated municipalities only).

## **7-60-40: SIGNS FOR WHICH A GENERAL PERMIT HAS BEEN GRANTED**

Pitkin County hereby grants a general permit for each of the signs listed in this Sec. 7-60-40 provided such signs comply with the design standards in Sec. 7-60-50.

- (a) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface;
- (b) Official governmental regulatory signs, government street identifications sign, or governmental signs to warn of danger;
- (c) Graphic signs that in no way advertise or identify a product or business;
- (d) Temporary decorations or displays that are clearly incidental to and are customarily associated with any national, local or religious holiday or celebration; provided that such decorations are maintained in an attractive condition and do not constitute a fire hazard;
- (e) Temporary or permanent signs created by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices;
- (f) Any signs required by law;
- (g) Signs erected in public rights-of-way by local, State or Federal agency controlling or directing traffic;
- (h) Mail boxes and house numbers;
- (i) Religious symbols at a place of worship or at a church owned or operated facility for purpose of worship;
- (j) On-site and off-site signs advertising garage sales or pet giveaways provided such signs do not exceed two (2) square feet in area and that such signs shall be removed within one (1) day of such sale;
- (k) Window display or merchandise signs not visible off the lot or premises;
- (l) Other signs not visible off the lot or premises;
- (m) Political signs;
- (n) For Sale and For Rent signs, provided that such signs do not exceed six (6) square feet in total size, and are limited to one (1) sign per right-of-way on each property frontage;

- (o) Pennants, banners and posters advertising a special civic event, provided that such signs are erected no more than two (2) weeks prior to the event and must be removed within two (2) days after the termination of the event;
- (p) Construction signs, provided that such signs do not exceed six (6) square feet in total size, are limited to one (1) sign per property, and must be removed upon completion of construction;
- (q) Agricultural product signs, provided that such signs do not exceed six (6) square feet in total size, are limited to one (1) sign per right-of-way on each property frontage, and are allowed only during seasons of actual sales;
- (r) Signs identifying Temporary Commercial Uses or Special Events, provided that such signs conform to all limitations on size, number, location, and timing set forth in the permits issued for such events or uses.

### **7-60-50: DESIGN STANDARDS**

This Section establishes the general design standards for all signs and additional specific standards that apply to individual types of signs.

#### **(a) General Standards**

All signs shall comply with the standards in this Section.

- (1) Signs shall not exceed eight (8) feet in height as measured from the adjacent grade.
- (2) Signs must be located no less than twenty (20) feet from any right-of-way, and no less than ten (10) feet from any property boundary, except for directional signs approved by a governmental entity.
- (3) Signs shall identify only interests conducted on the premises.
- (4) Lettering, including cutout letter signs, shall not exceed twelve (12) inches in height, except for the initial letter of each word, which may be eighteen (18) inches in height.
- (5) Signs shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way.
- (6) In the case of business premises occupied by more than one business entity, total sign area shall be allowed as follows:
  - (a) For a free standing sign: the total area allowed is as if the building were occupied by a single business entity, or

(b) For wall signs located on the principal structure: each business entity shall be allowed one six (6) square foot sign, which square footage shall not be combined with other business entities.

(7) Moving, flashing, portable, unsafe, noise emitting and billboard signs are prohibited.

(8) Illumination of signs must comply with Sec. 7-20-140.

(9) All metallic surfaces shall be treated in order to reduce the effects of sunlight reflection on nearby residential properties and/or the vision of passing motorists.

(10) Signs shall be removed within thirty (30) days after premises have been vacated.

(11) Local government jurisdictional signs (applicable to incorporated municipalities only) may vary from these general design standards, subject to approval by the Board of County Commissioners for general design standards and Board of Adjustment variances where necessary for signs located in the road setback.

(12) The Manual on Uniform Traffic Control Devices (MUTCD) shall apply to all County regulatory signs.

(b) Free-standing Identification Signs

In addition to complying with the standards in Sec. 7-60-50(a), free-standing signs shall be larger than two (2) square feet in area, but not exceed eight (8) square feet in area and six (6) in height.

(c) Projecting Identification Signs

In addition to complying with the standards in Sec. 7-60-50(a), projecting identification signs shall not:

(1) Be higher than the eave line or parapet wall of the principal building;

(2) Extend more than four (4) feet from the building wall except where a sign is part of an approved canopy or awning; and

(3) Exceed eight (8) square feet in area.

(d) Wall Identification Signs

In addition to complying with the standards in Sec. 7-60-50(a), wall identification signs shall not:

- (1) Be higher than the eave line or parapet wall of the principal building; and
- (2) Contain sign parts, including letters, projecting more than twelve (12) inches from the building wall.

(e) Identification Signs Adjacent to State Highway 82

In addition to complying with standards in Sec. 7-60-50(a), signs adjacent to State Highway 82:

- (1) May be used to identify an access road for a business or principal authorized use of the premises where the sign is located;
- (2) May contain lettering on two (2) sides;
- (3) Shall not exceed eight (8) square feet and a maximum height of six (6) feet as measured from the adjacent grade of State Highway 82; and
- (4) Shall be setback at least one-hundred (100) feet from the edge of the State Highway 82 right-of-way.

(f) Directional Signs

In addition to complying with the standards in Sec. 7-60-50(a), directional signs shall comply with the standards in this section.

- (1) Directional signs shall be six (6) inches by thirty (30) inches.
- (2) Directional signs are prohibited within a public right-of-way unless an applicant receives approval for the sign from the governmental agency controlling the right-of-way.
- (3) Directional sign standards may be varied by the Board of County Commissioners to assist the public transportation system.

(g) Signs of Incorporated Municipalities

Signs of Incorporated Municipalities are subject to the following specific design standards:

- (1) Shall not exceed a maximum of seventy (70) square feet.

- (2) The applicant shall demonstrate that the design and size of the sign is reasonably necessary to its purpose and the design will not pose any safety hazards.
- (3) Where the sign is proposed outside of the jurisdiction, the applicant shall make a showing that the design and location of the sign will assist the public in locating the jurisdiction.
- (4) The Board of County Commissioners may allow Signs of Incorporated Municipalities to vary from the general design standards of Sec. 7-60-50(a) including the size restrictions, subject to compliance with this section. The Board may also approve Signs of Incorporated Municipalities within the road setbacks listed in Table 5-1.

(h) Signs in the Redstone Historic Commercial District:

Signs in the Redstone Historic District are subject to the following specific design standards:

- (1) Signs shall comply with the design and dimensional standards found in the Village of Redstone Design Guidelines;
- (2) Unless specifically addressed in the Guidelines, all other provisions of 7-60: Signs shall apply.

*(Code repealed and reenacted (all sections) July, 2006 by Ord. 014-D-2006 - § 7-60-50 amended (part) [Ord. 039-2022, 09-14-2022](#)*

**7-60-60: SIGN MEASUREMENT METHODOLOGY**

(a) Sign area is the smallest rectangle that encompasses the facing of a sign and sign structure, provided that cutout letter signs are considered wall signs and their aggregate area shall be credited toward allowable sign area at one and one half (1-1/2) the measured area. Directional signs shall not include the sign structure in measuring the sign area.

(b) If a sign has two (2) or more faces, the area of all faces shall be totaled to determine sign area.

**7-70: SUBDIVISIONS**

**7-70-10: REQUIREMENT**

All divisions of a parcel of land into two (2) or more parcels of land within Pitkin County that meets the definition of a subdivision in Chapter 11 of this Land Use Code shall require the

approval of a subdivision of land pursuant to (a) C.R.S. 30-28-101 et. seq. and (b) Sec. 2-40-50, 2-40-60, or 2-40-70 of this Land Use Code, as applicable, unless the division qualifies for an exemption under C.R.S.30-28-101 et. seq. or Sec. 2-40-50(b).

**7-70-20: COMPLIANCE WITH COMPREHENSIVE PLAN AND ZONE DISTRICT**

Each subdivision of land that does not qualify for a Subdivision Exemption (a) shall be generally consistent with all applicable provisions of the Comprehensive Plan for the area in which the land is located, and (b) shall comply with all requirements for the zone district in which the land is located, including without limitation the description of the zone district and related standards contained in Chapter 3; any requirements related to the proposed use of the land contained in Chapter 4; dimensional requirements related to the proposed use of the land contained in Chapter 5; all applicable requirements of and all applicable development standards contained in this Chapter 7.

**7-70-30: DEVELOPMENT PHASING**

No subdivision of land shall be approved if the indicated staging of development will generate service or facility demands in advance of the fiscal and physical ability of the County or districts to provide within their budgets.

**7-70-40: ROAD CONSTRUCTION, IMPROVEMENT OR MAINTENANCE COSTS**

A proposed subdivision of land shall only be approved if any special road construction, improvement or maintenance cost assignable to the proposal and to be borne by the County at large can be met within both short-term and long-term County budgets without tax increases that might otherwise be unnecessary.

**7-70-50: COUNTY ACCEPTANCE OF UTILITIES OR FACILITIES**

A proposed subdivision of land shall only be approved if any utility or facility to be provided by the developer for acceptance and future operation and/or maintenance by the County, or any district within the County is planned, designed and constructed and prior to its acceptance by the County or district, operated and maintained in a manner that protects the public from any expenses to correct deficiencies in the utility or facility.

**7-70-60: ACCESSIBILITY OF PUBLIC FACILITIES**

A proposed subdivision of land shall only be approved if the location and layout of the proposal are such that necessary public facilities can be provided to the area without the need for additional public expenditures for service expansions.

**7-70-70: MANAGEMENT OF CONSTRUCTION IMPACTS**

A proposed subdivision of land shall only be approved if the short-term construction impacts on roads, fire and police substations, schools, public services such as solid waste collection, snow removal and public transportation have been or will be mitigated by the developer.

### **7-70-80: IMPROVEMENT AGREEMENTS**

In order to confirm compliance with the provisions of this Sec. 7-70, a signed Improvement Agreement between the applicant and the County will generally be required in connection with any subdivision of land. Provisions on Improvement Agreements are found in Sec. 2-20-130(a).

### **7-80: MOBILE HOME PARKS**

#### **7-80-10: GENERAL**

This section contains standards for the establishment and maintenance and operation of mobile home parks. Mobile Home Parks may only be located within the MHP zone district, pursuant to Chapter 4.

#### **7-80-20: APPLICABILITY OF STANDARDS**

All mobile homes shall be installed, maintained, used, occupied, kept, stored or allowed only within mobile home parks zoned Mobile Home Park (MHP), which meet the standards of this section.

- (a) In all residential and resource zone districts, one (1) mobile home may be used for residential purposes upon a building site during actual construction, provided that a building permit is obtained from the Chief Building Official authorizing such use of the mobile home and specifying the period of occupancy.
- (b) In all zone districts, there shall be allowed individual mobile homes and construction trailers for construction site offices or storage purposes upon a building site during actual construction, provided that such mobile home is not used for residential purposes, and need not have water, electrical or sanitary facilities otherwise required herein.
- (c) On any approved mining or mineral exploration site there may be allowed mobile homes for office and storage purposes, provided that a building permit is obtained from the Chief Building Official authorizing such use of the mobile homes, and the development permit for the use specifically contemplates and authorizes said use. The period of use under a permit shall be one (1) year, renewable by the Chief Building Official's office, provided that extraction operations are in progress.

*(Code repealed and reenacted (all sections) July, 2006 by Ord. 014-D-2006 - § 7-80-20 amended (part) [Ord. 014-2020, 04-08-2020](#)*

### **7-80-30: PRE-EXISTING MOBILE HOMES AND MOBILE HOME PARKS**

Pre-existing mobile homes and mobile home parks shall comply with the standards in this section.

(a) Pre-Existing Mobile Home Outside Park

A pre-existing, free-standing mobile home located outside of a mobile home park shall be deemed a nonconforming use and structure subject to the standards of Chapter 9.

(b) Pre-Existing Mobile Home Park

A pre-existing, legally established mobile home park shall not be deemed nonconforming by reason of failure to meet the minimum standards prescribed by this section of this Land Use Code, provided:

- (1) The standards of this section shall apply to the enlargement or expansion of a pre-existing mobile home park, with the exception of minimum lot size, which may be reduced to three thousand (3,000) through a Variance or PUD rezoning;
- (2) A pre-existing mobile home park on a site less than ten (10) acres in size shall not be further reduced;
- (3) A pre-existing mobile home park, whether legally established or not, may be reviewed and approved under the provisions of this Sec. 7-80-30. Further, the PUD procedures contained within Sec. 2-40-110 may be utilized to vary the standards contained within this Section to the extent that the health and safety standards of this Land Use Code are not compromised.

### **7-80-40: DESIGN STANDARDS**

Mobile Home parks shall comply with the design standards in this section.

(a) General Standards

All mobile home parks shall be developed in accordance with the dimensional standards in Table 7-4 below, as supplemented by the standards in subsections (b) through (m) below.

TABLE 7-4: Mobile Home Park Standards	
Measure or Item	Standard
Density (units/acre)	6
Lot Specifications	
Minimum Lot Area (sq. ft.)	5,000
Minimum Lot Width (ft.)	50
Setbacks from Park Boundaries	
To 2-lane Highway (ft.)	100 [Note 1]
To Private Road (ft.)	25 [Note 1]
To Other Property Lines(ft.)	10
Unit Spacing	
Side-to-Side (ft.)	20
Side-to-End (ft.)	20
End-to-End (ft.)	20
Unit to Enclosed Addition (ft.)	15
Streets	
Collector R/W (ft.)	44-60
Collector Pavement Width (ft.)	28/36/362 [Note 2]
Park Streets R/W – no on-street parking (ft.)	30
Park Streets Driving Surface (ft.)	20
Cul-de-Sac Radius Min. (ft.)	60
Turnaround Dimensions (ft. x ft.)	15 x 60
Lights Required / Amount (foot candles)	Yes / 1 (measured 3 ft. off the ground)
Parking	
Off-Street Parking Only	Yes
Minimum Number Per Unit	2
Area and Size per Space	8.5 ft. x18 ft. (153 sq. ft.)
Location (ft.)	3003 (?)
Separate Area for Rec. Vehicle, etc.	Yes
Recreation Area (% park area)	20% -- check for consistency
Signs	Must comply with Sec. 7-60
Storage Area	
Individual (cu.ft.)	72
Park (cu. ft. per unit)	160
Utilities (general)	
Easements Required / Width (ft.)	Yes / 10 ft.
All Underground Required	Yes
State and National Codes Referenced and Made a Part of the Regulation	
Colorado Dept. Health, Primary Drinking Water Regulations for the State of Colorado	Yes

TABLE 7-4: Mobile Home Park Standards	
Measure or Item	Standard
Colorado Dept. Health, Technical Plumbing Code	Yes
National Electrical Code	Yes
National Fuel Gas Code	Yes
<b>Water</b>	
Public System Required	Where Available
Maximum Number Units Disrupted (?)	25% of park
Demand (gpdu)	350
Pressure Range (psi)	30+4
Irrigation Water Required	Yes
Water Service Size (inches)	1/2-3/4 [Note 3]
Horizontal Separation from Sewer Lines (ft.)	??
<b>Sewer</b>	
Public System Required	Where Available
Minimum Mean Velocity When Full (bps)	2
Minimum Design Flow Rate (gpdu)	350
House Connection Size (inches)	4
Minimum House Connection Slope (inches/ft.)	1/4
<b>Electrical</b>	
Voltage (volts)	110/220
Current (amps)	100
Demand (watts)	16,000
Distance to Overhead Wires (ft.)	N.A.
<b>Gas</b>	
Maximum Number Units Disrupted	as compatible with park design
Gas Service Size (in.)	3/4
<b>Refuse</b>	
Maximum Distance from Unit (ft.)	200
Demand (cubic ft./unit)	4
Removal Rate	1/week
<b>Fire Safety</b>	
Fire Apparatus Access (ft. from unit)	100
Minimum Water Supply (gal./min. for one hour)	500
Pressure Requirements	30 psi
Distance from Lot to Hydrant (ft.)	250
Percent of Hose Length Required to Reach Units	3/4 hose to any unit
<b>Other</b>	
Park Screening Required/Height (ft.)	As Required by BOCC
Homes must be ANSI Qualified	Yes

**TABLE 7-4: Mobile Home Park Standards**

Measure or Item	Standard
<b>NOTES:</b>	
1.	Distance from center line of street/distance from property line, whichever is greater.
2.	Width without parking/width with parking on one side/width with parking on both sides.
3.	Pipe sizes must conform to water distribution individual standards of the Uniform Plumbing Code (1976 ed.) or the State of Colorado Plumbing Code (1972 ed.)]
4.	Parking to be within stated number of feet from each home.
5.	Pressure measured at six (6) gallons per minute (gpm).
6.	Vertical distance above vehicular traffic/vertical distance above pedestrian traffic/vertical distance above structures and homes/horizontal distance to structures and homes.

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(b) Site Conditions

- (1) Mobile home parks shall be located on sites where the groundwater level, drainage and topography within a mobile home park do not create hazards to the property or the health or safety of the occupants.
- (2) The entire ground surface within a mobile home park shall be graded and equipped in such a manner as to provide diversion of water away from buildings, patios and mobile home stands; to prevent standing water and soil saturation that could be detrimental to structures; and to provide adequate and safe surface drainage.
- (3) Ground surfaces shall be paved, surfaced with gravel, crushed rock or like material, or landscaped.

(c) Streets

- (1) Street systems shall be private, constructed and maintained in compliance with applicable regulations of the State of Colorado.
- (2) Street alignment and grades shall be properly adapted to the topography of a mobile home park and provide for safety of traffic movement, satisfactory surface and groundwater drainage, and proper functioning of sanitary and storm sewer systems.
- (3) All streets shall meet the standards specified in Table 7-5.
- (4) All service access roads and pedestrian sidewalks and walkways serving more than two (2) mobile home spaces shall be lighted for the safe movement of vehicles and pedestrians at night.
- (5) If possible, parks shall have at least two (2) direct-access points to a public street or roadway.
- (6) Access streets shall provide adequate access to and from the mobile home park site.

(d) Parking of Motor Vehicles

- (1) Notwithstanding the provisions of Sec. 7-30-20, a minimum of two (2) off-street parking spaces shall be maintained for each mobile home space. Parking spaces shall be located within three hundred (300) feet of the mobile home space.

(2) Off-street automobile parking spaces shall have access to a paved or gravel surface street, driveway or parking area over an access way of sufficient width to accommodate an automobile.

(e) Utilities Easements and Undergrounding

(1) All utility services shall be available and installed underground in a workmanlike manner and in compliance with all applicable codes and standards.

(2) Utility easements shall be a minimum of ten (10) feet in width and provide convenient ingress and egress for construction and maintenance vehicles.

(f) Water Systems

Mobile home parks shall comply with all applicable federal and state statutes and regulations, including but not limited to the specific sanitary standards and regulations promulgated by the Colorado Department of Public Health and Environment for mobile home parks.

(g) Waste Water Systems

(1) Sewers shall be at a grade sufficient to ensure a mean velocity of two (2) feet per second when flowing full. The system shall be designed for a minimum flow rate of at least three hundred fifty (350) gallons per day per mobile home lot.

(2) Horizontal and vertical drainage lines connecting with other horizontal drainage lines shall enter through forty-five (45) degree "y" branches or other combinations of equivalent sweep.

(3) Manholes or cleanouts shall be provided at intersections of two or more sewer lines, at changes in grade or alignment of more than forty-five (45) degrees and at intervals of not more than four hundred (400) feet.

(4) Sewer lines shall be constructed of approved materials with adequate vents, water-tight joints and sufficient cleanouts in accordance with current applicable Sanitation District Standards, or as approved by the Aspen/Pitkin County Environmental Health and Natural Resources Department.

(5) Each mobile home lot shall be provided with a sewer branch line and riser pipe of at least four (4) inches inside diameter. The branch line shall (a) be installed with a uniform slope of at least one-quarter (1/4) inch per linear foot and shall be properly trapped and vented, and (b) terminate at a riser pipe of at least four (4) inches above ground elevations or has the ground graded from the riser pipe rim. When necessary, the riser pipe shall be protected by a concrete collar four (4) inches thick and twelve (12) inches in diameter.

(6) The sewer service connection shall be equipped with standard screw, ring or clamp-type fittings or adapters so that water-tight and tamper-proof connections can be obtained at the mobile home drain outlet and sewer riser pipe. The connection shall be of approved semi-rigid, noncollapsible, corrosion-resistant pipe having a smooth interior surface and an inside diameter of not less than three (3) inches.

(7) The sewer service connection shall be installed and maintained with a uniform grade of not less than one quarter (1/4) inch per foot and shall be no longer than necessary to connect the mobile home drain and sewer riser pipe.

(8) When a mobile home does not occupy the mobile home stand, the sewer riser pipe shall be capped with a watertight cap or plug.

(h) Refuse

(1) The storage, collection and disposal of refuse in a mobile home park shall be conducted to control odors, rodents, insects, accidents, fire hazards, air pollution and other nuisance conditions.

(2) Durable, washable and non-absorbent metal or plastic containers with tight-fitting lids shall be provided at each mobile home lot or at a central storage area conveniently located not more than two hundred (200) feet from any mobile home lot.

(3) The number of containers used and the frequency of collection shall be sufficient to prevent over-filled containers.

(4) Refuse shall be routinely collected and removed from the premises not less than once weekly.

(5) Refuse containers:

(a) Shall be provided at the rate of at least one (1) thirty (30) gallon (4 cubic feet) container for each mobile home lot, or an equivalent storage capacity; and

(b) Shall be stored in durable, functional racks attached to a structure or tied down in a manner to prevent movement caused by wind or entrance by animals.

(i) Insect and Rodent Control

Rodents and insects shall be controlled by approved sanitary practices, vermin-proofing of buildings, extermination and other control methods.

(j) Electrical Outlets

An electrical outlet supplying both 110/220 volts capable of providing one hundred (100) amperes or more of current, shall be provided for each mobile home space. The installation shall comply with the National Electrical Code, the most recent edition adopted by reference by the Board.

(k) Fire Protection

Every mobile home park shall be equipped at all times with fire hydrants and fire extinguishing equipment in good working order of such type, size and number so located within the park as prescribed by the local fire prevention authority or to satisfy fire regulations. No mobile home space shall be located more than two hundred fifty (250) feet from a fire hydrant of quality and design acceptable to the Fire Protection District having jurisdiction.

(l) Utility Building Sheds

(1) A minimum of seventy-two (72) cubic feet of storage space shall be provided for each mobile home space adjacent to the mobile home.

(2) In the event the surface of a utility building stand is designed to be more than six (6) inches below the finished grade of a mobile home space, the entire surface of the utility building stand shall be covered with crushed rock, gravel or other like material for the purpose of providing surface water drainage.

(m) Outdoor Recreation Area

(1) A mobile home park shall provide an amount not less than twenty (20) percent of the gross mobile home park area for open space and outdoor recreational area or areas for the use of the occupants thereof. This standard shall be in addition to the park development exaction standards of Chapter 8 of this Land Use Code.

(2) Mobile Home Park outdoor recreation areas:

(a) May include, but not be limited to, such natural and agricultural areas as meadows, woods or river fronts that provide passive recreation opportunities (e.g., observation or picnic areas) and/or visual amenities; common areas for gardening; areas for active adult recreation; child play areas; swimming pools;

(b) Shall not include areas within designated mobile home spaces; areas devoted to guest parking, utilities, drying yards, roadways or storage; nor any areas required for setbacks;

- (c) Shall be for the mutual benefit of the entire tract;
- (d) Shall be designed to provide variety and diversity so that maximum long-range benefit may be gained and the unique features of the site preserved and enhanced;
- (e) Shall be comprised of at least one parcel with a slope of less than ten (10) percent containing a minimum of fifty (50) percent of the entire area required to satisfy the outdoor recreation standard.
- (f) Shall not include areas with slopes of thirty (30) percent and greater.
- (g) Shall be selected so as to maximize solar access; and, further, shall be available for use for common solar collection systems.

#### **7-80-50: MOBILE HOME UNITS**

Each mobile home unit located within a mobile home park in Pitkin County after the adoption of this Land Use Code shall comply with the International Residential Code (IRC) standards and the Colorado Manufactured Home Installation Program.

#### **7-80-60: MAINTENANCE OF MOBILE HOME UNITS AND SPACES**

- (a) All mobile home units shall be parked so that there will be a minimum of ten (10) feet between mobile homes measured side-to-side or side-to-end.
- (b) Mobile homes parked end-to-end shall have an end-to-end clearance of not less than five (5) feet.
- (c) Enclosed additions to mobile home units and accessory buildings (such as storage units) shall be considered a part of the mobile home in measuring required yard distance. Such enclosed additions and accessory buildings shall be allowed provided that any entryways or stairways:
  - (1) Do not exceed four (4) feet in width, six (6) feet in length, or the height of the trailers to which they are attached; and
  - (2) Are not to be heated or habitable; and
  - (3) Have one-hour fire walls on all walls that are not shared by the mobile home units themselves.

#### **7-90: REPEALED [ORD. 003-2018, 01-10-2018](#)**

#### **7-100: NUISANCE STANDARDS**

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All property in all zone districts shall be used so as to avoid creating any dangerous, injurious, noxious or otherwise objectionable condition that would adversely impact residents, employees, or visitors on the property itself or on neighboring properties.

**7-100-10: NOISE**

All activities shall be conducted so that the level and pattern of noise does not constitute a nuisance to the public. No activity shall be conducted at a level that exceeds those maximum permissible noise levels established by Pitkin County Code and/or C.R.S. 25-12-1013, et. seq., whichever is more restrictive, and violation of those noise levels shall be a violation of this Land Use Code.

**7-100-20: VIBRATION**

No activity or development shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction activities, and blasting associated with mining activities, otherwise in compliance with applicable federal, state and local regulations, are excluded from this restriction. Blasting associated with mining activities shall require the issuance of a blasting permit from the Sheriff's Office.

**7-100-30: ODOR EMISSIONS**

No activity or development shall cause or allow the emission of any odorous air contaminant that is a nuisance, hazard or exceeds applicable federal or state regulations. The measurement of the threshold odor shall be in accordance with the American Society for Testing Materials Method D1391-57 "Standards Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia: American Society of Testing Materials, 1957). Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.

**7-100-40: AIR QUALITY**

Land uses shall:

- (a) Not create or constitute a source of air pollution prohibited under applicable federal, state or County regulations;
- (b) Comply with the provisions of the Pitkin County Code concerning air pollution control.

**7-100-50: ELECTROMAGNETIC RADIATION**

It shall be unlawful to operate, or cause to be operated, any source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection,

topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes that does not comply with the regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation.

#### **7-100-60: HAZARDOUS MATERIALS**

All applicable federal, state, and local statutes, rules, regulations, and ordinances (including, without limitation, those promulgated and/or enforced by the U.S. Environmental Protection Agency, the Colorado Department of Public Health and Environment, the National Institute of Health, or the U.S. Food and Drug Administration) shall apply to the treatment, storage, transportation, and disposal of any hazardous materials, hazardous wastes, or solid wastes (as such terms are defined by any of the applicable statutes, rules, regulations, or ordinances referenced above).

#### **7-100-70: MATERIALS AND WASTE HANDLING**

No person shall cause or permit any materials to be handled, transported, or stored in a manner that allows particulate matter to become airborne or liquid matter to drain onto or into the ground. All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with the requirements of this Land Use Code.

#### **7-100-80: NUCLEAR RADIATION OR DETONATIONS**

Nuclear detonations are prohibited in all areas of Pitkin County. Research operations shall cause no dangerous radiation at any property line as specified by the regulations of the United States Nuclear Regulatory Commission.

#### **7-100-90: GLARE**

The glare effect produced by light reflecting from an object shall not create an unreasonable adverse impact with regard to intensity and duration. If glare creates an unreasonable off-site impact, vegetative screening, repositioning of that object, removal of that object, or other effective means of reducing glare may be required to mitigate that impact. The property owner is responsible for mitigation of glare.

*(Code repealed and reenacted (all sections) July, 2006 by Ord. 014-D-2006 - § 7-100-90 added [Ord. 010-11, 08-10-11](#))*