

SECTION 6

PLANNED UNIT DEVELOPMENTS

6.1 ENABLING AUTHORITY

The provisions of this Code relating to Planned Unit Developments are enacted under the authority of Colorado Revised Statutes, Title 24, Article 67, Title 29, Article 20 and Title 30, Article 28.

6.2 OBJECTIVES OF DEVELOPMENT AND STATEMENT OF PURPOSE

The objectives of development in Ouray County are as set forth in Section 1 of this Code and in the County Master Plan. The use of the Planned Unit Development (“PUD”) concept is intended to provide flexibility in the development of residential projects and to promote the unified development and sensitive use of a site with regard to the natural assets and the character of the County. Implementation of the County Master Plan and preservation of open space in critical areas as part of the development process are important objectives to be achieved through the Planned Unit Development review.

The Planned Unit Development concept is further intended to allow for development of land, subject to those development regulations set forth in this Code. It is intended to allow development of land while protecting unique environmental and/or ecological assets and to allow for residential and recreational developments in which various uses and structures may be grouped in appropriate relationship to each other, to open spaces and to common facilities. Efficient provision for necessary facilities and services is to be addressed utilizing the Planned Unit Development process. This includes off-site impacts reasonably anticipated as a result of a proposed development.

In Planned Unit Developments involving the subdivision of land, as defined in Section 22, the required preliminary PUD Plan is also considered to be a preliminary subdivision plat; the final plat will be contained as one of the required submittals with the Final Development Plan.

6.3 PLANNED UNIT DEVELOPMENT TYPES DEFINED

Three types of Planned Unit Development applications are possible; however, all PUD applications must comply with the underlying density requirements as set forth in Section 3 and Section 6 of this Code. The types of Planned Unit Developments are defined as follows.

A. PLANNED UNIT DEVELOPMENT - LIMITED

A development application consisting of up to three lots, at a maximum density of one unit per 13 acres where allowed by the underlying zoning.

Additional standards and requirements for a PUD-Limited are contained throughout this Section. The purpose of the Planned Unit Development-Limited is to create a simplified PUD/Subdivision process for use in developments that meet specific criteria. This process allows flexibility in site design and furthers implementation of the Master Plan by clustering of structures to minimize visual impact, locating development so that perceived open areas are maximized, and ensuring that important site features, such as wildlife corridors and other sensitive areas, are respected in site planning.

B. PLANNED UNIT DEVELOPMENT - REGULAR

A development application consisting of any number of lots provided the underlying zoning standards are met. Additional standards and requirements for a PUD-Regular are contained throughout this Section.

C. PLANNED UNIT DEVELOPMENT-RESORT/CONFERENCE CENTER (RST)

A development application consisting of a minimum of 160 acres, limited to a hotel of 20 rooms or more, short-term accommodations, limited commercial uses to serve the resort, and recreational facilities that are part of a multi-seasonal resort. Associated residential units may also be included in the application, subject to the requirements indicated in this Section 6. The purpose of the PUD-Resort/Conference Center regulations is to include standards to guide development of multi-season resorts in locations found to be appropriate for such uses. The regulations also establish review criteria and mitigation levels, as appropriate, to protect the County from unnecessary impacts, to ensure compatibility with the area surrounding resort uses, and to further the objectives of the County Master Plan by allowing diversification as identified in the County Master Plan.

This process allows flexibility in site design and furthers implementation of the Master Plan by clustering of structures to minimize visual impact, locating development so that perceived open areas are maximized, and ensuring that important site features, such as wildlife corridors and other sensitive areas, are respected in site planning. Additional standards and requirements for a PUD-Resort/Conference Center are contained throughout this Section.

6.4 REVIEWING BODY

The Ouray County Planning Commission or a Joint Area Planning Board and the Board of County Commissioners of Ouray County (“County Commissioners”) shall review Planned Unit Developments in accordance with the procedures set forth in this Code. Final approval shall not be given to any Planned Unit Development without a finding by the County Commissioners that the Plan is in general conformity with the Master Plan of Ouray County.

6.5 DEVELOPMENT STANDARDS

Residential development approved under these regulations shall be designed and constructed to comply with all facets of the Ouray County Land Use Code including, but not limited to, development standards, zoning compliance, road standards and visual impact. These standards and requirements are to be met throughout the required submittal stages of PUD approval.

6.6 SITE REQUIREMENTS AND REVIEW CRITERIA

The following site requirements shall be followed in any Planned Unit Development processed under this Code:

A. WATER AND SEWER

The Applicant shall provide, within the PUD, both potable water and proof that adequate sewage treatment facilities can be provided to serve the maximum user population of the PUD, both permanent and transient, including potential accessory dwellings.

B. STORM DRAINAGE FACILITIES

The Applicant shall provide within the Planned Unit Development storm drainage facilities of sufficient capacity to handle all predictable storm water runoff in the PUD area for a one hundred (100) year storm.

C. OPEN SPACE

The Applicant shall provide common open space as required by the provisions of Section 6.7. All open space provided within the PUD, including those spaces designated as public and private recreation sites, shall be protected by adequate covenants running with the land or by conveyances or dedication in a manner acceptable to the County.

D. MINIMUM LOT SIZE

One acre, if served by individual sewage treatment systems. Smaller lots may be allowed if connected to a central sewage treatment system, provided the overall density requirements for the zone, district or PUD are maintained.

E. SITE DEVELOPMENT CRITERIA

The following criteria shall guide an Applicant in planning his/her property and shall be used by the County in evaluation of all Planned Unit Development applications. Approval of an application for a Planned Unit Development will not be granted unless an Applicant demonstrates substantial compliance with the following criteria:

6.7 COMMON OPEN SPACE AND BUILDING/NON-BUILDING AREA REQUIREMENTS

- (1) All uses and site plans for the property are consistent with this Code, as interpreted with reference to the Ouray County Master Plan.
- (2) Visual Impact Regulations of Land Use Code Section 9 can be met.
- (3) Adequate infrastructure and public services (roads, power, telephone, water and sewage treatment) are available or will be provided by the Applicant to serve the proposed development.
- (4) All designated building areas will be located to minimize disturbance to the land. Site design shall avoid creating isolated building areas that require additional extension of services that would reduce the visual or other qualities of open space.
- (5) Roads and driveways (and the cut and fill associated with them) shall be designed in such a way to minimize the impacts on the proposed development and the surrounding properties and must be in compliance with the Site Development Standards and Road Specifications set forth in Sections 7 and 23 of this Code.
- (6) Development shall be compatible with adjacent uses and development and shall be designed to coordinate with such uses.
- (7) Site planning will protect and maintain significant or unique natural, environmental or topographic features, vegetation, identified hazards, wildlife corridors, other sensitive areas or other special characteristics.

6.7 COMMON OPEN SPACE AND BUILDING/NON-BUILDING AREA REQUIREMENTS

A. COMMON OPEN SPACE AND NON-BUILDING AREA – MINIMUM CRITERIA

- (1) Common open space and non-building areas shall be provided that generally meet the following objectives and requirements:
 - (a) They maintain the visual and scenic quality of Ouray County to the maximum extent possible.
 - (b) Where possible, common open space areas and non-building areas have been designed to coincide with wildlife corridors and other environmentally critical areas have been avoided.
 - (c) Common open space and non-building areas shall be located to be contiguous within the development and with adjacent open space areas outside the development; or other measures have been taken

by the Applicant that will maximize the open space value within the PUD. If a site specific analysis demonstrates that an alternative configuration accomplishes the standards of this section better, it may be approved by the County.

- (d) Land preserved as common open space will create recreational opportunities by providing trails, parks or other recreational facilities needed for future residents of the development. Reasonable access to such common open space areas shall be provided for the current and future owners and residents of the development.
- (e) Unique natural characteristics such as topographic features, vegetation, or other special characteristics are maintained.
- (f) A plat note restricting future subdivision or any other development of the common open space and non-building area and a requirement of Planned Unit Development approval shall be placed on the final plat.
- (g) Building and non-building areas shall be designated on the site plan indicating where development, roadways, driveway access (and the cut and fill which may be associated with such roadways and driveways) and structures may be located. Any disturbance in non-building areas shall be compact and disturb the least amount of site area possible.

B. COMMON OPEN SPACE AND BUILDING/NON-BUILDING AREAS – MINIMUM REQUIRED AREAS

Limited PUD

Open Space	Not required
Building Area	30%
Non-Building Area	70%

Regular PUD

Open Space Required	25% of total land area
Building Area	60% of balance of land area
Non-Building Area	40% of balance of land area

Resort/Conference Center PUD

Open Space Required – Core Area	75% of total land area
Open Space Required – Residential	70% of total land area
Building Area – Core Area	25% of balance of land area
Building Area – Residential	30% of balance of land area

Non-Building Area – Core Area	75% of balance of land area
Non-Building Area – Residential Area	70% of balance of land area

C. OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE

- (1) Common Open Space shall be set aside and made available to all homeowners and other property owners within the PUD. Such land may include recreational activities, such as golf courses or ski trails, provided that:
 - (a) Only non-residential structures which are approved in the PUD process shall be allowed; and
 - (b) The activity is to be located on private lands that are part of the Planned Unit Development; and
 - (c) A Special Use Permit has been approved by the County Commissioners when required.
- (2) A Common Open Space Plan shall be included with the application for a preliminary PUD plan that indicates, in accordance with the requirements set forth herein, where open space lands will be located and the uses and the acreage included. Anticipated ownership and plans for maintenance of the lands shall be described, including the timing and sequence of the transfer of Common Open Space to a homeowner's association or similar entity. Such plan may be amended upon application to the County pursuant to the provisions of Section 6.12 of the Code, "Amendment or Alteration of Planned Unit Development," and subsequent approval.
- (3) The Common Open Space Plan shall establish an organization for the ownership and maintenance of the Common Open Space or shall make such other provisions as are acceptable to the County for adequate future ownership and maintenance. The Applicant shall also establish covenants that run with the title to all lands included within the Planned Unit Development that shall, at a minimum, include the following requirements:
 - (a) In the event that the organization established to own and maintain open space, or any successor organization, fails at any time after establishment of the Planned Unit Development to maintain the open space in a reasonable order and condition in accordance with the Plan, the County may serve written notice upon such organization or upon the residents of the Planned Unit Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance shall be cured within thirty (30) days thereof, and shall state the date and place of a hearing that shall be held within fourteen (14) days of the notice.

- (b) At such hearing, the County may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured.
- (c) If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said thirty (30) days or any extension thereof, the County, in order to preserve the taxable values of the properties within the Planned Unit Development and to prevent the common open space from becoming a public nuisance, may enter upon the open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not be required and shall not vest in the public any right to use the common open space except when the same is voluntarily dedicated to the public by the owners.
- (d) Before the expiration of said year, the County shall, if it elects to undertake the maintenance, upon its own initiative or upon the written request of the organization theretofore responsible for the maintenance of the common open space, call a public meeting upon notice to such organization or to the residents of such Planned Unit Development, to be held by a board of at least three persons designated by the County, at which hearing, such organization or the residents of the Planned Unit Development shall show cause why such maintenance by the County shall not, at the election of the County, continue for a succeeding year. If the board designated by the County determines that such organization is ready and able to maintain the open space in a reasonable condition, the County shall cease to maintain the open space at the end of said year. If, on the other hand, the board designated by the County determines that such organization is not ready and able to maintain said common open space in a reasonable condition, the County may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, each year thereafter.
- (e) The cost of such maintenance by the County shall be paid by the owners of properties within the Planned Unit Development that have a right of enjoyment of the common open space, and any unpaid assessments shall become the tax lien upon said properties. The County shall file a notice of such lien in the office of the County Clerk and Recorder upon the properties affected by such lien within the Planned Unit Development and shall certify such unpaid assessments for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.

- (4) Unless approved otherwise by the County, the designated open space shall be available for use exclusively by all landowners or residents of the development. Appropriate fees may be charged for the maintenance and use of recreational facilities contained within the open space.

6.8 PLANNED UNIT DEVELOPMENT REQUIREMENTS AND PROCEDURES

The following requirements shall apply to all Planned Unit Developments unless otherwise noted.

A. SKETCH PLAN

- (1) Pre-Application Meeting: Applicants shall schedule and attend a Pre-Application Meeting before filing a PUD Sketch Plan application. The Applicant and a designated Land Use Staff person shall attend the Pre-Application Meeting. The purpose of the Pre-Application Meeting is to discuss the application procedure, submittal requirements for all phases of the development, scheduling of meetings and hearings, development standards and other pertinent matters prior to the Applicant filing the development proposal. No Sketch Plan application will be accepted until after the Pre-Application Meeting is concluded.
- (2) Sketch Plan Required: PUD Applicants shall submit a complete Sketch Plan application to the Land Use Department, along with the appropriate fee.
- (3) Content of Sketch Plan: Each Sketch Plan should be a legibly drawn concept plan of the proposed development. The plan or plat should reflect actual or estimated twenty-foot (20') contours. It is intended that the Sketch Plan be used to review the overall land uses, intended densities, feasibility and design characteristics of the project. In order to gain the most benefit from a Sketch Plan review, the Sketch Plan should contain, as a minimum, the following information:
 - (a) Sufficient information, including legal description, to readily determine the location of the proposed development and its relationship to adjacent lands.
 - (b) The approximate lot size, acreage and configuration of lots and roadways within the proposed development.
 - (c) A description of the proposed uses, including land use types and densities for each parcel included in the application including at least the following:
 - (i) Area included in application.
 - (ii) Number of lots and designated uses.

- (iii) Area of open space and proposed uses and area of non-building area.
 - (iv) Area of lots and designated building areas.
 - (d) Name, address and phone number of the holders of all record interests in the property and of the Applicant.
 - (e) Any available information concerning site characteristics including, but not limited to, the following:
 - (i) Topography, vegetation, streams, lakes, ditches, ditch rights-of-way, springs and other physical features of the site.
 - (ii) Geologic characteristics of the area that could affect proposed future uses.
 - (iii) Areas within and in the vicinity of the proposed development containing suspected or known hazards, including the type of hazard.
 - (iv) Maps and other data describing the suitability of soil under the proposed development.
 - (v) Proposed access, proposed new roads, availability of utilities.
 - (f) Any analyses that the Applicant may have undertaken concerning the demographic and economic impact and the impact on public facilities.
- (4) Review of Sketch Plan: After a complete Sketch Plan application is filed, Land Use Staff shall review the application for compliance with the Land Use Code and the Master Plan and to identify potential problems requiring resolution prior to Preliminary Plan submission. Based upon such review, Land Use Staff shall schedule a conference with the Applicant within ten (10) working days after submittal of a complete Sketch Plan application to discuss the proposed development. The Land Use Staff will provide the Applicant with written comments regarding the proposed Sketch Plan application within seven (7) working days following the conference.
- (5) The Applicant shall submit a Preliminary Development Plan application within nine (9) months of the date of the written comments from the Sketch Plan conference or a new Sketch Plan submittal must be made. Applicant may request an extension to file the Preliminary Development

Plan by making such request in writing to the Land Use Staff; however, no extension may be for longer than six (6) months.

B. PRELIMINARY DEVELOPMENT PLAN

- (1) General: The preliminary development plan is the most important stage in the Planned Unit Development planning process. It is at this stage that the project will be thoroughly evaluated for its impact on the County and the political subdivisions in the County and for its visual impact. The project will be evaluated to ensure that the proposed development will function appropriately, that the land uses proposed are appropriate for the area in which it is to be located, that the visual impact will be minimized, and that the health and safety of the future residents of, and visitors to, the proposed development will be protected. Failure to prove that conditions or services are adequate to meet the needs of the development may be grounds for denial of the application. To evaluate the objective set forth, the following will be considered by the County in its review of the preliminary development plan:
 - (a) Availability of adequate potable water.
 - (b) Feasibility of adequate sanitary sewage treatment.
 - (c) Evidence of safe, legal and adequate year-round access for emergency services, as well as for residents and visitors.
 - (d) Adequate mitigation of risks and identification of hazards resulting from flooding, wildfire hazard, avalanche and geologic hazards, unstable soils, or other hazards.
 - (e) Adequate mitigation of any effects the proposed development may have on air quality, water quality, wildlife, scenery and historic resources.
 - (f) Availability of all other utilities and resources that may be required for the development.
 - (g) Adequate mitigation of any adverse economic impact or impact upon existing public services and facilities.
 - (h) Evidence of a plan to address fire safety and fire suppression within the development and ability to comply with the requirements of Section 24 of this Code.
- (2) Submittal of the Application: The application, together with the attachments described below, and the required fees, shall be submitted to the Land Use Department as set forth in Section 6.11 below, "Application

Completeness.” All documentation included in the application for the Preliminary Development Plan not reflected on maps or site plans shall be printed on numbered pages and bound or fastened together, along with a table of contents. Plats, drawings and/or separately bound reports shall be included and referenced in the completed application through the use of pockets or other suitable means. Incomplete submittals will not be accepted.

The application shall include a narrative describing the elements of the proposed plan and a summary of information required below, such as ownership, proposed financing of the improvements and any other significant information that the Applicant believes will assist in the review of the application. The application shall include the signatures of all surface owners having a record of interest in the property.

- (3) Content of Preliminary Development Plan: Each preliminary development plan shall be drawn to a scale sufficient to show enough detail to enable full evaluation of all elements of the proposal. The Applicant shall confirm with Land Use Staff the minimum number of submittal copies required. The preliminary development plan shall include, as a minimum, the following information:
- (a) Existing conditions map: The map shall contain a north arrow and scale, show existing site features prior to any alteration of natural vegetation, landscape features or construction, including, but not limited to the following:
- (i) Vicinity map at 1" = 1000', or other scale as determined to be appropriate by the Land Use Staff, showing the location of the proposed development in relation to the surrounding area.
 - (ii) Site boundary, with dimensions, shown relative to section lines.
 - (iii) All significant topographical features shall be identified using 5' intervals for land with slopes equal to or less than 10%, 10' intervals for land with slopes greater than 10%.
 - (iv) Types and location of significant vegetation.
 - (v) One hundred year flood plain, all intermittent and perennial streams and ditches, ditch rights-of-way, permanent and seasonal bodies of water, springs, wetlands and other similar features.
 - (vi) Existing structures and fences, including their current uses,

locations, height, dimensions and an indication of which structures are to be preserved on the site.

- (vii) Existing roads, easements and historic or public trails.
 - (viii) Location and alignment of existing utilities and existing utility easements.
 - (ix) Identify all sensitive wildlife areas, including known migration routes, important winter and summer habitat areas and all known calving, fawning and lambing grounds.
 - (x) Show approximate boundaries of all areas subject to inundation by a one hundred (100) year flood or storm water overflow and the location, width and direction of flow of all watercourses.
 - (xi) Other data as may be required by the County.
- (b) Site plan: The site plan shall show major features of the proposed development including building locations and footprints at scale of 1"=100' or 200', or other scale determined to be appropriate by the Land Use Staff. The site plan shall include sufficient information to allow evaluation of land planning, building location, potential off-site visual impact, and structure massing. The site plan shall include a north arrow and scale and illustrate, as applicable, the following information:
- (i) Proposed lot name and/or lot number. The name of the proposed development shall be different from all others in the County. Other information required shall include the preparation date, written and graphic scale, and accurate boundary description and area of each parcel.
 - (ii) Names and addresses. The names, addresses and phone numbers of the owner(s) of record, applicant, surveyor, engineer and planner involved in the preparation of the preliminary development plan, including owners of severed mineral interests. (If the names and addresses of the owners of severed mineral interests are unknown, provide supporting preliminary title work.)
 - (iii) Subdivision of which the lot is a part, if applicable.
 - (iv) Locations, dimensions, square footage (area) of all lots, sublots, parcels or footprints within the project. Location and

extent of areas to be used for residential, open space, recreational and other uses. Land use information shall be specific for each use area, with densities, maximum structure size and maximum structure footprint, if applicable, and land use types delineated.

- (v) Location and maximum size of all existing and proposed structures, both on site and within 100 feet of the lot boundary.
 - (vi) Roads, streets, walkways, drainage, sanitary sewer, public utility and other easements, open space and other areas reserved for use of the public or residents of the development.
 - (vii) Proposed and adjoining open spaces with an indication as to use, if applicable.
 - (viii) Adjacent property ownership and land use.
- (c) Other information to be supplied:
- (i) Reports. The Applicant shall furnish preliminary reports concerning streams, lakes, ditches, ditch rights-of-way, springs, topography, vegetation and geologic characteristics that could affect the proposed land use (including potential hazards, soil suitability, and any other reports, responses or concerns raised during the review of the sketch plan for the proposed development) and any other information as may be determined necessary by the County.
 - (ii) Wildfire Hazard Mitigation. The Applicant shall furnish all reports, designs, data and documentation as required by Section 24 of this Code. In addition, the Applicant shall submit a report from the appropriate fire protection district or association detailing any mitigation required for fire safety or fire suppression, and the necessity of installation of fire hydrants with proposed locations, and other similar information.
 - (iii) All information required by Section 7 of the Ouray County Land Use Code – “Development Standards”.
 - (iv) A preliminary title report showing the record owner(s) of the property, lienholders and severed mineral interests.
 - (v) Maps and tables concerning suitability of types of soils in the proposed PUD, in accordance with any standard soil classification and procedures therefore, for the proposed use.

- (vi) In areas of potential radiation hazards to the proposed future land use, evaluations of the potential radiation hazards.
 - (d) A plan prepared, in coordination with the Ouray County Weed Manager, to address the eradication and control of noxious weeds on the property.
 - (e) Other information as may be requested by the Land Use Staff or other County Departments or Boards.
- (4) Additional Data: Information regarding the following details shall either be on the preliminary development plan or shall be included in the information submitted with the preliminary development plan.
- (a) Financial Ability. Proof of the financial ability of the Applicant to complete the project and improvements shall be required. This shall include an estimate of the overall cost of the project, proposed sources of financing, financial statement of the Applicant, banking references, and any other information that will enable the County to ascertain that the Applicant is financially capable of completing the project.
 - (b) Economic Impact. An analysis of the economic impact of the proposed project on the County and other political subdivisions within the County, both detrimental and beneficial, shall be required. This shall include, among other things, an analysis of the impact on County roads, the schools serving the County, including an analysis of the land dedication required by the Land Dedications and Payments for School Purposes as set forth in Section 26 herein, the impact on population, both permanent and transient, and any other information that the County considers relevant. The report shall also include a quantitative analysis of the property tax impact on Ouray County before and after the development of the subject property and an analysis of the impact on Ouray County services before and after the development of the subject property.
 - (c) Drainage. A development drainage plan with maps and narrative description, which identifies the historical storm runoff from the site, the anticipated increase in runoff resulting from the development for storms having two (2), five (5), ten (10) and one hundred (100) year frequencies and the proposed method for handling the runoff, including the location and description of any necessary drainage facilities shall be required. Where the proposed development drainage plans require the alteration of any identified one hundred (100) year flood plain, the drainage plan shall detail the

plans for the proposed alteration of the flood plain limits and any proposed flood control measures. An engineer registered in the State of Colorado who has experience in the evaluation and design of storm drainage and related facilities shall prepare the drainage plan and supporting maps.

- (d) Water Supply. A report shall be submitted containing detailed information regarding the proposed water supply that indicates that the provisions of Section 7.2(E) will be met. This report shall show that the proposed water supply is sufficient in terms of quality, quantity, dependability and pressure to ensure an adequate supply of water for the type of development and land uses proposed, and shall include, but not be limited to, evidence of ownership of right to use, historic use, estimated yield, amenability of existing rights to a change in use if needed, water amount available and the feasibility to extend service to the proposed development and evidence of potability of the proposed supply, in accordance with guidelines and water quality standards established by the State of Colorado for drinking water. The report shall also include the following information:
- (i) The estimated total number of gallons per day of water system requirements where a central distribution system is proposed.
 - (ii) Where the water supply will be obtained from an existing system, special district or town, evidence must show that the proposed supplier of water to the development agrees to supply adequate amounts of water to meet the needs of the proposed development.
 - (iii) Estimated construction costs and proposed method of financing the improvements.
- (e) Sewage Treatment. A report containing detailed information regarding the proposed method of treating sanitary sewage from the proposed development, indicating that the provisions of Section 7.2(F) will be met. The report shall estimate total sewage treatment needs and provide evidence that the proposed system for the treatment of sewage will comply with applicable State of Colorado statutes, regulations and design requirements, and that the proposed method is both technically feasible and environmentally sound. If sewage collection and treatment is to be provided by an existing system, a letter of commitment from the owners of that system, or their authorized representative, must accompany the report, stating that there exists sufficient capacity to supply the needs of the proposed development and that the owners of the system are willing and able to handle the additional effluent in compliance with applicable State laws and regulations.

If sewage treatment is to be accomplished by installation of Individual Sewage Treatment Systems (ISTS), the Applicant shall demonstrate the suitability of soils and that the installation of ISTS can be achieved on all proposed lots. Demonstration will be by an eight-foot or bedrock deep profile hole and three (3) percolation hole tests within that area of the proposed buildable area on each lot where the ISTS will most likely be installed. This demonstration is to be completed by a Colorado registered professional engineer knowledgeable of ISTS design and installation, and be included in the report covering requirements of this section of the Code. If, at the time of installation, the disposal field is not to be located in the area where the Applicant did the percolation tests, new percolation tests in the area to be used will be required.

- (f) Public Utilities. A report shall be submitted regarding the availability of service and the ability of the utility to provide that service and evidence that provisions have been made by the Applicant for facility sites, easements, and rights of access for electrical and natural gas utility service (if available) sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for the proposed PUD. Submission of a letter of agreement between the Applicant and the utility serving the site shall be deemed sufficient to establish that adequate provision for electric or, if applicable, natural gas service to the proposed PUD will be made.
- (g) Open Space. A plan shall be submitted, in accordance with the provisions of Section 6.7, including a description of the areas to be set aside as permanent open space, and the proposed ownership, maintenance and use of such areas shall be submitted.
- (h) Public Areas. A written and graphic description of the areas to be reserved for community or public uses and all areas to be dedicated to the County or held for common use shall be submitted.
- (i) Covenants. A draft of the protective covenants to be filed with the final Planned Unit Development plan shall be supplied. The covenants must include provision for maintenance of open space consistent with Section 6.7 of these regulations and any proposed restrictions upon use of water and sewer systems, visual impact provisions complying with Section 9.8 of this Code, and outdoor lighting restrictions as described in Section 27.6 of this Code. **(Covenants are not required for a Limited PUD.)**
- (j) Phasing. A schedule indicating when the various phases of the proposed development will be completed and a schedule for the completion of the required public improvements shall be submitted.

(Not required for a Limited PUD.)

- (k) Adjacent Owners. A map showing adjacent property owners, including the names and addresses of such owners shall be submitted. (This information is available at the Ouray County Assessor's Office.)
 - (l) Visual Impact Analysis. In accordance with Section 9 of the Land Use Code, an analysis of the visual impact of the project shall be submitted. This may require photographs of the project area from all applicable roads from which the project will be visible, photographs from the project showing vistas to the north, east, south and west, and all significant topographical features. This analysis shall also include, if appropriate, architectural elevations, all outdoor lighting (to comply with Section 27) and the Applicant's statement of a plan to mitigate the visual impact of the project, such as screening or landscaping.
 - (m) Mail receptacles. Applicant shall include an adequate and appropriate area for the location of mail receptacles for future owners to receive mail at the proposed PUD. Such area shall be approved by the United States Postal Service.
 - (n) Miscellaneous. Applicant shall provide any other information or submit any other items as the Planning Commission or the Joint Area Planning Board or County Commissioners may reasonably request in order to review and act upon the Preliminary Development Plan.
- (5) Filing and Fees
- (a) The Land Use Staff shall not be required to accept the submittal of a Preliminary Development Plan unless and until it is complete and all required maps, documents and other supporting materials are submitted together (except any additional materials requested later).
 - (b) In order to defray the costs associated with review or revisions of a proposed development, the Applicant shall pay to the County fees in accordance with the County's current fee schedule, including the cost of all engineering reviews by the County Engineer.
- (6) Agency Recommendations: Pursuant to the requirements of C.R.S. §30-28-136, referrals of the proposed Preliminary Development Plan shall be made to appropriate agencies, organizations or individuals. Such referrals may also include other Ouray County Departments or agencies, post-master, fire districts, etc. Those agencies, organizations and individuals

receiving a referral shall have 21 days from the date of mailing the referral by the County within which to respond. The County may, upon the request of the reviewing agency or committee, extend the response period for not more than thirty (30) days if consented to by the Applicant. Failure to respond to the referral within the time allowed shall be deemed to indicate approval of the development by the referral agency.

- (7) Public Hearing: Once an application has been accepted as complete and all referrals have been made, Land Use Staff shall set a date for a public hearing on the proposal, which shall be scheduled in a manner which allows compliance with the notice provisions of this Code and state statutes. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. The Applicant shall also provide, prior to the Planning Commission or the Joint Area Planning Board public hearing on the Preliminary Development Plan, certificates of mailing from the U.S. Postal Service showing that notice has been sent to all adjacent owners at least 14 calendar days prior to the date of such hearing. The notice shall be given in a form approved by the Land Use Staff. Additionally, Applicant shall comply with the requirements of C.R.S. §24-65.5-101, *et seq.*, “Notification of Surface Development” to any owner of severed minerals underneath the property to be developed.
- (8) Planning Commission or Joint Area Planning Board Action: At the public hearing, the Planning Commission or the Joint Area Planning Board shall review and consider the Preliminary Development Plan application, the comments and recommendations from any agency referrals, testimony from the public, and the requirements of this Section, and shall recommend approval, approval with conditions or modifications, or disapproval of the Preliminary Development Plan. Planning Commission or the Joint Area Planning Board action shall be in the form of a motion as noted in the minutes and, if the plan is disapproved or approved with conditions or modifications, the conditions or modifications shall be stated in clear and concise terms in the motion. The motion may also state what specific changes in the preliminary development plan, if made by the Applicant in the plan, could render the plan acceptable to the Planning Commission or the Joint Area Planning Board. The Planning Commission or the Joint Area Planning Board minutes, together with copies of all submissions by the Applicant and other information developed by the Planning Commission or the Joint Area Planning Board shall be forwarded to the County Commissioners. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the Applicant. Any continuation of a public hearing shall be to a date certain.

- (9) County Commissioners' Action: Upon receipt of the Planning Commission or the Joint Area Planning Board recommendation and accompanying materials, the County Commissioners shall at a legally noticed public hearing review the preliminary development plan. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County, at least fourteen (14) days prior to the hearing date. At such public hearing, the County Commissioners shall consider the preliminary development plan application, the recommendation of the Planning Commission or the Joint Area Planning Board, the comments and recommendations from any agency referrals, testimony from the public and the requirements of this Section, and shall, by resolution, approve, approve with conditions or modifications, or disapprove the plan. The County Commissioners shall state clearly, in writing, the grounds for disapproval or the required conditions or modifications. If the preliminary development plan is approved by the County Commissioners, such approval shall be reflected in a resolution, including any conditions of approval and the County Commissioners, through the Chair, shall note such approval on the Preliminary Development Plan.
- (10) Effect of Commissioners' Approval: Applicant shall be required to submit an application for final development plan approval within one year of the preliminary development plan approval and a final plat shall be recorded within two years of preliminary development plan approval. The failure by the Applicant to meet the deadlines for final development plan submittal and recordation of the final plat shall make the preliminary development plan approval null and void. An extension of time may be applied for by the Applicant requesting such extension in writing. The County Commissioners may grant one written extension of time.
- (11) PUD Agreement: **(Not required for Limited PUD.)** As a condition of preliminary development plan approval, the Applicant shall enter into a PUD agreement with the County, which shall be in a form acceptable to the County and shall contain, at a minimum, the following:
- (a) An agreement that, if the development receives final plan approval, the Applicant will make and install within a mutually agreed-upon period of time, all improvements required by these regulations and identified by the County, as necessary to the project. All improvements shall be in accordance with Ouray County Improvement Standards as set forth in Section 7 of this Code and Section 23, "Ouray County Road Standards."
 - (b) Any other provisions that the County deems necessary to protect the public health, safety or welfare, which requirements are in accordance with the provisions of Colorado Revised Statutes, Section 30-28-137, as amended.

- (c) A detailed land use description for the final plan, including specific land uses and unit types for each use area, maximum number of units or floor area for non-residential uses, average lot size, maximum and minimum lot sizes, and any other land use information deemed appropriate by the County in its review of the project.

C. FINAL DEVELOPMENT PLAN

- (1) General: Within one (1) year (or any extension granted by the County Commissioners) after approval by the County Commissioners of the preliminary development plan or within such greater period of time as may have been specified in the Commissioners' approval, the Applicant shall submit to the County an application for final development plan approval.
- (2) Size and Scale: The final development plan shall be drawn at a scale sufficiently large to clearly show the details of the development plan; 1" = 100' is preferred. The development plan shall be drawn on double matte reproducible Mylar in black permanent ink. The outer dimensions of the map shall be 24" x 36"; a margin of at least two (2) inches shall be reserved at the left edge of the map and at least one-half (1/2) inch shall be reserved around the remainder of the drawing.
- (3) Title Sheet: The purpose of the title sheet is to clearly describe the property being developed and to indicate approval of the final development plan by the County. Accordingly, the final development plan/final plat title sheet shall contain the following information:
 - (a) The legal description of the outer boundary of the land included in the final development plan, to include the exact acreage.
 - (b) The title of the development, which shall be different from any other development in the County.
 - (c) A statement by the PUD's land surveyor, who shall be licensed in the State of Colorado, that the survey was performed by him or under his direct supervision, responsibility and checking, and that the final development plan accurately and properly shows the results of that survey and is in accordance with the requirements of C.R.S. §38-51-104 and §38-51-106, as the same may be amended from time to time.
 - (d) The signature and seal of the PUD's land surveyor.
 - (e) Signature blocks for the chair of the Planning Commission or the Joint Area Planning Board and the County Commissioners, with spaces for the dates of their respective signatures.

- (f) A certificate to be signed and acknowledged by all parties having record title interest in the property, consenting to the preparation and recordation of the final development plan.
- (g) A statement to be signed by the owners and other holders of record interests of the land encompassed by the final development plan dedicating the streets, rights-of-way, public sites and other public land, as required, to the County.
- (h) Signature block for the Ouray County Treasurer certifying that there are no delinquent taxes due or tax liens against the property included in the PUD.
- (i) Attorney's certification that title to the property has been examined and that all record owners and holders of encumbrances affecting the property have properly executed the plat and joined in the dedication of the subdivision of the property as well as roadways, easements or rights-of-way shown on the plat.
- (j) Signature block for all holders of encumbrances against the property included on the plat certifying that they consent to the division of the property and join in the dedication of the roadways, easements or rights-of-way shown on the plat.
- (k) Acceptance block for the Ouray County Clerk and Recorder to record the filing of the final plat.
- (l) Where the final development plan includes more than one sheet and, where the final development plan is a portion of a larger approved preliminary development plan, a key map shall be provided that shows the relationship of each sheet to the overall area encompassed by the final development plan and its relationship to the approved preliminary development plan.
- (m) Where there is a subdivision of land involved in the proposed development of the land, a final subdivision plat shall also be prepared. The map sheets of the final plat shall show the boundary survey information described above and the survey data for each of the lots contained in the subdivision.
- (n) Any other required plat notes or dedications, such as restrictions on open space, non-building areas, engineering requirements, wildlife restrictions, etc.

(4) Additional Information: The following information shall accompany the

submittal for the approval of the final development plan:

- (a) Updated reports as may be required to supplement those items described in Section 6.8 B.
 - (b) Covenants shall be submitted that comply with all prior conditions of approval and shall include all required Land Use Code and statutory language. The covenants shall be reviewed by the County Attorney prior to recording.
- (5) Contents of Final Development Plan: The Applicant shall confirm with Land Use Staff the minimum number of submittal copies required. At a minimum the final development plan shall show the following information:
- (a) Written and graphic scale, date of preparation, north arrow and number of each sheet of the total number of sheets (e.g., Sheet 5 of 8).
 - (b) The names of abutting developments. In the case of abutting unplatted land, the notations “unplatted” should appear.
 - (c) All property boundary lines and lot lines with lengths to one one-hundredth of a foot, bearings, points of curvature and lengths of arcs. All bearing determinations must be explained in a statement by the PUD’s land surveyor. “Assumed North” is not an acceptable basis for bearings.
 - (d) The boundaries of all areas within the development which are subject to periodic inundations by a one hundred (100) year flood and located within known, designated or identified one hundred (100) year flood plains.
 - (e) The bearings and distances for every lot line and building area shall be shown; lot dimensions shall be shown in feet and hundredths of feet. The net acreage of all lots shall be shown to the nearest one-hundredth of an acre.
 - (f) All lots shall be numbered consecutively with no omissions or duplications throughout the entire development, including all units of any development that has a single tract name but is designated by different units. If blocks are numbered, they shall be numbered consecutively. Each lot shall be shown entirely on one sheet.
 - (g) The side lines, total width, width of the portion being dedicated and width of existing dedications of all roads or streets shall be shown. In addition, the centerline of all roads or streets shall be dimen-

sioned with bearings, distances and detailed curve data to include arc, radius, chord length and length of arc. Curve data may appear in a table, with the data referenced to each curve by a method acceptable to the County.

- (h) The survey for the development shall close with an accuracy of one in five thousand.
 - (i) Existing and proposed easements, public roads or trails as identified by Ouray County GIS records, or through reference to recorded documents shall be shown, including the reference to the County's records. If the easement is being dedicated on the final development plan, it shall be properly set out in the owner's certificate of dedication.
 - (j) The names of all streets and highways, as reviewed and approved by appropriate Ouray County departments or agencies.
 - (k) The names, locations and widths of all abutting streets and alleys, if any.
 - (l) The location and a description of all monuments, both found and set, which mark the boundaries of the property, including, if possible, a description of two or more recorded monuments on record with the State Board of Registration for Professional Engineers and Land Surveyors used in conducting the survey.
 - (m) Any monumented and recorded benchmark (USGS datum) within the development and within thirty (30) feet of the proposed construction work area.
 - (n) Any other information or submittal items as the Planning Commission or the Joint Area Planning Board or the Board of County Commissioners may reasonably request in order to review and act upon the final development plan
- (6) Filing and Fees: The Applicant shall, at the time of filing a final development plan, pay a fee as determined by the County's current fee schedule.
- (7) Certificate of Title. There shall be filed with the final development plan, evidence of title and liens or encumbrances issued by a reputable title insurance or abstract company or title opinion by an attorney licensed to practice law in the State of Colorado, showing the names of all persons and entities having any right, title or interest in the land proposed for development and whose consent is necessary to convey clear title to the

said land. The policy or commitment for title insurance or title opinion shall be issued or updated within sixty (60) days of the submittal of the final development plan application.

- (8) Certification of Water and Sewer Facilities. (If required)
- (a) Sewer: A certificate of the CDPHE that the sewage treatment system, as designed by the Applicant, will comply with State and local laws and regulations.
- (b) Water: A certificate from the State Engineer or the appropriate water district or municipality, that the water system, as designed by the Applicant, will provide adequate and safe water, in compliance with State law and regulation, to the development.
- (9) Weed Mitigation: Applicant shall submit a revegetation plan and a weed mitigation and control plan that has been reviewed and approved by the Ouray County Weed Manager, including the approximate cost for the required work. As a condition of any PUD approval the County Commissioners shall approve such plans and the Applicant shall be required to comply with the terms of any such approved plan, including posting an appropriate bond.
- (10) Additional Information: Any other evidence and material that are or may hereafter be required by law or by the conditions of approval of the preliminary development plan.
- (11) Performance Bond: As a condition of final development plan approval, the Applicant shall be required to execute a bond in an amount as approved by the County Commissioners. The bond shall be in the form approved by the County and shall be conditioned upon the Applicant completing the plan, or the stage, as finally approved. The bond shall be in cash or security acceptable to the County. The bond may provide for phased satisfaction and release upon completion of phases as approved by the County. The amount of the bond shall be determined by the County Commissioners based upon satisfactory information supplied by the Applicant, such as current engineering estimates, signed contracts with contractors expected to perform the work, or other information required by the County Commissioners. **(To apply to Limited PUDs on a case-by-case basis.)**
- (12) Action on Final Development Plan:
- (a) Upon submission of the final development plan, it shall be reviewed by the Planning Commission or the Joint Area Planning Board to ascertain whether it is in compliance with the preliminary develop-

ment plan and this Section. The Planning Commission or the Joint Area Planning Board shall then certify to the County Commissioners that the final development plan as submitted is in compliance with the requirements of the Land Use Code and the approved preliminary plan. If it is not in compliance, the Planning Commission or Joint Area Planning Board findings shall note those areas of noncompliance. A copy of the Planning Commission or the Joint Area Planning Board findings shall be given to the Applicant. The Planning Commission or the Joint Area Planning Board action shall be in the form of a motion as noted in the minutes. The Planning Commission or the Joint Area Planning Board minutes, together with copies of all submissions by the Applicant and other information developed by the Planning Commission or the Joint Area Planning Board shall be forwarded to the County Commissioners.

- (b) Upon receipt of the Planning Commission or the Joint Area Planning Board findings, the County Commissioners shall, within a period of not more than thirty (30) days and at a legally noticed public hearing called for such purpose, review the recommendation of the Planning Commission or the Joint Area Planning Board and the technical aspects of the final development plan submittal, and determine if such final development plan is in compliance with the requirements of this Section and the approved preliminary development plan. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. The Board shall approve, conditionally approve or disapprove the final development plan. The action of the County Commissioners shall be transmitted to the Applicant.
- (c) Approval of the final development plan shall not constitute acceptance for maintenance by the County of roads, streets, alleys or other public lands within the Planned Unit Development.

- (13) Impact Fees: If the County Commissioners shall determine, on the basis of information submitted and available to it, that a proposed development will have an impact on, or will necessitate, improvements to facilities or services provided by the County, the school districts or other governmental entities within the County, the County Commissioners shall, to the greatest extent possible and as a condition of approval, require that the Applicant take steps to mitigate the impact by payment of impact fees or provision of in-kind contributions. The amount and purpose of any impact fee shall be determined by the County Commissioners based upon a finding that there is an essential nexus between the payment or contribution and a legitimate local government

interest and the payment or contribution is roughly proportional in nature, timing and extent to the impact of the proposed use. Failure to fund such impacts by the Applicant may be grounds for denial of the development. The County Commissioners may require that the Applicant obtain a traffic analysis, completed by a professional engineer, illustrating the expected traffic by type and volume for the anticipated use; the County Commissioners may require that other appropriate studies or analyses be obtained by the Applicant, depending upon the anticipated impacts of the proposed development.

(14) Construction of Planned Unit Development: No construction shall commence and no permits for construction shall be granted until the final development plan has been approved by the County Commissioners.

- (a) Prior to undertaking construction, the Applicant shall first apply for and obtain a PUD construction permit from Ouray County. The application for a PUD construction permit shall include construction plans for all improvements described in the PUD development plan. These shall consist of three (3) copies of plans and profiles for all streets drawn to a scale of 1" = 10' vertical and 1" = 5' vertical and 1" = 50' horizontal, showing all proposed utility line locations and sizes, connections, valves, fire hydrants, detailed plans for all water supply and sanitary sewer service facilities (if applicable) and detailed plans for all drainage structures and flood plain channelization facilities. Applicant shall also submit a preliminary grading plan showing proposed grades, the extent of cuts and fills and the proposed slope angle of all banks. Preliminary grading plans may be based on a photogrammetric survey of a scale not less than 1" = 100'. Contour intervals shall be as follows:
 - (i) Greater than or equal to 10% slope - 10' interval
 - (ii) Less than 10% slope - 5' interval
- (b) The County shall approve the application and issue a permit only if it finds that construction will be in conformance with the previously approved final development plan, Ouray County development standards, and other applicable laws and regulations.
- (c) All construction shall be in conformance with the final approved development plan and Ouray County development standards.
- (d) Any material variation from the final development plan must be approved by the County Commissioners as an amendment to the final development plan.

- (e) The Planned Unit Development or the stages of a Planned Unit Development must be completed in accordance with the schedule established by the Planned Unit Development Agreement. Failure to so complete may result in forfeiture of the Applicant's performance bond, as heretofore required.

(15) Final Approval of PUD:

- (a) Within two years of the preliminary development plan approval, or upon completion of required improvements or, in the case of a phased development, upon completion of the improvements for a particular phase, the Applicant shall apply to the County Commissioners for final PUD or final approval of any phase. If the County Commissioners find that there has been compliance with this Code and the PUD Agreement, final approval shall be granted.
- (b) No PUD property shall be transferred, sold or occupied for its intended purpose until final approval, or final approval of any phase, has been granted.
- (c) Upon final approval, a plat (paper and in an appropriate digital format) of the final PUD Plan, or that phase of it that has been finally approved, shall be submitted to Land Use Staff for review and compliance with all previous approvals. If the final plat conforms to prior approvals, Land Use Staff shall submit the final plat to the County Commissioners at a regular meeting for approval and signature by the Chair of the County Commissioners. The final plat may then be recorded by the Applicant in the office of the County Clerk & Recorder of Ouray County. No such PUD Plan, or portion of plan, shall, however, be filed until final approval has been granted, all required fees have been paid, and the plan and plats have been executed by the County Commissioners. All signatures and seals affixed to the final plat shall be original, in black permanent ink and clearly readable.
- (d) If the improvement work required under the PUD Agreement has been substantially, but not entirely, completed, the Applicant may, nevertheless, apply for final PUD approval and the County Commissioners may grant such approval if the Applicant enters into a final improvements agreement, in the form specified by the County, agreeing to complete the work within a specified period of time and further agreeing that, should such work not be satisfactorily completed within the specified time limit, the County may complete it and recover the costs thereof from the Applicant. A good and sufficient performance bond or cash deposit in the name of the County shall secure the agreement. The amount of the bond or

6.9 PLANNED UNIT DEVELOPMENT – LIMITED. SUPPLEMENTARY CRITERIA,
REQUIREMENTS AND PROCEDURES

cash deposit shall be sufficient to cover the estimated costs of the improvements. The agreement shall provide for release of the collateral or bond upon completion of the improvements and may provide for partial release of the collateral or bond upon partial completion of the improvements.

6.9 PLANNED UNIT DEVELOPMENT – LIMITED. SUPPLEMENTARY
CRITERIA, REQUIREMENTS AND PROCEDURES

A. CRITERIA

A PUD-Limited may be approved subject to the following criteria:

- (1) The maximum allowable density shall not exceed one unit per 13 acres (if allowed by the underlying zoning) of land included in the application. Parcels smaller than 13 acres may be created provided the minimum lot size is one acre.
- (2) No more than 3 lots are created.
- (3) Unless otherwise noted, all of the criteria and submittal requirements and site development standards set forth in Section 6.8 above, for a Sketch Plan, Preliminary Development Plan and a Final Development Plan shall apply to a PUD-Limited. An Applicant for a PUD-Limited shall file a combined application for Preliminary Development Plan / Final Development Plan.

B. ACTION ON A PUD-LIMITED

- (1) Public Hearing: Once the combined preliminary development plan / final development plan application has been accepted as complete and all referrals have been made, Land Use Staff shall set a date for a public hearing on the proposal, which shall be scheduled in a manner that allows compliance with the notice provisions of this Code and state statutes. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. The Applicant shall also provide, prior to the Planning Commission or the Joint Area Planning Board public hearing on the combined preliminary development plan / final development plan, certificates of mailing from the U.S. Postal Service showing that notice has been sent to all adjacent owners at least 14 calendar days prior to the date of such hearing. The notice shall be given in a form approved by the Land Use Staff. Additionally, Applicant shall comply with the requirements of C.R.S. §24-65.5-101, *et seq.*, “Notification of Surface Development” to any owner of severed minerals underneath the property to be developed.

- (2) Planning Commission or Joint Area Planning Board Action: At the public hearing, the Planning Commission or the Joint Area Planning Board shall review and consider the combined preliminary development plan / final development plan application for the PUD-Limited, the comments and recommendations from any agency referrals, testimony from the public, and the requirements of this Section, and shall recommend approval, approval with conditions or modifications, or disapproval of the combined preliminary development plan / final development plan. Planning Commission or the Joint Area Planning Board action shall be in the form of a motion as noted in the minutes and, if the plan is disapproved or approved with conditions or modifications, the conditions or modifications shall be stated in clear and concise terms in the motion. The motion may also state what specific changes in the combined preliminary development plan / final development plan, if made by the Applicant, could render the plan acceptable to the Planning Commission or the Joint Area Planning Board. The Planning Commission or the Joint Area Planning Board minutes, together with copies of all submissions by the Applicant, and other information developed by the Planning Commission or the Joint Area Planning Board shall be forwarded to the County Commissioners. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the Applicant. Any continuation of a public hearing shall be to a date certain.
- (3) County Commissioners' Action: Upon receipt of the Planning Commission or the Joint Area Planning Board findings, the County Commissioners shall, within a period of not more than thirty (30) days and at a legally noticed public hearing called for such purpose, review the combined preliminary development plan / final development plan, the recommendation of the Planning Commission or the Joint Area Planning Board, the comments and recommendations from any agency referrals, testimony from the public, and the requirements of this Section. Notice of such public hearing shall be published at the expense of the Applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. The Board shall approve, conditionally approve or disapprove the combined preliminary development plan / final development plan. The County Commissioners shall state clearly, in writing, the grounds for disapproval or the required conditions or modifications. If the combined preliminary development plan / final development plan is approved by the County Commissioners, such approval shall be reflected in a resolution, including any conditions of approval and the County Commissioners, through the Chair, shall note such approval on the combined preliminary development plan / final development plan. Notice of the action of the County Commissioners shall be transmitted to the Applicant. The approval of the preliminary development plan / final development plan shall be valid for eighteen

6.10 PLANNED UNIT DEVELOPMENT-RESORT/CONFERENCE CENTER

(18) months. An extension of time may be applied for by the Applicant requesting such extension in writing. The County Commissioners may grant one written extension of time not exceeding eighteen months.

- (4) Final Plat: Upon completion of all necessary infrastructure improvements and within eighteen months of approval of the preliminary development plan / final development plan, a final plat, with any amendments required by the County Commissioners, shall be submitted to Land Use Staff for review and compliance with all previous approvals. If the final plat conforms to prior approvals, Land Use Staff shall submit the final plat to the County Commissioners at a regular meeting for approval and signature by the Chair of the County Commissioners. The final plat shall be recorded by the Applicant in the office of the Ouray County Clerk & Recorder. The final plat shall include all of the information, signatures, and other necessary information as set forth in Section 6.8 C (3) above. No plat shall be recorded, however, until final approval has been granted and all required fees have been paid. All required improvements or infrastructure must be installed, or any performance guarantee or agreements required as a condition of approval must be provided, prior to recordation of the plat and any associated documents.

6.10 PLANNED UNIT DEVELOPMENT-RESORT/CONFERENCE CENTER

A. APPLICATION AND SUBMITTAL.

All of the requirements of Section 6.8 shall apply to a Planned Unit Development-Resort/Conference Center, unless otherwise noted. In addition, the following information shall be submitted with the application for preliminary development plan approval. The County shall provide guidelines to the Applicant for data collection and extent and nature of the analysis to be performed for the reports described below. Applicant shall be responsible for all of the costs associated with the submittal of the required reports.

- (1) Economic Analysis: An economic analysis of the effects of the project on Ouray County and the surrounding area shall be submitted.
- (2) Financial Information:
 - (a) A business plan, including evidence of financial ability to complete the project shall be submitted.
 - (b) Proof of financial ability to operate the project shall be provided.
- (3) Past Experience: Evidence of past experience with similar types of projects shall be submitted.
- (4) Visual Impact: In addition to the information specified in LUC Section 9,

“Visual Impact Review”, the following information shall be provided.

- (a) Architectural elevations and perspectives. The County may specify off-site locations from which perspectives should be shown. The County may also require a detailed visual impact analysis.
 - (b) A lighting plan that complies with Section 27, for structures and any recreational facilities included within the development shall be submitted.
 - (c) A landscaping plan for all facilities, structures, roads, fences, and improvements included in the resort and resort residential areas shall be submitted. Such plan shall include a weed mitigation plan. In areas where land will be disturbed by recreational development and facilities, the Applicant will provide plans for revegetation and restoration of such areas.
- (5) Traffic Study: An analysis of the impact of the development on traffic circulation, which also calculates increased average and peak daily traffic volumes and evaluates the capacity of the existing road system to handle increased traffic, shall be provided.

B. CRITERIA

In addition to the Site Requirements and Review Criteria set forth in Section 6.6, and the Development Standards contained in Section 7, a PUD-Resort may be approved for land within the Alpine Zone District subject to the following criteria:

- (1) Uses/Facilities: A PUD-Resort/Conference Center shall be allowed for multi-season resort development only. The resort core area shall include a full service hotel with basic resort facilities, including but not limited to those enumerated below. An Applicant may also choose to include resort residential units on parcels contiguous to the resort core area.

- (a) Resort Core Area:

Hotel: Minimum number of rooms: 20
Maximum number of rooms: 200

The hotel shall be open for two or more seasons, be primarily oriented to outdoor recreational uses, and be self-contained. It shall include a contiguously operated food service, serving 3 meals per day in an on-site restaurant. A lobby and front desk with 24-hour service shall be provided.

- (b) Required recreational facilities and uses: Each application for PUD-

Resort shall include a variety of recreational uses for guests. These uses shall be primarily oriented to outdoor recreational uses and be self-contained. Such uses may include, but not be limited to skiing (cross country and/or downhill), snowshoeing, hiking, fishing, tennis, golf, horseback riding, trails (foot, horse, motorized vehicles).

Indoor facilities may include but not be limited to spa/retreat or health center, meeting space, swimming pool, retail facilities to serve the resort, and indoor sports facilities.

- (c) Resort residential area (160 acres minimum, in addition to and outside resort core area):

Residential development may be allowed on land contiguous to the resort core area. Such development and associated site plans must meet the standards for PUD-Regular, except as indicated below.

(2) Maximum Residential/Accommodations Density:

- (a) Resort core area:

Hotel: 200 rooms, plus any density transfer outlined in 6.10 B. (3) below.

- (b) Resort residential area: For land outside the 160-acre minimum resort core area parcel, but also included in the application for PUD-Resort and designated as residential resort area, maximum allowable density shall not exceed the following residential densities:

- (i) Multi-family dwelling units: One unit per one (1) acre of land.
- (ii) Single-family dwelling units: One unit per ten (10) acres of land. Single-family dwelling units shall not exceed thirty percent (30%) of the units otherwise allowed in the resort residential area.

Parcels smaller than 10 acres may be created, provided the average density does not exceed one unit per 10 acres.

- (c) After the first 20 hotel rooms are established and operational, an option to count multi-family housing units toward “hotel unit” credits in determining further single-family development may be considered if such multi-family units are available for daily rental. If allowed, each multi-family unit available for rent will count as 1 hotel unit as credit toward further single-family residential development.

- (3) Density Transfer: Resort residential units may be transferred from a contiguous resort residential area to a resort core area, provided that the remaining numbers of units in the resort residential area are correspondingly reduced. If a density transfer is deemed appropriate by the County, the designated building area in the resort core area may also be increased if the designated building area in the resort residential area is reduced proportionally.
- (4) Phasing: The number of resort residential units (multi-family and single-family) may not exceed the number of hotel units constructed in the resort core area. In addition, the proportion of residential units constructed to those allowed in the resort residential area may not exceed the proportion of units constructed to those allowed in the core area. If phasing of units is allowed in the resort core area, the same phasing shall apply proportionally to the resort residential units.

For example, if half of the hotel units in the resort core area are to be constructed within two years, and another one-half constructed within the next 5 years, no more than one-half of the resort residential units may be constructed during the initial two-year period, with the remainder constructed in the next five-year period.

- (5) Designated Building Area: A designated building site shall be shown on the plans submitted in the application. This area shall include all structures, roads and infrastructure to serve the proposed development.
- (6) Resort Core Area: A maximum of twenty-five percent (25%) of land included in the PUD-Resort application shall be included in the designated building area.
- (7) Resort Residential Area: A maximum of 30 percent of the land included in the residential area of the PUD-Resort application shall be included in the designated building area.

The designated building area shall be contiguous, compact and disturb the least amount of site area possible. If site-specific conditions warrant creation of non-contiguous building areas, the County may consider such requests. If a site specific analysis demonstrates that contiguous building areas will not accomplish the goals contained in Section 6.7 A, and this Section 6.10, non-contiguous building areas and/or access through non-building areas may be allowed, subject to County approval.

- (8) Infrastructure and Services:
- (a) All power lines and utilities shall be located underground.

- (b) Water and sewer shall be provided by a central facility for the resort core area and associated resort residential development (including employee housing areas).

(9) Emergency Services:

- (a) A water storage tank shall be provided with sufficient capacity, as specified in Ouray County Fire Protection Standards, to meet the emergency fire fighting needs of the development.
- (b) Emergency medical services shall be provided to meet the requirements of first response capability, or as required to serve the uses on the site. Actual uses on the property and number of guests may require an increased level of service to include, but not be limited to, emergency medical technicians, licensed practical nurses or basic first aid stations.
- (c) An Emergency Services Plan that includes how emergency medical services, fire protection, law enforcement, and security will be provided to the proposed development will be submitted to the Ouray County Sheriff, the Ouray County Emergency Medical Services Coordinator, and the nearest fire protection district for review and comment.
- (d) The Applicant shall comply with this Section 6.10 B.9. and the applicable parts of Section 24 – “Wildfire Regulations” of this Code concerning Fire Protection and Wildfire Mitigation prior to receiving Preliminary Plan approval.

(10) Parking:

- (a) Parking shall be provided as follows:
 - (i) Hotel rooms: 1 space per room
 - (ii) Residential units: 2 spaces per unit
 - (iii) Retail/Service: 1 space per 500 gross square feet

- (11) Transportation: Transportation mitigation shall be determined based on the results of the traffic study required and the adequacy of the existing system serving the site. In general, the provision of alternative transportation, which minimizes the amount of traffic associated with the development, is encouraged. The County may require alternative transportation if such methods would reasonably mitigate the impacts of the proposed development. Existing roads or trails, which have been historically utilized by the public for access to public lands, shall be kept available to the public for such use.

(12) Employee Housing Required:

- (a) All PUD-Resort development shall be required to provide employee housing to meet a portion of the needs of the development, as outlined below. Employee housing units shall be exempt from density limits otherwise established in these regulations. All other land use regulation provisions, including restriction to location in designated building areas, shall apply to employee housing. Employee housing must be reachable by the employee from his or her point of employment within ten minutes' driving time or three miles, whichever is less.
- (b) Amount required: An amount of housing sufficient to accommodate a minimum of twenty-five percent (25%) of workers generated by the resort development and associated resort residential units shall be provided by the Applicant of the project. This amount shall be calculated as described below.
- (i) The number of employees generated shall be based on uses and calculated as follows:

Commercial – 4.5 employees per 1,000 square feet.

Hotels/accommodations – 0.33 employees per lodging unit.

Residential – 0.33 employees (including multi-family) per dwelling unit.

For the purposes of this table, square footage of commercial uses shall mean floor area, including basements, which is solely allocated to the uses, excluding bathrooms, walls, halls, non-commercial storage and parking areas or garages.

If the Applicant has data indicating that the employee generation numbers included in this section do not pertain to the proposed development, the Applicant may submit an independent analysis of the number of employees generated by the proposed development. The County Planning Commission or the Joint Area Planning Board may consider this analysis and shall make a recommendation to the County Commissioners as to appropriate employee generation numbers for the proposed development.

- (a) The number of employees generated shall be multiplied by 350 square feet per employee multiplied by 25% to determine the minimum amount of housing required.

(# of employees x 350 square feet x 25%) = square feet of minimum employee affordable housing requirement.

- (b) Covenant required: A restrictive covenant shall be placed on land areas reserved for or proposed for employee housing and also on individual employee housing units. The covenant shall restrict such units and land areas for resort employee housing purposes. The covenant shall include a provision that the County may, but need not, take action to enforce the covenants.
- (c) Timing: Employee housing units shall be provided at the same time as construction of the resort facilities. If phasing of resort facilities and resort residential units is approved, employee housing units shall be phased-in in a proportional manner. The amount of employee housing shall meet the needs of other uses provided as specified in the formula above.
- (d) Location: Employee housing shall be provided on-site as part of the resort facilities, or in the vicinity of the resort (within three miles of the hotel in the resort core area).
- (e) Size and Materials Standards: Employee housing units shall comply with the minimum size and material standards of the current building code, as adopted by Ouray County.

(13) Design Standards:

- (a) Lighting: Exterior lighting shall be shielded to prevent glare and direct visibility of light bulbs from off the site. All exterior lighting shall be directed toward either the ground or surface of a building. High intensity sodium vapor and similar excessively bright lighting shall not be allowed (see Section 27).
- (b) Landscaping: Landscaping shall be designed and installed to utilize existing site vegetation and features to the maximum extent possible, and as may be required by visual impact regulations.
- (c) Height of Structures: No structure shall exceed thirty-five (35) feet; however a height of sixty (60) feet may be allowed with the specific approval of the County Commissioners.
- (d) Visibility: Buildings visible from critical view corridors including the San Juan Skyway must conform to architectural design appropri-

ate for the area and approved in advance by the Ouray County Planning Commission or the Joint Area Planning Board.

(14) Covenants:

Following approval, all land included in a PUD-Resort shall have a covenant placed on the entire parcel (including both building and non-building or open space areas) restricting it from further development or subdivision. The covenants shall also specify the intended land uses, with average and maximum densities and total maximum numbers of units, and maximum amounts of non-residential floor area specified.

C. ACTION ON PRELIMINARY DEVELOPMENT PLAN AND FINAL DEVELOPMENT PLAN

The review and approval process for the preliminary development plan and the final development plan for a Planned Unit Development-Resort/Conference Center shall be the same as set forth in Section 6.8 above.

6.11 APPLICATION COMPLETENESS

- A. The application process shall be set forth by the County Commissioners by resolution and shall be administered by the Land Use Department Staff. An application for Sketch Plan, preliminary development plan or final development plan will be considered complete only if it is submitted in the required number and form, including all mandatory information. A complete submittal will consist of all submittal requirements for the current phase of the process together with an index of reports previously submitted and on file with the Land Use Department.
- B. The completed application must be submitted on or before the filing deadline as set by Land Use Department Staff, along with the appropriate fee. The Land Use Department Staff shall make a determination of the application's completeness. If an application is determined to be incomplete, written notice shall be provided to the Applicant of the items needed to make the application complete and a deadline for submitting such information. Further processing of the application will not occur until the Applicant has submitted the omitted information. No additional material or handouts, to supplement or alter the Application, will be accepted from the Applicant after the filing deadline. Any material changes or alterations to the Application after the filing deadline may be cause for a continuance of any scheduled public hearings or meetings of the Planning Commission or the County Commissioners. The only Applicant materials that will be considered by the Planning Commission or the County Commissioners in making a decision will be those filed by the Applicant prior to the submittal deadline for that meeting.

6.12 AMENDMENT OF PLANNED UNIT DEVELOPMENT OR SUBDIVISION

After a Preliminary Development Plan, Final Development Plan or Final Plat has been approved by the County Commissioners, it may be amended only in accordance with this Section.

A. GENERAL PROCESS AND SUBMITTAL REQUIREMENTS FOR ALL AMENDMENTS OR AMENDMENTS TO CORRECT A TECHNICAL ERROR/DEFECT

1. The Applicant shall submit the required number of copies of a completed application for an amendment or an amendment to correct a technical error/defect on a final plat, the non-refundable application fee, and any required supplemental data for the proposed amendment. The application shall include:
 - a. A written statement giving the details of the proposed amendment and the reason(s) why the amendment(s) is necessary.
 - b. An original tax certificate for all lots, parcels or tracts involved, showing that no taxes are currently due or delinquent against the property.
 - c. An original title commitment or title policy issued by a licensed Colorado title company, completed within sixty (60) days of submission, showing the names of all persons or entities having any right, title or interest in the land included in the application.
 - d. A plat showing the proposed amendment(s) and including all of the information and detail as required by Section 6.8 C (3).
 - e. Any supplemental data deemed necessary by the Land Use Staff to adequately review the request.

B. AMENDMENTS (OTHER THAN TECHNICAL ERRORS/DEFECTS).

1. Other submittal requirements for an amendment to a Planned Unit Development (“PUD”) or subdivision:
 - a. Map(s) showing: i) all properties within the Planned Unit Development or subdivision, including all phases or filings; ii) properties abutting upon or directly across a street from the PUD or subdivision proposed to be amended; and iii) adjoining properties. These properties are collectively referred to as “Affected Properties”.
 - b. A list of names and mailing addresses of the owners of Affected Properties who shall be referred to as “Affected Property Owners” for

notification as required below. This information can be obtained from the County Assessor's Office.

- c. A copy of the proposed notices to be sent to Affected Property Owners.

2. Notice to Affected Property Owners:

- a. After the Applicant has submitted an application for an amendment, the Applicant shall send a notice, in a form approved by Land Use Staff, to the Affected Property Owners advising of the nature of the proposed amendment and the Affected Property Owners' right to vote and comment in favor of, or oppose, the proposed amendment. Such notice shall request a response from the Affected Property Owners within thirty days from the date of mailing the notice. The Affected Property Owners responses shall be returned to the Land Use Department. This notice may be combined with the notice of public hearing required by Section 6.12 B.3.b below and proof of the notice shall be shown by certificates of mailing from the U.S. Postal Service submitted to the Land Use Staff to complete the application prior to the public hearing before the Planning Commission or the Joint Area Planning Board.
- b. The Land Use Department shall incorporate the responses from the Affected Property Owners in any Staff Report submitted to the Planning Commission and the County Commissioners.

3. Public hearing and notice:

- a. The Land Use Department shall review the application for amendment for conformance with the provisions of this Code and shall determine if the application is complete. Upon a determination of application completeness, the Land Use Staff shall schedule a public hearing for the amendment on the next available agenda for the Planning Commission or the Joint Area Planning Board.
- b. Notice of such public hearing shall be published at the expense of the Applicant in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the public hearing date. Written notice of the public hearing shall also be delivered or mailed, first class postage, prepaid, at least thirty (30) days prior to the public hearing to all Affected Property Owners, to any Homeowner's Association for the PUD or subdivision proposed to be amended and to any special districts that serve the PUD or subdivision. The Applicant shall submit to Land Use Staff, prior to the Planning Commission or the Joint Area Planning Board public hearing on the

amendment, certificates of mailing from the U.S. Postal Service showing that notice has been sent to all Affected Property Owners at least 30 calendar days prior to the date of such hearing. The notices shall be given in a form approved by the Land Use Staff.

- c. At the public hearing, the Planning Commission or the Joint Area Planning Board shall review and consider the application for amendment, the comments and recommendations from any agency referrals, the expressed desires of the Affected Property Owners, testimony from the public, and the requirements of this Section. The Planning Commission or the Joint Area Board shall recommend approval, approval with conditions or modifications, or disapproval of the amendment in accordance with the criteria set forth in Paragraph 4 below. Planning Commission or the Joint Area Planning Board action shall be in the form of a motion as noted in the minutes and, if the amendment is formally recommended for disapproval or approval with conditions or modifications, the conditions or modifications shall be stated in clear and concise terms in the motion. The Planning Commission or the Joint Area Planning Board minutes, together with copies of all submissions by the Applicant and other information developed by the Planning Commission or the Joint Area Planning Board shall be forwarded to the County Commissioners.

- d. Upon receipt of the Planning Commission or the Joint Area Planning Board recommendation and accompanying materials, the County Commissioners shall at a legally noticed public hearing review the application for amendment. Notice of such public hearing shall be published at the expense of the Applicant in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date. At such public hearing, the County Commissioners shall consider the application, the recommendation of the Planning Commission or the Joint Area Planning Board, the comments and recommendations from any agency referrals, the comments and recommendations of the Affected Property Owners, testimony from the public, and the requirements of this Section. The County Commissioners shall, by resolution, approve, approve with conditions or modifications, or disapprove the amendment in accordance with the criteria set forth in Paragraph 4 below. The County Commissioners shall state clearly, in writing, the grounds for approval or disapproval and any required conditions or modifications. No amendment shall be effective until a Mylar of the amended plat has been signed by all required parties, including the Chair of the County Commissioners, all fees have been paid and the amended plat recorded in the Office of the Ouray County Clerk and Recorder at the expense of the Applicant.

4. County Approval:

- a. Any amendment of a PUD or subdivision shall require a recommendation from the Planning Commission or Joint Area Planning Board and the approval of the County Commissioners, which approval shall be given only if the proposed amendment (1) is consistent with all requirements of this Section 6 and the underlying zoning standards set forth in Section 3 of this Code; and (2) includes improvements which are consistent with the provisions of Section 7 (Improvements Standards) and as may be required by the County Commissioners.
- b. In making a decision on any proposed amendment to a PUD or subdivision, the County Commissioners shall make the following findings:
 - (1) that the results of the votes of the Affected Property Owners have been duly considered and their issues addressed or mitigated;
 - (2) that the amendment is not contrary to the provisions of valid covenants, plats, or declaration of a PUD or subdivision based upon information supplied by the applicable Homeowner's Association;
 - (3) and shall make additional findings consistent with the provisions of C.R.S. §24-67-106, as amended from time to time:
 - (a) that the modification, amendment or change is consistent with the efficient development and preservation of the entire planned unit development or subdivision; and
 - (b) that the modification, amendment or change does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or subdivision or the public interest; and
 - (c) is not granted solely to confer a special benefit upon any person.
- c. The unanimous vote of all of the County Commissioners eligible to vote shall be necessary for an approval of an amendment to a PUD or subdivision.

C. TECHNICAL ERRORS OR DEFECTS IN A FINAL PLAT.

The requirements of Section 6.12.B shall not apply to amendments to correct a technical error or defect in a final plat. Once a complete application has been

6.13 OUTSIDE PROFESSIONAL ASSISTANCE

submitted to the Land Use Staff requesting a correction of a technical error or defect on a final plat, such application shall be placed on an agenda for a regular County Commissioner meeting, for consideration at such meeting. The County Commissioners may approve the application if it is consistent with an approved preliminary development plan.

6.13 OUTSIDE PROFESSIONAL ASSISTANCE

The Planning Commission or the Joint Area Planning Board may, with prior approval of the County Commissioners, seek qualified outside professional assistance during its review process. The cost of such assistance shall be considered part of the County's expenses incurred in reviewing the development proposal and, as such, shall be chargeable to the Applicant.

6.14 WILDLIFE PROTECTION MEASURES APPLICABLE TO THE NORTH MESA AND SOUTH SLOPE ZONES

The North Mesa and South Slope Zones are located in important migration and habitat areas for a variety of wildlife, as measured by the migratory and other use of deer and elk and their natural predators. It is the goal of Ouray County to provide for the protection and preservation, in a state useable and necessary to wildlife, of these important migratory and other habitat areas. In order to attain this goal, all new Planned Unit Developments (“PUD”) and other subdivisions as may be approved pursuant to this Code may be required to:

- A. Dedicate wildlife migration corridors, centered, to the extent possible, on natural drainages. The specific size of the wildlife migration corridor will be based upon recommendations made by the Colorado Division of Wildlife. The dedication shall be in a form acceptable to the County and shall be recorded in the public records of Ouray County.
- B. Restrict new fencing and remove existing fencing on and adjacent to designated migration corridors to the extent practicable consistent with necessary agricultural management practices and other requirements of this Code. Any new or existing fencing located on or adjacent to a designated migration corridor must be in compliance with Colorado Division of Wildlife wildlife safe fencing guidelines.
- C. Require that domestic predators be fenced or kept indoors. Dog areas shall be located away from and outside of designated migration corridors.