

4. **FLOOD STUDIES.** The Community Development Department shall keep on file flood studies for use in implementing the requirements of this Section or as the basis for issuance of a Floodplain Development Permit.
5. **APPEALS AND VARIANCES.** The Community Development Department shall keep on file a record of all actions of appeals and variances from the requirements of this Section, including technical information used as justification for their issuance.
6. **NOTIFICATION OF CHANGES TO WATERCOURSES.** The Community Development Department shall before any alteration or relocation of a watercourse by publishing a notice once in a newspaper of general circulation in Gunnison County and shall submit evidence of such notification to FEMA.
- P. **ENFORCEMENT OF FLOODPLAIN REGULATIONS.** It shall be illegal to erect, construct, reconstruct, alter, maintain or use any structure, or use any land in violation of this Section. Any person, firm or corporation violating any portion of these regulations may be subject to enforcement requirements pursuant to Article 16: *Enforcement*.

SECTION 11-104: DEVELOPMENT IN AREAS SUBJECT TO GEOLOGIC HAZARDS

- A. **PURPOSE.** There are certain lands in Gunnison County that have the potential to pose hazards to human life and safety and to property due to their geologic characteristics. Geologic hazard areas include avalanche areas, landslide areas, rockfall areas, alluvial fans, talus slopes, steep or potentially unstable slopes, Mancos shale, mudflow hazard areas, and faults.

This Section is intended to ensure that development avoids geologic hazard areas whenever possible. Where it is not possible for development to avoid these areas, standards are provided to reduce or minimize the potential impacts of these hazards on the occupants of the property and the occupants of adjacent properties, and to reduce or minimize the environmental impacts of development in these areas.

- B. **MAPS INCORPORATED.** The Gunnison County Geologic Hazard Maps, prepared by the Colorado Geologic Survey, are incorporated into this *Resolution* by Section 1-112: *Use of Maps*. Copies of the maps are available for review by the public in the Community Development Department during normal business hours.
- C. **APPLICABILITY.** The requirements of this Section shall apply to land use changes in the following areas:
1. **AREAS DESIGNATED ON THE GEOLOGIC HAZARD MAPS.** Land use changes on lands that are designated on the Gunnison County Geologic Hazards Maps as avalanche areas, landslide areas, rockfall areas, alluvial fans, talus slopes, steep or potentially unstable slopes, Mancos shale, mudflow hazard areas, and faults.
 2. **AREAS NOT INCLUDED, OR NOT DESIGNATED ON THE GEOLOGIC HAZARD MAPS.** Proposed land use changes in areas of the County not mapped on the County's Geologic Hazard Maps and proposed land use changes on lands shown on the maps, but that are not designated as being located in one of the above-listed geologic hazards, and have been identified by Community Development Department onsite observation, or by an evaluation by a qualified professional engineer licensed in the State of Colorado, or other similarly qualified source as potentially being in a geologic hazard area may be reviewed as at least an Administrative Review Project, and to mitigate any applicable geologic hazard pursuant to this Section, before receiving a Building Permit.
- D. **PLAN REQUIRED TO BE SUBMITTED SHOWING HAZARDS AND IDENTIFYING AVOIDANCE OR MITIGATION.** When a Land Use Change Permit is sought in areas that have been identified on the Gunnison County Geologic Hazard maps as being in a geologic hazard area, a copy of the mapped area, or in areas identified in Section 11-104: C. 2: *Areas Not Included, or Not Designated on the Geologic Hazard Maps*; and a narrative indicating how the hazard will be avoided or mitigated pursuant to this Section is required to be included as part of the submittal.
- E. **REFERRAL TO COLORADO GEOLOGIC SURVEY.** When a Land Use Change Permit is sought in areas that have been identified on the Gunnison County Geologic Hazard Maps as being in a geologic hazard area, the Community Development Department shall submit the application to the Colorado Geological Survey (CGS), for review and comment. The application will be subject to that agency's standard process and fee schedule.
1. **REVIEW BY CGS.** As statutorily required by the State, CGS will review the application and provide comments to the Community Development Department. The purpose of this review is to make use of the expertise and judgment of CGS to evaluate the potential impacts of these hazards on development, and to determine the appropriate avoidance or mitigation techniques that should apply to the proposed development.
 2. **DETERMINATION BY CGS.** If CGS determines there are geologic hazards on the property that have not been adequately addressed by the applicant, or that the application is otherwise incomplete or inadequate, the County shall require the applicant to revise the application to address those hazards.

- F. STANDARDS APPLICABLE TO LAND USE CHANGES IN ALL GEOLOGIC HAZARD AREAS.** The following standards shall apply to land use changes in all geologic hazard areas:
1. **RESIDENTIAL BUILDING IN AVALANCHE RED ZONE IS PROHIBITED.** Residential building shall be prohibited in the Red Zone areas of avalanche.
 2. **USES CAUSING UNDUE DANGER OR SUBSTANTIAL PUBLIC EXPENSE ARE PROHIBITED.** Any land use change proposed in geologic hazard areas that subject people (including emergency service personnel and residents of neighboring properties) to undue dangers, or that will possibly result in substantial public expenses required to mitigate hazardous conditions, respond to emergencies created by such conditions, or rehabilitate infrastructure or lands, or that cannot otherwise be accomplished in a manner that the applicant demonstrates will be safe, shall be prohibited.
 3. **HAZARD AVOIDANCE.** A land use change may be permitted in a geologic hazard area when the applicant demonstrates that:
 - a. **HAZARD CANNOT BE AVOIDED.** The land use change cannot avoid the hazard area because there are no hazard-free areas on the property, or no hazard-free routes to provide access to the development; and
 - b. **RESTRICTED TO LEAST HAZARDOUS AREAS.** The land use change has been restricted to those areas on the property that are subject to the least degree of potential hazard and has been located as far away as possible from the identified hazard(s).
 4. **LIMITATIONS ON USES AND DENSITY.** When there are no hazard-free areas on a property or no hazard-free routes to provide access, then to prevent or minimize potential dangers, the land uses shall be subject to the following mitigation standards:
 - a. **HAZARDS WILL BE MITIGATED.** Site planning and engineering techniques will substantially mitigate any potential hazards to public health, safety and welfare;
 - b. **NOT INITIATE OR INTENSIFY ADVERSE NATURAL CONDITIONS.** The proposed development activities will not cause or intensify adverse natural conditions in a geologic hazard area;
 - c. **COMPLY WITH GENERALLY APPLICABLE STANDARDS.** The land use change will comply with this Section; and
 - d. **COMPLY WITH STANDARDS FOR PARTICULAR HAZARD.** The land use change will comply with the applicable standards for the particular type of hazard, in Section 11-104: G: *Standards Applicable to Development in Particular Geologic Hazard Areas.*
 5. **WARNING AND DISCLAIMER.** As a condition of approval of the proposed land use change, the following language shall be included on the Final Plat for a subdivision, and within the applicable recorded document that approves the Land Use Change Permit, the applicant shall sign the following warning and disclaimer:

**WARNING AND DISCLAIMER OF GEOLOGIC HAZARDS
AFFECTING USE AND OCCUPANCY OF THIS PROPERTY**

“I/We, _____ (owner(s) of property) on behalf of myself/ourselves and all successors, heirs and assigns, hereby acknowledge having been informed by Gunnison County of the existence of geologic hazard areas that may affect the use and occupancy of this property, and any improvements thereto. I/We acknowledge that the County’s approval of this land use change does not guarantee the safety of the property, or in any way imply that areas outside of the designated hazard areas will be free from hazards and hereby agree to indemnify, defend and save harmless the County, its agents, officers and employees from and against any and all liability, expense including defense costs and legal fees, and claims for damages of any nature whatsoever, including, bodily injury, death, personal injury, or property damage arising from or connected with any activity related to these hazards, including any suits, liability, or expense.”
 6. **DESIGN BY A QUALIFIED PROFESSIONAL ENGINEER LICENSED IN THE STATE OF COLORADO OR OTHER QUALIFIED PROFESSIONAL.** When the collection and submittal of data, and design of structural or mechanical elements are required by this Section, the data and design shall be based on site-specific geo-technical analysis and recommendations certified by a qualified professional engineer licensed in the State of Colorado, or by a qualified professional geologist.
 7. **MEASURES REQUIRED BEFORE OR DURING INITIAL CONSTRUCTION.** When an applicant is permitted to develop in an area that is subject to geologic hazards, the applicant shall construct, install, or otherwise provide all

required measures to mitigate the geologic hazards to the maximum extent feasible before or at the time of initial construction. This requirement shall also apply to the roads and utilities that serve permitted uses.

G. STANDARDS APPLICABLE TO DEVELOPMENT IN PARTICULAR GEOLOGIC HAZARD AREAS. All land use changes in areas identified as geologic hazards in 11-104: C: *Applicability*, or in areas determined to be geologic hazards, pursuant to Section 11-104: E. 2: *Determination by CGS*, shall comply with Section 11-104: F: *Standards Applicable to Land Use Changes in All Geologic Hazard Areas*, and with the following hazard-specific requirements and standards:

1. DEVELOPMENT IN AVALANCHE HAZARD AREAS. Development shall be permitted to occur in avalanche hazard areas only when the applicant demonstrates that the development cannot avoid such areas, pursuant to Section 11-104:F.3: *Hazard Avoidance* and that it complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist specializing in avalanche hazard area identification and analysis, and approved by the County:

a. AVALANCHE PATH DELINEATION AND HAZARD DESIGNATION. When development is proposed in or adjacent to potential avalanche paths, as determined by Gunnison County, the magnitude and frequency of the avalanche path affecting the development shall be defined as follows:

1. RED (HIGH HAZARD) ZONE. The Red Zone is an area affected by avalanches with return periods of 30 years or less and/or by avalanches producing impact pressures on flat surfaces normal to the flow direction of 600 lbs./ft.² or more. Residential building construction shall be prohibited in Red Zones; driveways and subdivision roads shall avoid areas where avalanches have return periods of fewer than 10 years; utilities shall be buried or otherwise designed to minimize avalanche exposure.

2. BLUE (SPECIAL ENGINEERING) ZONE. The Blue Zone is an area affected by avalanches with return periods of more than 30 but fewer than 300 years and by avalanches capable of producing impact pressures on flat surfaces normal to the flow direction of less than 600 lbs./ft.². Residential building construction shall be permitted in the Blue Zone only if that construction has been certified by a qualified professional engineer licensed in the State of Colorado to withstand avalanche impact and static loads and that the structure has been otherwise protected by external avalanche-defense structures that have been similarly certified by that engineer, and the following standards have been met:

a. DESIGN LOADING AND OTHER DESIGN CRITERIA. Design-loading criteria and other criteria used to design avalanche defense structures shall be developed on a site-specific basis by the engineer, who must explicitly identify the methods used to develop those criteria.

b. STRUCTURAL BARRIERS. When the proposed location of development alone will not provide adequate protection for people and structures from avalanche hazards, then structural barriers shall be placed in the avalanche starting zone, track or runout zone (including, but not limited to excavations, berms, dams, retaining structural walls, direct protection structures and similar devices), or accepted avalanche diversion or control practices shall be used.

1. DESIGN. All proposed structural barriers shall be designed to withstand snow creep and vertical forces, avalanche impact and deposition forces, and air pressures. The proposed locations, dimensions, and specifications of those structural barriers shall be included in the application. The dynamic characteristics of the design avalanche upon which the structural design is based shall be specified, including avalanche runout distance, velocity, flow depth, density and impact pressure potential.

c. DIVERTED PATH. If an application proposes to divert potential avalanches from the proposed development or in any manner alter an existing avalanche path, the plans shall clearly show the anticipated path the diverted avalanche is expected to follow.

b. RISK OF HAZARD SHALL NOT BE INCREASED. No device to be constructed as a barrier against potential avalanches or alteration of an existing avalanche path shall be designed in a manner or location that would increase the risk of avalanche damage to the property or personal safety of others, or would shift the hazard onto another owner's property.

c. ROADS SHALL AVOID AREAS OF RETURN FEWER THAN TEN YEARS. Roads intended for winter use shall avoid areas where avalanches with return periods of fewer than 10 years cross roads. If it is not possible to design the road to avoid avalanche hazard areas, then the road shall be designed to limit the exposure of

users to the hazard and to use avalanche control practices to reduce the danger along exposed road segments. Where the main access road (whether public or private) to a proposed land use change is crossed by an avalanche path, then a secondary access way may be required, or the road may be subject to periodic or seasonal closures in order to avoid unnecessary exposure to the danger.

- d. **UTILITIES.** All utilities shall be located and constructed to minimize or eliminate the possibility of damage to them by an avalanche. This shall include burying utility lines that cross avalanche hazard areas and protecting above-ground utility facilities located in moderate or high avalanche hazard areas by the use of avalanche barriers or diversion techniques.
- e. **VEGETATION REMOVAL.** Clear-cutting, or other large-scale removal of vegetation in avalanche path starting zones or in other locations that can increase the potential avalanche hazard on the property, shall be prohibited.
- f. **NOTICE OF HAZARD.** In the application, the applicant shall describe the methods to be employed to give notice to the public and to prospective purchasers of the subject property that an avalanche hazard exists, including the following:
 - 1. **WARNING SIGNS.** Placement of warning signs on any road or trail that crosses an avalanche path; and
 - 2. **DEED RESTRICTIONS, PROTECTIVE COVENANTS AND PLAT NOTES.** Proposed deed restrictions, protective covenants, and plat notes identifying special structural requirements to be imposed upon structures built in the development or any seasonal use limitations designed to protect them and their inhabitants from avalanche damage.
- g. **OWNERS SHALL BE RESPONSIBLE.** Property owners who develop in, construct, implement, maintain, improve and bear the cost of their development's proportionate share of all reasonable measures necessary to mitigate any avalanche related hazard created by such development.
- h. **EXTRACTIVE OPERATIONS.** Extractive operations in avalanche hazard areas shall be prohibited when snow is on the ground in the proximity of the operation, unless a program of avalanche control and defense measures has been approved by the County to protect the operation.

2. DEVELOPMENT IN LANDSLIDE HAZARD AREAS. Development shall be permitted to occur in landslide hazard areas only if the applicant demonstrates that the development cannot avoid such areas, pursuant to Section 11-104:F.3: *Hazard Avoidance* and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist.

- a. **CONSTRUCTION PRACTICES.** When the proposed location of development alone will not provide adequate protection for people and structures from landslide hazards, then the applicant shall also comply with construction practices recommended by a qualified professional engineer licensed in the State of Colorado, or by a qualified professional geologist, and approved by the County to artificially stabilize, support, buttress or retain the potential slide area and to control surface and subsurface drainage that affects the slide area. The proposed locations, dimensions, and specifications of such mitigation measures shall be included in the application.
- b. **PROHIBITED ACTIVITIES.** The following development activities shall be prohibited in landslide hazard areas:
 - 1. **ADD WATER OR WEIGHT.** Activities that add water or weight to the top of the slope, or along the length of the slope, or otherwise decrease the stability of the hazard area. Measures and structural improvements to permanently control surface and subsurface drainage from the development shall be required.
 - 2. **REMOVE SUPPORT MATERIAL.** Activities that remove vegetation or other natural support material that contributes to its stability.
 - 3. **INCREASE STEEPNESS OF SLOPE.** Activities that increase the steepness of a potentially unstable slope.
 - 4. **REMOVE TOE OF LANDSLIDE.** Activities that remove the toe of the landslide, unless adequate mechanical support is provided.

3. DEVELOPMENT IN ROCKFALL HAZARD AREAS. Development shall be permitted to occur in rockfall hazard areas only if the applicant demonstrates that the development cannot avoid such areas, pursuant to Section 11-104:F.3:

Hazard Avoidance and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist:

- a. **CONSTRUCTION PRACTICES.** When the proposed location of development alone will not provide adequate protection for people and structures from rockfall hazards, then the applicant shall comply with construction practices recommended by a qualified professional engineer licensed in the State of Colorado, or by a qualified professional geologist, and approved by the County, designed to minimize the degree of hazard. The proposed locations, dimensions and specifications of such practices shall be included in the application, along with requirements for periodic maintenance of any measures that are installed. Construction practices may include:
 1. **STABILIZATION.** Stabilizing rocks by bolting, gunite application (cementing), removal of unstable rocks (scaling), cribbing, or installation of retaining walls;
 2. **CATCHING, SLOWING OR DIVERTING ROCKS.** Slowing or diverting moving rocks with rock fences, screening, and channeling, damming, or constructing concrete barriers or covered galleries. If an applicant proposes to divert a potential rockfall from the development or to alter an existing rockfall path in any manner, the plans shall clearly specify the dynamics of the design rockfall event upon which the proposed mitigation is based, including rock source area, mass, velocity, bounce height, and energy. When rocks are to be diverted, the plans shall clearly show the anticipated path the diverted rockfall is expected to follow; and
 3. **BARRIERS.** Installation of physical barriers around vulnerable structures to prevent rock impact.
 - b. **RISK OF HAZARD SHALL NOT BE INCREASED.** No device to be constructed as a barrier against potential rockfall or alteration of an existing rockfall path shall be designed in a manner or location that would increase the risk of rockfall or other damage to the property or personal safety of others, or create an increased hazard, or would shift the hazard onto another owner's property.
 - c. **PROHIBITED ACTIVITIES.** The following development activities shall be prohibited in rockfall hazard areas:
 1. **ADD WATER OR WEIGHT.** Activities that add water or weight to, or otherwise decrease the stability of, cliffs or overhanging strata.
 2. **REMOVE SUPPORT MATERIAL.** Activities that remove vegetation or other natural support material, or that make excavations or cause erosion that will reduce the stability of, or remove underlying support to, a rockfall hazard.
4. **DEVELOPMENT IN ALLUVIAL FAN HAZARD AREA.** Development shall only be permitted to occur in an alluvial fan only if the applicant demonstrates that the development cannot avoid such areas, pursuant to Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist and approved by the County:
- a. **PROTECTIVE MEASURES.** The proposed development shall be protected, using structures or other measures on the uphill side of the proposed land use change that channelize, dam, or divert the potential mud or debris flow. The dynamics of the alluvial-fan process, including velocity, flow height, discharge, and impact-pressure potential upon which the protective measures are based shall be clearly specified.
 - b. **DISTURBANCE ABOVE ALLUVIAL FAN.** Disturbance shall be prohibited in the drainage basin above an alluvial fan, unless an evaluation of the effect on runoff and stability of the fan and on the ground water recharge area conducted by a qualified professional engineer licensed in the State of Colorado, or a qualified professional geologist shows that disturbance is not substantial or can be successfully mitigated.
5. **DEVELOPMENT ON TALUS SLOPES.** Development shall be permitted to occur on a talus slope only if the applicant demonstrates that the development cannot avoid such areas, pursuant to Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist and approved by the County:
- a. **WITHSTAND DOWN SLOPE MOVEMENT.** The development shall be designed to withstand down slope movement.
 - b. **BURIED FOUNDATION AND UTILITIES.** The design shall include buried foundations and utilities below the active talus slope surface.
 - c. **MINIMIZE SITE DISTURBANCE.** Site disturbance shall be minimized, to avoid inducing slope instability.
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- d. **REMOVAL OF TOE OF SLOPE.** The toe of a talus slope shall not be removed, unless adequate mechanical support is provided.
6. **DEVELOPMENT ON SLOPES GREATER THAN 30 PERCENT.** Development shall be permitted to occur on slopes greater than 30 percent only if the applicant demonstrates that the development cannot avoid such areas, pursuant to Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with the following minimum requirements and standards, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist:
- a. **CUTTING AND FILLING.** Cutting, filling, and other grading activities shall be confined to the minimum area necessary for construction and shall comply with the requirements of Section 13-116: *Grading and Erosion Control*, and Section 13-117: *Drainage, Construction and Post-Construction Storm Water Runoff*.
 - b. **DESIGN SHALL FIT SITE.** Development shall be located and designed to follow natural grade, rather than adjusting the site to fit the structure. For example, instead of creating a single flat bench or terrace for a building platform, the structure should instead be stepped up or down the hillside. Roads and driveways built to serve the development shall follow the contours of the natural terrain and, if feasible, shall be located behind existing landforms. When applicable possible, driveways that serve more than one lot are encouraged required, to minimize necessary grading, paving and site disturbance.
 - c. **RECLAMATION OF DISTURBED AREAS.** Areas disturbed during development shall be restored as natural-appearing landforms that blend in with adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided. Areas disturbed by grading shall be contoured so they can be re-vegetated, and shall be planted and shall have vegetation established and growing within two growing seasons, using species with a diversity of native and/or desirable non-native vegetation capable of supporting the post-disturbance land use. Species planted shall include those that will provide for quick soil stabilization, provide litter and nutrients for soil building and are self-renewing. Top soil shall be stockpiled and placed on disturbed areas. Retaining walls made of wood, stone, vegetation or other materials that blend with the natural landscape should be used to reduce the steepness of cut slopes and to provide planting pockets conducive to revegetation. Where such materials cannot be used, masonry that conveys a scale and texture similar to that of traditional surrounding rock walls shall be used.
 - d. **UTILITIES.** Utilities serving the development shall be placed underground, in existing or proposed road rights-of-way, to the maximum extent feasible, unless such placement would cause significant disturbance to a sensitive natural area or feature. Underground utility easements shall have vegetation established and growing within two growing seasons.
 - e. **DEVELOPMENT PROHIBITED.** Development shall be prohibited on any slope in excess of 30 percent that is also located in an area that is determined to be a very high wildfire hazard area, pursuant to Section 11-104: C: *Applicability*.
7. **UNSTABLE OR POTENTIALLY UNSTABLE SLOPES.** If a site is designated on the Gunnison County Geologic Hazard Maps, or are otherwise identified in Section 11-104: C.2.: *Areas Not Included or Not Designated on the Geologic Hazard Maps* as having moderate or extremely unstable slopes, then development shall be permitted only if the applicant demonstrates that the development cannot avoid such areas pursuant to Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with geotechnical design and construction stabilization and maintenance measures as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist and approved by the County. Practices that shall be avoided on unstable slopes include:
- a. **CUTTING INTO A SLOPE.** Cutting into the slope without providing adequate mechanical support;
 - b. **ADDING WATER OR WEIGHT.** Decreasing slope stability by adding water or weight to the top of the slope, or along the length of the slope;
 - c. **REMOVING VEGETATION.** Removing vegetation from the slope without timely replacement and ensured viability of similar vegetation; and
 - d. **OVER-STEEPENING.** Activities that over-steepen the existing grade of an unstable slope.
8. **DEVELOPMENT ON MANCOS SHALE.** Development in a Mancos shale area shall be designed based upon an evaluation of the development's effect on slope stability and shrink-swell characteristics. Development shall be permitted only if the applicant demonstrates that the development cannot avoid such areas pursuant to Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with design, construction stabilization, and maintenance measures as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist and approved by the County. At a minimum, development design shall:

- a. **DRAIN AWAY FROM FOUNDATIONS.** Provide positive surface drainage away from foundations and other such facilities; and
 - b. **CONCENTRATE RUNOFF INTO NATURAL DRAINAGES.** Concentrate runoff from impervious surfaces into natural drainages, or onto another owner's property, so that no adverse impacts result, either to the development site, or to another owner's property.
9. **DEVELOPMENT IN MUDFLOW HAZARD AREAS.** Development shall be permitted in a mudflow hazard area only if the applicant demonstrates that the development cannot avoid such areas pursuant to Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with mitigating design, construction stabilization, and maintenance measures are used, as certified by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist and approval by the County. Such measures may include channelization, diversion dikes, special foundations, and debris catchment basins.
10. **DEVELOPMENT OVER FAULTS.** Development shall be permitted over faults only if the applicant demonstrates that the development cannot avoid such areas pursuant to Section 11-104:F.3: HAZARD AVOIDANCE and the development complies with the design incorporates mitigation measures based on geotechnical analysis and recommendations conducted by a qualified professional engineer licensed in the State of Colorado, or by a qualified professional geologist and approved by Gunnison County.

SECTION 11-105: DEVELOPMENT IN AREAS SUBJECT TO WILDFIRE HAZARDS

- A. **PURPOSE.** There are certain types of lands in Gunnison County that may be hazardous to human life and safety and to property due to their potential for wildfire. The purpose of this Section is to ensure that development avoids these hazard areas whenever possible. When avoidance is not possible, to provide standards to reduce or minimize the potential threats that wildfire may pose to the safety of occupants, their property, and emergency service personnel.
- B. **APPLICABILITY.** The requirements of this Section shall apply to any development in areas designated as wildfire hazard areas on the Wildfire Hazard Maps, and in areas where the Colorado State Forest Service determines that there is the potential for a proposed development to be threatened by a wildfire hazard.
- C. **MAPS INCORPORATED.** The Gunnison County Wildfire Hazard Maps, prepared by the Community Planning Assistance for Wildfire, and Gunnison County GIS, shall be used as references for determining when parcels are located within wildfire hazard areas, pursuant to Section 1-112: *Use of Maps*. Where areas have not been mapped, review and analysis by the Colorado Forest Service shall determine the status of wildfire hazards. Copies of the maps are available on www.gunnisoncounty.org.
- D. **REFERRAL TO AND REVIEW BY COLORADO STATE FOREST SERVICE.** The Community Development Department may submit any application to the Colorado State Forest Service, West Region Wildfire Council, or local fire district for review and comment, to use the expertise and judgment of that agency to evaluate the severity of potential wildfire hazards related to the proposed land use change, and to determine the appropriate avoidance or mitigation.
- E. **REFERRAL TO AND REVIEW BY APPLICABLE FIRE PROTECTION DISTRICT.** When a Land Use Change Permit is sought in an area located within a specific fire protection district the Community Development Department may submit the application to that District for review and comment to use the District's expertise and judgment to evaluate whether the development has included design elements compatible with adopted District standards, and to recommend how the development can best provide fire prevention and suppression.
- F. **STANDARDS.** The following standards shall apply to land use changes in all wildfire hazard areas:
1. **GENERAL STANDARD.** All new construction, substantial improvement, use, fill, encroachments, alteration, fuel modification or treatment, except utility lines, on or over any portion of a wildfire hazard area, shall be designed so it does not increase the potential intensity or duration of a wildfire, or adversely affect wildfire behavior or fuel composition. Development that subjects persons (including emergency service personnel and residents of neighboring properties) to undue dangers, or that will result in substantial public expenses required to mitigate hazardous conditions, respond to emergencies created by such conditions, or rehabilitate infrastructure or lands, or that cannot otherwise be accomplished in a manner that the applicant demonstrates will be safe, shall be prohibited.
 2. **PROHIBITED LOCATIONS FOR DEVELOPMENT.** Development shall not be located in any area designated as having very high wildfire hazard that also has slopes greater than 30 percent. Development shall also not be located in a fire chimney, as identified by the Colorado State Forest Service.