

# Clear Creek County Zoning Regulations: Section 12

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## SECTION 12 SPECIAL USE PERMITS

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## 1201 GENERAL PROVISIONS

### 1201.1 PURPOSE

The purpose of these provisions is to provide a permit review process that evaluates those uses listed as "special uses" within zoning districts to ensure their compatibility with other uses in the same zoning district. Special use permits are issued upon the recommendation of the Planning Department and the approval of the Planning Director and/or Board of County Commissioners. Special Use Permit applications will not be accepted for land activities that are subject to County Board of Adjustment approval pursuant to Section 13 - Variances of these Regulations. A Special Use Permit shall not be used as a substitute for rezoning to the appropriate zoning district.

### 1201.2 APPLICABILITY

A parcel of land may be determined to be suitable for uses additional to those enumerated in the "Use Regulations," the "Permitted Principal Uses," or the "Accessory Uses" sections of the applicable zoning district regulation. Uses requiring a Special Use Permit include those described in the "Uses Requiring Special Use Permit" section of the applicable zoning district.

Special Use Permits shall be granted when:

1201.2.1 The proposal is consistent with the Section 1 - Title, Authority, and Interpretation, Subsection E. Purposes, of these Regulations; and

1201.2.2 Authorized by a resolution of the Board of County Commissioners as a "use in compliance" as specified in and pursuant to an approved form; or

1201.2.3 Authorized by the Planning Department as an "Administrative Special Use Permit," with written findings of fact as specified in an approved form.

If the proposed use is approved or conditionally approved, the Board of County Commissioners or Planning Department may impose such conditions and safeguards to ensure compliance with the requirements, standards and conditions of this section. The violation of any condition, safeguard, or commitment of record shall be sufficient grounds for revocation of the permit by the Board, following a ten (10) day written notice sent by certified mail, return receipt requested, to the applicant, and public hearing.

### 1201.3 CRITERIA FOR CLASSIFICATION

There are five (5) types of Special Use Permits that are classified as the following:

#### 1201.3.1 SPECIAL USE PERMIT

Special Use Permits are designed for long-term or permanent changes to the use of the land, and shall not terminate upon sale of the property unless otherwise stipulated. A use permitted under this Section may be established in a zoning district only upon approval of the Board of County Commissioners, after review and action by the Planning Commission, and subject to the conditions set forth in a resolution approving the use by the Board.

#### 1201.3.2 TEMPORARY SPECIAL USE PERMIT

Uses qualifying for consideration for a Temporary Special Use Permit are traditionally a period of three (3) years or less. A use permitted through Temporary Special review may be established in a zoning district only upon approval of the Board of County Commissioners, and subject to the conditions set forth in an approval by the Board.

#### 1201.3.3 ADMINISTRATIVE SPECIAL USE PERMIT

Uses qualifying for consideration for an Administrative Special Use Permit are

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limited to a term of one (1) year or less. Certain temporary uses may qualify for an Administrative Special Use Permit, to be approved by the Planning Department upon reaching written findings of fact which confirm compliance with this Section and other relevant County land use laws. Administrative Special Use Permits can only be granted on a one-time basis for a specific use.

## 1201.3.4 MOBILE FOOD VEHICLE PERMIT

A Mobile Food Vehicle Permit is valid for 1 Calendar year. A Mobile Food Vehicle Permit may be renewed each Calendar year for a reduced fee if the use has not been discontinued for more than 12 months.

## 1201.3.5 TEMPORARY RECREATIONAL AND NON-RECREATIONAL VEHICLE CAMPING PERMITS

The Planning Department may issue a temporary RV or non-RV camping permit for periods over fourteen (14) days per year but not to exceed thirty (30) days per year. The applicant must guarantee that during the permit period an approved sanitary facility is available at all times. For periods longer than thirty (30) days, a Special Use Permit must be applied for. A new temporary RV or non-RV camping permit cannot be issued until thirty (30) days from the expiration of the previous year's permit.

## 1202 SPECIAL USE PERMIT

### 1202.1 PURPOSE

Special Use Permits are designed for long-term or permanent changes to the use of the land, and shall not terminate upon sale of the property unless otherwise stipulated. A procedure for review by the Planning Department every three (3) years, or sooner at the discretion of the Board of County Commissioners, shall be a part of every Special Use Permit, to ascertain whether the use is still being operated in compliance with the terms of the agreement.

### 1202.2 APPLICABILITY

A use permitted under this Section may be established in a zoning district only upon approval of the Board of County Commissioners, after review and a recommendation by the Planning Commission, and subject to the conditions set forth in a resolution approving the use by the Board.

### 1202.3 PRE-APPLICATION CONFERENCE

Prior to submittal of an application, the applicant shall meet with a Planning Department staff member to determine whether the request meets the criteria as stated above for a Special Use Permit process, and to explain the procedure and submittal requirements. The applicant should bring applicable documentation for review.

### 1202.4 SUBMITTAL PROCESS

1202.4.1 A complete application and appropriate documentation must be submitted to the Planning Department by the applicant. If the requested use relates to a proposed or existing building permit, a construction schedule will be required. Additional information may be required later in the process.

1202.4.2 The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal will not be processed.

1202.4.3 The Planning Department will notify adjacent property owners within 300 feet of

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the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis. Adjacent property owners and referral agencies shall be given twenty-one (21) calendar days prior to the Planning Commission public hearing to comment.

- 1202.4.4 The Planning Department will publish a notice in a newspaper of general circulation in the county fourteen (14) calendar days prior to the Planning Commission's public hearing. The applicant will be notified of the public hearing date, time, and place.
- 1202.4.5 At least fourteen (14) calendar days prior to the Planning Commission public hearing, the applicant shall post and maintain notice on the parcels under consideration. Notice shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.
- 1202.4.6 The Planning Department will prepare a Site Characteristics Analysis, and a visit to the site will be made by Staff.
- 1202.4.7 Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Planning Commission public hearing.
- 1202.4.8 During the public hearing, the Planning Commission shall evaluate the submittals, referral comments, staff report, and public testimony, and make a recommendation to the Board of County Commissioners (BOCC) to approve, approve with conditions, or deny the application.
- 1202.4.9 The applicant may be required to provide additional information prior to the BOCC public hearing based on conditions/stipulations recommended by the Planning Commission.
- 1202.4.10 The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the BOCC public hearing. The applicant will be notified of the public hearing date, time, and place.
- 1202.4.11 Based upon the submittal documentation, site characteristics analysis, comments received, and the Planning Commission's recommendation, the Planning Department will prepare a staff recommendation/report and draft resolution for the BOCC public hearing.
- 1202.4.12 During the public hearing, the BOCC shall evaluate the submittals, referral comments, staff report, Planning Commission recommendation, and public testimony, and shall approve or deny the application.
- 1202.4.13 The Planning Department will notify the applicant of what is required to finalize the decision of the BOCC following the public hearing.
- 1202.4.14 If granted, the Special Use Permit will be monitored for compliance by the Planning Department. If all conditions and stipulations of the Resolution are not met timely, a hearing will be scheduled before the BOCC to determine if the

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permit should be revoked. The holder of the permit shall be notified of the hearing date and time. A permit may be revoked for non-compliance with ten days written notice to the applicant.

- 1202.4.15 The Board of County Commissioners (BOCC) may impose a condition that renders a Special Use Permit null and void when an approved Permit is inactive or no longer in use for a period greater than one (1) year.

### 1202.5 GENERAL SUBMITTAL REQUIREMENTS

A complete application and appropriate documentation must be submitted to the Planning Department by the applicant, including:

- 1202.5.1 Completed application form
- 1202.5.2 Application fee
- 1202.5.3 Scaled site plan, of which the number of copies will be determined by case manager. One (1) copy of the final site plan will be required after the review process is complete. The Site Plan shall, at minimum, depict the following:
- 1202.5.3.1 Title block, a written and graphic scale, and north arrow designated at true north.
  - 1202.5.3.2 Boundaries of the subject property(s).
  - 1202.5.3.3 Boundaries of adjacent parcels or portions of those boundaries that are in immediate proximity of the subject property(s).
  - 1202.5.3.4 All existing and proposed roads, driveways, easements, buildings, structures, structural screening elements, rights-of-way, streams, utilities, signage/outside advertising, exterior lighting, other features, and site modifications.
  - 1202.5.3.5 Existing and proposed wells, water supply systems, and wastewater treatment systems.
- 1202.5.4 Location map that indicates the location of the subject property in relation to roads, streams, utilities, adjacent properties and other features.
- 1202.5.5 Vicinity map that indicates the location of the subject property in relation to the general context of the county.
- 1202.5.6 Copy of deed / proof of property ownership.
- 1202.5.7 A narrative explaining the nature of the proposal and how it meets the following Criteria for Approval;
- 1202.5.7.1 The proposed use will comply with the zoning requirements of the district in which the use is to be established, and will also comply with all other applicable requirements;
  - 1202.5.7.2 The use is in harmony with the character of the neighborhood and compatible with the surrounding area;

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- 1202.5.7.3 The use will not have an undue burden on available infrastructure;
  - 1202.5.7.4 The use will not result in undue traffic congestion or traffic hazards;
  - 1202.5.7.5 The use will not cause significant air, odor, water, noise, or light pollution;
  - 1202.5.7.6 All sanitation requirements will be met;
  - 1202.5.7.7 Parking is adequately provided;
  - 1202.5.7.8 Adequate buffering and screening is provided, when appropriate;
  - 1202.5.7.9 The use shall demonstrate compliance with the County=s Best Management Practices (BMP=s); and
  - 1202.5.7.10 The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Clear Creek County, nor inconsistent with Section 1 - Title, Authority, and Interpretation, Subsection E. Purposes, of these Regulations.
- 1202.5.8 Additional Activity Specific Criteria Standards may be applied to specific uses. Please refer to Section 1207 if the proposed use is classified as one of the following:
- 1202.5.8.1 Bed and Breakfast
  - 1202.5.8.2 Small Wind Energy Systems
  - 1202.5.8.3 Distributed Solar Energy Systems
- 1202.5.9 Completed landowner authorization if applicant is not the owner of the property
- 1202.5.10 Supplemental material, such as elevation drawings, parking layout, water supply plan, ISDS plan, etc., as determined by case manager.
- 1202.5.11 If requested use relates to a proposed or existing building permit, a construction schedule will be required.
- 1202.5.12 Additional information may be required later in the process.
- 1202.6 **FINANCIAL GUARANTEE REQUIRED**  
If a time limit is set by the Board of County Commissioners for this Special Use Permit, a financial guarantee to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate, in a form approved by the County Attorney, shall be a condition of the permit. Additionally, a financial guarantee may also be required by the BOCC to assure any 'Conditions of Approval' are met.

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## 1203 TEMPORARY SPECIAL USE PERMIT

### 1203.1 PURPOSE

A use permitted through temporary special review may be established in a zoning district only upon approval of the Board of County Commissioners, and subject to the conditions set forth in an approval by the Board. A time frame for terminating the event shall be stipulated by the Board, and a financial guarantee in a form approved by the County Attorney, shall be required to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate, for those uses which are described as temporary.

### 1203.2 APPLICABILITY

Uses qualifying for consideration for a Temporary Special Use Permit are traditionally for a period of three (3) years or less.

### 1203.3 PRE-APPLICATION CONFERENCE

Prior to submittal of an application, the applicant shall meet with a Planning Department staff member to determine whether the request meets the criteria as stated above for a Temporary Special Use Permit process, and to explain the procedure and submittal requirements. The applicant should bring applicable documentation for review.

### 1203.4 SUBMITTAL PROCESS

1203.4.1 A complete application and appropriate documentation must be submitted to the Planning Department by the applicant. If the requested use relates to a proposed or existing building permit, a construction schedule will be required. Additional information may be required later in the process.

1203.4.2 The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal will not be processed.

1203.4.3 The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis. Adjacent property owners and referral agencies shall be given fourteen (14) calendar days prior to the BOCC public hearing to comment.

1203.4.4 The Planning Department will publish a notice in a newspaper of general circulation in the county fourteen (14) calendar days prior to the Board of County Commissioner=s (BOCC) public hearing. The applicant will be notified of the public hearing date, time, and place.

1203.4.5 At least fourteen (14) calendar days prior to the BOCC public hearing, the applicant shall post and maintain notice on the parcels under consideration. Notice shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.

1203.4.6 The Planning Department will prepare a Site Characteristics Analysis, and a visit to the site will be made by Staff.

1203.4.7 Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Board of County

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Commissioners (BOCC) public hearing.

1203.4.8 During the public hearing, the Board shall evaluate the submittals, referral comments, staff report and public testimony, and shall approve or deny the application.

1203.4.9 The Planning Department will notify the applicant of what is required to finalize the decision of the Board following the public hearing.

1203.4.10 If granted, the Temporary Special Use Permit will be monitored for compliance by the Planning Department. If all conditions and stipulations of the Resolution are not met timely, a hearing will be scheduled before the BOCC to determine if the permit should be revoked. The holder of the permit shall be notified of the hearing date and time. A permit may be revoked for non-compliance with ten days written notice to the applicant.

1203.4.11 The Board of County Commissioners (BOCC) may impose a condition that renders a Special Use Permit null and void when an approved Permit is inactive or no longer in use for a period greater than one (1) year.

### 1203.5 GENERAL SUBMITTAL REQUIREMENTS

A complete application and appropriate documentation must be submitted to the Planning Department by the applicant, including:

1203.5.1 Completed application form

1203.5.2 Application fee

1203.5.3 Scaled site plan, of which the number of copies will be determined by case manager. One (1) copy of the final site plan will be required after the review process is complete. The Site Plan shall, at minimum, depict the following:

1203.5.3.1 Title block, a written and graphic scale, and north arrow designated at true north.

1203.5.3.2 Boundaries of the subject property(s).

1203.5.3.3 Boundaries of adjacent parcels or portions of those boundaries that are in immediate proximity of the subject property(s).

1203.5.3.4 All existing and proposed roads, driveways, easements, buildings, structures, structural screening elements, rights-of-way, streams, utilities, signage/outside advertising, exterior lighting, other features, and site modifications.

1203.5.3.5 Existing and proposed wells, water supply systems, and wastewater treatment systems.

1203.5.4 Location map that indicates the location of the subject property in relation to roads, streams, utilities, adjacent properties and other features.

1203.5.5 Vicinity map that indicates the location of the subject property in relation to the general context of the county.

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- 1203.5.6 Copy of deed /proof of ownership
- 1203.5.7 A narrative explaining the nature of the proposal and how it meets the following Criteria for Approval;
  - 1203.5.7.1 The proposed use will comply with the zoning requirements of the district in which the use is to be established, and will also comply with all other applicable requirements;
  - 1203.5.7.2 The use is in harmony with the character of the neighborhood and compatible with the surrounding area;
  - 1203.5.7.3 The use will not have an undue burden on available infrastructure;
  - 1203.5.7.4 The use will not result in undue traffic congestion or traffic hazards;
  - 1203.5.7.5 The use will not cause significant air, odor, water, noise, or light pollution;
  - 1203.5.7.6 All sanitation requirements will be met;
  - 1203.5.7.7 Parking is adequately provided;
  - 1203.5.7.8 Adequate buffering and screening is provided, when appropriate;
  - 1203.5.7.9 The use shall demonstrate compliance with the County=s Best Management Practices (BMP's); and
  - 1203.5.7.10 The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Clear Creek County, nor inconsistent with Section 1 - Title, Authority, and Interpretation, Subsection E. Purposes, of these Regulations.
- 1203.5.8 Additional Activity Specific Criteria Standards may be applied to specific uses. Please refer to Section 1207 if the proposed use is classified as one of the following:
  - 1203.5.8.1 Bed and Breakfast
  - 1203.5.8.2 Small Wind Energy Systems
  - 1203.5.8.3 Distributed Solar Energy Systems
- 1203.5.9 Completed landowner authorization if applicant is not the owner of the property
- 1203.5.10 Supplemental material, such as elevation drawings, parking layout, water supply plan, ISDS plan, etc., as determined by case manager.
- 1203.5.11 If requested use relates to a proposed or existing building permit, a construction schedule will be required.

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1203.5.12 Additional information may be required later in the process.

## 1203.6 FINANCIAL GUARANTEE REQUIRED

A financial guarantee in a form approved by the County Attorney shall be required to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate, for those uses which are described as temporary. Additionally, a financial guarantee may also be required by the BOCC to assure any >Conditions of Approval= are met.

## 1204 ADMINISTRATIVE SPECIAL USE PERMIT

### 1204.1 PURPOSE

Certain temporary uses may qualify for an Administrative Special Use Permit, to be approved by the Planning Department upon reaching written findings of fact which confirm compliance with this Section and other relevant County land use laws. Administrative Special Use Permits can only be granted on a one-time basis for a specific use. A financial guarantee to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate, in a form approved by the County Attorney, shall be a condition of the permit.

### 1204.2 APPLICABILITY

Uses qualifying for consideration for an Administrative Special Use Permit are limited to a term of one (1) year or less, and may include the following:

1204.2.1 Construction or office trailers, temporary living quarters, or other temporary structures/temporary buildings that are not in conjunction with a building permit for the project utilizing the temporary structure.

1204.2.2 Minor Structures without an existing permitted principal use.

1204.2.3 Seasonal Temporary uses of land, not to exceed 6 months, that require no permanent structural foundations; that are consistent with the character of the neighborhood and the applicable zoning district; that do not increase impacts upon water quality, storm drainage, or traffic to the site more than that associated with permitted principal uses within the applicable zoning district. Such use shall not create a significant visual impact to the surrounding properties and/or community.

1204.2.4 For youth projects for individuals under the age of eighteen (18), pursuant to Section 10 - Animals of these Regulations.

### 1204.3 SUBMITTAL PROCESS

1204.3.1 A complete application and appropriate documentation must be submitted to the Planning Department by the applicant. If the requested use relates to a proposed or existing building permit, a construction schedule will be required. Additional information may be required to complete the process.

1204.3.2 The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal will not be processed.

1204.3.3 The Planning Department shall prepare a Site Characteristics Analysis, and a visit to the site will be made by Staff.

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- 1204.3.4 The Planning Department will notify any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis. Referral agencies shall be given fourteen (14) calendar days to comment prior to the administrative decision.
- 1204.3.5 All applications will be reviewed by the Clear Creek County Environmental Health Inspector regarding required or proposed sanitation for the Administrative Special Use Permit (ASUP).
- 1204.3.6 All applications will be reviewed by the Clear Creek County Site Development Inspector regarding required or proposed site development for the ASUP.
- 1201.3.7 All applications will be reviewed by the Clear Creek County Zoning Enforcement Officer Zoning Specialist regarding zoning for the ASUP.
- 1204.3.8 After the fourteen (14) days referral comment period, staff will review submittal documentation, site characteristics analysis, and comments received in order to approve, approve with conditions, or deny the application.
- 1204.3.9 The Case Manager will notify the applicant of what is required to finalize the Planning Department's decision.
- 1204.3.10 If granted, the Administrative Special Use Permit will be monitored for compliance by the Planning Department. If all conditions and stipulations in the Planning Department's ASUP Permit are not met timely, a hearing will be scheduled before the Planning Director to determine if the permit should be revoked. The holder of the permit shall be notified of the hearing date and time. A permit may be revoked for non-compliance with ten days written notice to the applicant.
- 1204.3.11 The County Planning Director may impose a condition that renders a Special Use Permit null and void when an approved Permit is inactive or no longer in use for a period greater than one (1) year.
- 1204.4 **GENERAL SUBMITTAL REQUIREMENTS**  
A complete application and appropriate documentation must be submitted to the Planning Department by the applicant, including:
- 1204.4.1 Completed application form
- 1204.4.2 Application fee
- 1204.4.3 Scaled site plan, of which the number of copies will be determined by case manager. One (1) copy of the final site plan will be required after the review process is complete. The Site Plan shall, at minimum, depict the following:
- 1204.4.3.1 Title block, a written and graphic scale, and north arrow designated at true north.
- 1204.4.3.2 Boundaries of the subject property(s).
- 1204.4.3.3 Boundaries of adjacent parcels or portions of those boundaries that are in immediate proximity of the subject property(s).

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- 1204.4.3.4 All existing and proposed roads, driveways, easements, buildings, structures, structural screening elements, rights-of-way, streams, utilities, signage/outside advertising, exterior lighting, other features, and site modifications.
- 1204.4.3.5 Existing and proposed wells, water supply systems, and wastewater treatment systems.
- 1204.4.4 Location map that indicates the location of the subject property in relation to roads, streams, utilities, adjacent properties and other features.
- 1204.4.5 Vicinity map that indicates the location of the subject property in relation to the general context of the county.
- 1204.4.6 Copy of deed/proof of ownership
- 1204.4.7 A narrative explaining the nature of the proposal and how it meets the Criteria for Approval. Special uses will be allowed only if the proposed use meets the following criteria for approval:
  - 1204.4.7.1 The proposed use will comply with the zoning requirements of the district in which the use is to be established, and will also comply with all other applicable requirements;
  - 1204.4.7.2 The use is in harmony with the character of the neighborhood and compatible with the surrounding area;
  - 1204.4.7.3 The use will not have an undue burden on available infrastructure;
  - 1204.4.7.4 The use will not result in undue traffic congestion or traffic hazards;
  - 1204.4.7.5 The use will not cause significant air, odor, water, noise, or light pollution;
  - 1204.4.7.6 All sanitation requirements will be met;
  - 1204.4.7.7 Parking is adequately provided;
  - 1204.4.7.8 Adequate buffering and screening is provided, when appropriate;
  - 1204.4.7.9 The use shall demonstrate compliance with the County's Best Management Practices (BMP's); and
  - 1204.4.7.10 The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Clear Creek County, nor inconsistent with Section 1 - Title, Authority, and Interpretation, Subsection E. Purposes, of these Regulations.
- 1204.4.8 Completed landowner authorization if applicant is not the owner of the property

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1204.4.9 Supplemental material, such as elevation drawings, parking layout, water supply plan, ISDS plan, etc., as determined by case manager.

1204.4.10 If requested use relates to a proposed or existing building permit, a construction schedule will be required.

1204.4.11 Additional information may be required later in the process.

### 1204.5 FINANCIAL GUARANTEE REQUIRED

A financial guarantee in a form approved by the County Attorney shall be required to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate, for those uses which are described as temporary.

### 1204.6 APPEALS TO ADMINISTRATIVE DECISIONS ON SPECIAL USE PERMITS

Appeals may be filed by any affected party and must be submitted in writing to the Planning Department within fourteen (14) calendar days following recording of the Planning Director=s decision. The appeal shall state with specificity (1) the grounds on which the objector asserts to be an Aaffected party@ and (2) the issue to which objection is made. The appeal will be heard by the Board of County Commissioners in a public hearing.

1204.6.1 The Board of County Commissioners (BOCC) shall first determine, during the public hearing, whether the objector is an affected party.

1204.6.2 The BOCC shall hear, and make a decision on only the specific objection(s) timely filed, and not on the entire case.

1204.6.3 One (1) public hearing shall be scheduled to hear all objections regardless of the number of objections filed.

## 1205 MOBILE FOOD VEHICLE PERMIT

### 1205.1 APPLICABILITY

Mobile Food Vehicles as defined in Section 23 – Definitions, of these regulations.

1205.1.1 A Mobile Food Vehicle Permit is valid for 1 Calendar year.

1205.1.2 A Mobile Food Vehicle Permit may be renewed each Calendar year for a reduced fee if the use has not been discontinued for more than 12 months.

### 1205.2 EXCEPTIONS

A Mobile Food Vehicle does not need a Mobile Food Vehicle Permit, as described in these regulations, if the Vehicle is permitted through a County Special Event Process. Additionally, a Mobile Food Vehicle may operate in any zoning district, and/or in the public right of way, if permitted through the County Special Event Process.

### 1205.3 SUBMITTAL REQUIRMENTS

1205.3.1 Completed Permit and Agreement Form.

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## 1206 ACTIVITY SPECIFIC CRITERIA AND STANDARDS

### 1206.1 STANDARDS FOR BED AND BREAKFASTS

- 1206.1.1 Demonstration of conformance of all criteria for approval shall be made.
- 1206.1.2 A maximum of five (5) guest rooms shall be allowed;
- 1206.1.3 No meals prepared within the residence shall be served to anyone other than guests. Cooking facilities are not allowed in the guest rooms;
- 1206.1.4 The length of stay by any guest is limited to a maximum of one (1) month;
- 1206.1.5 Off street parking shall be provided pursuant to Section 14 - Off-Street Parking Requirements of these Regulations, and as follows:
  - 1207.1.5.1 Three (3) spaces for the host's portion of the dwelling
  - 1207.1.5.2 One (1) space for each guest room
- 1206.1.6 The host must reside on the premises of the bed and breakfast establishment;
- 1206.1.7 Signage shall be limited in size to six (6) square feet, as specified in Section 10 - Signs and Outdoor Advertising Devices of these Regulations;
- 1206.1.8 The Planning Department may verify compliance with the approved Special Use Permit at any time.

### 1206.2 CRITERIA FOR SMALL WIND ENERGY SYSTEMS

- 1206.2.1 The system shall be reviewed based on its visual impact on the natural features or neighborhood character of the surrounding area that could include significant viewsheds from adjacent residences.
- 1206.2.2 If at all possible, systems should be sited to take advantage of existing land forms and vegetation to aid in blending in with the surrounding built and natural environment.
- 1206.2.3 Consideration shall be made in the location and/or design of the system to avoid or minimize silhouetting on viewable ridgelines. Self-supporting designs (no guy wires) shall be considered. All systems shall be non-reflective.
- 1026.2.4 Evaluation of other, less obtrusive forms of renewable energy, such as solar or geothermal energy systems, may be requested to be reviewed to determine the most feasible method to utilize renewable energy on the property in the least obtrusive means possible.

### 1206.3 CRITERIA FOR DISTRIBUTED SOLAR ENERGY SYSTEMS

- 1206.3.1 No part of a freestanding system shall exceed thirty-five (35) feet in height.
- 1206.3.2 Such Systems accessory to and part of a building shall be an appurtenance and comply with the maximum height allowances for appurtenance.

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- 1206.3.3 Such systems shall not be lighted.
- 1206.3.4 Systems shall be located or designed to minimize glare onto other properties and roadways.
- 1026.3.5 Systems shall be designed so as to avoid the creation of artificial wildlife habitat.
- 1206.3.6 If a system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

## 1207. SHORT TERM RENTAL PERMIT (*revised December 7, 2021*)

### 1207.1. SUBMITTAL REQUIREMENTS

A complete application and appropriate documentation must be submitted to the Planning Department by the applicant, including:

- 1207.1.1. Completed Short Term Rental Registration Form as provided by the Planning Department.
- 1207.1.2. Registration Fee
- 1207.1.3. Evidence of legal water supply
- 1207.1.4. Evidence of the availability of connection to a sanitary sewer system or an adequate County approved onsite wastewater treatment system (OWTS) for the number of occupants proposed.
- 1207.1.5. A scaled map or narrative clearly indicating and explaining the following:
  - a. lot size,
  - b. subject parcel boundaries,
  - c. location of residence,
  - d. location of appropriate parking spaces,
  - e. location of any outdoor garbage storage areas,
  - f. location of snow storage areas,
  - g. location of any outdoor cooking/fire facilities,
- 1207.1.6. Copy of State of Colorado Sales Tax License for the STR
- 1207.1.7. Landowner Authorization if the applicant is someone other than the registered owner of the property

### 1207.2. STANDARDS FOR SHORT TERM RENTALS

All short term rentals shall be subject to the following:

No more than 4.5% of the total number of residences, in any given year, in unincorporated Clear Creek County shall be issued permits for short term rentals. The number of residences shall be determined by calculating the total number of residential addresses as found in the Clear Creek County Mapping Department address database.

Short Term Rentals located within a primary residence are exempt from this restriction.

- 1207.2.1. **Operating Permit.** All short term rentals must have an operating permit. Permits are issued by the Planning Department. The permit shall be maintained and signed by the owner and if applicable, any property management company representative, agent, or designee.

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An operating permit for a specific short term rental shall be transferable to a different owner once a Completed Short Term Rental Registration Form and Registration transfer fee is received. The new owner must comply with the notification and posting requirements as stated in these regulations.

An operating permit shall be effective on and following the date of issuance, through the remaining calendar year in which it is issued, unless surrendered or suspended or revoked for cause. No more than one (1) operating permit shall be issued and effective in any given calendar year for each short term rental.

Operating permits for primary resident-hosted rentals shall be effective on and following the date of issuance, through the remaining calendar year and the entire subsequent following year not to exceed a period of two (2) years.

- 1207.2.2. **Regulations Compliance.** No operating permit will be issued for a property that is not in compliance with Clear Creek County regulations applicable to the property. Non-compliance with any of those regulations also is grounds for revocation of an Operating Permit.
- 1207.2.3. **Fees.** Fees will be established by the Board of County Commissioners and published in the Planning Department Fee Schedule. Pro-ration for an operating permit issued after January 1 in any given year shall not be authorized.
- 1207.2.4. **Taxes.** Owner is responsible for maintaining a State of Colorado Sales Tax License and remitting applicable Federal, State and Local Taxes.
- 1207.2.5. **24-hour Contact Person.** Each short term rental owner shall have a contact person responsible for the short term rental and shall be available on a twenty-four (24) hour basis, seven days per week, and during periods in which the structure is being rented.
- The 24-hour contact person may be the owner, a property management company representative, or other person employed, authorized, or engaged by the owner to manage, rent or supervise the short term rental. The 24-hour contact person shall maintain a residence or permanent place of business within one (1) hour driving distance to the short term rental.
- The 24-hour contact person will be identified in writing before an operating permit will be issued. The person must be an individual, and be identified by company (if applicable), business telephone, cell phone, home phone, business or home (whichever is applicable), mailing address, and email address. The 24-hour contact person may be changed in writing delivered or sent to the Planning Department.
- Adjacent property owners whose property boundaries are within one hundred (100) feet of the subject parcel where the STR is located shall be provided written notice of the 24-hour contact person.
- 1207.2.6. **Safety.** The short term rental shall undergo and pass an initial safety inspection or provide other evidence of adequate safety as determined by the Chief Building Official prior to issuance of the operating permit.
- The short term rental shall contain at least one operable fire extinguisher and operable smoke alarms as required by the Chief Building Official. The short term rental shall contain operable carbon monoxide alarms in compliance with Title 38, Article 45 or the Colorado Revised Statutes.

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- 1207.2.7. **Water/Sanitation and Occupancy.** The short term rental shall submit verification of the availability of an adequate water supply plan or State-approved well permit, and verification of connection to a sanitary sewer system or the availability of an adequate County approved onsite wastewater treatment system (OWTS) for the number of occupants proposed. Such OWTS permit may be supplied by the Environmental Health Department as determined by the Environmental Health Director.
- 1207.2.8. **Noise.** While occupying or visiting a short term rental, no person shall make, cause, or permit unreasonable noise to be emitted from the short term rental that is audible upon private premises in excess of the limits set forth in title 25, Article 12, Colorado Revised Statutes or otherwise disturbs the peace.
- 1207.2.9. **Garbage.** Clearly-defined garbage storage areas shall be provided, with an adequate number of garbage containers. A plan for regular garbage pick-up or individual plan for garbage removal (including name and location) must be identified for all occupants. All outside garbage storage areas and containers shall be of a bear-proof design that is made of a heavy-duty steel enclosure with a locking lid or opening. Otherwise, all other garbage containers shall not be left unattended for on-street pick-up and shall only be left outside on the day of on-street pick-up. The property shall be properly maintained and free of garbage, trash and litter.
- 1207.2.10. **Lighting.** Outdoor lighting shall conform to the Lighting standards expressed in Section 10: Development Standards (1008.4: Lighting).
- 1207.2.11. **Access and Parking.** Off-street parking shall be provided in the amount of 1 space per bedroom.  
If a short term rental is accessed by a shared driveway, written permission to access the drive must be obtained from each shared driveway property owner. Occupants and visitors utilizing short term rentals must park in designated off-street parking spaces. On-street parking within a County road or right-of-way or within a private road right-of-way is prohibited. Written property owner permission is required for parking on adjacent or neighboring properties. No person shall be permitted to stay overnight in any motor vehicles, recreational vehicles (RV's) or other types of camping vehicles, which are parked at a short term rental.
- 1207.2.12. **Snow Storage.** On site snow storage shall be provided.
- 1207.2.13. **Fires.** Fire places, fire pits, charcoal braziers, wood burning stoves, or other outdoor cooking or fire facilities that could throw off embers shall be allowed only in designated facilities with appropriate defensible space established around the fire facility and short term rental residence. A water supply such as bucket of water or hose hooked to a faucet or other type of fire suppression (ie: sand) shall be available at the location of the fire facility for use to put out fires. Fires shall be completely extinguished before the short term rental is vacated. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
- 1207.2.14. **Firearms and Fireworks.** The discharging of firearms or fireworks on the premises of the short term rental is strictly prohibited.
- 1207.2.15. **Signs.**

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- Signs for advertising shall not be permitted on short term rentals except as outlined in Section 10(1004) of the Zoning Regulations.
- 1207.2.16. Compliance with the terms and conditions set forth herein shall be the non-delegable responsibility of the owner of the short term rental; and each owner of a short term rental shall be strictly liable for complying with the conditions set forth in the Section or imposed by Clear Creek County. Owner shall comply with all applicable County, State and Federal Regulations.
- 1207.2.17. **Addressing**  
Address numbers shall be posted on the exterior of the building so that it is clearly visible from the traveled road.
- 1207.2.18. **Limitation of Liability.** Clear Creek County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Clear Creek County harmless for any injury or damage which may occur, or whatever types or nature, as the result of the operation of the short term rental. Owner shall maintain appropriate liability insurance for the short term rental. Owner further warrants and agrees to compensate Clear Creek County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use. Nothing contained in this Section shall allow short term rentals if otherwise prohibited by any applicable private covenants. Covenants are privately enforced according to their terms.
- 1207.2.19. **Posting of Information.** The owner shall post information inside the short term rental in a conspicuous location for its occupants including, but not limited to, the following information:
1. A copy of this Section 1208 Short Term Rental Permit
  2. The name, address, and telephone number of the 24-hour contact person, management company, agent, or owner of the short term rental that can be reached on a twenty-four (24)-hour basis.
  3. The maximum number of persons allowed to occupy the short term rental.
  4. The maximum number of vehicles allowed to park on the short term rental property. All vehicles must park in designated off-street parking spaces. On-street parking or on neighboring properties is prohibited.
  5. A map clearly indicating the subject parcel boundaries, location of residence, and location of appropriate parking spaces.
  6. The day of garbage pick-up or plan for garbage removal and notification of all rules and regulations regarding garbage removal.
  7. The entire property address (including house number, street name, and city) shall be visibly posted inside the STR with instructions to call 911 in the case of an emergency.
  8. Information regarding fire suppression types available onsite. If a Fire Ban is in effect, the terms of that ban must be included.
  9. Information regarding fire/emergency evacuation routes out of the area.
  10. The discharging of firearms or fireworks on the premises is strictly prohibited.
- 1207.2.20. **Enforcement**

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If granted, the Permit will be monitored for compliance by the Planning Department. Written notice of the nature of the violation shall be given to the property owner, agent, or the applicant for any relevant permit. Notice shall be given in person, by e-mail, or by certified U.S. Mail. The notice shall specify the alleged violation, and, unless a shorter time frame is allowed by this Section or through stipulations set forth in the approved Permit, shall state that the individual has a period of fifteen (15) days from the date of the notice in which to correct the alleged violations before further enforcement action shall be taken.

If non-compliance with the Operating Permit regulations is not cured timely, or if there are multiple credible or validated complaints manifesting the owner's inability or unwillingness to control the use of the Short Term Rental, a hearing may be scheduled before the County Commissioners to determine if the permit should be revoked. The holder of the permit shall be notified of the hearing date and time by written notice given at least ten days before the hearing, from the date of the notice. Notice will be given to the permit holder or its designated contact person, by e-mail, personal delivery, posting on the property, or first class mail.

- 1207.2.22. The relevant decision-making entity may deny or withhold the renewal of an annual operating permit if the property is in violation of any Clear\_Creek County regulations applicable to it, multiple credible or validated complaints have been received during the most recent calendar year of operating as a Short Term rental, or until a violation related to the property, is corrected.

### **1208 REVISIONS AND MODIFICATIONS**

Action on changes to an approved Special Use Permit shall be taken by the authority that approved the original Special Use Permit. Revisions and Modifications shall comply with the provisions of this section. However, if the Planning Director determines changes to be minor in nature, they may be approved by the Planning Director. Changes shall be considered minor if they meet the following criteria:

- 1209.1. Does not increase the amount of square footage, site disturbance, or unit count by more than 10% of the total approved in the original Special Use Permit.
- 1209.2. They do not result in noncompliance with zoning regulations including use regulations and development regulations and standards.
- 1209.3. Does not change the location of uses, or the layout of streets, trails, or pathways except for minor adjustments within areas approved for development or within approved rights-of-way.
- 1209.4. Does not include the addition of a drive-through in which the patron's automobile is accommodated from which the occupants may receive a service or in which products purchased from the establishment may be consumed.
- 1209.5. Is not a detriment to public health, safety, and welfare.