



Saguache County Land Use Department  
 PO Box 326  
 Saguache, CO. 81149  
 Phone: 719-655-2321  
 saguachecounty.colorado.gov  
 Office Hours: Monday – Friday 8am to 4pm

**Conditional Use Application**

**Note:** Failure to progress in construction and operation of a facility shall result in denial of license renewal, within one year of approval.

**PROPERTY MUST BE POSTED WITH ADDRESS NUMBER, AND CUP PERMIT SIGN A MINIMUM OF 30 DAYS PRIOR TO SCPC MEETING DATE.**

**ALL APPLICATIONS MUST BE TYPED OR PRINTED**

Present use of Property \_\_\_\_\_

Intended use of Property \_\_\_\_\_

**Submitting the Application:**

Follow the steps listed in this checklist and supply the requested information. Be sure to include:

- Application Fee of **\$2,500.00 PER APPLICATION** (for additional costs contact Land Use Office)
- Certified mailing fees @ Amount of mailings X \$4.75 – mailed to adjoining landowners within 2500 ft. radius
- Certificate of Taxes Due - \$20.00
- GPS Fee - \$17.50

TOTAL OWED \$

**Make checks payable to Saguache County Land Use.**

**Note:** The Application Fee for a Conditional Use application is **NON-REFUNDABLE**.

Please review the Saguache County regulations for complete information at [Saguachecounty.colorado.gov](http://Saguachecounty.colorado.gov). Applicants should carefully read all local regulations prior to submission. Any local licenses issued under these regulations shall be valid for a period of one (1) year from the date of issuance. Applications for renewal shall be processed in the same manner as new licenses under these regulations.

Incomplete applications will be returned with general instructions as to which documents are required for Completion. Failure to provide the documents deemed necessary by the authority in sufficient detail to Determine full compliance with State and Local regulations shall be grounds for denial of the application.

## TABLE OF CONTENTS

For **ALL** Conditional Use Application request – **ALL PAGES MUST BE NUMBERED**

**ALL APPLICATION REQUESTS MUST BE IN THIS ORDER**

**EACH SECTION MUST HAVE A TITLE PAGE**

1. Saguache County Application
2. Landowner authorization notarized form
3. Ownership deeds/lease contracts
4. Detailed Letter of Intent
5. Comprehensive site plan – **to scale**
6. Water information plans and letters
7. Sewage disposal plan
8. Response time letters – Sheriff – EMS (if applicable)
9. Legal status of business entity – proof of registration with, or certificate of good standing from the State of Colorado Secretary of State
10. Valid sales tax license for business, if applicable
11. Map and list of adjoining landowners showing full address of landowner
12. Letters from adjoining landowners – pros and cons

**Eight (08) copies required – BOUND BUT NOT BINDED**

**NOTE: ALL APPLICATIONS MUST BE IN THE ABOVE ORDER or they will NOT be accepted.**

**1. Location**

**Physical Address of Proposed Facility:** \_\_\_\_\_

**Parcel Number:** \_\_\_\_\_ **Intended Use:** \_\_\_\_\_

**Total Amount of Acreage to be Used:** \_\_\_\_\_

Please confirm with the Saguache County Land Use Department the correct use of the proposed business Locations (s) prior to the submission of this application.

Applicant		
Mailing Address		Email Address
City		Phone Number
State	Zip Code	Fax Number

**2. Business Information:**

Legal Name of Business		Date of Business Establishment	
Trade Name or Business (dba)			
Mailing Address			
City		State	Zip Code
Phone Number	Fax Number	Email Address	

If the applicant is a business entity, provide the following information:

- Legal status of entity and proof of registration with, or certificate of good standing from the **Colorado Secretary of State**
- Evidence of a valid State sales tax license for the business



**5. Pre-Existing Business:** If the application is for a pre-existing business, provide the date the business was established, and submit evidence of establishment, such as leases or sales tax receipts. **(as attachments)**


**6. Nearby Facilities:** The applicant shall provide a map and detailed list showing the following facility uses that are located within 2,500 feet of the proposed licensed premises: all licensed child care facilities, educational institutions, halfway house or correctional facility, schools, colleges or universities **(public or private)**, public park, public pool, or recreational facilities **(public or private)**.

Nearby Facilities within 2,500 feet:

**7. Vehicle Trips:** Provide the number of vehicle trips per day expected to be generated by the proposed business. Keep in mind that one vehicle produces two trips, **(arrival and departure)**.

Amount of Employees
Road to be used

**8. Water and Wastewater Information:** Provide information detailing the source of water at the proposed business, include level of water use. This information must also have both the business, as well as the entire parcel and should be given in gallons per day. Wells cannot be used for commercial use unless the well permit states so specifically. **See notes below**

Expected Source of Water
Expected Level of Water Usage (gal/day)
Expected Wastewater Discharge (gal/day)

Attach any additional permits or other applicable documentation related to well use, septic system use, and/or water sanitation.

**9. Access Information:**

Provide copies of any driveway permits, easements, and/or CDOT access permits as applicable.

**10. Comprehensive Business Operation Plan:**

Please provide a business plan for the proposed establishment to address, at a minimum, the following components:

- A. Phasing plan, outlining progress of construction and operations.
- B. Signage plan and narrative
- C. Odor and noise.

**11. Comprehensive Site Plans:**

Please include the following plans and maps (**made to scale**) for the business to include north sign, legend.

Attached drawings to be 8.5" x 14" in size. **NO SMALL MAPS WILL BE ACCEPTED**

- A. Plot plan of the parcel showing the location of all existing and proposed structures (**including height, square footage**), roads, streets, and easements, septic tank and leach field (**if applicable**), wetlands, watercourses. This must include distance from property lines etc.
- B. Building layout showing how the floor space will be utilized. This includes all entry ways and exits, loading zones, and the dimensions and use of every room. Please include details as to what floor area will be devoted to manufacturing infused products, cultivation operations, and/or dispensing operations.
- C. Parking plan for the business. This includes parking for the entire parcel, if there are additional businesses etc.
- D. The nature and location of any proposed/existing lighting and signage. If proposing signage, please include information for the entire parcel. This may be accomplished with photos or diagrams and must include dimensions and elevations. Lighting and signage must comply with all applicable State laws.

- Name of Project
- Size of Property (in acres)
- Use of Land & Structures
- Exact footage for each location of each structure from property line
- Address of Proposed Location
- Lot Dimensions of Property
- Preparation Date
- North arrow

**Certification:**

I certify that I am signing this application form as the owner of record of the business included in this Application. I certify that the information and exhibits I have submitted as part of this application are true and correct to the best of my knowledge. I certify and understand that this application gives the County the right of entry to inspect the parcel and all buildings on the parcel for compliance with regulation codes pursuant to this license application.

\_\_\_\_\_  
Print Name of Property Owner

\_\_\_\_\_  
Sign Name of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Applicant

\_\_\_\_\_  
Sign Name of Applicant

\_\_\_\_\_  
Date

**\*This section is reserved for use by County Staff\***



<b>Staff Notes:</b>



# AUTHORIZATION FROM PROPERTY OWNER

I/we, the undersigned, grant \_\_\_\_\_ the

**REPRESENTATIVE/AGENT**

Authority to act as my/our representative/agent to submit documents related to any Development Permits

\_\_\_\_\_  
**Application Type**

**Legal description:** \_\_\_\_\_

**Physical address:** \_\_\_\_\_

\_\_\_\_\_  
**Print Name of Owner**

\_\_\_\_\_  
**Owner Signature**

\_\_\_\_\_  
**Date**

**State of** \_\_\_\_\_

**County of** \_\_\_\_\_

**Acknowledged before me this** \_\_\_\_\_ **day of** \_\_\_\_\_ **by**

\_\_\_\_\_  
**Witness my hand and seal.**

**My commission expires:** \_\_\_\_\_

\_\_\_\_\_  
**Notary Public**



**LAND USE OFFICE CHECK LIST**

- 1. Saguache County Application
  
- 2. Landowner authorization notarized form
  
- 3. Ownership deeds/lease contracts
  
- 4. Detailed Letter of Intent
  
- 5. Comprehensive site plan, showing set-backs from property lines – **to scale**
  
- 6. Water information plans and letters
  
- 7. Sewage disposal plan
  
- 8. Response time letters – Sheriff – EMS (if applicable)
  
- 9. Legal status of business entity – proof of registration with, or certificate of good standing from the State of Colorado Secretary of State
  
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ARTICLE IV  
ACTIVITIES OF LOCAL INTEREST

**IV.1. General Provisions**

The purpose of this regulation is to provide for growth in a manner that protects the characteristics of the community that its citizens value.

IV.1.1. Title

These Regulations shall be cited as regulations pertaining to Activities of Local Interest.

**IV.1.2. Authority**

The Saguache County Regulations Pertaining to Activities of Local Interest and Maps are authorized by Title 30, Article 28 of the Colorado Revised Statutes, 1973, and is hereby declared to be in accordance with all provision of these statutes.

IV.1.3. Classification of Districts

For the purpose of these Regulations all of the unincorporated area of Saguache County is included in an agricultural district, unless otherwise specifically designated. The word "district" when used in this Article shall be constructed as the district classification.

IV.1.4. Activity Maps

The location and boundaries of the district designated in Section 1.3 of this Article are hereby established as shown on the map entitled Activities of Local Interest Map of Saguache County, and signed by the Chairman of the Board of County Commissioners and the Saguache County Clerk and Recorder and hereafter referred to as the Activity Map.

IV.1.4.1. The Activity Map and all notations thereon are hereby made a part of these Regulations.

IV.1.4.2. The signed copy of the Activity Map containing the activity district designated at the time of the adoption of these Regulations shall be maintained on file in the Saguache County Clerk and Recorder's Office. Changes made in district boundaries or other matter portrayed on the official Activity Map shall be made in accordance with the provisions of these Regulations and the Colorado Revised Statutes. Changes shall be entered on the official Activity Map promptly after the amendment has been approved by the Board of County Commissioners.

## **IV.2. District Regulations**

The Board of County Commissioners may, from time to time, designate districts and the regulations that shall apply to them.

### **IV.2.1. Agricultural District (A)**

This district is comprised of areas which are primarily in a natural state or areas utilized for growing crops, raising of livestock, preservation and production of timber resources and other similar farming, ranching and resource-conservation activities. The principal purpose of this district is the preservation and protection of irrigated croplands, rangelands, and watershed and wildlife habitats in Saguache County.

#### **IV.2.1.1. Permitted Uses**

IV.2.1.1.1. General farming and ranching including raising of grains, fruits, vegetables, grasses, hay, livestock, poultry or other fowl.

IV.2.1.1.2. Non-commercial feedlots; agricultural products; and receiving, storage, warehousing, distribution and/or processing facilities when incidental to another permitted use.

IV.2.1.1.3. Management, production and harvesting of forestry products.

IV.2.1.1.4. Management of natural wildlife habitats and reserves, both public and private.

IV.2.1.1.5. Dwellings, Ranches and Farms.

IV.2.1.1.6. Housing for seasonal farm labor, when incidental to another permitted use.

IV.2.1.1.7. Noncommercial recreational facilities such as parks, playing fields and playgrounds.

IV.2.1.1.8. Accessory buildings and uses; such as barns, equipment repair shops, and equipment storage.

IV.2.1.1.9. Home occupations.

IV.2.1.1.10. Agricultural products; receiving, storage, warehousing, distribution and/or processing facilities.

#### **IV.2.1.2. Conditional Uses:**

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There shall be a yearly review of each Conditional Use approval given by the Board of County Commissioners.

- IV.2.1.2.1. Commercial feedlots.
- IV.2.1.2.2. Fish Culture and/or processing
- IV.2.1.2.3. Commercial greenhouses.
- IV.2.1.2.4. Cemeteries for non-related parties, commercial for profit or non-profit.
- IV.2.1.2.5. Contractors' equipment storage.
- IV.2.1.2.6. Housing for seasonal farm labor, including labor camps which are not incidental to a permitted use.
- IV.2.1.2.7. Public and private schools, hospitals, rest homes, nursing homes and convalescent homes.
- IV.2.1.2.8. Utility installations such as electric substations, electric generating stations, sewer lift stations, telephone exchanges, gas regulators, major transmission lines, and irrigation ditch right-of-way (not including utility offices, repair, storage and production facilities).
- IV.2.1.2.9. Community sewer disposal, water supply and treatment, solid waste disposal facilities, and non-agricultural pipelines to transport waste materials or water which would extend beyond the parcel of land where the pipeline originates.
- IV.2.1.2.10. Public facilities, uses and buildings owned or operated by a public entity, including vocational schools, colleges, universities, reformatories, and so on.
- IV.2.1.2.11. Gun clubs and shooting ranges.
- IV.2.1.2.12. Kennels, animal sanctuary, breeding facility, animal adoption facility and animal hospitals.
- IV.2.1.2.13. Commercial Campgrounds.
- IV.2.1.2.14. Airports.
- IV.2.1.2.15. Extractive industries.
- IV.2.1.2.16. Radio, television, telecommunication, microwave transmitting, receiving or relay stations or towers.

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- IV.2.1.2.17. Drive-in theaters.
- IV.2.1.2.18. Commercial outdoor recreational facilities.
- IV.2.1.2.19. Storage of petroleum, chemical or other hazardous products for distribution or resale.
- IV.2.1.2.20. Dairies, poultry, swine, egg production, hatcheries, rabbit farms and similar production activities when for commercial purposes.
- IV.2.1.2.21. Auction yards with facilities for recurring sales.
- IV.2.1.2.22. Hot mix plants, concrete premix plants, rock crushers, gravel screening and similar uses. See VI.6.
- IV.2.1.2.23. Sawmills, the labor for which is provided primarily by the owner or owners of the operation, and which do not have more than one sawmill and one planer in operation at any one time.
- IV.2.1.2.24. Developments with a proposed dwelling density greater than one (1) residential dwelling per thirty-five (35) acre tract.
- IV.2.1.2.25. Churches, or facilities used for religious purposes.
- IV.2.1.2.26. Any type vertical structure over forty (40) feet in height, as measured from the median surface of the contiguous surrounding area. Median surface to be measured from the ground floor to the highest point of the roof of structure.
- IV.2.1.2.27. Bed and Breakfast with 4 or more rooms for rent.
- IV.2.1.2.28. Other uses not identified as permitted or conditional will be classified through Section 3 of this Article.
- IV.2.1.2.29. Mobile Home Parks. See Article XIV.
- IV.2.1.2.30. Commercial Recreational Vehicle Parks. See Section IV.4.2
- IV.2.1.2.31. Industrial Development. See Section IV.5
- IV.2.1.2.32. Any Marijuana Commercial retail/medical cultivation, processing, manufacturing or testing facility areas.
- IV.2.1.2.33. Any Solar Development for any size up to 5MW in capacity. Any Solar Development Project which is required to have a 1041 permit (Activities of Local or State Interest permit) shall not be required to have a Conditional Use Permit.

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IV.2.1.3. Lot Size

IV.2.1.3.1. Minimum lot area for permitted uses: Thirty-five (35) acres or as may be determined to be exempt by the Board of County Commissioners as provided in Section 30-28-101(10) (d) of the Colorado Revised Statutes, 1973, or if the tract is defined by a legal description of less than thirty-five (35) acres on the date of the adoption of these Regulations or except on lots identified as an exempt subdivision with a maximum of one (1) unit per lot.

IV.2.1.3.2. Minimum area for conditional uses as determined by the Board of County Commissioners in conformance with State Regulations.

**IV.3. Reclamation/Financial Assurance**

Saguache County may approve a waiver of requirement if appropriate closure plans are in place for cleanup.

**IV.4. Financial Assurance**

To ensure compliance with the mitigation reclamation and other performance requirements of this Section and the specific conditions for approval for all facilities, the applicant, shall provide such security as set forth in this Section.

**IV.5. Commercial Marijuana Bonds**

A closure bond in the amount of \$20,000 will be posted to ensure the removal a surface facilities and restoration of disturbed surface areas to acceptable conditions for a tier 1 license.

- The bond shall be posted within 60 days of the Board of Commissioners approval or approval is forfeited.
- Any subsequent tiers will require an additional \$10,000 bond to be posted.
- As a condition of approval, the required closure bond(s) must be in place before any activity permitted by the approval commences. The closure bond shall remain in place until all obligations contemplated by the bond have been fulfilled to the satisfaction of the County.
- The form of the closure bond may consist of cash, certificates of deposit, an irrevocable letter of credit or equivalent financial security acceptable to the County naming Saguache County as the benefactor of the bond.
- Upon notification by the applicant that obligations contemplated by the bond have been fulfilled or that work contemplated by the bond will not be necessary, the

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County may have 90 days to accept or reject Operator's application to reduce or retire the bonding requirement.

- Transfer of Interest. An applicant may not be allowed to transfer its interest in, nor be replaced as applicant of permitted facility unless or until bonding requirements for the transferee or new operator have been set by the County and met prior to the date of transfer or replacement.
- There shall be a fee as set by the Board of Commissioners to review and inspect for bond release.
- Reclamation Plan is required. The Applicant shall submit as part of the Conditional Use Permit application, a reclamation and re-vegetation plan for each specific site satisfying the following requirements:
  - Construction debris, waste materials and hazardous waste, including, but not limited to structures, concrete, footings, sewage disposal systems and related infrastructure, water storage and related distribution infrastructure.
  - All pits, cellars, and other holes must be backfilled and compacted as soon as possible after all equipment is removed to conform to surrounding terrain.
  - Upon closure of a CUP, wastewater tanks and leach fields must be completely pumped out. Any waste material pumped from a wastewater tank or leach field or waste debris from tank and leach field removal must be disposed of at an approved facility that is permitted by Colorado Department of Public Health and Environment (CDPHE) to receive said wastes. Materials may not be burned or buried on the premises.
  - All disturbed areas affected by the CUP sites must be reclaimed as nearly as possible to their original condition and shall be maintained to control dust, weeds and minimize erosion. Reclamation shall occur no later than three (3) months after termination of the CUP unless the Land Use Department extends the time period because of conditions outside the control of the Applicant.
- Re-vegetation of crop lands. All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour and shall be tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be reestablished. Reseeding with species

#### **IV.6. Commercial Closure Bonds**

A closure bond in the amount of at least \$100,000 will be posted to ensure the removal a surface facilities and restoration of disturbed surface areas to acceptable conditions.

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- As a condition of approval, the required closure bond(s) must be in place before any activity permitted by the approval commences. The closure bond shall remain in place until all obligations contemplated by the bond have been fulfilled to the satisfaction of the County.
- The form of the closure bond may consist of cash, certificates of deposit, an irrevocable letter of credit or equivalent financial security acceptable to the County naming Saguache County as the benefactor of the bond.
- Upon notification by the applicant that obligations contemplated by the bond have been fulfilled or that work contemplated by the bond will not be necessary, the County may have 90 days to accept or reject Operator's application to reduce or retire the bonding requirement.
- Transfer of Interest. An applicant may not be allowed to transfer its interest in, nor be replaced as applicant of permitted facility unless or until bonding requirements for the transferee or new operator have been set by the County and met prior to the date of transfer or replacement.
- There shall be a fee as set by the Board of Commissioners to review and inspect for bond release.
- Reclamation Plan is required. The Applicant shall submit as part of the Conditional Use Permit application, a reclamation and re-vegetation plan for each specific site satisfying the following requirements:
  - Construction debris, waste materials and hazardous waste, including, but not limited to structures, concrete, footings, sewage disposal systems and related infrastructure, water storage and related distribution infrastructure.
  - All pits, cellars, and other holes must be backfilled and compacted as soon as possible after all equipment is removed to conform to surrounding terrain.
  - Upon closure of a CUP, wastewater tanks and leach fields must be completely pumped out. Any waste material pumped from a wastewater tank or leach field or waste debris from tank and leach field removal must be disposed of at an approved facility that is permitted by Colorado Department of Public Health and Environment (CDPHE) to receive said wastes. Materials may not be burned or buried on the premises.
  - All disturbed areas affected by the CUP sites must be reclaimed as nearly as possible to their original condition and shall be maintained to control dust, weeds and minimize erosion. Reclamation shall occur no later than three (3) months after termination of the CUP unless the Land Use Department extends the time period because of conditions outside the control of the Applicant.
- Re-vegetation of crop lands. All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour and shall be



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tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be reestablished. Reseeding with species

#### **IV.7. Primitive Recreation Classification**

This district is comprised of areas where the purpose is to restrict limited-recreational activities. It is intended to permit small-parcel property ownership in areas where limited access and public services may be inconvenient. The restrictions set forth in this classification will permit limited use while retaining and maintaining as near as possible the land in its natural state and condition.

##### **IV.7.1. Permitted Uses**

The uses permitted in this district are non-commercial hunting vacation camps, domestic animal corrals, picnic sites, and overnight campsites.

##### **IV.7.2. Lot Size**

Minimum lot area for this designation will be 10 acres. This lot size is a minimum and may be required to be increased subject to the on-site inspection of the Planning Commission.

##### **IV.7.2.1. Other Restrictions**

IV.7.2.2. Water may not be available on every site and therefore would have to be carried in for domestic use. The Board of County Commissioners will not require proof of availability of water on any sites designated "Primitive Recreational" areas.

IV.7.2.3. Sewage disposal will be self-contained and/or removable. Permanent sewage facilities, toilet structures, and so on, will not be permitted for year-round use.

IV.7.2.4. Access will be required for every lot designated for this use. The access must be a minimum of 15 feet or 7.5 feet on either side of a property line of adjoining properties. This will insure access to or from a public road or Forest Service or BLM-marked or designated road or trail.

IV.7.2.5. Structures permitted will include only mobile structures, such as campers, motor homes, small trailers, tents, or other removable structures or shelters. These will be allowed on a lot or site for a maximum of six (6) months annually. Such structures must be removed a minimum of six months during the remaining annual period.

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In addition, a minimum of 150 feet setback from all property lines will be required when any mobile structure, camper tent, or other temporary facility is occupying a lot or site.

IV.7.2.6. Fencing will be permitted for small areas where domestic livestock can be temporarily corralled. Such temporary areas will be constructed of a material and in such a way as to minimize impacts on existing wildlife. The fence will be of a design acceptable to the Colorado Division of Wildlife in order to ensure existing wildlife will not be threatened.

IV.7.2.7 Any minimum requirements imposed by the various Colorado State referral agencies must be met or mitigated prior to designation for "Primitive Recreation" designation usage.

IV.7.2.8. Any existing covenants or restrictions on the lot, site, or property will apply.

In these instances, the more restrictive regulation shall govern conduct or use by an owner.

#### IV.7.3. Plat Preparation

The plat will be prepared using the procedures outlined for a Final Plan in Article II, Section 6.2.3 of this Land Use regulation. In addition, the following will also be required on the plat and called to the attention of each buyer of property designed "Primitive Recreation".

##### IV.7.3.1. Additional notes required on the plat are:

- Law Enforcement is available \_\_\_\_\_ road miles from this site.
- Fire Protection and Suppression services may not be available on this site.
- Medical Facilities are available \_\_\_\_\_ road miles from this site.
- Other public services, including telephone, are available \_\_\_\_\_ road miles from this site.
- Other restrictions a lot owner must comply with are:
- Warning for a potential wildfire hazard. Lot owners have total liability for fires that originate on their own property and spread to other lands or properties.

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- Owners will be required to comply with Forest Service and/or BLM fire hazard warnings and take appropriate caution with open fires during periods of fire advisory warnings.
- All domestic animals, including small animals and/or pets must be attended and controlled by their owners.
- The owner will be required to maintain the natural existing density of trees, bushes, and/or natural brush on their site.
- The storage of trash or junk on a site by an owner will not be permitted, nor will the burial of trash or junk be permitted on a parcel designated as "Primitive Recreation".
- There is no public-school transportation available to owners of this "Primitive Recreation" area.

#### **IV.8. Accessory Dwelling Units**

Listed below are minimum requirements to construct one Accessory Dwelling Unit to be used for residential purposes and a fee must be paid as set by the Saguache County Board of Commissioners.

IV.8.1. Accessory Dwelling Units may be attached or detached from the primary dwelling.

- Accessory Dwelling Unit must be either maximum as listed below or 80% of primary, whichever is the smaller dwelling.
- Accessory Dwelling Unit must fit into the characteristics of the property and the surrounding dwellings.

Accessory Dwelling Units may not be sold separately from the primary residence.

IV.8.2. Accessory Dwelling Units must use the following existing amenities: if the amenities cannot be used a written reason must be supplied with application:

- Access – no new access may be created
- Electricity
- Water
- Sewage Disposal System – where applicable, an additional system may need to be installed

IV.8.3. Any Accessory Dwelling Unit to be constructed on a tract of land containing less than 35 acres but no less than one (1) acre, unless located within a water and sanitation district:

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may only be a maximum size of 600 (six hundred) square feet if the structure is detached from the primary residence, the accessory dwelling must be within 200 (two hundred) feet of the primary residence.

IV.8.4. Any Accessory Dwelling Unit to be constructed on a tract of lands containing 35 acres or more:

- may only be a maximum of 1400 (fourteen hundred) square feet. If the structure is detached from the primary residence the accessory dwelling must be within 350 (three hundred fifty) feet of the primary residence.
- The applicant may apply to change which is the primary residence; Accessory Dwelling Unit may be constructed prior to the primary residence.

There may be recorded protective covenants that apply to some properties in Saguache County. Receiving County approval does not exempt any applicant from meeting any applicable covenants.

#### **IV.9. Recreational Vehicle Parks**

IV.9.1. Any parcel of ground, which has been planned, improved or used for simultaneous commercial placement of two (2) or more recreational vehicles or tent camping for human habitation and which furthermore meets all of the following conditions:

Recreational Vehicles may be occupied for no longer than three (3) months in one calendar year, unless permanently affixed to the land or to be used as permanent residence. If Recreational Vehicle is to be used as a permanent residence all Mobile Home Regulations must be followed.

IV.9.1.1. All Recreational Vehicle Park applications shall include the following:

IV.9.1.1.1. Plot plan with Recreational Vehicle lot locations. This plot plan shall be recorded with approved Board of County Commissioner's resolution.

IV.9.1.1.2. Map showing all egress and ingress roads.

IV.9.1.1.3. Copy of well permit, water court decree or other agreement providing for water service.

IV.9.1.1.4. Plot plan showing fire hydrants as set forth by the fire protection district in whose jurisdiction the Recreational Vehicle Park is located. If park is not in a fire protection district application shall include:

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IV.9.1.1.5. Written agreement providing for fire protection between the property owner and the fire protection district nearest to the property location, and

IV.9.1.1.6. Written agreement for emergency medical service between the property owner and emergency medical technicians in the district nearest to the property location.

IV.9.2. Recreational Vehicle Park Requirements:

IV.9.2.1. Adequate central water station for each Recreational Vehicle shall be in place and ready to be used before any Recreational Vehicle is placed on the property.

IV.9.2.2. A central sewage dump station shall be in place and ready to be used before any Recreational Vehicle is placed on the property. Sewage Dump Station shall be located away from camp sites.

IV.9.2.3. Adequate sanitation facilities.

IV.9.2.4. Only one Recreational Vehicle customer may occupy any space as defined on the County approved plot plan.

IV.9.2.5. Adequate trash disposal shall be at a central location and screened with a six (6) foot high privacy fence. Trash shall be removed to an approved solid waste facility as often as necessary to protect the health and safety of the public.

IV.9.2.6. Recreational Vehicle Parks shall follow Article 20, "Wildlife", of this code.

IV.9.2.7. Before approving a Recreational Vehicle Park, the Board of County Commissioners shall hold a public hearing. The applicant shall be required to pay for any cost accrued for all public hearings.

IV.9.2.8. All utilities are required to be placed underground. Outdoor lighting is to be directed downward and shielded. High or low-pressure sodium bulbs may be a maximum of 75 watts. Mercury vapor lamps are prohibited. Mast mounted lights must be kept to a minimum number and a maximum height of twenty (20) feet.

IV.9.2.9. No Recreational Vehicle Park may open for business until a County permit is issued.

#### **IV.10. Industrial Development Requirements**

Any industrial development within Saguache County shall first and foremost, respect the quality of life enjoyed by present and future County residents. The location of the industrial site should be appropriate and consistent with current permitted land use to the adjacent area.

IV.10.1. Access route shall be on a major County Road or State Highway designed for commercial traffic. Access route shall not be through residential areas.

#### **IV.10.2. Application Requirements**

Applicant will be required to supply the following along with all other application requirements as stated previously. Applicant may also be required to supply supplemental documents.

IV.10.2.1. A plot plan and site view plan including, but not limited to the following:

- Buildings
- All accesses
- Active digging sites or working sites
- Existing landmarks
- Machinery
- Berming - natural berming and manmade berming
- Any planting that will be done
- Lighting
- Proximity - Location of all surrounding land uses
- Fencing - perimeter

IV.10.2.2. Noise abatement plan

IV.10.2.3 Dust abatement plan for hours of operation and idle time

IV.10.2.4. Hours of operation

IV.10.2.5. Copy of all water rights and water well permits. A water plan shall be supplied to show how applicant will handle dust abatement. Applicant shall show all ground water levels on proposed property location

IV.10.2.6. Sewage disposal plan

IV.10.2.7. Specific number of employees proposed

IV.10.2.8. Copies of all State of Colorado permit applications, along with any supporting documentation, if applicable

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IV.10.2.9. Amount of time industrial use will be in existence

IV.10.2.10. Traffic Plan - specify the amount of average daily business-related traffic

IV.10.2.11. Industrial Use may be required to be operated on a phase basic only. Applicant shall supply a copy of all phase plans along with any proposed reclamation plans for each phase.

IV.10.2.12. Structure height limit and height for stored materials is limited to forty (40) feet, as per Saguache County Land Development Code Article IV.2.1.2.27. Saguache County may require additional Bonding. This will be considered on site-specific basics.

IV.10.2.12.1. Applicant has the option of applying for a variance from these regulations as described in Article VIII of this Code.

**IV.11. Temporary and Conditional Use Permits for Temporary Living Quarters**

All Temporary Living Quarters (hereinafter TLQs), constructed or installed in Saguache County related to commercial, industrial, transportation, oil & gas or mineral extraction projects require a Conditional Use permit pursuant to Article IV of the Saguache County Land Development Code (hereinafter LDC).

IV. 11.1. TLQs are divided and defined in three distinct categories as follows:

IV.11.1.1. (A) Type 1: Small On-site Quarters. These are for 6 workers or less housed at the work location or in the case of oil and gas drilling, on the well pad. These quarters are temporary structures such as manufactured housing or recreational vehicles. These quarters require a Temporary Use Permit pursuant to Sec LDC.

IV.11.1.2. (B) Type 2: Small Central Location Quarters. These quarters are for up to 24 workers and are located away from the work site or well pad. These quarters are temporary structures such as manufactured housing or recreational vehicles. These quarters require a Conditional Use Permit pursuant to Article IV, LDC and may be permitted for up to one year with additional annual extensions by Administrative Review for compliance.

IV.11.1.3. (C) Type 3 : Large Central Location Quarters. These quarters are for 25 or more workers, located away from the work site or well pad. These quarters are permanent structures. These quarters require a Conditional Use Permit pursuant to Sec., LDC and may be permitted for multiple years with annual Administrative Reviews for compliance.

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IV.11.2. The following provisions apply to all three types of TLQs with exceptions as noted:

IV.11.2.1. General Requirements for all TLQ permit requests:

IV.11.2.1.1. On or before thirty days after the date the Temporary Use Permit or Conditional Use Permit expires all housing structures and associated infrastructures shall be removed and the land shall be reclaimed to the satisfaction of the Land Use Department.

IV.11.2.1.2. All Type 1 and Type 2 TLQs, except licensed motor homes, recreational vehicles and camp trailers, and all type 3 TLQs require a Saguache County construction permit and letter of occupancy before occupancy.

IV.11.2.1.3. All TLQs must be located on property owned by or leased for the period of the permit by the Applicant, except TLQs located on Federal land which must have an approved Right of Way issued by the BLM, U.S. Forest Service or U.S. Fish and Wildlife Service.

IV.11.2.1.4. TLQ sites must be related to one or more commercial, industrial, transportation, oil & gas, or mineral extraction projects and generally should be located with separation of at least one mile between sites regardless of land ownership or operator.

IV.11.2.1.5. TLQs for oil and gas extraction projects in agricultural zones may be exempt from the one-mile spacing requirement if the Applicant can demonstrate that the housing structures and all supporting infrastructure will be contained within a Colorado Oil and Gas Conservation Commission (COGCC) approved well pad. To qualify for such an exemption there must be no land disturbance outside of the COGCC approved well pad.

IV.11.3. Time Limitations.

IV.11.3.1. Temporary Use Permits issued pursuant to Sec. LDC are valid for six months with one six-month extension. In recognition of the fact new technology allows for multiple wells to be drilled on one well pad over an extended period of time, a Temporary Use Permit for Type 1 TLQs may be extended for additional six-month periods by Administrative Review. Applications for extensions must be made on forms provided by the Saguache County Land Use Department (hereinafter Land Use Department)

IV.11.3.2. Conditional Use Permits issued for Type 2 TLQs are for a maximum of one year. For good cause shown, a permit may be extended annually by Administrative Review. Applications for extensions must be made on



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forms provided by the Land Use Department. Approval of annual extensions will be granted for good cause provided the Applicant follows the terms and conditions of the existing Oil and Gas Operations or Conditional Use Permit as well as in compliance with all rules and regulations in the LDC.

- IV.11.3.3. Type 3 TLQs are issued for multiple years and do not require annual extensions. These TLQs require only annual Administrative Reviews for determination of whether there is compliance with the terms and conditions of the Oil and Gas Operations or Conditional Use Permit and other rules and regulations in the LDC.

IV.11.4. Application Process

- IV.11.4.1. All Applicants must schedule and attend a pre-application meeting with the Land Use Department staff to discuss project information and permitting requirements. One of the issues to be discussed at the pre-application meeting is the need for the TLQ the Applicant intends to apply for. Applicant should be prepared to provide an assessment of currently available housing and projected housing availability within existing municipalities, including but not limited to commercial campgrounds, mobile home parks and similar facilities within thirty minutes driving time of the proposed TLQ site location. If it is determined that suitable housing inventory is available within thirty minutes driving time of the proposed TLQ site location, a permit for a TLQ will not be granted, unless it is for assurance of adequate public safety that some workers live on the project site.

- IV.11.4.2. Information and documents which must be submitted for an application to be considered complete include the following:

- A detailed site plan and vicinity map in both hard copy and digital format including location of the TLQ site, private and public roadways accessing the site marked open, gated and/or locked, and detailed directions to the site from a County road or State highway.
- As to applications for Type 1 TLQs, a copy of the approved Form 2 or Form 34 documents from the COGCC indicating housing location(s).
- A statement of the estimated total length of time the TLQ will be at the proposed location.
- A listing of the names and addresses of the owners and zoning of all land adjacent to and within two miles of the proposed location.

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- Applicant's Drug and Alcohol Policy including mechanism of enforcement.
- Applicant's Firearms and Weapons Policy including mechanism of enforcement.
- The Site Security Plan including the registration/check-in policy. If a professional security service is to be used, information must be provided concerning the service.
- On site, medical and emergency medical services to be provided.
- A traffic and transportation plan including the anticipated volume and type of vehicle use, vanpooling or bussing plans, actions taken to reduce/ minimize traffic, parking design and policy, copies of Applicant's driving rules and an Equivalent Single Axle Load (ESAL) estimate specific to the construction and operation of the TLQ.
- A copy of House Rules for the TLQ.
- A storm water management plan for the site.
- A copy of the site weed control plan, approved by the Saguache County Weed Manager.
- A lighting plan showing design to provide required lighting while minimizing light pollution.
- Complete details of the water system proposed to service the TLQ.
- Complete details of the Wastewater System proposed to service the TLQ.
- Complete details of the Fire Protection System proposed to service the proposed TLQ.
- Complete details of waste disposal system proposed to service the proposed TLQ.
- Complete details of the proposed reclamation plan.

IV.11.4.3. Requirements Related to The Operation of TLQs:

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IV.11.4.3.1. Water Systems.

- Water Systems proposed to service TLQs must comply with all applicable state and local laws and regulations.
- For facilities serving under twenty-five (25) workers (Type 1 & Type 2 TLQs),
- the Applicant must conduct monthly tests (or quarterly if an on-site disinfection system is installed) of stored potable water samples specific for coli form and maintain records of such tests. Any tests indicating coli form contamination must be disclosed to the Land Use Department.
- Water systems serving twenty-five (25) people or more (Type 3 TLQs) must demonstrate conformance to state regulations by obtaining all necessary state permits prior to the scheduling of a TLQ Special Permit public hearing.
- In no case shall unsafe water be used for drinking or used water be discharged on the ground surface.
- Records related to water supply and testing must be maintained for inspection by the Planning Department for the life of the permit.

IV.11.4.3.2. Wastewater Systems.

Wastewater systems proposed to service TLQs must comply with all applicable state and local laws and regulations. In addition, all wastewater from Type 2 and Type 3 TLQs must be disposed of on-site using an Individual Sewage Disposal System (ISDS) or Community Wastewater Facility.

A specific TLQ may be granted an exemption from the above ISDS/Community Waste Water Facility requirement if it is determined that:

- An ISDS system is not feasible due to environmental, topographic or engineering conditions where the TLQ is to be located; and
- A Community Wastewater Facility is not appropriate; and
- Year-round access is available and maintained for safe and regular access for wastewater hauling vehicles.

If a pump and haul system is approved, the following requirements must be met:

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- All wastewater must be disposed of at an approved facility.
- The Applicant must demonstrate an arrangement for hauling wastewater including an appropriate contract with a licensed hauler and a letter of understanding with a back up licensed hauler in the event the primary hauler fails.
- Applicant must provide a detailed emergency response plan that addresses such issues as, equipment failure.
- Applicant must provide a letter from a licensed disposal facility stating the facility has the capacity and willingness to receive and treat Applicant's anticipated wastewater.
- Applicant must maintain all records including but not limited to trip logs and disposal reports for one year after the termination of the TLQ permit.
- All wastewater disposal records must be available to the Land Use Department and/or any other interested third party upon request and must be provided to the Land Use Department as part of any application for a TLQ permit extension.
- In no case shall wastewater be discharged on the ground surface or disposed of at any location other than an approved facility.

IV.11.4.3.3. Fire Protection

A Site Fire Plan must be provided with the application and must include, at least the following:

- Provisions for giving alarm in case of fire.
- A duly authorized attendant or caretaker who has the responsibility to inform all tenants about means for summoning fire apparatus, the sheriff's office and resident employees.
- Open burning is not allowed on any TLQ site.
- Provisions for location of one or more approved fire extinguishers of a type suitable for flammable liquid or electrical fires (Class B and Class C), carbon dioxide or dry chemical, in one or more open stations so that it will not be necessary to travel more than one hundred (100) feet from any location in the TLQ to reach the nearest fire extinguisher.

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- Sprinkler systems if required by the Land Use Department.
- A water storage tank if required the Land Use Department.

Bi-monthly inspection of the fire alarm and extinguishing equipment is required. Records of the inspections must be available for review by the Land Use Department.

IV.11.4.3.4. Waste Disposal

- Bear-proof refuse containers as recommended by the Colorado Division of Wildlife must be provided for trash. At least one thirty (30) gallon (4 cubic feet) container must be provided for each unit or the equivalent in a central trash collection facility. These container(s) must be durable, washable, non-absorbent metal or plastic with tight-fitting locking lids.
- For Type 3 TLQs, a central, bear-proof, wire fenced trash storage site with a covered top may be used as an alternative to or in addition to individual containers.
- Trash must be disposed of not less than once weekly.
- Outdoor food storage is prohibited unless facilities that prevent the attraction of animals to the TLQ site are provided.
- Visual screening of trash facilities may be required.

IV.11.4.3.5. Reclamation

Reclamation Plan is required. The Applicant shall submit as part of the TLQ Temporary or Conditional Use Permit application, a reclamation and re-vegetation plan for each specific site satisfying the following requirements:

- Construction debris and waste materials, including, but not limited to structures, concrete, footings, sewage disposal systems and related infrastructure, water storage and related distribution infrastructure, roads, and other sand, plastic, gravel, pipe and cable must be removed.
- All pits, cellars, and other holes must be backfilled and compacted as soon as possible after all equipment is removed to conform to surrounding terrain.

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- All access roads to the site and associated facilities must be closed, graded and re-contoured.
- Culverts and any other obstructions that were part of the access road(s) must be removed.
- Upon closure of a TLQ, wastewater tanks and leach fields must be completely pumped out and removed. Any waste material pumped from a wastewater tank or leach field or waste debris from tank and leach field removal must be disposed of at an approved facility that is permitted by Colorado Department of Public Health and Environment (CDPHE) and/or Saguache County to receive said wastes. Materials may not be burned or buried on the premises.
- All areas compacted by TLQs and subsequent operations must be cross-ripped. On crop land, such compaction alleviation operations shall be undertaken when the soil moisture at the time of ripping is below thirty-five percent (35%) of field capacity. Ripping shall be undertaken to a depth of eighteen (18) inches unless and to the extent bed rock is encountered at a shallower depth.
- All disturbed areas affected by TLQ sites must be reclaimed as nearly as practicable to their original condition and shall be maintained to control dust, weeds and minimize erosion. Reclamation shall occur no later than three (3) months after termination of the TLQ unless the Land Use Department extends the time period because of conditions outside the control of the Applicant.
- For disturbed areas not regulated by the Colorado Oil and Gas Conservation Commission, the following regulations apply:
  - a. Re-vegetation of crop lands. All segregated soil horizons removed from crop lands shall be replaced to their original relative positions and contour and shall be tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to control erosion. Any perennial forage crops that were present before disturbance shall be reestablished.
  - b. Re-vegetation of non-crop lands. All segregated soil horizons original relative positions and contour as near as practicable to achieve erosion control and long-term stability and shall be tilled adequately in order to establish a proper seedbed. The disturbed

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area then shall be reseeded in the first favorable season. Reseeding with species consistent with the adjacent plant community is encouraged. In the absence of an agreement between the Applicant and the affected surface owner as to what seed mix should be used, the Applicant shall consult with a representative of the local soil conservation district to determine the proper seed mix to use in re-vegetating the disturbed area.

- During occupation and reclamation operations, all disturbed areas must be kept free of Saguache County and State of Colorado Lists A and B noxious weeds.
- Successful reclamation of the site and access road will be considered accomplished and completed when:
  - a. On crop land, reclamation has been performed as per this section, and observation by the Land Use Department over two growing seasons confirms no significant unrestored subsidence.
  - b. On non-crop land, reclamation has been performed as per this Section, and the total cover of live perennial vegetation, excluding noxious weeds, provides sufficient soils erosion control as confirmed by the Land Use Department by a visual inspection. The Land Use Department shall consider the total cover of live perennial vegetation of adjacent or nearby undisturbed land, having similar soils, slope and aspect of the reclaimed area.
  - c. A final reclamation inspection has been completed by the Land Use Department and there are no outstanding compliance issues relating to Saguache County rules, regulations, orders or TLQ permit requirements and conditions.
  - d. The Land Use Department has notified the Applicant that final reclamation has been approved.

#### IV.11.5. Miscellaneous Provisions

This Section is not intended to be applied to emergency or disaster situations where temporary housing is necessary.

- If structures that require Construction Permits under Saguache County Construction Permit Article XIII of the Saguache County LDC are constructed for the commercial, industrial, transportation project or mineral extraction operation related to the TLQ site for which an Oil and Gas Operations Permit or Conditional Use Permit is issued, upon expiration or revocation of the permit, Letters of Occupancy for such structures shall be

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withheld until the TLQ is removed and the site is restored to the satisfaction of the County Land Use Department.

- TLQ sites must be maintained in a clean, safe and sanitary condition, free of weeds and refuse. Any hazardous or noxious materials that must be stored on site for operational or security reasons must be managed in accordance with all applicable federal, state, county and local laws and regulations.
- Inhabitants of the temporary housing must be Applicant's employees and/or subcontractors, working on the related construction or mineral extraction operation, and not dependents of employees, guests or other family members.
- No animals are allowed at TLQ sites.
- If a permit for TLQ is granted, the Applicant shall notify the County when site construction begins. For Type 1 TLQs not requiring a Construction Permit (recreational vehicles, motor homes and camp trailers) the Applicant shall notify the County when occupancy begins.
- As to Type 3 TLQs, on-site County emergency services and/or law enforcement staff may be required. The cost of such must be borne by the Applicant.
- The Land Use Department or other County designee shall have the right to inspect a TLQ site, without notice, to assess compliance with the TLQ permit. A determination of noncompliance with any Temporary Living Quarters, Temporary or Conditional Use Permit, or conditioned approval thereof, is grounds for revocation or suspension of said Permit.
- TLQ Permits may include additional requirements as may be necessary to ensure the health, safety and welfare of the public.

#### IV.11.6. Reporting Requirements

- When the need for a TLQ at a given location is ended and the TLQ facility and associated structures are to be removed, the Applicant will notify the Land Use Department at least 10 days prior to removal.
- Each Applicant must submit an annual summary of TLQ use, January 1 through December 31, including number of persons housed in each TLQ. Reports are due by January 31st of each year.

#### IV.11.7. Revocation and Penalties

Failure to comply with the requirements or conditions of a Temporary Living Quarters Permit or Conditional Use Permit may be grounds for revocation



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pursuant to Article XI of the LDC or imposition of penalties or remedies  
pursuant to Article X of the LDC.

**IV.12 Marijuana Production**

Marijuana Production in Unincorporated Saguache County

- IV.12.1. Unless previously approved by Saguache County through a Conditional Use process no marijuana grow areas, manufacturing facility or store will be “grandfathered in”.
- IV.12.2. No commercial retail/medical grow, processing, manufacturing or testing facility shall be located on a parcel of land containing less than thirty-five (35) acres in size or within a platted/recorded subdivision.
- IV.12.3. There shall be a minimum of 2,500 feet between each parcel containing different landowners approved for an operation by Saguache County. Therefore, the County may approve a facility if another facility is within 2500 feet only if the facility within 2,500 feet was approved and is situated with the corporate boundaries of a municipality.
- IV.12.4. The 2500-foot requirement is not applicable where more than one commercial operation is located on the same parcel, or adjacent parcels, owned by the same property owner. Provided however, that such parcels contain a minimum of thirty-five (35) acres for each commercial operation located on the property.
- IV.12.5. Dispensaries shall not be located within 1,000 feet of a licensed alcohol or drug treatment facility or meeting area, a licensed child care facility, or an educational facility up to and including college grade level, school bus stops and or substantially similar facilities in an adjacent municipality, government buildings, hospitals and/or clinic buildings and worship center or facilities used for religious purposes as measured from the closest point from the license premise area lines. These boundaries pertain to facilities established prior to the Conditional Use request.
- IV.12.5.1. School bus stops will be determined by the school district the property is located within. A form will be supplied to applicant for the school district to complete for verification of location of designated school bus stop.
- IV.12.6. It shall be unlawful for any person who is not licensed under Article 43.3 or Article 43.4 of Title 12, CRS to sell or manufacture Marijuana products without first obtaining state permits and a Conditional Use permit from Saguache County.
- IV.12.7. All State Licensed Marijuana Cultivation and production shall require an additional Land Use permit to be lawful in Saguache County.

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IV.12.8. No Marijuana Establishment shall be allowed as a Home Occupation.

IV.12.9. All Marijuana related structures i.e.: greenhouse, storage containers, residences etc. are required to obtain a construction permit issued by the Saguache County Land Use Office and On-Site Waste Water Treatment Facility.

IV.12.10. Enclosed locked structures may include dwelling units and other primary structures as well as greenhouses and accessory buildings or outdoor areas that are completely fenced on all four sides.

IV.12.11. Any type of Marijuana production shall not be accessible to children, casual passersby or anyone not authorized to possess Marijuana.

IV.12.12. No person may engage in Marijuana production in a manner that adversely affects the health or safety of the nearby property owner including, but not limited to:

- Having visibility of plants from the exterior of the structure(s) or any other common visual observation, including any form of signage.
- Emitting light pollution, glare or brightness in a residential area that disturbs the repose of another.
- Causing unreasonable noise or vibration.
- Excessive or harmful odor
- Cause undo vehicular or foot traffic, including excess parking.

IV.12.13. Personal Cultivation

IV.12.13.1. Saguache County allows for 6 marijuana plants per adult with a 12 maximum marijuana plants only to be grown on any residential property, per year.

IV.12.13.2. Personal Marijuana grown outdoors shall be contained entirely in an area that is completely fenced or screened from view with a locked gate for safety and shall not be visible from any right of way, any residence or the public.

IV.12.13.3. No personal marijuana cultivations of any kind will be allowed on vacant parcels within the unincorporated areas of Saguache County.

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IV.12.14. Marijuana Production and Processing

Marijuana production prior to the adoption of these regulations shall not be permitted as a nonconforming use. There will be no “grandfathering” of the number of plants the home grows already possess prior to the adoption of these regulations.

IV.12.14.1. Extraction shall comply with CRS 18-18-406.6 and any other applicable State law or regulation.

IV.12.14.2. Marijuana processing shall not be perceptible from the exterior of the primary residence, including but not limited to: common visual observation; light pollution/glare, undue vehicular or foot traffic and noise from the exhaust fan.

IV.12.14.3. Processing must take place within an Enclosed Locked Structure, which means a structure that:

- Does not allow for the visibility of the interior from the outside
- Secured with a lock and security system
- Completely surrounded on all sides by a wall

IV.12.14.4. Enclosed locked structures may include dwelling units and other primary structures as well as greenhouses and accessory buildings or outdoor areas that are completely fenced on all four sides.

IV.12.15. Retail or Retail Medical Marijuana

- In addition to all Conditional Use Permit requirements, the following will also be required for Marijuana facilities and all dual operations allowed within the State of Colorado under Amendment 64:
- Medical Marijuana Centers, Optional Premises Cultivation facilities, Infused Product Manufacturers, may also operate under dual licensing with correlated Retail Marijuana Centers. Retail Marijuana Cultivation facilities and Retail Infused Product Manufacturing and Testing Facilities.
- There shall be no combination of personal marijuana cultivation and a commercial retail cultivation area on the same parcel of land.

IV.12.15.1. No retail / retail medical cultivation, processing, manufacturing or testing facility areas shall be located on parcel of land containing less than 35 acres in size or within a platted/recorded subdivision.

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IV.12.15.2. There shall be a 300-foot setback from every property to any structure or mechanical devise being utilized for the approved operation.

IV.12.15.3. There shall be a minimum of 2500 feet between each parcel containing different landowners approved for an operation.

IV.12.15.4. The 2500-foot requirement is not applicable where more than one commercial operation is located on the same parcel, or adjacent parcels, owned by the same property owner. Provided however, that such parcels contain a minimum of thirty-five (35) acres for each commercial operation located on the property.

IV.12.15.5. Dispensaries shall not be located within 1,000 feet of a licensed alcohol or drug treatment facility or meeting area, a licensed child care facility, or an educational facility up to and including college grade level, school bus stops and or substantially similar facilities in an adjacent municipality, government buildings, hospitals and/or clinic buildings and worship center or facilities used for religious purposes as measured from the closest point from the license premise area lines. These boundaries pertain to facilities established prior to the Conditional Use request.

IV.12.15.5.1. School bus stops will be determined by the school district the property is located within. A form will be supplied to applicant for the school district to complete for verification of location of designated school bus stop.

IV.12.15.6. All marijuana licensees must be in production and pay excise tax within two years of receiving their initial license approval. If the excise tax has not been paid as required hereby, a variance setting forth the specific reasons to the County's satisfaction must be applied for sixty (60) days prior to the licensee's yearly review. Failure to comply will result in automatic revocation of the license and reapply under the new regulations.

**IV.12.16. Retail/Medical Marijuana Center Parking Requirements**

IV.12.16.1. One space per 200 square feet of floor area used for office, sales, or personal service operations.

IV.12.16.2. One space per 1,000 square feet of floor area used for growing, warehousing, or storage operations.

IV.12.16.3. Additional Provisions for Retail Medical or Retail Marijuana Operations and Testing Facilities:

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IV.12.16.3.1. These uses must obtain and maintain all necessary state and local permits regardless of when they are established, businesses operating for the purpose of cultivation, manufacture, or sale of medical marijuana or medical marijuana-infused products, as defined in Colorado House Bill 10-1284 and any and all dual operations allowed within Amendment 64, are and will be subject to the provisions and limitations stated in 1 CCR 212-1 M304 and 1 CCR 212-2 R304 of the Colorado Retail Marijuana Code. These provisions and limitations include those in the legislation and any State and County requirements promulgated under the legislation. Such businesses or uses, even if allowed under this Section or prior provisions of this Code, are subject to termination if they cannot meet the requirements of, or legally operate under State Law and the Colorado Marijuana Code.

IV.12.16.3.2. Lighting – No artificial lighting for cultivation purposes shall be visible from outside and shall not create a nuisance. Black out curtains or some type of light obstruction must be used.

IV.12.16.3.3. All applications for this type of use must include the following:

- The County Shall not issue any permit (s) to an applicant unless and until, and shall be expressly conditioned upon, the issuance of corresponding license(s) issued to the applicant by the State of Colorado Marijuana Enforcement Division.

#### **IV.13 Conditional Use Review**

Although each activity district is primarily intended for permitted uses, there are several uses which may or may not be appropriate in a particular district depending upon, for example, the location, nature of the proposed use, character of surrounding development, soil suitability, traffic capacities of adjacent streets, and potential environmental effects. These factors may dictate that the circumstances of development should be individually reviewed.

Uses, which have not been listed or cannot be included in an encompassing category, shall be considered as a conditional use. The Planning Commission and Board of County Commissioners shall make a determination of approval if the unlisted use is appropriate for and consistent with the intent of a district.

##### **IV.13.1. Purpose**

It is the purpose of this regulation to provide for review of such uses so that Saguache County is assured that they are compatible with their locations and surrounding land uses and will further the purpose of these Regulations.

##### **IV.13.2. Application Procedure**

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- IV.13.2.1. An application for approval of a conditional use shall be filed by a person who owns a legal or equitable interest in the property for which conditional use is requested and shall be made on a form provided by Saguache County. Such application shall be filed in the office of the Land Use Administrator. The application must include:
- IV.13.2.2. A nonrefundable processing fee shall be submitted with the application. If the Board of County Commissioners decides a public hearing is necessary, an additional nonrefundable processing fee shall be submitted prior to setting the date for the public hearing. The amount of these fees shall be set by the Board of County Commissioners and shall remain in effect until changed.
- IV.13.2.3. A list of landowners of properties located within two thousand five hundred feet (2500) of the proposed conditional use request, along with the current addresses as recorded will be obtained by the Saguache County Land Use Office for the use of certified mailing notifications.
- IV.13.2.4. A survey plat of the proposed project must be supplied showing all proposed locations of buildings and structures; off street parking area; off street loading areas; service and refuse areas; means of ingress and egress; major landscaping or screening and pedestrian areas, if pertinent.
- IV.13.2.5. A time schedule for construction.
- IV.13.2.6. Proof of Ownership. If the property is to be leased to the applicant a minimum of three (3) year lease must be supplied with the application. Lease must be between landowner and applicant.
- IV.13.2.7. Any other information the applicant believes will support the request must be in the applicant letter of intent.
- IV.13.2.8. Such other information as the Planning Commission or Board of County Commissioners request must be done by written request to the applicant.
- IV.13.2.9. If property is not located within a Fire Protection or Ambulance Service District a written agreement must be supplied to show coverage for any emergency services that may be needed.
- IV.13.2.10. If water and sanitation services are provided by a district written agreement must be supplied with the application.

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IV.13.2.11. All Conditional Use must provide Emergency Contact information which shall include current names, phone numbers and addresses. Each site shall be required to have telephone service capability. Emergency contact information must be posted on site at all times.

IV.13.2.12. All Conditional Use requests must also address the impact of the following:

- Water usage
- Noise pollution – when a generator is utilized such units shall comply with all applicable noise and fuel containment regulations
- Light pollution
- Dust control
- Weed and pest control
- Excessive or harmful odors
- Any structures – all structures shall be neutral in color- this shall include shipping containers

IV.13.2.13. Construction structure drawings shall be required at the time of final construction.

IV.13.2.13.1. All related operational structures i.e.: greenhouse, storage containers etc. shall be required to obtain a construction permit issued by the Saguache County Land Use office.

IV.13.2.14. All structures used for storage must be painted an earth tone and all advertising must be either painted over or removed.

IV.13.2.15. Property Taxes on all affected parcels must be current at the time of Board of County Commissioners decision. A Certificate of Taxes Due will be obtained at the beginning of the application process and confirmed before the Board of County Commissioners final review.

IV.13.2.16. Approved Water Supply – must provide a copy of approved State of Colorado Permit or contract for water use.

The Division of Water Resources is responsible for the administration of water use in Colorado. Water must be used in a manner consistent with applicable decrees and well permits. There is a presumptive irrigation season of April 1 through November 1 in the San Luis Valley. Year-round irrigation and processing of commercial crops and products requires a legal water supply. For example, a well decreed for irrigation use must not operate outside the presumptive season without Water Court or State Engineer approval; and a domestic well is not a legal water supply for a commercial greenhouse. Please contact the Division of Water Resources at (719) 589-6683 or the

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Division office, located at 301 Murphy Drive in Alamosa for clarification of legal water supplies associated with the cultivation and processing of marijuana, hemp, and other year-round crops in the San Luis Valley. The DWR website can also provide valuable information at [www.water.state.co.us](http://www.water.state.co.us).

IV.13.2.17. Approved Sewage Disposal Permit.

IV. 13.2.17.1 Waste product from any Conditional Use proposed use shall be disposed of properly so as not to cause risk for consumption by others or as not to attract rodents, pests and public curiosity.

IV.13.2.17.2. All Waste products shall be disposed of properly so as not to cause contamination of ground water and must be in accordance with applicable Saguache County and State of Colorado Individual Sewage Treatment Facility regulations.

IV.13.2.17.3. Approved Sewage Disposal System permit must be purchased within thirty (30) days of Board of County Commissioner approval. The sewage disposal system shall be installed within sixty (60) days of Board of County Commissioner approval given. No composting toilets shall be allowed for Conditional Use approvals.

IV. 13.2.17.4. Sewage Disposal must be completed prior to any construction for retail/medical cultivation, processing or manufacturing may begin.

IV.13.2.18. There shall be **NO** campers, RV's, tents etc. used for a permanent residence on any Conditional Use approved locations. Stated above.

IV.13.2.19. All Application must be signed by the landowner(s).

**IV.14. Review Procedure**

The following procedure will be used to review Conditional Use applications.

IV.14.1. Land Use Administrator will review the application to determine if it is complete and eligible for consideration by the Planning Commission.

IV.14.2. At least SIXTY days (60) days prior to Planning Commission or Board of County Commissioners meeting for which the request is to be heard application must be received in the Land Use Office. The Land Use Office will send notification to the adjoining landowners within 2500 feet of the subject PARCEL NUMBER OUTSIDE PERIMETER OF THE PROPERTY BOUNDRY by first class mail with a certificate of mailing FORTY-FIVE (45) days prior to scheduled meeting. Landowners of record according to the



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Saguache County Assessor as of SIXTY days (60) days prior to Planning Commission or Board of Commissioners meeting date.

Such notification shall include information that a conditional use application has been filed and the nature of the conditional use, that such application may be reviewed during regular office hours of the Land Use Department and the time that the Planning Commission or Board of County Commissioners will consider oral or written statements regarding the application. If the property described on the application lies in part or wholly within the Town of Saguache, Center, Moffat, Crestone or Bonanza planning areas as outlined on the activity map, like notice will be sent to these municipalities.

- IV.14.3. The Planning Commission shall, in a timely manner, either recommend approval of the application in whole or in part, with or without modification and conditions, or recommend denial of the application to the Board of County Commissioners. The recommendation of the Planning Commission shall be transmitted to the Board of County Commissioners and to the applicant.
- IV.14.4. The Board of County Commissioners may hold a public hearing on any proposed conditional use application in a timely manner after receiving the written report of recommendations from the Planning Commission. A notice of such public hearings shall be published in a newspaper of general circulation within Saguache County at least thirty (30) days prior to the hearing date or in the manner and form required by statute for an activity resolution or amendment. An adequate record of the hearing shall be maintained. If no adverse or negative responses are received a public hearing may not need to be held. The Board of County Commissioners shall make the decision whether or not a public hearing will be held.
- IV.14.5. The Board of County Commissioners shall, in a timely manner, either grant the application in whole or in part with or without modifications and conditions or deny the application. The decision of the Board of County Commissioners shall be transmitted in writing to the applicant.
- IV.14.6. All approved site plans for conditional uses including modifications and conditions, shall be certified by the Board of County Commissioners and kept on file.
- IV.14.7 General Criteria, Conditions and Modifications
- IV.14.7.1 The Planning Commission and the Board of County Commissioners will consider the following when reviewing Conditional Use applications.
- IV.14.7.2. Conditional uses existing at the time of the adoption of these Regulations shall be allowed to continue as conditional uses, unless approved use changes.

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- IV.14.7.3. No conditional use shall be approved unless the Board of County Commissioners finds that the application complies with all requirements imposed by Section 3 of this Article and with all applicable laws and regulations and is consistent with all objectives and purposes of these Regulations as declared in Section 3.1 of this Article and in Article I of this Code.
- IV.14.7.4. Decisions on conditional use applications shall be based upon policy and guidelines set forth in Section 3 of this Article including but not limited to the following:
- The compatibility of the proposed use with surrounding land users and uses. Reasonable suggestions and objections from persons in the neighborhood are a measure of compatibility and will be considered.
  - The impact on County Roads, traffic congestion or traffic hazards
  - The impact on the public health, safety, or welfare
  - The impact on soil, noxious weeds, water, air and aesthetics
- IV.14.8. It will be the policy to accommodate reasonable conditional uses applied for, and conditions and modifications may be offered as a means of mitigating adverse effects of the use should they make it possible to approve the application.
- IV.14.9. When approval is granted by the Board of County Commissioners, the applicant shall start construction and implement the request according to approval of the time line provided by the applicant.
- IV.14.10. If land ownership changes or State of Colorado license ownership changes at any time during the duration of the permitted use, a Modification Application must be filed for, fees paid and reviewed by the Planning Commission with final approval given by the Board of County Commissioners pursuant to current existing regulations.
- IV.14.11. If the applicant is not in compliance with the approved plan within a one (1)-year period, the approval shall become void and a new application shall be applied for with fees to be paid and reviewed by the Planning Commission and Board of Commissioners for approval.
- IV.14.12. Applicant shall notify the Land Use office each year of the status of project for any commercial use permits issued. Any permits issued are required to notify the Land Use Office when the construction is complete.

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**IV.15. Modification Criteria**

IV.15.1 Some approved Conditional Use Permits may at some time require modifications to the approval given. An application and an application fee as set by the Board of County Commissioners must be applied for and paid for with the Land Use Office prior to review. The Land Use Administrator shall review the request and determine if the request will be handled as a full review process with the Planning Commission and the Board of County Commissioners or if only the Board of County Commissioners shall review the request.

IV.15.1.1 Modification Criteria

IV.15.1.2. No complaints have been received by the Land Use office

IV.15.1.3. No impact increase on the adjacent landowners

IV.15.1.4. Legal or technical changes are requested for a prior approved permit

IV.15.1.5. Any modification shall complete the same application and pay a fee as set by the Saguache County Board of Commissioners.

IV.15.1.6. Application must be signed by the landowner(s).

IV.15.1.7. All marijuana licensees must be in production and pay excise tax within two years of receiving their initial license approval. If the excise tax has not been paid as required hereby, a variance setting forth the specific reasons to the County's satisfaction must be applied for sixty (60) days prior to the licensee's yearly review. Failure to comply will result in automatic revocation of the license and reapply under the new regulations.

**IV.16. Violations and Enforcement**

IV.16.1. It is unlawful to grow or process Marijuana on a residential property with a plant count of more than twelve (12) plants without a Saguache County Land Use Medical Variance or Conditional Use permit. This includes state license holders.

IV.16.1.2. It is unlawful and a violation of the terms and conditions of every permit issued under this Code to cultivate, manufacture, distribute, store, test or sell marijuana except in compliance with the terms, conditions, limitations and restriction in Sections 14 and 16 of Article XVIII of the State of Colorado Constitution, the Colorado Marijuana Code, the provisions of this Code and any conditions imposed on a permit pursuant to this Code.

IV.16.2. It shall be unlawful for any person to engage in any form of business or commerce directly involving the cultivation, processing, manufacturing, sale or

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testing of marijuana other than those forms of businesses that are expressly contemplated by this Code and the Colorado Marijuana Code.

- IV.16.3. The consumption of marijuana may not be done openly and publicly.
- IV.16.4. The premise otherwise complies with Article IV of the Saguache County Land Development Code.
- IV.16.5. It is unlawful and a violation of the Code for a marijuana establishment to operate until it has been permitted under this Code by the Local Permitting Authority also licensed by the State Licensing Authority pursuant to the Colorado Marijuana Code.
- IV.16.6. It is unlawful and a violation of this Code and further a violation of each license issued pursuant to this Code for a person or permittee to commit any act or omission, which is unlawful pursuant to the Colorado Marijuana Code. In addition to the criminal penalties specified therein, any permittee who commits any acts that are unlawful pursuant to this Code and/or pursuant to the Colorado Marijuana Code shall be subject to a summary suspension, a suspension, fines, and/or a revocation of its permit.
- IV.16.7. In addition to any other civil or criminal sanction prescribed by Colorado Law or rules promulgated pursuant thereto, the Local Licensing Authority has the power, on its own motion or on complaint, after investigation and opportunity for a public hearing at which the permittee shall be afforded an opportunity to be heard, to fine, restrict, suspend or revoke a permit issued by the Local Licensing Authority for a violation by the permittee or by any other of the agents or employees of the permittee of the provision of this Code, the Colorado Marijuana Code and/or of any of the other terms, conditions or provisions of the license issued by the Local Licensing Authority. Summary suspension, suspension, revocation and/or fines may be imposed by the Local Licensing Authority and in commencing and concluding such actions, the Local Licensing Authority shall comport with the provision of the Colorado Marijuana Code.
- IV.16.8. Each person permitted pursuant to this Code shall keep and maintain all records specified in the Colorado Marijuana Code and shall make the same open at all times, during business hours for the inspection and examination of the Local Licensing Authority or its duly authorized representatives. A failure to maintain such records and to allow for inspection of the same as well as a failure to allow the inspection of the permitted premises by the Local Licensing Authority shall constitute a violation of this Code and such violation may in the discretion of the Local Licensing Authority, form or constitute the basis for a summary suspension, a suspension, fines and/or revocation of the permittee's permit.

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- IV.16.9. Stipulations regarding violations of these Regulations may be executed by the Saguache County Land Use Staff or the Saguache County Sheriff's office consistent with the following;
- IV.16.9.1. The Inspector may make determinations regarding the type of sanction to impose based upon the; severity of the violation and in conformance with the following categories of violations:
  - IV.16.9.2. Permit Infractions of violation may include, but is not limited to, failure to display required badges, unauthorized modifications of the Permitted Premises of a minor nature, or failure to notify the Local Licensing Authority of a minor change in ownership. The range of penalties for this category of violation may include a verbal or written warning or a fine per individual violation of up to one thousand dollars (\$1000) per day, depending on the mitigating and aggravating circumstances. Sanctions may also include restrictions on the permit.
  - IV.16.9.3. The permitted premises, including but not limited to any places where marijuana is grown, stored, cultivated, sold, tested or dispensed, shall be subject to inspection by the Local Licensing Authority or its designee, and any other state or local law enforcement personnel during all business hours and other times of apparent activity, for the purpose in inspection or investigation.
  - IV.16.9.4. In the event of a written complaint or annual review the Land Use Inspector may request verbal permission from the property owner or applicant to access the property and any structure(s) on the property during business hours Monday through Friday, 8am to 4pm, for the purpose of conducting a physical inspection of the property to determine compliance with the requirements of these regulations.
  - IV.16.9.5. If permission is denied to the Land Use Inspector or Code Enforcement Officer, to inspect the property and the Land Use Inspector has reasonable belief there is imminent danger to the public health, safety or welfare or noncompliance with these regulations the Land Use inspector shall have the authority to request the Saguache County Sheriff's Office to conduct an inspection of the property within their authoritative powers
  - IV.16.9.6. If such inspection reveals non-compliance with these regulations the Land Use inspector or Code Enforcement Officer shall pursue the non-compliance violation through proper authority and action as allowed within the Saguache County Land Development Code.
  - IV.16.9.7. Any violation to other agencies will be forwarded to the proper agency for their review and comment.