

CORRECTED

**CHAFFEE COUNTY COLORADO
RESOLUTION 2014-38**

**ADOPTING MINOR AMENDMENTS AND CORRECTIONS TO THE CHAFFEE COUNTY
LAND USE CODE RELATING TO PUBLIC HEARINGS, FINAL PLAT REQUIREMENTS,
UTILITY EASEMENTS, DRIVEWAY PERMITS AND OFF-PREMISES SIGNS**

Findings and Conclusions:

- A. The Land Use Act (C.R.S. §29-20-101 et seq.) and the County Planning Code (§ 30-28-101, C.R.S., et seq.) and other authorities listed in Section 1.1.2 of the Chaffee County Land Use Code authorize county regulation of land use in the unincorporated areas of the county.
- B. C.R.S. §30-28-116 authorizes the board of county commissioners from time to time by resolution to alter and amend county zoning regulations following submittal to the county planning commission, and after public hearing, notice of which hearing shall be given by at least one publication in a newspaper of general circulation in the county at least fourteen days prior to said hearing.
- C. The current Chaffee County Land Use Code was adopted pursuant to Ordinance 2014-01 and became effective in February 2014. Following adoption, staff noted several minor corrections were needed to the Land Use Code in order to make it consistent with the intent of the Planning Commission which recommended adoption of the Code and to make the Code consistent with historical policy.
- D. At its August 26, 2014 regular meeting, the County Planning Commission voted unanimously to recommend to the Chaffee County Board of Commissioners approval of the proposed amendments to the Land Use Code.
- E. On September 9, 2014, a public hearing was held following publication of the hearing on August 7, 2014 in *The Mountain Mail* and *Chaffee County Times*, respectfully, both newspapers of general circulation within Chaffee County, for the purpose of receiving public comments with respect to the proposed adoption of the changes to the Chaffee County Land Use Code.
- F. The people of Chaffee County have had an opportunity to review the proposed changes to the Chaffee County Land Use Code and have had an opportunity to make public comment for or against adoption of the proposed changes and the public voiced no objection to the changes.
- G. The Board has had an opportunity to review public comments with respect to the proposed changes and finds that publication of notice of the public hearing has been properly published and the requirements have been satisfied with respect to the public hearing.
- H. The BoCC finds and declares it is necessary to the preservation and furtherance of the health, safety and welfare of the citizens of Chaffee County to amend the Chaffee County Land Use Code as set forth in Exhibit A.
- I. At its meeting held on September 9, 2014, the Board approved the amendment and directed the County attorney to prepare a written resolution outlining the findings of the Board.

Resolution:

Be it unanimously resolved by the Board as follows:

1. Amendments to the County Land Use Code. The Board hereby amends the Chaffee County Land Use Code by adopting the provisions set forth in the attached Exhibit A to this Resolution. Section 1 of Chaffee County

Ordinance 2014-01 (referencing the November 19, 2013 version of the Land Use Code) is amended accordingly.

- 2. Severability. All provisions of this Resolution are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Resolution. If a court or administrative body determines a provision or its application to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.
- 3. Effective Date. This Resolution shall be in full force and effect immediately upon adoption by the Board.

ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on September 16, 2014.

BOARD OF COUNTY COMMISSIONERS



Chairman

The vote on the above Resolution was as follows:

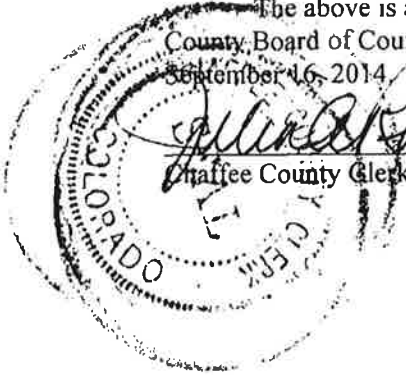
Commissioner Dennis Giese Yes

Commissioner Frank F. Holman Yes

Commissioner Dave Potts Yes

STATE OF COLORADO, CHAFFEE COUNTY
ATTEST:

The above is a true and correct record of Resolution 2014-38 duly adopted by the Chaffee County Board of County Commissioners by a 3-0 vote at a regular meeting, properly noticed and held on September 16, 2014.



Jillina A. Prew
Chaffee County Clerk

EXHIBIT A
TO CHAFFEE COUNTY RESOLUTION 2014-38
Effective September 16, 2014

The Chaffee County Land Use Code is hereby amended as follows:

- **Section 4.3.1 A2: Subdivision Exemption public hearings.** Add new subsection "c":
c. Certain Subdivision Exemptions do not require a public hearing and will be placed on the next available Commissioners agenda.
- **Section 4.6.3 C19: Final Plat requirements.** Add to end of sentence: "...including fees-in-lieu; covenants; ditch agreements; and subdivision improvement agreements".
- **Section 5.2.3: Additional types of Subdivision Exemptions.** Add the following sentence to Sections 5.2.3 A, 5.2.3 G, and 5.2.3 I: "No public hearing or notice is required."
- **Section 7.3.5 C2: Dedication of Easements.** Add new subsection 3: 3. "Any platted utility easement proposed to be altered, vacated, or otherwise adjusted, shall include a letter of consent from all potentially affected utilities."
- **Section 7.4.2 D: Driveway permits.** Add new subsection 1: "1. Properties shall be permitted a maximum of one driveway access point to Collector roads. Up to two access points may be permitted for properties accessing Local or Low Volume Rural Roads, subject to sightline and other requirements of this Code."
- **Section 8.1.6 F: Off-Premises Signs.** Add the following sentence: "Off-premises signs shall only be permitted in the RCR, COM, and IND zones, subject to Board of Adjustment approval."