

**RESOLUTION NO. R-016-078**

**THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION ADOPTING AMENDMENTS TO SECTION 36 OF THE DOUGLAS  
COUNTY ZONING RESOLUTION**

**WHEREAS**, the Board of County Commissioners of the County of Douglas, State of Colorado adopted Resolution No. R-016-046 on April 26, 2016 to temporarily prohibit Accessory Motorsports uses until August 24, 2016, after which time the accessory use would be allowed subject to a permit process; and

**WHEREAS**, the Planning Services Division has prepared amendments to Section 36, Definitions of the Douglas County Zoning Resolution ("Amendments") addressing motorsports, which are attached hereto and incorporated herein as Exhibit A (Project No. DR2016-006); and

**WHEREAS**, said Amendments were reviewed July 11, 2016 and July 18, 2016, and recommended for approval subject by the Planning Commission on July 18, 2016; and

**WHEREAS**, the Board of County Commissioners considered said Amendments at a public hearing held on August 9, 2016; and

**WHEREAS**, the Board desires to reflect its approval of said Amendments by the adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of the County of Douglas, State of Colorado, that Section 36, Definitions of the Douglas County Zoning Resolution is hereby amended to read as provided on said Exhibit A; and

**FURTHER RESOLVED**, that said Amendments shall be effective as of August 9, 2016.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of August 2016, in Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

BY: \_\_\_\_\_

Dave A. Weaver, Chair

ATTEST: \_\_\_\_\_

Meghan McCann  
Deputy Clerk to the Board



**3601 Rules of Construction**

- 3601.01 The particular controls the general.
- 3601.02 In case of any difference of meaning or implication between the text of this Resolution and the captions for each section, the text shall control.
- 3601.03 The word "shall" is always mandatory and not directory. The word "may" is permissive.
- 3601.04 Words used in the present tense include the future, unless the context clearly indicates the contrary.
- 3601.05 Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- 3601.06 A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.
- 3601.07 The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

**3602 Definitions**

As used in this Resolution, the following words shall be interpreted and defined in accordance with the provisions set forth in this Section or by further modification by the Board of County Commissioners.

Abutting: Having a common border with, or separated from such a common border by a right-of-way, alley or easement.

Accessory Equipment: An enclosed structure, cabinet, shed or box that houses power boxes, electrical equipment, and other related equipment of a telecommunication or personal wireless communication facility.

Accessory Structure: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use: A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use.

Adjacent: Having a common border with, or separated from such a common border by a right-of-way, alley or easement.

## EXHIBIT A

3/10/99

Agricultural Recreational Activities: Special activities related to livestock held for educational, instructional, or recreational purposes, including but not limited to horse shows, gymkhanas, training clinics, team ropings, rodeos, polo matches, endurance rides, hunts, or other activities involving livestock.

Agricultural Activities, Youth-Oriented: Special activities oriented toward children and held for educational, instructional or recreational purposes, including but not limited to: 4-H, pony club, and Little Britches. *(Amended 4/28/15)*

Agriculture: Land uses related to grazing or raising livestock or land uses which produce products that originate from the land's productivity, such as farming, ranching, forestry, tree farming, animal husbandry, and horticulture. Excluded from this definition is all marijuana prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003. *(Amended 1/28/14)*

Agricultural Producer: A person or entity that raises or produces Agricultural Products on land that the person or entity farms and owns, rents, or leases. *(Amended 1/28/14)*

Agricultural Products: Products that originate from the land's productivity, such as fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock products (including meat, milk, cheese and other dairy products), hay, grass, and grains. Excluded from this definition is any marijuana product, the cultivation or other processing of which is prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003. *(Amended 1/28/14)*

Agricultural Worker: An individual employed in the operation of a farm or ranch.

Airport: Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft.

Alley: A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat. An alley shall not be considered to be a street.

Ambient Lighting: All available light surrounding a subject sign at any point in time with the subject sign light source extinguished. *(Amended 2/11/14)*

Ambient Noise Level: The average equivalent sound level (LEQ) occurring during a six-minute period as measured with a sound level measuring instrument. The ambient noise level shall be determined with the noise source at issue silent, and in the same location and approximate time as the measurement of the noise level of the source at issue.

Animal, Exotic: An animal introduced from another country not normally kept as a household pet or farm animal. *(See animal - nondomestic.)*

## EXHIBIT A

3/10/99

Animal, Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. A limit of 1 litter, brood, or offspring is permitted, per household, per year.

Animal, Nondomestic: An animal not normally adapted to live and breed in a tame condition. (*See animal - exotic.*)

Antenna: A system of wires, rods, reflecting discs or similar devices used for the wireless transmission or reception of electromagnetic waves.

Directional (or panel or rectangular): A flat surface antenna used to achieve transmission or reception from a specific direction.

Parabolic: A round, often concave, antenna no greater than 24" in diameter used primarily for point-to-point transmission of radio signals.

Omnidirectional (or whip): A thin, self-supporting rod antenna that beams and receives a signal in all directions.

Satellite Dish: A ground mounted antenna, generally exceeding 24" in diameter, incorporating a solid, open mesh, or bar configured surface used to transmit or receive radio or electromagnetic waves.

Antenna Array: Groups of directional panel antennas designed to send and receive wireless transmissions.

Avigation Easement: An easement that allows the grantee the right to use the airspace. The easement may include restrictions regarding the height of structures, the use of reflective glass, or the interference of radio transmissions by the grantor and an acknowledgment by the grantor that airplanes flying overhead may present a physical danger, increase noise levels or cause pollution.

Base Flood: The flood having a 1% chance of being equaled or exceeded in any given year. (*Refer to Flood - 100 year*)

Batch Plant, Concrete, Mortar, or Asphalt: A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar or asphalt.

Bed and Breakfast: A dwelling where a maximum of 5 guest units for overnight or otherwise short-term temporary lodging is provided and may include meals. The operator of the facility shall live on the property. (*This does not include hotels/motels.*)

Berm: Mound of earth used in landscaping for screening, definition of space, noise attenuation or decoration.

## EXHIBIT A

Board or Board of County Commissioners: The Board of County Commissioners of Douglas County; the governing body of Douglas County.

Borrow Site: A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc., where the material is removed from the legally described site and characterized by a short-term operation and a limited quantity of earthen material.

Buffer Area: An area of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact, or to provide for future public improvements or additional open space.

Building: Any permanent structure, or portion thereof, built for the shelter or enclosure of human beings, animals, or property of any kind and excluding signs or fences.

Building Envelope: The portion of a lot within applicable setback requirements where building construction will be permitted, or other activities if so limited or described on the plat.

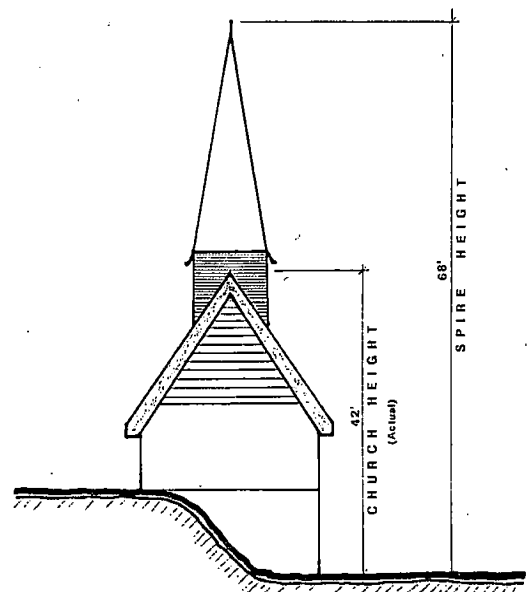
Building Face: The horizontal linear dimension of any side of a building as determined by measuring the exterior wall of any side of said building in a straight line. A side of any building shall contain only one building face. (Amended 2/11/14)

Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.
- (2) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in number one (1) above is more than 10 feet above the lowest grade.
- (3) The height of a stepped or terraced building is the maximum height of any segment of the building. (Amended 12/18/12)

Spire Height Calculation (see diagram)

### Spire Height Calculation



Campground: An area or tract of land on which accommodations for temporary occupancy (not to exceed 30 days in any one calendar year) are located including the parking or placement of camping and travel trailers, motor homes, truck campers or tents used for human occupancy.

Canopy: A roof like cover, including an awning that projects from the wall of a building over a door, entrance, or window; or a free-standing or projecting cover over an outdoor service area, such as at a gasoline station. (Amended 2/11/14)

Capacity: The maximum demand that can be accommodated by a public facility or service without exceeding the level of service as determined by the service provider. (Amended 11/18/14)

Capital Improvements: Large scale physical assets constructed or purchased to provide, improve, or replace a costly public facility. "Capital improvements" shall include physical assets providing additional capacity needed to accommodate the demand for public facilities generated by a development. (Amended 11/18/14)

Carrier: A company that provides personal wireless communication services.

Cellular Communication: A type of personal wireless communication service consisting of low-power mobile radio communication that occurs through a network of radio wave transmitting devices.

Centennial Airport Review Area (CARA): An overlay district intended to allow for compatible land-use planning in the vicinity of Centennial Airport. The overlay district includes three components; safety zones, noise zones, and height zones as depicted in Figure 19-1.

Central Water: Water service provided by a special district formed pursuant to the Special District Act, C.R.S. § 32-1-101, et. seq.

Central Sanitation: A centralized wastewater collection and treatment facility approved by Tri-County Health Department and the Colorado Department of Health including at a minimum, secondary wastewater treatment, subject to any waste discharge permits required by the State.

Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

Church: A building, where people regularly assemble for worship, or other type of religious practice, together with its accessory buildings and uses, maintained and controlled by an organization to sustain public worship. (Amended 4/28/15)

**EXHIBIT A**

Clinic, Dental or Medical: A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, but excluding therefrom inpatient and overnight accommodations.

Club (Country Club): Individuals gathered for social, educational or recreational purposes, including buildings or facilities owned/operated by such organization, excluding a golf course unless specifically permitted in that zoning district.

Collocation: The circumstance occurring when one or more carriers install antenna arrays on the same single structure.

Commitment to serve: (as related to water supply) - A letter stating the water district's "intent to serve" the project, or at the time of final/minor development plat application, a letter stating that the water district "will serve" the area of the final/minor development plat.

Comprehensive Master Plan: The Douglas County Comprehensive Master Plan as adopted by Planning Commission resolution. The Douglas County Comprehensive Master Plan is the long-range plan intended to guide the growth and development of the County, and is inclusive of supplemental plans which may be adopted and incorporated by Planning Commission resolution.

Condominium: A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Confinement Center: An animal feeding operation where livestock are kept and fed in close quarters until they are shipped to market.

Construction: Any and all activity incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, structures, roads, or appurtenances thereto, including land clearing, grading, excavating, and filling.

Convenience Store: A small retail or service commercial use, which provides limited food products, household items or other goods or services commonly associated with the same, which do not typically offer comparison shopping opportunities.

County: Douglas County, Colorado.

Cultural Facility: A building or area designed and intended for intellectual or artistic activities, including a museum, art gallery, outdoor amphitheater, fairground, sports stadium/arena, performing arts center, or similar facility.

dB(A): A sound level in decibels measured on the "A" scale of sound level having characteristics defined by the American National Standards Institute. [§25-12-102(2), C.R.S.]

## EXHIBIT A

3/10/99

Day-Care Center/Preschool: A commercial facility where care and training is provided for children or adults for periods of less than 24 consecutive hours.

Day-Care Home:

small - A residence in which care is provided for up to 6 children or adults, including the provider's own children, plus 2 additional children of school age either before or after school hours, and on days during the regular school year when school is not in session, such as conference days/in-service days and holidays, including summer vacations or off-track periods in year-round schools when the child does not attend classes. If the applicant has an experienced Child Care Provider License, a maximum of nine children may be permitted in accordance with Colorado Department of Human Services regulations for child care facilities.

large - A residence in which care and training is provided for 7 to 12 children or adults, including the provider's own children, except as provided for above.

Day-Care Household Pets: A retail/service facility for the care of dogs or other household pets for periods of less than 24 consecutive hours. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Decibel: A unit describing the relative amplitude of sound. A decibel is a unit of sound pressure level equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure to the reference pressure of  $2 \times 10^{-5} \text{ N/m}^2$  (Newton's/meter squared.) [§25-12-102(3), C.R.S.]

Density: The number of units per area of measure. For example, the number of dwelling units per acre.

Density, Gross: The total number of units divided by the total land area within the boundary of the project including publicly dedicated streets, open space or other public facilities.

Density, Net: The number of units divided by the land area within the boundary of the project excluding publicly dedicated streets, open space or other public facilities.

Department: The Douglas County Community Development Department.

Designated Elevation: The elevation above sea level determined at each airport in accordance with the approved airport guidelines.

Development: Any change to improved or unimproved real estate, including but not limited to: buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations or any alteration to land, buildings or structures which falls under the purview of this Resolution.



**EXHIBIT A**

3/10/99

Development Plan: A specific set of regulations establishing lot size, land use, density, lot coverage, open space or other standards and a map depicting land uses within a Planned Development District approved by the Board and recorded in the Office of the Clerk and Recorder. The current and future owners and their assigns are required to develop their property in accordance with this plan.

Director: The Director shall be as designated by the County Manager.

Driveway: A private vehicular access abutting a street, for the exclusive use of the owners and occupants of the lot, lots or project and their invitees, not considered to be a street.

Dude Ranch: A functioning ranch that offers guests the opportunity to participate in activities commonly associated with its operation. The recreational component shall be accessory to the principal ranching operation.

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including mobile homes, boarding houses, hotels, motels, recreational vehicles, or tents. Manufactured homes certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended and Section 30-28-115 of the Colorado Revised Statutes shall be deemed a dwelling unit. *(Amended 5/10/16)*

Dwelling, Multifamily: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by 2 or more families living independently of each other, including condominiums and duplexes, but excluding therefrom hotels and motels.

Dwelling, Single-Family: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by not more than 1 family in compliance with the County building code. The dwelling must function as a continuous enclosure without any impassable separation such as a wall or floor. Dwelling spaces joined by a garage or breezeway are considered to be a separate dwelling.

Dwelling, Single-Family, attached: A dwelling with primary ground floor access to the outside, which is attached to another unit by a party wall without openings, and is situated on 1 lot. The term is intended primarily for such dwelling types as townhouses, cluster units, patio homes.

Easement: An acquired right of use, interest or privilege in land owned by another.

Enhanced Specialized Mobile Radio Service (ESMR): A type of communication technology that is used primarily by fleet-dispatched service providers and closed system mobile radio users.

Entertainment Event: A public presentation for which admission is made available to the general public, held on a one time or occasional basis that provides amusement for, or holds the attention of, those in attendance. *(Amended 4/28/15)*

## EXHIBIT A

3/10/99

Entertainment Event, Major: An Entertainment Event that exceeds the limitations placed on Minor Entertainment Events. *(Amended 1/28/14)*

Entertainment Event, Minor: An Entertainment Event that meets one of the following limitations:

- A one-day event, such as a concert, with a maximum daily attendance of 500 persons.
- A multi-day event, such as a festival, carnival, or revival, with a maximum daily attendance of 300 persons and duration of seven days or less. *(Amended 1/28/14)*

Equipment, Small: Vehicles/equipment not exceeding the following gross vehicle weights: Motorized - 18,000 lbs.; nonmotorized - 6,000 lbs.

Event Center: A facility consisting of structures or premises used to accommodate the assembly of persons for private meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and other social engagement purposes, or similar such uses, in exchange for remuneration of any kind. Such use may include the provision of food, beverages, and entertainment. Event Center shall not include any use component of a sexually oriented business, as defined herein. *(Amended 4/28/15)*

Family: An individual or a group of persons, whether related or not, that habitually reside in a single dwelling unit and form a single residential unit, who share common living areas (e.g. laundry, kitchen, living room, garage, etc.) and expenses, and are at least partially dependent upon each other for care of the residential unit.

A family shall not include more than 1 registered sex offender over the age of 18, unless related by blood, marriage, or legal adoption to all other occupants. *(Amended 5/10/16)*

Farm and Commercial Garden Building: A building or structure used to shelter or enclose livestock, poultry, feed, flowers, field equipment or similar uses.

Farmers Market: An outdoor market open to the public and operated by a governmental agency, a nonprofit corporation, or one or more Agricultural Producers; where the products offered for sale are Agricultural Products, Value-added Agricultural Products, and incidental sale of other items. *(Amended 1/28/14)*

Feedlot: Any tract of land or structure, pen/corral wherein cattle, horses, sheep, goats, swine, or similar livestock are maintained in close quarters for the purpose of feeding such livestock in order to fatten them prior to final shipment to market.

Fence - Solid: Any structure used as a barrier, boundary or means of concealing the interior portion of a lot.

Firearm: Any handgun, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to discharge bullets, shot, or other projectile by means of gasses released by burning a solid propellant.

**EXHIBIT A**

**Fire Protection Facilities:** Fire stations and major pieces of fire fighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by county fire districts.

**Firing Range:** A facility used to provide, in exchange for remuneration of any kind, training in conjunction with, or for practice in, discharging firearms. *(Amended 4/28/15)*

**Flag:** A piece of fabric, cloth, or sturdy material usually oblong, rectangular, square, or triangular, typically attachable on one edge to a staff, pole, or cord. *(Amended 2/11/14)*

**Flood, 100-year:** The flood having a 1% chance of being equaled or exceeded in any given year. It is also known as a "base flood".

**Floodplain:** The area adjoining any river, stream, watercourse, lake or other body of standing water which is subject to inundation by a 100-year flood. Refer to the floodplain overlay district section for more information.

**Floor Area, Gross:** The sum of the horizontal area, measured in square feet, of all floors of a building measured from the exterior face of the wall including stairwells or elevator shafts and excluding unfinished basements or attics, garage space, or unenclosed porches.

**Floor Area, Net:** The sum of the horizontal floor area, measured in square feet, of all floors of a building measured from the interior face of the exterior wall excluding therefrom, stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms and storage areas.

**Floor Area Ratio - F.A.R.:** Determined by dividing the gross floor area of all buildings on a lot by the total area of that lot.

**Frontage:** The length of a parcel/lot abutting a right-of-way.

**Garage:**

Private - A building, or portion thereof, including carports, in which only private or pleasure-type motor vehicles used by the owners or resident tenants of the land are stored or kept.

Public - A building, or portion thereof, other than a private garage, used for the parking of automobiles.

**Golf Course:** A recreational facility primarily used for the purpose of playing golf, including associated food service, retail sales areas, and staff offices, excluding residential and other non-golf recreational uses.

**Grade:** The elevation of the finished surface of the ground.

Greenhouse: A structure used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

Group Home: A residence that provides non-institutional housing for persons living as a single housekeeping unit as follows: *[Per 30-28-115 CRS]*

- A group of no more than 8 persons with developmental disabilities living in a state-licensed group home or community residential home; or
- A group of not more than 8 persons with a mental illness living in a state-licensed group home; or
- A group of not more than 8 persons 60 years of age or older who do not need nursing facilities; or
- Any other type of home allowed under the provisions of the Fair Housing Act, as amended, for any type of protected class, or pursuant to any other applicable law

Group Homes that do not meet the conditions listed shall be considered Group Residential Facilities for purposes of this resolution. *(Amended 5/10/16)*

Group Residential Facility: A residence, not qualifying as a group home, that provides a community living environment for individuals requiring custodial care, medical treatment, or specialized social services. This term includes, but is not limited to: specialized group child care home, facility or center; residential child care facility; residential treatment facility; shelters for the homeless; shelters from domestic violence; residential facilities for those living together as a result of criminal offenses; and homes for individuals that are HIV positive or afflicted with the AIDS virus. *(Amended 5/10/16)*

Guest House: A dwelling attached or unattached to the principal dwelling, used to house guests of the occupants of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling.

Hay: Grass or other herbaceous plant that has been cut, dried, and stored for use as animal fodder, particularly for grazing livestock such as cattle, horses, goats, and sheep. *(Amended 4/28/15)*

Hay Sales: The sale of imported hay for animal fodder as a principal commercial use of the property. No other bagged or baled animal feed, imported agricultural products, or other sales are allowed, except as otherwise permitted herein. *(Amended 4/28/15)*

Heliport: Any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading, maintenance and fueling facilities.

Home Occupation: A business use conducted on the site, which is clearly incidental and secondary to the use of the land for residential or agricultural purposes; that does not change the character of the dwelling, lot, or neighborhood; and that allows the resident to work at home. Such uses as a motor vehicle repair or body shop, bed and breakfast establishment, medical clinic, hospital, kennel, animal clinic/hospital, retail business, warehousing and distribution, or any similar use generating more than

occasional or minimal vehicular or pedestrian traffic shall not be allowed as a home occupation.

Homeowners' Association: An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas, and the enforcement of protective covenants.

Horse, Boarded: A horse, not owned by the landowner or lessee, kept on the landowner or lessee's property for a period of 24 hours or more.

Horse, Nonowned: A horse not solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse, Owned: A horse solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse Rental Stable: A facility where horses, ponies, or mules are rented to the general public for recreational purposes.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel: Any building arranged, designed or intended as a temporary lodging place for human beings, with or without meals, in which there are 6 or more guest rooms or suites, and in which only minimal provision may be made for cooking in any individual room or suite.

Hunting/Fishing Club: Individuals gathered for the express purpose of participating in recreational activities directly related to hunting, fishing and similar outdoor sportsman activities that typically take place on club-owned land.

Impact Area: The area within which a proposed development is presumed to create a demand for public facilities and services and which area, therefore, will be evaluated to determine whether the capacity of public facilities and services is adequate to accommodate the demand. The impact areas for specific public facilities and services are as follows:

- (1) Fire Protection: the boundaries of the district providing fire protection service to the proposed residential development.
- (2) Public Schools: High School Feeder Areas as designated by the Douglas County School District.
- (3) Streets: the area as defined in the Douglas County Roadway Design and Construction Standards. (Amended 11/18/14)

In-Home Elder Care: Providing 24-hr. in-home care for 6 or fewer elderly persons (60+ years old), not related to the members of the household, who are ambulatory and are not mentally ill or developmentally disabled, who because of impaired capacity for independent living elect protective oversight, but do not require regular 24-hour medical or nursing care. The care provider shall reside at and maintain their primary place of residency in this home, be licensed by the State, and may have 1-2 nonresident helpers. The limitation contained in §30-28-115(2)(f), C.R.S., requiring that a group home for the aged not be located within 750' of another such group home, shall not apply to in-home elder care facilities.

Industrial Park: A tract of land with two or more separate industrial buildings or related uses planned, designed, constructed, or managed on an integrated and coordinated basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

Junk Yard: A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials.

Kennel: Any site used to keep more household pets than permitted in Section 24 Animals or used for breeding, boarding, training with boarding or selling of household pets. This definition shall not include a veterinary clinic/hospital or pet shop. (Amended 5/27/14)

Landfill: A site used for the disposal of junk, garbage or other waste material including biodegradables imported from off-site. The burying of biodegradable material that originated on-site shall not be considered a landfill provided all applicable requirements are met and necessary permits obtained.

Landing Field - Private: An area of land or water designed for the landing or take-off of aircraft for the benefit of the landowner/lessee and not to be used for commercial purposes.

Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers.

Legal Description: A written metes and bounds description of the boundary of a parcel of real property by a Professional Land Surveyor (PLS), for the purpose of perpetuating location and title. The description must recite all ties and monuments, recorded or physical, which will determine the correct position of the boundary, all references to adjoining lands by name and record, and a full dimensional recital of the boundary courses in succession which shall be mathematically correct. The description must be accompanied by an exhibit or map showing all pertinent information as described in the narrative.

**EXHIBIT A**

3/10/99

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based upon and related to the operational characteristics of the public facility; or the capacity per unit of demand for each public facility.

Level of Service (LOS), Adopted Roadway: Level of Service C for Nonurban areas and D for Urban areas. *(Amended 11/18/14)*

Level of Service (LOS), Roadway: A performance measure of quality of service measured on an A-F scale, with a LOS A representing the best operating conditions from the traveler's perspective and a LOS F representing the worst. *(Amended 11/18/14)*

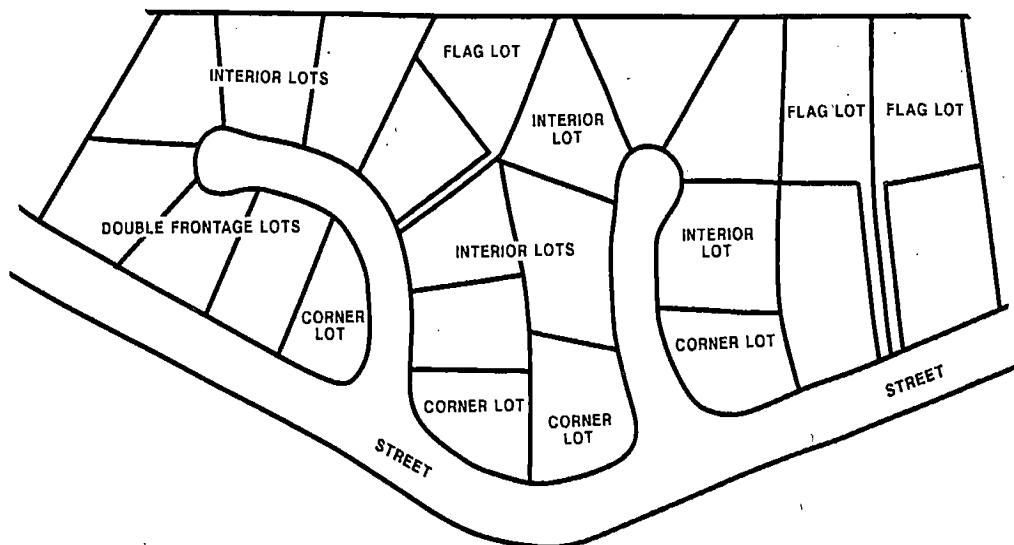
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect at the time the lot/parcel was created. Also, lot of record. *(A tax parcel is not necessarily a lot of record)*

Corner - A lot abutting two or more adjacent streets which have an angle of intersection of not more than 135 degrees.

Double Frontage - A lot abutting two nonintersecting streets as distinguished from a corner lot.

Flag - A lot having access or an easement to a public or private street by a narrow, private right-of-way

Interior - A lot other than a corner lot.



Lot, Area of: The area of a lot exclusive of streets, County-dedicated land or open space.

Lot, Buildable: A lot of record that complies with all the requirements of the zoning district within which it is located, or a nonconforming lot provided such lot was created in compliance with the State land-use laws and the Douglas County subdivision and

## EXHIBIT A

zoning regulations in effect at the time the lot was created. (A tax parcel may or may not be a buildable lot.)

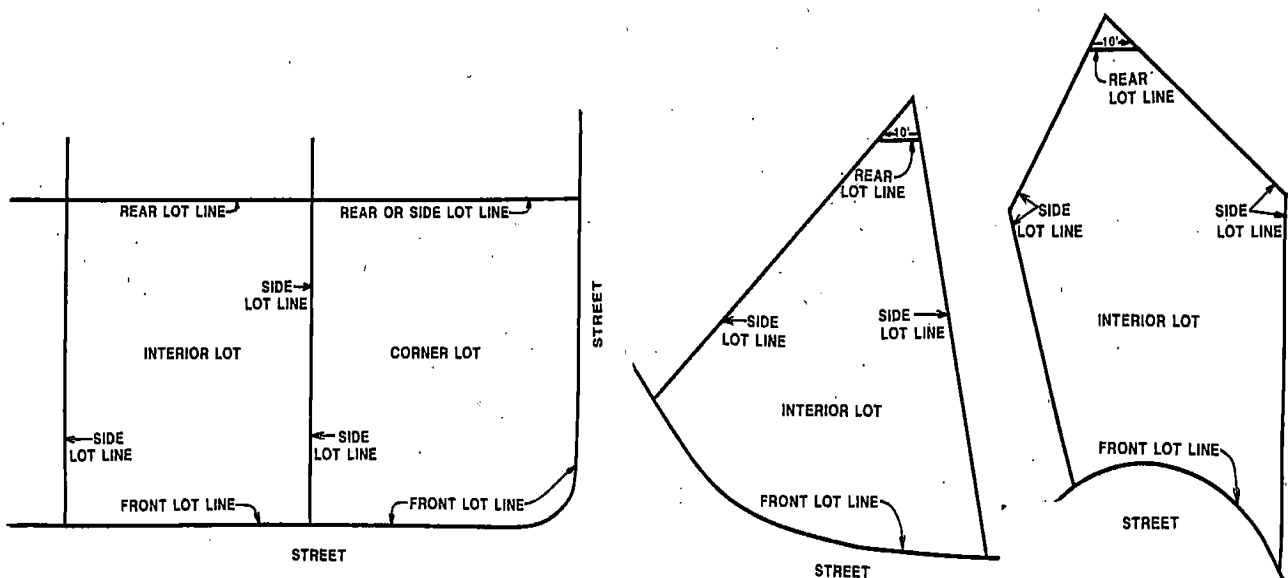
Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

Lot Line: Any boundary of a lot. The classifications of lot lines are:

Front: The lot line separating the lot from a street. On a corner lot or double frontage lot each lot line separating the lot from a street is considered a front lot line. Where a lot is not abutting a street, other than by its driveway, that lot line which faces the principal entrance of the main building is the front lot line.

Rear: The lot line opposite and most distant from the front lot line; however, for corner lots the rear lot line may be any lot line not abutting a street. For triangular, pie-shaped, or irregularly-shaped lots the rear lot line shall be deemed to be a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line for the purpose of determining required setbacks.

Side: Any property boundary line which is neither a front lot line nor rear lot line.



Major Reservoir(s): Any body of water within the State of Colorado having a surface area at high water line in excess of 100 acres excepting livestock water tanks as defined in Article 49 of Title 35, C.R.S. 1973.

Manufactured Housing: A factory-built, single-family structure that is manufactured and certified under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, in compliance with Section 30-28-115 of the Colorado Revised Statutes. Manufactured housing is different than a mobile home.

Message: A complete, static display message on an Electronic Message Sign. (Amended 2/11/14)



## EXHIBIT A

3/10/99

Message Hold Time: The time interval a static message shall remain on the display before transitioning to another message on an Electronic Message Sign. *(Amended 2/11/14)*

Metes and Bounds: A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.

Microwave Dish: A device for receiving or transmitting radio frequency/electromagnetic waves.

Mineral: An inanimate constituent of the earth, in either solid, liquid or gaseous state that, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material.

Mineral Resource Area: An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

Mining: The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, oil, natural gas, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater found in Douglas County.

Mobile Home: A portable structure used or designed to be used for living or sleeping purposes, transportable on its own wheels and requiring only minor work after arrival on its site to become suitable for occupancy. A mobile home is allowed as a dwelling only in the MH zone district or as specified in the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the Housing and Urban Development Department's manufactured housing regulations adopted in 1976. *(Refer to Manufactured Housing and Modular Home) (Amended 4/28/15)*

Mobile Home, Converted: A mobile home that has been placed on a permanent foundation and taxed as real estate. Converted mobile homes shall be permitted only in MH zone district, or as a specified within the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the 1976 Housing and Urban Development Department's manufactured housing regulations adopted in 1976. *(Amended 4/28/15)*

Mobile Home Park: A parcel of land under single or unified ownership or control within which spaces are rented for occupancy by mobile homes.

## EXHIBIT A

3/10/99

Mobile Home Subdivision: An area of land subdivided for occupancy by mobile homes exclusively, and containing lots in divided or separate ownership.

Modular Home: A prefabricated living unit, designed to become a permanent building, which meets the building standards of the Douglas County Building Code.

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking area adjacent to each unit.

Motorcycle: A self-propelled vehicle with not more than three (3) wheels in contact with the ground that is designed primarily for use on the public highways. [§25-12-102(5.2), C.R.S.]

Motorsports: The operation of Motorsport Vehicles for practice, education, recreation, or competition, excluding agricultural or property maintenance uses or the occasional, incidental operation of Motorsports Vehicles on private property that does not result in the establishment of a track.

Motorsports Facility: A track for Motorsports (Amended 4/26/16)

Motorsports Facility, Private: A Motorsports Facility for personal use that requires the movement of a cumulative total of 50 cubic yards or more of dirt or other material for such use, when a principal residence has been established on the property. (Amended 4/26/16)

Motorsports Vehicle: A self-propelled vehicle including Motor Vehicles, Motorcycles, Off-Highway Vehicles, and Snowmobiles used primarily off road. (Amended 4/26/16)

Motor Vehicle: A self-propelled vehicle with at least four (4) wheels in contact with the ground that is designed primarily for use on the public highways. [§25-12-102(5.4), C.R.S.]

Nonconforming Building: A building that does not meet the bulk requirements of the zoning district in which it is located, but which complied with applicable regulations at the time the building was constructed.

Nonconforming Use: A use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nonurban Areas: Nonurban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan.

Nursing Home: A 24-hour residential care facility, licensed by the state, providing some level of skilled nursing or medical service.

## EXHIBIT A

3/10/99

Off-Highway Vehicle: A self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways, excluding military vehicles, golf carts, snowmobiles, vehicles designed and used to carry persons with disabilities, and vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes. [§25-12-102(5.6), C.R.S.]

Office, Professional: A place of business for predominantly administrative, professional, or clerical operations, i.e., accountant; architect; attorney; bookkeeper; broker; doctor; dentist, chiropractor; psychologist; drafter; bank; savings and loan; insurance company; credit union; credit-reporting agency; developer; contractor; engineer; surveyor; planner; insurance agency; interior design; landscape architect; pharmacy; notary; stenographer; clerical services.

Open Space: Public or private land and aquatic areas that are regulated or managed to protect the natural environment and significant cultural resources; provide recreation and agricultural opportunities; shape the pattern of urban development, or any combination thereof, including yards and common areas and including a limited number of buildings and accessory uses compatible with intended use. Open space shall be deemed not to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Parcel: All contiguous land held under one deed irrespective of the method of legal description used.

Park: A tract of land identified for public use by zoning or subdivision action, or designated by an authorized public entity, for recreational, educational, or cultural purposes.

Parking, Lot: An area other than a street or alley that is permanently reserved and maintained for the parking of motor vehicles on a temporary basis - daily or overnight.

Parking, Off-Street: See Parking Lot. (Amended 2/11/14)

Person Aggrieved: An applicant, an abutting property owner, or a person with an interest in real estate located within 1,000 feet of the subject property where such person can show his/her property interest has been damaged by a final administrative decision and such damage is different in kind, not merely in degree, from that experienced by the public generally. (Amended 8/12/14)

Personal Communication Service (PCS): A type of wireless communication technology capable of transmitting voice, data and paging that utilizes small geographic areas on a tight grid of interconnected sites.

Personal Use: Exclusively for use in relation to Motorsports, a use for which no remuneration, either direct or indirect, of any kind is provided. (Amended 4/26/16)

---

**EXHIBIT A**

Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures.

Personal Wireless Communication Services: The term used to collectively describe low-powered, unmanned facilities providing wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio (ESMR), personal communication service (PCS), commercial mobile radio service (CMRS), cellular telephone and similar technologies, to a small geographic area within a network of interconnected sites. The power density at the property line or lease area shall not exceed the radio frequency emission standards set by the FCC.

Planned Development: A zoning district for an area of land controlled by one or more landowners, which is developed under a single development guide for mixed use.

Planning Area: An area of land within a Planned Development defined by acreage, use, density, etc., and whose boundaries are defined by the alignment of arterials or collectors or as otherwise depicted on the Development Guide.

Planning Commission: The Douglas County Planning Commission.

Planning Office: The Douglas County Planning Office.

Plant Nursery: An area of land used to raise trees, shrubs, vines or other plants, for transplanting or sale.

Plat: A map and supporting materials of certain described land prepared in accordance with the Douglas County Subdivision Resolution as an instrument for recording of real estate interests with the County Clerk and Recorder.

Primary Urban Area (PUA): The Primary Urban Area as designated on the Douglas County Comprehensive Master Plan Land Use Map and as defined in the Douglas County Comprehensive Master Plan. *(Amended 11/18/14)*

Principal Building: A building in which the primary use of the lot/parcel on which the building is located is conducted.

Principal Use: The main use of land or structures, as distinguished from an accessory use.

Public Facilities: Infrastructure and associated improvements including water facilities, wastewater facilities, fire protection facilities, public schools, regional parks and streets. *(Amended 11/18/14)*

Public Schools: Elementary schools, middle schools, or high schools and charter schools, capital equipment provided therein and the land needed for public schools, which are owned and operated by the Douglas County School District.

Recreation Facility, Indoor: An establishment providing recreational activities, completely enclosed by a structure, such as bowling alley, gymnasium, roller skating or ice skating, billiards, pool, theater, swimming pool or related amusements. This does not include adult entertainment establishments.

Recreation Facility, Outdoor: An area used primarily for outdoor recreational activity, i.e., swimming pool, tennis court, basketball court, soccer field, baseball diamond, park, playground or other similar uses not specifically addressed, and may include structures for restrooms, locker rooms, maintenance equipment storage.

Recreation Facility, Community: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 5 to 7 mile radius.

Recreation Facility, Neighborhood: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 2 mile radius.

Recreation Facility, Private: An indoor/outdoor area or other facility used for social or recreational purposes, owned and operated by a Homeowners' Association or similar entity, for the exclusive use of the residents and their invitees within a residential development. These facilities may include but are not limited to: meeting rooms, game rooms, kitchen/bar, lounge areas, restrooms, and indoor/outdoor recreation facilities. These facilities may also include ancillary offices for the Homeowners' Association or similar entity. Structures and site amenities should be of similar design, scale, and materials as the residential development it serves.

Recreational Vehicle: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle or all-terrain vehicle.

Recreational Vehicle Storage Yard: An area of land and associated structures arranged, designed or intended to accommodate the temporary parking or storage of unoccupied recreational vehicles.

Referral Agency, Advisory: A public or private organization which is interested in providing advisory comments to Douglas County on a land use proposal or proposed legislative action.

## EXHIBIT A

Referral Agency, Regulatory: An entity which is responsible for providing referral comments to Douglas County on a land use proposal or proposed legislative action, and which: (1) provides facilities and/or services for the proposed land use; and/or (2) provides regulatory control over some aspect of the subject property or proposed land use; and/or (3) is a referral agency under state or federal law.

Regional Parks: Park land and related facilities thereon which support both passive and active recreational activities for all Douglas County residents, which is owned by Douglas County, or which may be owned by another local governmental entity within unincorporated Douglas County which is at least 50 acres in size.

Registered Sex Offender: Any person who is required to register their place of residence with the Sheriff's Department or other local law enforcement agency in accordance with §18-3-412.5 C.R.S., as amended.

Religious Retreat: A building or site designed and designated for religious teaching, reflection, or contemplative activities, maintained and controlled by a religious organization to sustain worship or other religious practice, and may include overnight guest accommodations. This use is distinct from that of a church, which is separately defined herein. (Amended 4/28/15)

Residence, Caretaker: A dwelling or mobile home designed or intended for occupancy by a person(s) owning, employed in or dealing with, and responsible for the security and maintenance of the land on which it is situated. A caretaker's residence shall meet the principal use setbacks.

Residential Rezoning: A rezoning from a zoning district that does not permit residential uses to a zoning district that permits residential uses, unless within a planned development maintaining the dwelling unit cap, or a rezoning from a zoning district that permits residential uses to a zoning district that permits an increased number of dwelling units.

Retail/Service Business: A commercial use characterized by the selling of tangible goods/merchandise or services/intangibles directly to the consumer.

Retirement Home: One or more buildings containing dwellings where the occupancy is restricted to persons at least 55 years of age, or couples where either spouse is at least 55 years old. This may contain special support services, *i.e., convalescent or nursing facilities, and central dining facilities.*

Rezoning: A revision to the County Zone District Map.

Right-of-way: Land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer or other public use.

## EXHIBIT A

Runway (Landing Strip): An area of land used for aircraft landing or take-off.

Satellite Dish: (see Antenna)

Satellite Earth Station: A telecommunication facility consisting of multiple satellite dishes for transmitting and receiving signals from orbiting satellites.

Separated Urban Area (SUA): Separated Urban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan.  
(Amended 11/18/14)

Setback: The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line.

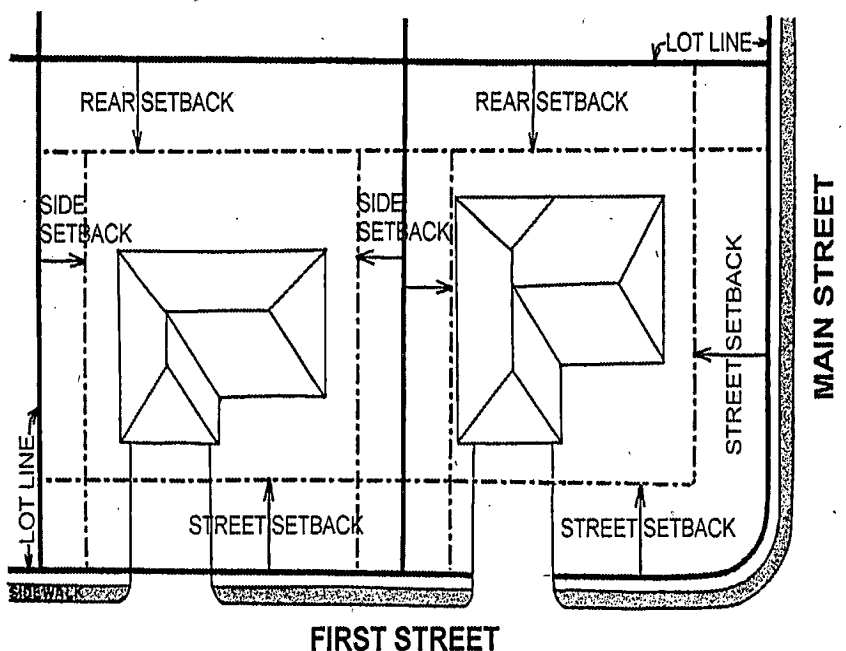
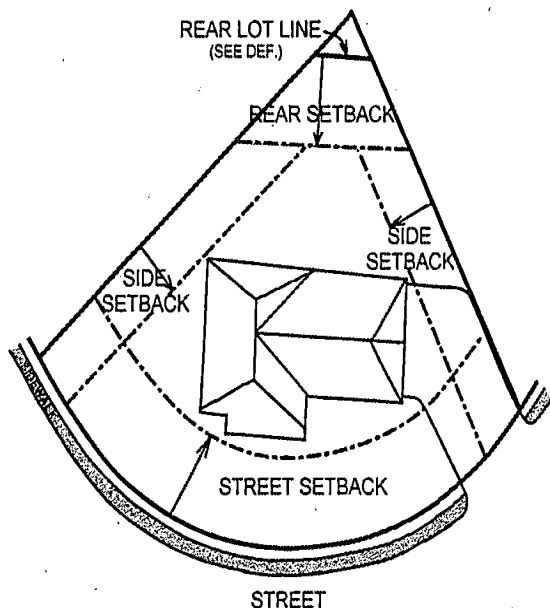
Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

Rear - a setback extending across the full width of the lot measured perpendicular to the rear lot line.

Side - a setback extending from the front lot line to the rear setback measured perpendicular to the side lot line.

Street - a setback extending across the full width of the lot measured perpendicular to the front lot line.

(see setback diagrams)



Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented

**EXHIBIT A**

businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

"Specified Anatomical Areas" include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts
- (2) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, sadomasochism or bestiality;
- (3) Masturbation, actual or simulated; or
- (4) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (5) Excretory functions as part of or in connection with any of the activities set forth in subsections (a) thru (d) of this subsection.

Adult Arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store:

- (1) A commercial establishment which:
  - (a) devotes a significant or substantial portion of its stock-in-trade or interior floor space to;
  - (b) receives a significant or substantial portion of its revenues from; or
  - (c) devotes a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
- (2) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or



**EXHIBIT A**

describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of sub-section (1) are otherwise met.

Adult Cabaret: A nightclub, bar, restaurant or other commercial establishment, which regularly features:

- (1) persons who appear nude or in a state of nudity; or
- (2) live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Motel: A motel, hotel or similar commercial establishment which:

- (1) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by magazines, pamphlets or leaflets, radio or television, or
- (2) offers a sleeping room for rent for a period of time less than 10 hours, or
- (3) allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours.

Adult Motion Picture Theater: A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

Nudity or State of Nudity: (1) the appearance of the human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nude Model Studio: Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other means. The definition of "nude model studio" does not apply to:

- (1) a college, junior college or university supported entirely or partly by taxation;
- (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

- (3) a business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least 3 days in advance of the class; and where no more than one nude model is on the premises at any one time.

Sexual Encounter establishment: A business or commercial establishment, that as one of its primary business purposes offers, for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms to rent.

Shopping Center: A grouping of retail business or service uses on a single site with common parking facilities and open space.

Sign: Any display or object regardless of form or material used to identify or display information about or direct or attract attention to a person, institution, organization, business, product, event, location or otherwise by any means. (Amended 2/11/14)

Sign, Banner: Any sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. (Amended 2/11/14)

Sign, Billboard: Any sign which directs attention to a business, activity, commodity, service, entertainment, or communication which is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located. (Amended 2/11/14)

Sign, Canopy: Any sign painted, permanently attached to, or constructed underneath a canopy. (Amended 2/11/14)

Sign, Directory: Any sign directing or guiding vehicular or pedestrian traffic to identified locations or businesses on the property. (Amended 2/11/14)

Sign, Electronic Message: Any sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. (Amended 2/11/14)

Sign, Freestanding: Any sign which is permanently affixed in or upon the ground, supported by one (1) or more structural members and not attached to or dependent for support from any building. (Amended 2/11/14)

Sign, Height: The vertical distance from the lowest adjacent grade to the highest point of the sign or sign structure. (Amended 2/11/14)

---

EXHIBIT A

---

3/10/99

Sign, Informational: A temporary, noncommercial sign of which the sole purpose is to convey information with respect to the premise or site on which it is located, or a sign expressing a thought, opinion, or viewpoint. Examples may include signs such as: for sale, for lease, garage sale, model home, construction, campaign, etc. (Amended 2/11/14)

Sign, Private Notification: A written or printed notice, announcement, or warning located on private property. Examples may include signs such as: no trespassing, no parking, no solicitation, etc. (Amended 2/11/14)

Sign, Temporary: Any sign generally intended and designed for installation in a simple and non-permanent manner and constructed of cloth, canvas, fabric, metal, plywood, or other material and displayed for an event of a non-recurring nature. (Amended 2/11/14)

Sign, Vehicle: Any sign permanently or temporarily attached to or placed on an operable vehicle actively used for conducting a business operation or service. (Amended 2/11/14)

Sign, Wall: Any sign attached to or painted on the wall or surface of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign. (Amended 2/11/14)

Sign, Way-Finding: Any sign that directs vehicular or pedestrian traffic onto the property or towards parking or other identified locations on the property. (Amended 2/11/14)

Sign, Window: Any sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within three (3) feet of the window is considered a window sign, but excludes merchandise in a window display. (Amended 2/11/14)

Site Improvement Plan: The plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with this Resolution.

Snowmobile: A self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways, excluding machinery used strictly for the grooming of snowmobile trails or ski slopes. [§25-12-102(9), C.R.S.]

Staff: Douglas County employees with a role in reviewing or administering the provisions contained herein.

Stealth or Faux Design: A personal wireless communication facility or element thereof, that is disguised, camouflaged, hidden or incorporated into an existing or proposed

structure or placed within an existing or proposed structure so as to minimize or eliminate its visibility from off site.

**EXHIBIT A**

3/10/99

**Street:** Land intended primarily for vehicular traffic and providing the principal means of access to property, including a roadway, road, lane, drive, avenue, highway, boulevard, or any other thoroughfare other than a driveway.

**Regional/Major Arterial** - A street or highway significant to the region serving the major centers of activity which carries the major portion of the trips entering and leaving an urban area, as well as, the majority of through movements desiring to bypass towns or neighborhoods.

**Minor Arterial** - A street, that interconnects with and augments the regional arterial system, which distributes travel to geographic areas smaller than those identified

with the regional/major arterial system and provides intracommunity continuity, but ideally should not penetrate identifiable neighborhoods.

**Collector** - A street which distributes trips from the arterial to the ultimate destination. The collector system provides both land access service and local traffic movement within residential neighborhoods, commercial areas and industrial areas.

**Local** - A street which provides direct access to abutting land and access to the arterial and collector road network. Service to through traffic movement usually is deliberately discouraged.

**NOTE:** For identification of these types of roads within the County refer to the Douglas County Transportation Master Plan. *(Amended 11/18/14)*

**Street, Private:** A privately owned access way generally constructed to County specifications and not maintained by the County.

**Street, Public:** All public property reserved or dedicated for vehicular traffic constructed in compliance with the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria manual.

**Structure:** Anything constructed or erected in, under, over or upon the land, or attached to something in, under, over, or upon the land, but excluding therefrom walks, patios, off-street parking areas, fences and walls, and electrical distribution, natural gas or water and sewer lines.

**Permanent** - That which is built in such a manner, that it would reasonably be expected to last and remain useful for more than 5 years.

**Temporary** - A structure that is not a permanent structure, or one that is constructed for a special purpose in contemplation of removal upon accomplishment of such. Temporary shall mean a period of 6 months.

**Subject Land:** Real property which is the subject of the regulations set forth in this Resolution.

**EXHIBIT A**

3/10/99

Support Tower: A vertical, ground-mounted structure designed and engineered for the purpose of supporting antennas for the transmission and/or reception of radio signals.

Lattice Tower: A self-supporting tower with multiple legs and cross bracing designed to support antennas.

Monopole: A self-supporting tower consisting of a single support of wood, metal or concrete designed to support antennas.

Guyed Tower: A tower designed to support antennas and requiring guy wires for stability.

Swimming Pool: Any structure intended for swimming or recreational bathing capable of containing water greater than 24 inches in depth. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. Any fencing required in association with such structure shall be permanently affixed to the ground. (Amended 12/18/12)

Telecommunications Facility: A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

Personal wireless communication facilities that exceed the height requirements provided for by this Zoning Resolution shall be considered telecommunication facilities and therefore subject to all applicable provisions.

Temporary Emergency Shelter: A facility used on a temporary basis for the purpose of housing individuals or families affected by disasters or emergency situations.

Townhome: An individual dwelling unit situated on 1 lot but attached to 1 or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

Training: To coach or instruct an individual in a specific general area of equine expertise, or to physically condition a horse to be ridden, handled, or to perform upon command.

Urban: Urban areas as defined in the Douglas County Comprehensive Master Plan.

Utility - Major Facility:

## EXHIBIT A

- Pipelines and storage areas of utilities providing natural gas or petroleum derivatives;
- Appurtenance: A use or structure which is incidental and subordinate to, and devoted to the Utility-Major Facility;
- Power Plant: Any electrical energy generating facility with an energy generation capacity of 50 megawatts or more, and Appurtenance(s);
- Substation: Any facility designed to provide switching, voltage, transformation, or voltage control required for the transmission of electricity exceeding 115 kilovolts (kV);
- Transmission Lines: Any electric transmission line and Appurtenance(s) which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of, the transmission of electricity exceeding 115 kV;
- Wastewater Treatment Facility: A facility or system for treating, neutralizing, stabilizing, or disposing of domestic wastewater, which facility or system has a designed capacity to receive more than two thousand (2,000) gallons per day of domestic wastewater. The term Wastewater Treatment Facility also includes Appurtenance(s) to such system or facility, such as outfall sewers and equipment related to such Appurtenances;
- Water Storage/Treatment Facility: A facility used for water storage with a designed capacity of 300,000 gallons or more and/or treatment, except wellhead disinfection, of 10,000 gallons per day or more; and/or a Major Reservoir; and/or facilities and/or structures for the export of water outside the County; including, but not limited to, water diversion structures, headgates, forebays; and all associated Appurtenances. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Utility Service Facility: Any Neighborhood Substation, Personal Wireless Communication Facility, Water Storage/Treatment Facility:

- Neighborhood Substation: Any facility used for the purpose of reducing voltages to levels of 115 kV, or less, for distribution to individual users;
- Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures;
- Water Storage/Treatment Facility: A facility used for water storage with a designed capacity of less than 300,000 gallons and/or treatment of less than 10,000 gallons per day. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Value-Added Agricultural Processing: The processing and/or packaging of Agricultural Products, for which the primary ingredient is raised or grown on the site. Value-added

Processing may include the sales of Value-Added Agricultural Products produced on the site. Value-added Agricultural Processing does not include processing Agricultural Products into fuels, lubricants, paints, varnishes, or the like. *(Amended 1/28/14)*

Value-Added Agricultural Product: A product processed by an Agricultural Producer from an Agricultural Product, such as baked goods, jams, jellies, and leather or woolen goods. *(Amended 1/28/14)*

Variance: A grant of relief from certain provisions of this Resolution, as provided in and limited by the Variance section of this Resolution.

Veterinary Clinic/Hospital: A structure where animals are brought for medical or surgical treatment and may be held during the time of treatment and recuperation. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Warehouse: A building, or portion thereof, for storing goods, wares and merchandise for the owner or for others.

Wastewater Facilities: Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal system and on-site septic systems.

Water Facilities: Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, and storage facilities.

Water and Sewer Facilities - Public: Facilities of a municipality, public utility, nonprofit corporation, sanitation or water or other special district, that are constructed, operated or maintained to provide water or sewer service.

Watercourse: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and flood water flows either regularly or intermittently, including major drainageways for carrying urban storm runoff.

Wholesale Business: A business use characterized by the selling of tangible goods/merchandise or intangibles/services directly to the retailer or contractor or the assembly or manufacturing of products.

Wind Energy Conversion System: Any mechanism including blades, rotors or other moving surfaces designed for the purpose of converting wind energy into mechanical or electrical power. Towers, tower bases, guy wires and any other structures necessary for the installation of small wind energy conversion systems are also included. A large-

scale system designed for the generation of commercial power shall be considered a major utility facility for purposes of this Resolution.

Yard: In this Resolution the term yard is not used, as such term represents a distance that is established in a like manner as that of a setback.

Zero Lot Line: The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line with no easement or setback requirement including two adjoining structures on separate lots sharing a common wall.

THIS PAGE LEFT BLANK INTENTIONALLY



# EXHIBIT A

Exhibit 1  
PH 8/9/16  
Item 3

**Kati Rider**

---

**From:** Tiffany DeYoung <tiff402@hotmail.com>  
**Sent:** Tuesday, August 09, 2016 11:42 AM  
**To:** BOCC; Jeanette Bare; Kati Rider; Dan Avery  
**Subject:** Proposed Motorsports Regulations

Hi there,

I am writing you concerning the proposed Motorsports regulations in Douglas County. I am opposed to these regulations for Motorsports. My husband and I moved our four kids out to Sedalia two years ago, we bought a house on 35 acres. We moved here because we love the area and we wanted our kids to have a better life. A life that is active and to have a home where they can spend their time outside instead of in front of a tv inside. We do not have a track but our kids ride their ATV and dirt bikes on our property. My husband and I have been adamant about teaching our kids to be respectful of our neighbors and our land while riding. This is very important to us. It is unfortunate that the motorscross community has been put into a category as being obnoxious, and disrespectful to land and neighbors. I do not feel this is true. I don't ride Motorsports but I have lived in Douglas County my whole life. I have not seen Motorsports become a huge nuisance like some may say.

A few weeks ago my husband and I were doing some work on our property to fix some issues we are having with mud and sand coming off the butte and killing our mature trees. We are well aware of the new regulations about moving dirt and we made sure we stayed under the amount allowed so we did not pull a permit. A Douglas County employee came out and told us that a neighbor had made a complaint and that he was sure we were moving dirt to build a motocross track. The county employee saw that this was not the case but still had to put a stop work order on us because of the complaint. This could have all been avoided if our neighbor had just stopped by to see what we were up to. Instead we spent 3 days dealing with getting the stop order taken off and getting the green light to continue. This was very frustrating and we do not have time to deal with this nonsense. We work very hard to live where we do and this was ridiculous.

I am concerned that the proposed noise ordinances and the lengthy permit process for Motorsports are a complete waste of time and money for our County to be dealing with. They will be nearly impossible to enforce. The Douglas County Sheriff has already said that that he cant enforce these. So that leaves it up to the Zoning Compliance staff which to my understanding is just a handful of people. As a taxpayer this is NOT what I want my tax money paying for. There are far more important issues such as community service, roads, fire mitigation, things like that. I know that there is a group of about 10 or twelve people that are really trying hard to enforce these regulations in their neighborhood because of a possible track. I am hoping you see that passing these regulations will affect the entire county!

I am asking that the board takes these things into consideration when making the decision to put more regulations on Motorsports.

Thank you for your time,  
Tiffany DeYoung

## Kati Rider

---

**From:** Gretchen <jawnewm@gmail.com>  
**Sent:** Monday, August 08, 2016 4:16 PM  
**To:** Dan Avery; Kati Rider  
**Subject:** Motor cross

I am unable to be at the meeting tomorrow afternoon. I would appreciate your support in stopping the motor cross defacing of property and deteriorating effect it has on land and quality of life . Please vote to stop it.

Gretchen Newman  
Registered voter of rural Douglas county

Sent from my iPad

## Dan Avery

---

**From:** Klene Family <jmklene@msn.com>  
**Sent:** Tuesday, August 09, 2016 9:25 AM  
**To:** Dan Avery  
**Subject:** Please regulate large motor sports!

Hello, I am a voting member in your district and am writing to ask you to please support regulating large motor sports in Douglas County. This is an issue that has impacted me and my family for years now...and our neighborhood has been negatively impacted by people turning their acreage into what basically amounts to a dirt track.

In a nutshell, when we bought our (5 acre) property in Parker East it was a beautiful serene neighborhood, part of what drew us to our home was the peacefulness of the surroundings. Ten years ago new neighbors moved in on one property to the east of us, and they love their ATV's and dirt bikes! They will ride for hours around the track that quickly became worn into what had been a front pasture... They ride late into the night especially in the summer (when it's nice to have our windows open!), and it's LOUD at my place. They ride quickly and the noise of the machines has spoiled what could have been peaceful evenings at our house and spoiled many dinners for us (our dining room is on that side of the house) as well as special family get togethers when they've been riding, sometimes 3-4 vehicles at a time, and the noise is so loud and disruptive.

The neighbor who lives on the other side of the "ATV" house (as my children call it) is an elderly lady, who lives alone, she is one of the original neighbors who built here in the 1970's. She has been fighting cancer for the past year... I feel so badly for her, having to live with the noise of those ATV's.

As the discussion about regulating motorsports continues I hope they will not grandfather in existing tracks... The peace and quiet of our lovely neighborhood was here long before motorsports spoiled it and that peace is the only thing that should be grandfathered in!

Thank you,

Maura Klene  
10345 Kettledrum Lane

August 9, 2016

There are 3 items I would like to comment on today:  
Setbacks, Rider Involvement and Enforcement

### SETBACKS

The proposed permit for A-1 properties has a track setback of 265 feet based on the premise that the operator will ride at Low PWL, up to ½ maximal throttle, on the property. It is very unlikely that riders will conform to this Low Power Level and more likely that bikes will operate at much higher noise levels.

Here's supporting data:

Geiler and associates, Acoustic Consultants in Aurora did sound measurements on bikes riding trails in the White River National Forest, just east of Dillon, as homeowners and subdivisions were concerned about dirt bike noise<sup>1</sup>. The decibels recorded at one residence exceeded the maximum allowed by State Statute and because of this, motorized vehicles are no longer allowed on the Oro Grande Trail. This trail is an old road occasionally used by the Park Service and is considered easy in difficulty and resembles a trail that could be categorized as accessory use<sup>2</sup>. The distance from the trail to this residence was 600 feet. The decibel readings were measured as high as 67 dBA at this residence. At a setback of 600 feet, this corresponds to 119 dBA at the source<sup>3</sup>. Thus one bike riding on a casual, recreational trail generated 119 dBA, which is very close to the Average PWL (121 dBA) for two bikes as measured by D.L. Adams.

In the D.L. Adams report, 121 dBA of sound requires a setback of 1862 feet to comply with Sound Statutes. This setback translates into a square lot of 318 acres just to be able to turn on and run 2 engines in the center.

From the Geiler and associates report, it is reasonable to assume that bikes on accessory use tracks will operate close to Average PWLs.

### RIDER INVOLVEMENT

In the **AMA Position on Excessive Motorcycle Noise**<sup>4</sup> an AMA trustee stated that: "Much of this predicament is not an equipment or engineering problem, but rather a behavioral problem." He recommended voluntary sound management through self-regulation. At the first workshop last fall, the majority of the attendees spoke out that it was their right to do whatever they wanted on their properties. I have not seen any motorsports enthusiasts volunteer to help design regulations to curb excess noise. Quite the contrary. Since there is little interest in voluntary sound management it seems the only solution is to locate accessory tracks in areas of similar noise levels or on parcels with setbacks of 1862 feet. Allowing tracks with smaller sound buffers is inviting more community conflict, work for the Compliance Division and anger at the government for adopting lax regulations.

### ENFORCEMENT

---

<sup>1</sup> Environmental Noise Testing and Acoustic Modeling Report Tenderfoot Mountain -Dillon, Colorado

<sup>2</sup> Oro Grande Trail System, U.S. Dept. of Agriculture, Dillon Ranger District.

<sup>3</sup> Estimating Sound Levels with the Inverse Square Law

<sup>4</sup> AMA Position on Excessive Motorcycle Noise, AMA website

## BOCC Hearing on Motorsports Activity

---

August 9, 2016

Lastly, the AMA recommended: "Law enforcement agencies should fairly and consistently enforce appropriate laws and ordinances against excessive vehicle noise." Both the sheriff and zoning compliance have thrown up their hands, saying, we can't get accurate sound measurements. Addressing Motorsports in Douglas County was thought to be too difficult, but it really wasn't. Similarly, we need to address how to get accurate sound measurements and entertain different options.

I hope the compliance and enforcement process can be used to address conflicts on existing tracks soon to be grandfathered as problem tracks were created after the county knew about the Motorsports problem, but declined to address the issue. During this ten month process of looking at Motorsports, two track owners have spoken up stating how important the sport is for their family and how they have been model track owners. Their tracks are located in Parker East and Burning Tree subdivisions. We have also heard from others who have complained about noise in these same subdivisions. Who's right? I don't know, but I do feel a county process for conflict resolution is needed.

In summary:

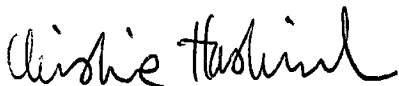
- Since there seems to be no rider interest in voluntary sound management and casual recreational riding will operate close to Average PWL, accessory use should only be allowed with 1862' of setback.
- Since problem tracks were constructed after Douglas County chose not to address the motorsports issue, the same Compliance and Enforcement process that is being considered for new tracks should be used by neighbors of problem-grandfathered tracks.

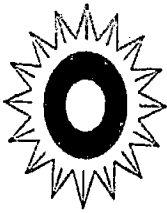
**The AMA's Position on Excessive Motorcycle Noise** agrees with the Douglas County Master Plan.

"With many rights come responsibilities. We enjoy the right to free speech in America, but that right does not entitle us to yell "Fire!" in a crowded theater. So too, the right to ride a motorcycle does not permit us to infringe on the peaceful enjoyment of life by others. Each segment of the motorcycling community – including the riders, retailers, aftermarket manufacturers and law enforcement – must realize that it cannot single-handedly solve this problem. However, each has a role and a responsibility in achieving a solution."

Thank you for your attention.

Christine Hashimoto





# GEILER & ASSOCIATES, LLC

*Consultants in Acoustics and Presentation Technologies*

November 15, 2009

Mr. Fred Niggeler  
Summit County Off Road Riders (SCORR)  
P.O. Box 5027  
Frisco, Colorado 80424

Re: Environmental Noise Testing and Acoustic Modeling Report  
Tenderfoot Mountain – Dillon, Colorado

Dear Fred:

Environmental noise testing was conducted Friday, July 10, 2009 at Tenderfoot Mountain in Dillon, Colorado to measure and record noise levels due to Motorcycles using the Tenderfoot Mountain trail system. The measured environmental noise levels are summarized below. The results of acoustic testing were then used to prepare an acoustic noise model utilizing CADDNA software. The results of noise modeling are summarized below and documented in Appendix C.

## Measurement Equipment

The following equipment was employed in the execution of the acoustic testing:

<u>Equipment</u>	<u>Serial Number</u>	<u>Last Date of Calibration</u>
Hewlett Packard Tablet PC, Model tc4400, computer	CND709132D	N/A
01 dB Harmonie, Acoustic Measurement System	4070	May 11, 2004
01 dB, MCE212, 1/2", Precision Microphone	17369	May 11, 2004
01 dB, Pre 12 H, 1/2", Precision Microphone Preamp	000847	May 11, 2004
01 dB, MCE212, 1/2", Precision Microphone	17341	May 11, 2004
01 dB, Pre 12 H, 1/2", Precision Microphone Preamp	990772	May 11, 2004
01 dB, Cal-01, Sound Level Calibrator	980334	May 11, 2004
01 dB, dB TRIG32 Measurement Software, Ver. 4.701		
01 dB, dB TRAIT32 Analysis Software, Ver. 4.701		
01 dB, dB BATI32 Analysis Software, Ver. 4.701		

## Testing Procedure

The test equipment was calibrated before testing began and verified at the completion of the acoustic test. The microphone was located where noted.

Environmental conditions were sunny with a light breeze. Wind conditions had a minimal impact on the test results.

Test locations are indicated on the map in Appendix A

Testing Results

The first set of testing was conducted to establish a baseline noise level for the motorcycles to be operated for acoustic measurement. The microphone was setup 25' away from a designated lane of travel on the Cemetery Rd trail head. Motorcycles passed by the microphone one at a time and the resultant maximum (Lmax) noise levels were recorded. The recorded noise levels are summarized below.

Measured Noise Levels, Lmax  
Motorcycles Operated at 25 ft., dB(A)

Motorcycle	Lmax
1998 Honda XR400	74
2008 Yamaha WR250	70
1992 Honda XR600	72
2003 Honda CRF450	78
2008 Honda CRF450R	89
2004 KTM 450EXC	77

The loudest motorcycle tested was the 2008 Honda CRF450R which was outfitted with an aftermarket exhaust which produced a noise level at the maximum exhaust noise permitted by the State of Colorado. Although all motorcycles in the group were operated during testing the primary focus was on the loudest and worst case scenario which was produced by the 2008 Honda CRF450R. The acoustic data gathered will be utilized for acoustic noise modeling documented below.

Testing was conducted at several subdivisions near Tenderfoot Mountain including Tenderfoot, Enclave, East Dillon, Corinthian Hills, Tennis Town Homes, Summerwood, Summit Cove and St John's. There was only one instance where motorcycle noise was clearly audible and measurable with motorcycles operating on the Oro Grande Trail and acoustic measurements recorded from the Tiller Residence back patio. It should be noted that the Oro Grande Trail will be closed to motor vehicles. At all other test locations motorcycle noise was not measurable and subjectively just barely audible in a couple of instances. In the couple of instances where noise was just barely audible, it was not measurable above the ambient noises in the area. At each location, data was recorded both with and without motorcycles operating on the portion of the trails closest to the test positions. "In Use" designates test data recorded when motorcycles were operated on the trail system. Ambient readings were recorded when motorcycles were not operating. Test locations were recorded with a Garmin GPS unit with an accuracy of 20 meters or less. The graphs included in Appendix B depict raw data exported from the test equipment representing the un-weighted time history, averaged linear spectrum and overall averaged A-weighted sound level. It should be noted that time history plots are not A-weighted and therefore do not represent the A-weighted summary information presented below which has been derived by calculation from the spectral time history.

Summary of Average Measured Noise Levels, dB(A)

Location	Microphone GPS Coordinates	Ambient	In Use
Test 1 - East Dillon Subdivision	N 39° 37.662' W 106° 02.113'	60	60
Test 1a - Tiller Residence	N 39° 37.762' W 106° 02.107'	48	56
Test 2 - Corinthian Hills Subdivision	N 39° 37.336' W 106° 01.509'	48	48
Test 3 - Summerwood Clubhouse	N 39° 36.367' W 106° 01.127'	53	53
Test 4 - Summit Cove	N 39° 35.932' W 106° 00.374'	43	43
Test 5 - Tennis Townhomes	N 39° 36.556' W 105° 58.167'	45	45
Test 6 - St John Condominiums	N 39° 36.640' W 105° 58.038'	47	47
Test 6a - Pierringer Residence	St John Unit 2541 Window	43	43
Test 7 - Enclave Subdivision	N 39° 36.602' 105° 57.126'	46	46



### Testing Comments

The only location where motorcycles were clearly audible and measurable was at the Tiller residence when motorcycles were operated on the Oro Grande Trail within approximately 600' of the Tiller residence. At all other test locations motorcycle noise was not measurable above the ambient noise. Colorado State Statute requires a maximum residential daytime property line noise level of 55 dB(A). This level was exceeded at only two locations, at the Tiller Residence when motorcycles were operated on the Oro Grande Trail and at East Dillon Subdivision which is located closest to Highway 6 and the noise level was primarily due to highway traffic. At no time was the 55 dB(A) threshold approached or exceeded due to the operations of motorcycles on any trails with the exception of the Oro Grande Trail within 600' of the Tiller residence.

### Acoustical Noise Modeling

The acoustic testing data was used in conjunction with topographic maps to develop a 3 dimensional acoustic model of the study area. The acoustic modeling software takes into account topography, surface properties and propagation patterns for various types of noise sources. To accurately model the vicinity, traffic noise from both Interstate 70 and State Highway 6 have been incorporated. To model the noise levels of these roadways, traffic volume data was obtained from the Colorado Department of Transportation (CDOT). Plots produced from the acoustical modeling software can be found in Appendix C, below is a description of each map.

- Map #1 Base map provided for reference. The map depicts the study area with topographic contours and an aerial image overlaid for perspective. The proposed trail systems are shown in Blue and the Oro Grande Trail is depicted in Red. Heavy dark green lines depict the national forest/private property boundaries.
- Map #2 Depicts the study area with the effects of traffic noise only, intended to define a baseline of noise for the study area.
- Map #3 Depicts the study area with the effects of motorcycle noise only. Please note that noise level do not exceed 50 dB(A) at residential property boundaries.
- Map #4 Depicts the study area with the effects of motorcycles and automobile traffic combined.

### Conclusion

At no time were motorcycles clearly audible or measurable when operated on the upper trail systems. The noise models further demonstrates that at no time would motorcycles operated on the upper trail systems exceed the noise levels defined by Colorado State noise statute which allows up to 55 dB(A) at residential property lines during the day and 50 dB(A) at residential property lines at night. With regards to Colorado noise code, Daytime is defined as 7am to 10pm. It should be noted that if motor vehicles were permitted on Oro Grande Trail that noise levels at residential property lines would exceed the prescribed state limits. On the basis of noise code, Oro Grande Trail should remain closed to motor vehicles. With the exception of Oro Grande Trail, the trail systems on Tenderfoot Mountain are not anticipated to result in a noise issue for nearby residential neighborhoods.

Sincerely,



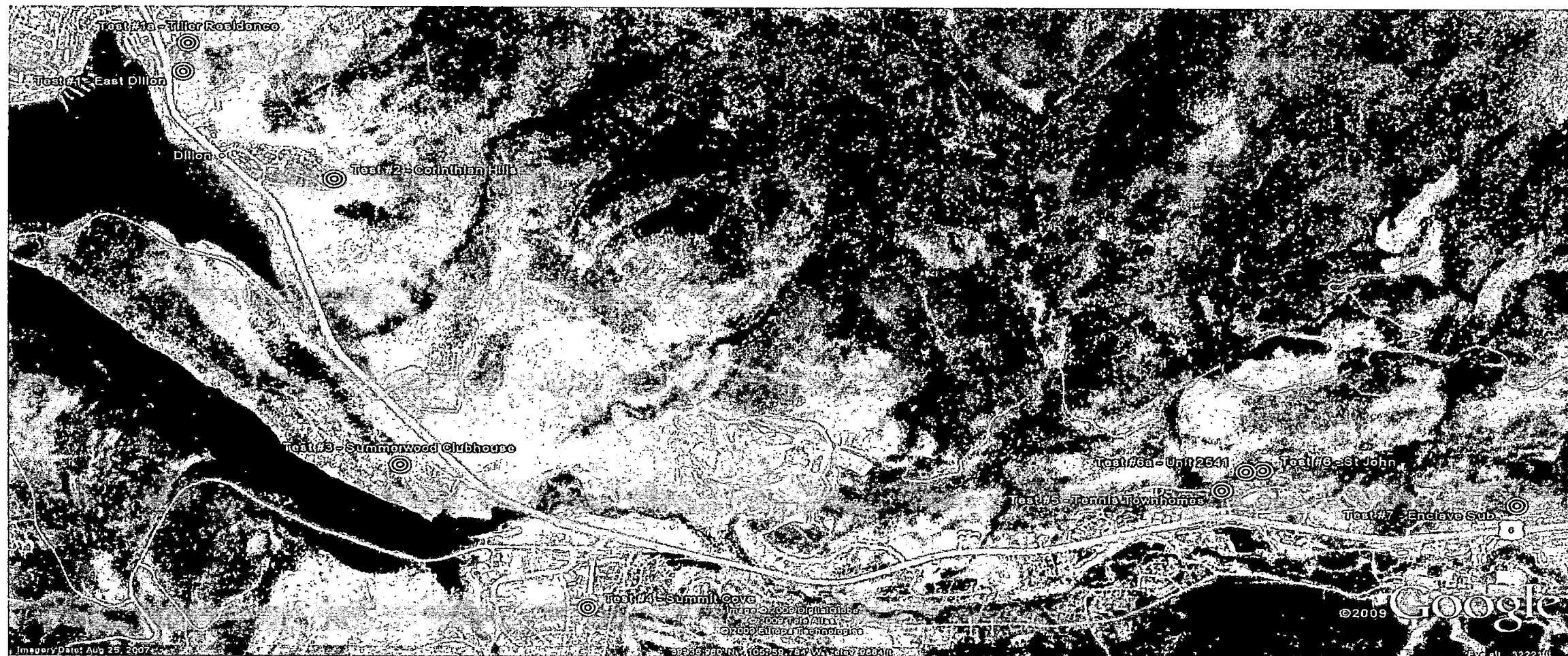
Prepared By:  
Adam Babb, E.I., INCE  
Acoustician



Review By:  
Jeff Geiler, PE, INCE  
Principal/Acoustician

# Appendix A

## Test Positions



Tenderfoot Mountain Environmental Noise Testing Locations - July 10, 2009

# Appendix B

## Test Data

File	Tender Foot Test 1_090710_093319.CMG					
Start	07/10/09 09:34:10:200					
End	07/10/09 09:34:34:400					
Channel	Type	Wght	Unit	Leq	Lmin	Lmax
Tenderfoot	Slow	A	dB	65.7	42.5	73.5

1998 Honda XR400 Operating Noise Level

File	Tender Foot Test 1_090710_093319.CMG					
Start	07/10/09 09:34:43:600					
End	07/10/09 09:35:04:080					
Channel	Type	Wght	Unit	Leq	Lmin	Lmax
Tenderfoot	Slow	A	dB	61.3	40.9	69.8

2008 Yamaha WR250 Operating Noise Level

File	Tender Foot Test 1_090710_093319.CMG					
Start	07/10/09 09:35:16:480					
End	07/10/09 09:35:31:220					
Channel	Type	Wght	Unit	Leq	Lmin	Lmax
Tenderfoot	Slow	A	dB	63.2	47.7	71.5

1992 Honda XR600 Operating Noise Level

File	Tender Foot Test 1_090710_093319.CMG					
Start	07/10/09 09:35:31:200					
End	07/10/09 09:35:57:880					
Channel	Type	Wght	Unit	Leq	Lmin	Lmax
Tenderfoot	Slow	A	dB	70.3	44.4	78.4

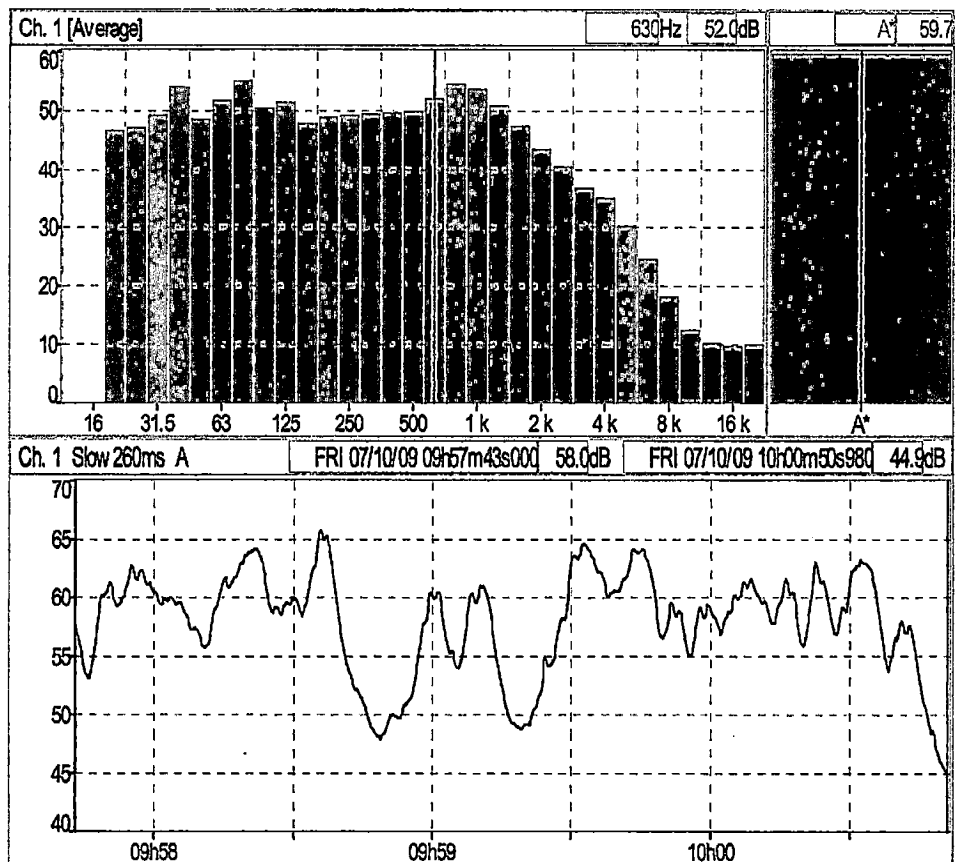
2003 Honda CRF450 Operating Noise Level

File	Tender Foot Test 1_090710_093319.CMG					
Start	07/10/09 09:36:05:000					
End	07/10/09 09:36:41:580					
Channel	Type	Wght	Unit	Leq	Lmin	Lmax
Tenderfoot	Slow	A	dB	78.1	40.7	88.6

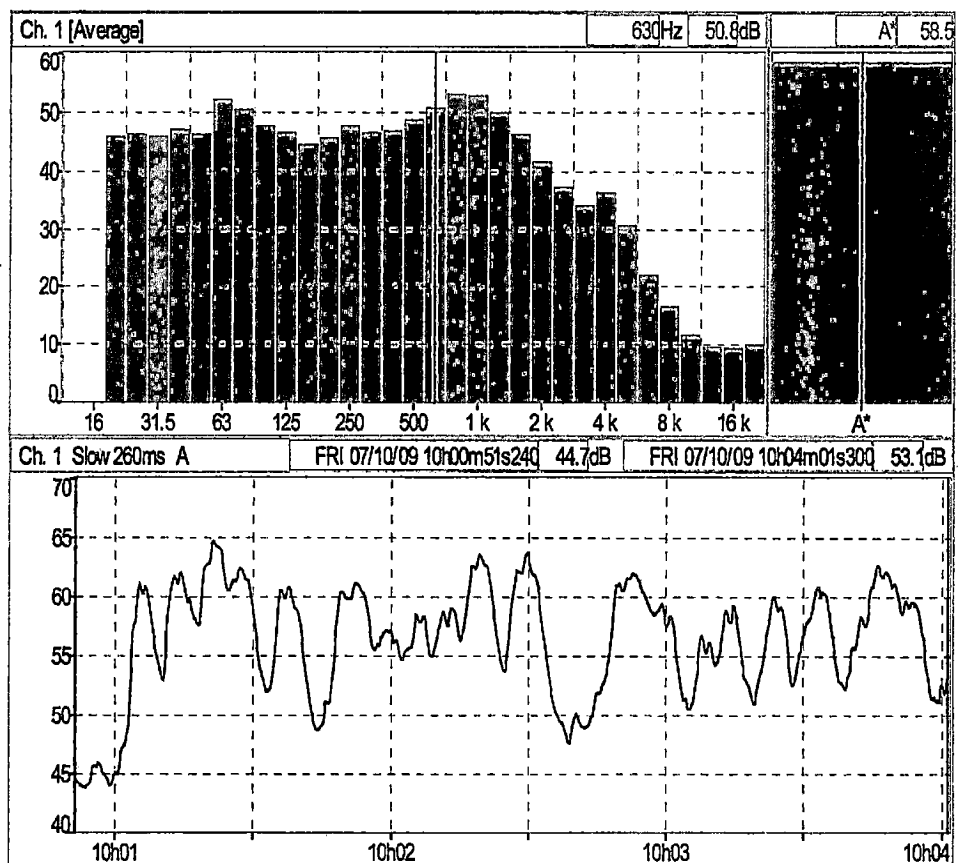
2008 Honda CRF450R Operating Noise Level

File	Tender Foot Test 1_090710_093319.CMG					
Start	07/10/09 09:37:06:380					
End	07/10/09 09:37:31:000					
Channel	Type	Wght	Unit	Leq	Lmin	Lmax
Tenderfoot	Slow	A	dB	70.0	45.1	76.9

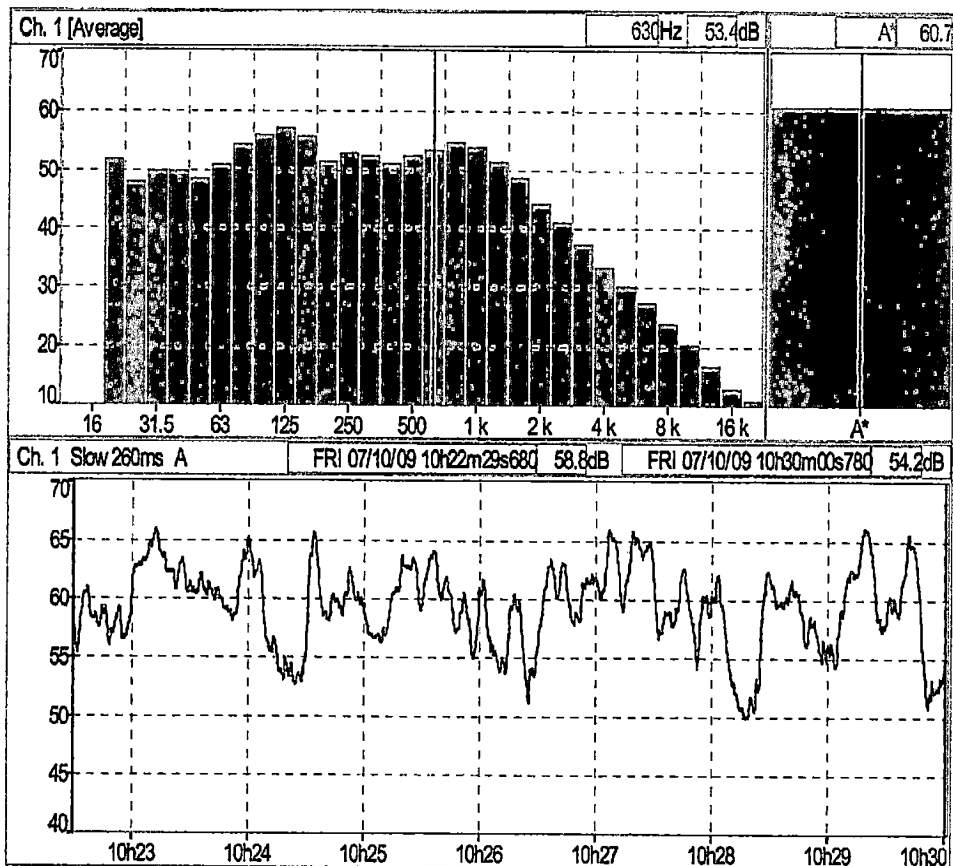
2004 KTM 450EXC Operating Noise Level



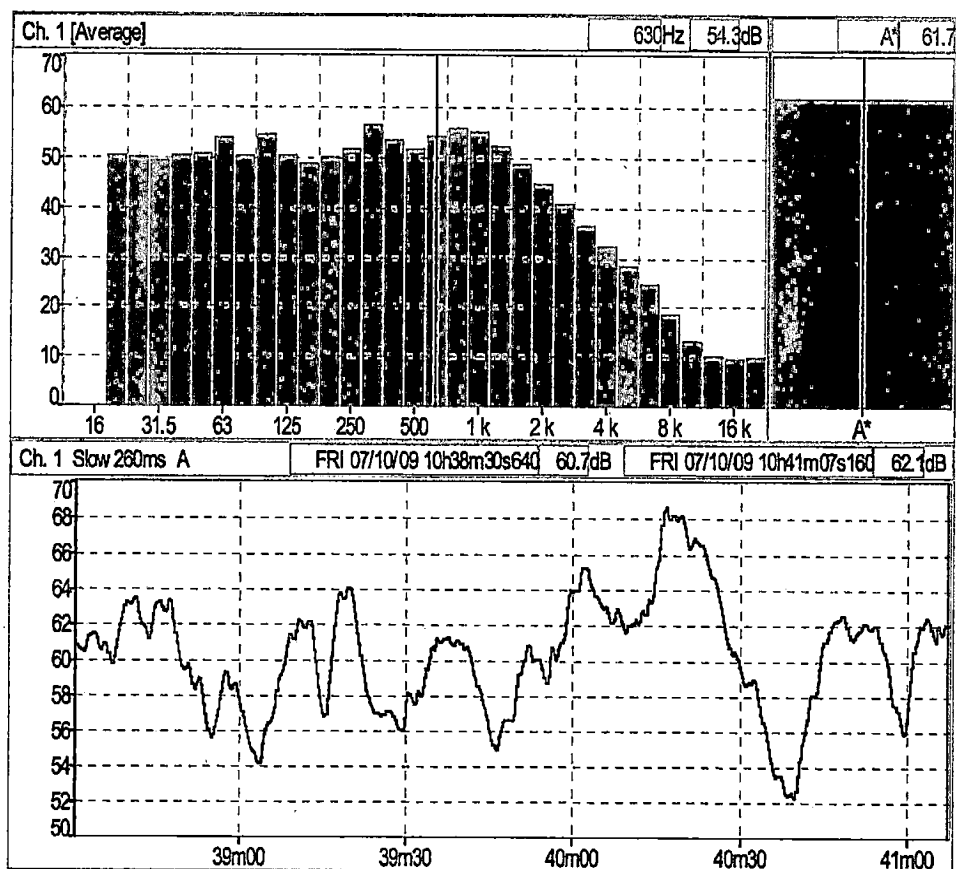
Test #1, Route A Out – East Dillon Subdivision – No Noise from Motorcycles was Measurable



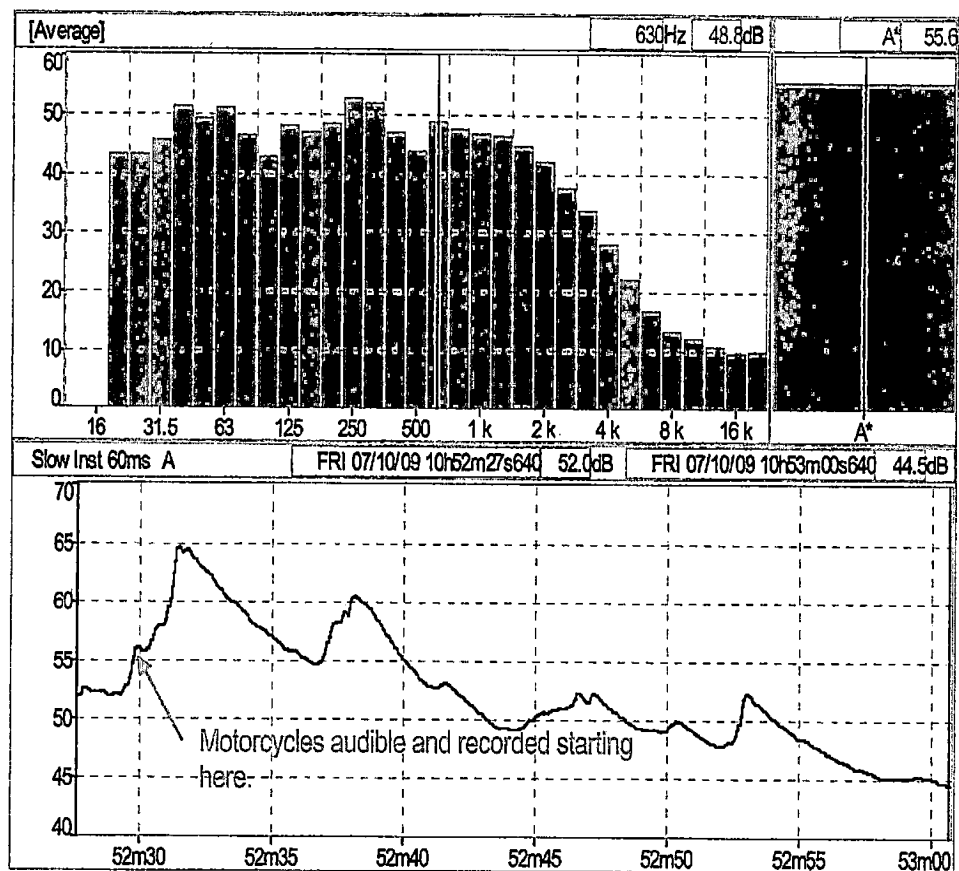
Test #1, Route A Back – East Dillon Subdivision – No Noise from Motorcycles was Measurable



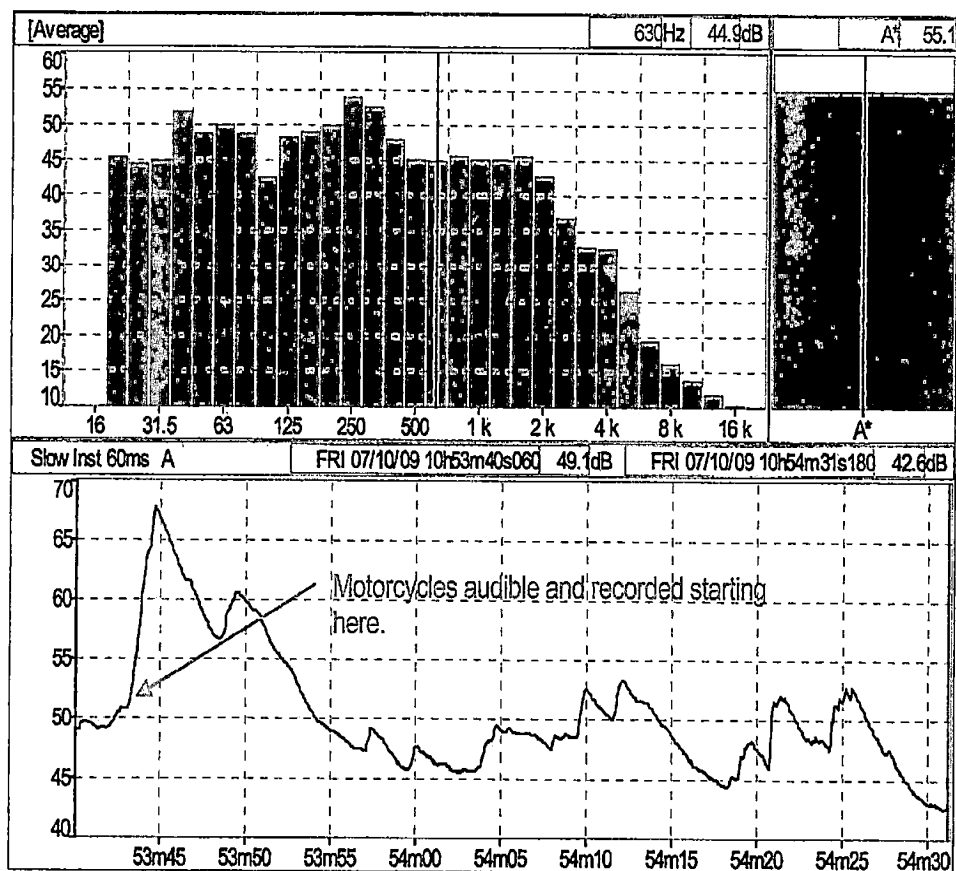
Test #1, Oro Grande Trail – East Dillon Subdivision– No Noise from Motorcycles was Measurable



Test #1, Route B – East Dillon Subdivision– No Noise from Motorcycles was Measurable

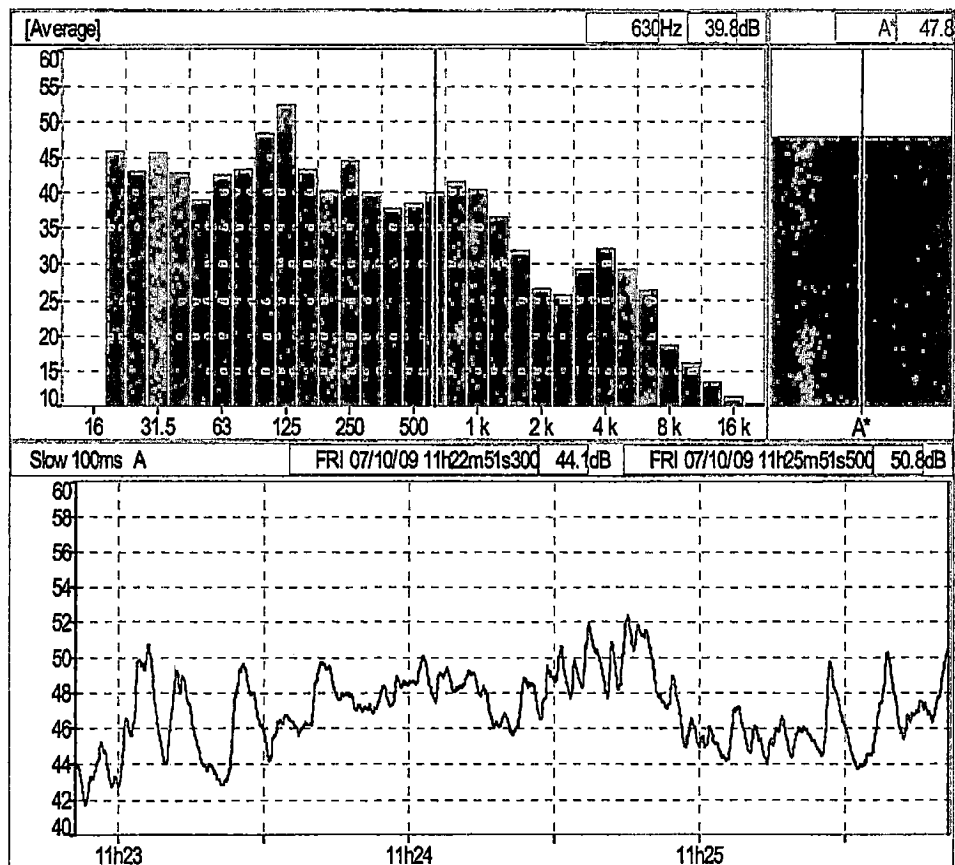


Test #1a, Oro Grande Trail Out – Tiller Residence

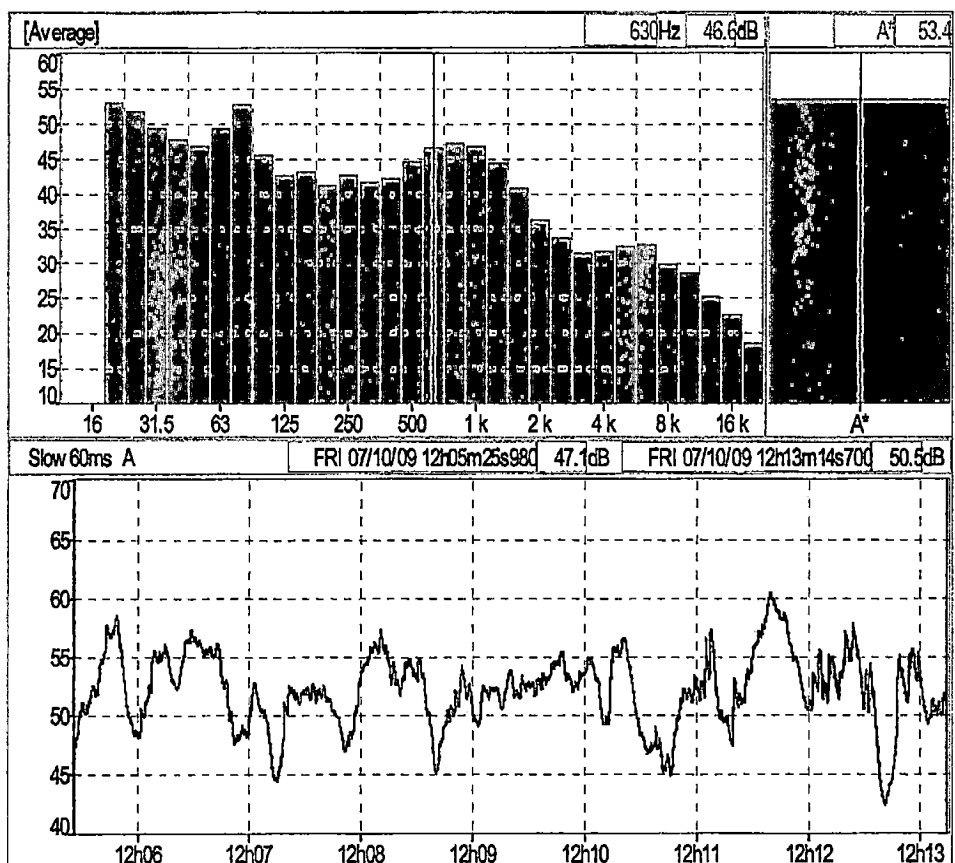


Test #1a, Oro Grande Trail Back – Tiller Residence

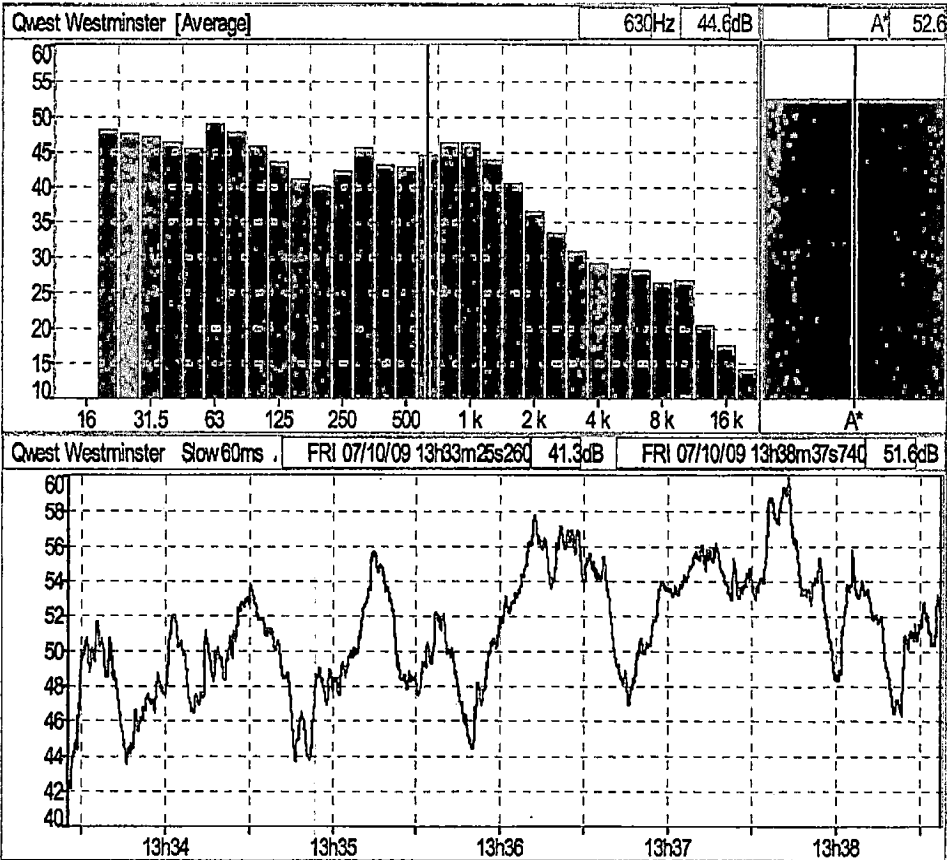




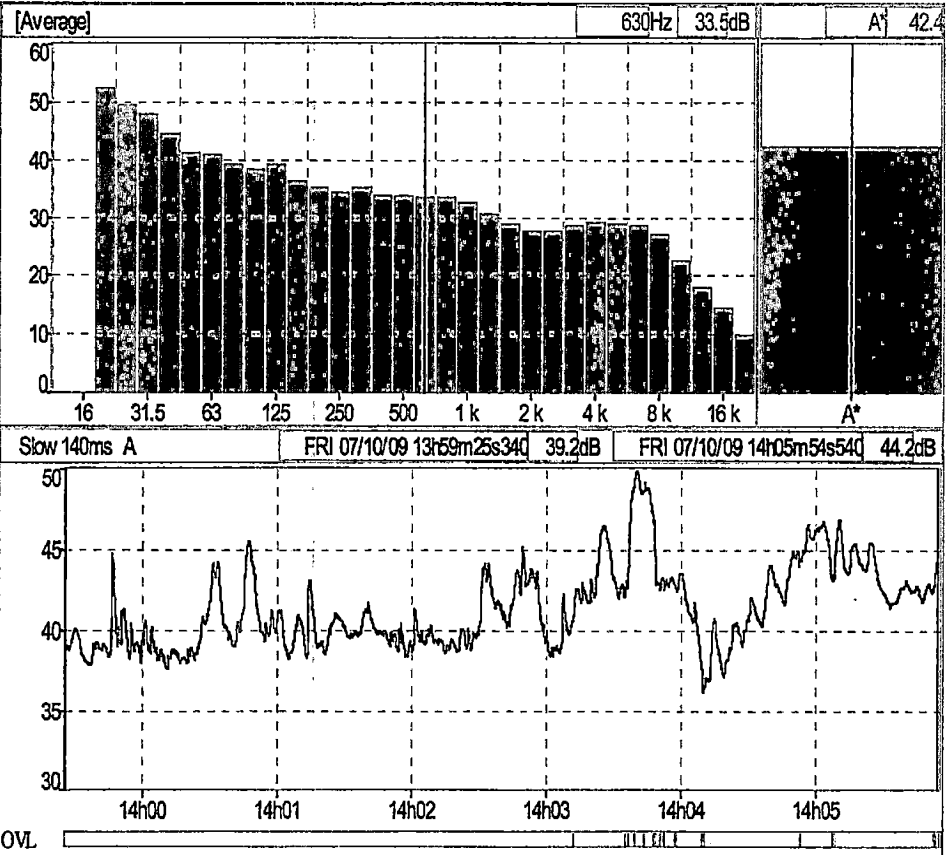
Test #2, Oro Grande Trail – Corinthian Hills Subdivision– No Noise from Motorcycles was Measurable



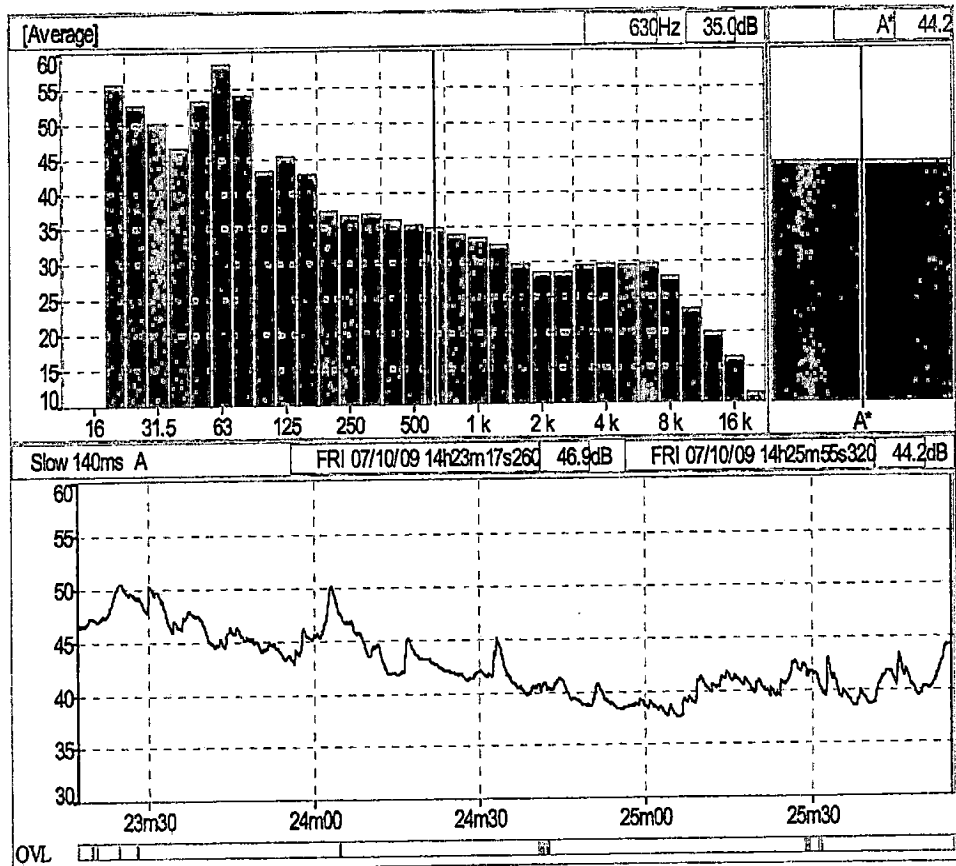
Test #3, Track at Cemetery Rd – Summerwood Clubhouse– No Noise from Motorcycles was Measurable



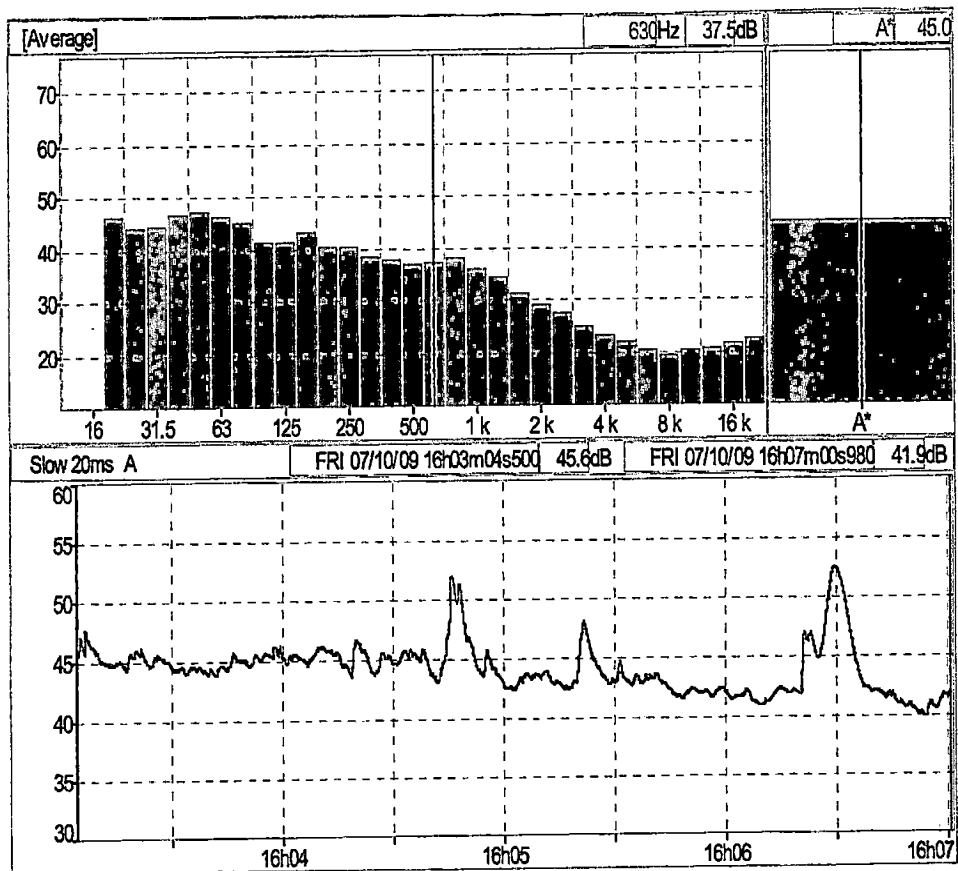
Test #3, Trail E – Summerwood Clubhouse– No Noise from Motorcycles was Measurable



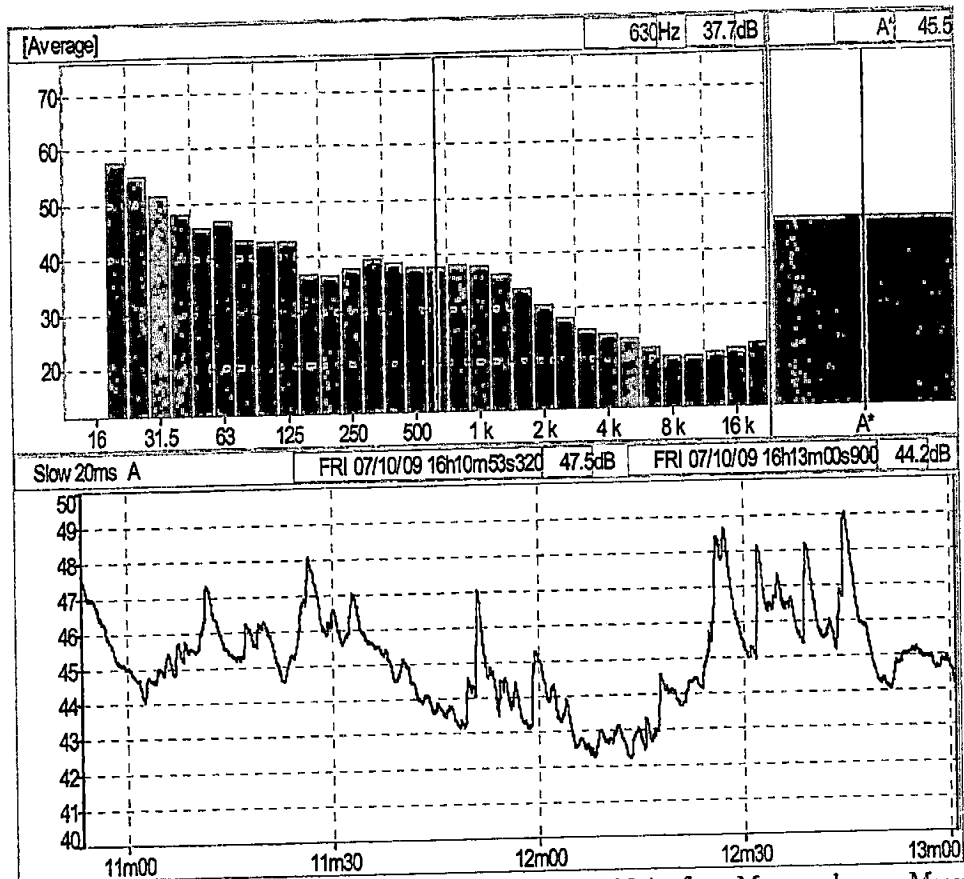
Test #4, Trail E – Honey Suckle Court (Summit Cove) – No Noise from Motorcycles was Measurable



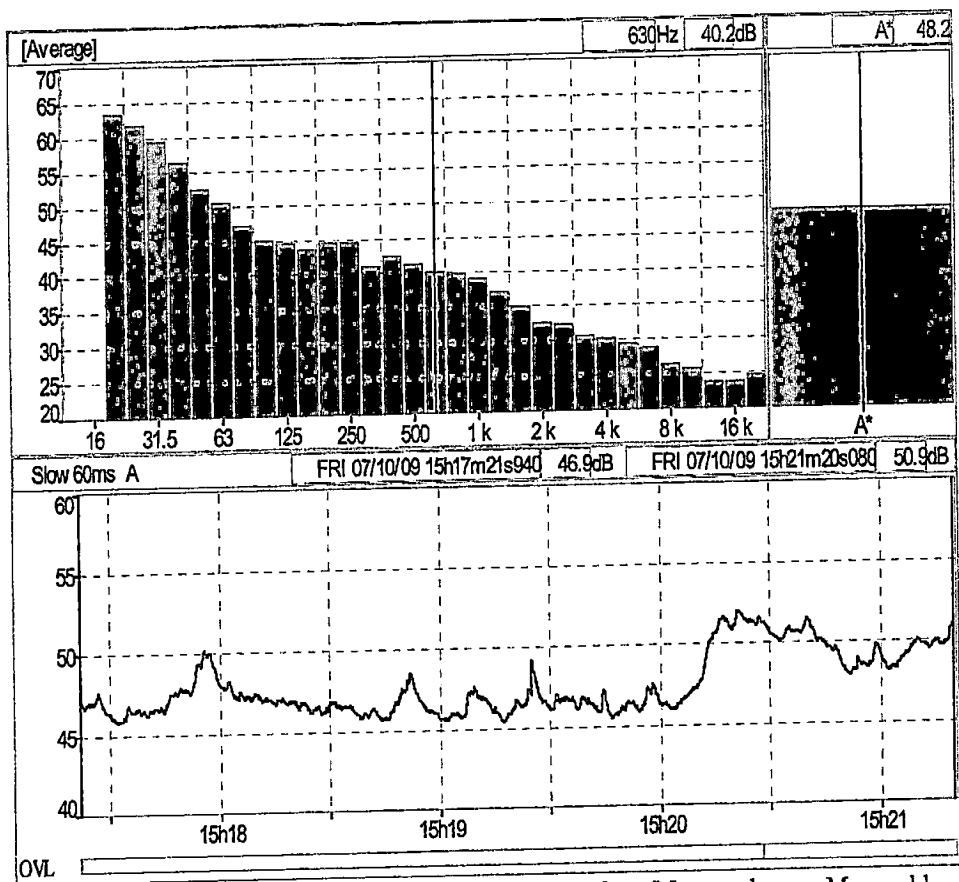
Test #4, Trail G – Honey Suckle Court (Summit Cove) – No Noise from Motorcycles was Measurable



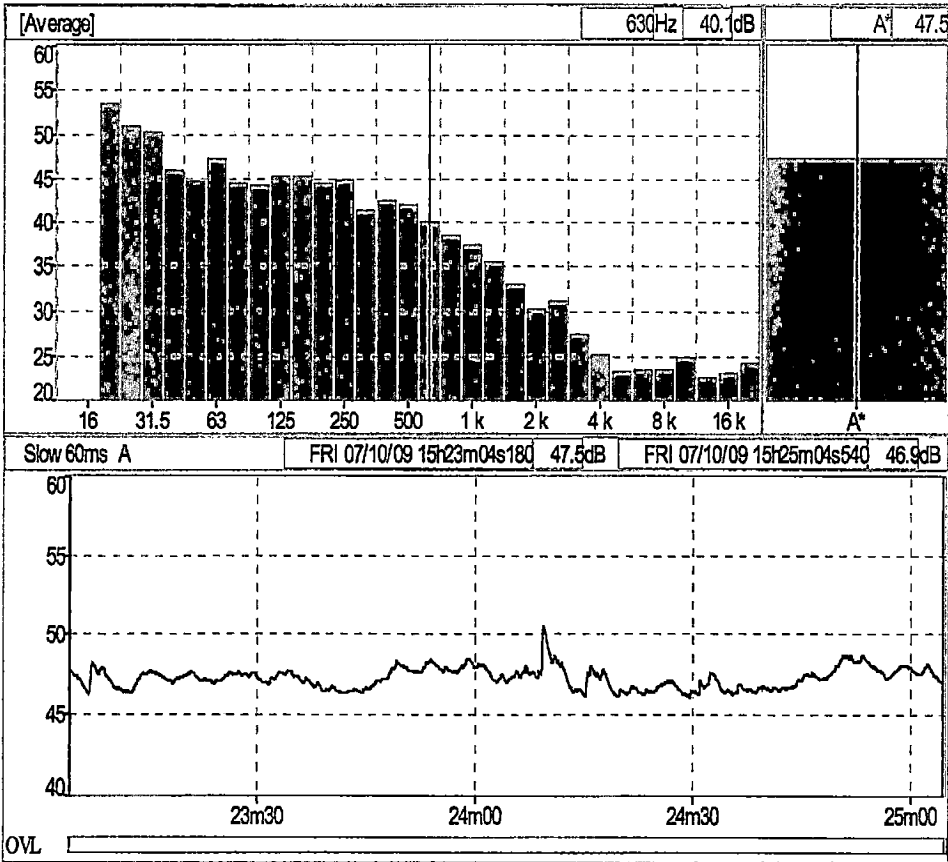
Test #5, Run 1 – Tennis Townhomes (under construction) – No Noise from Motorcycles was Measurable



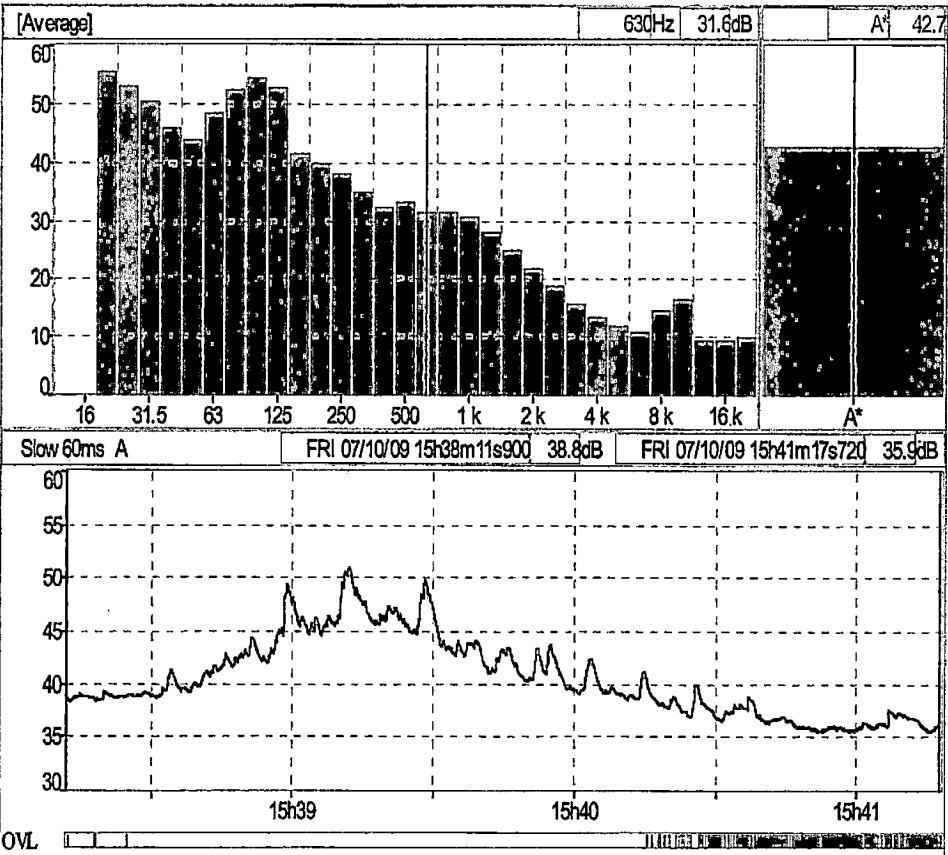
Test #5, Run 2 – Tennis Townhomes (under construction) – No Noise from Motorcycles was Measurable



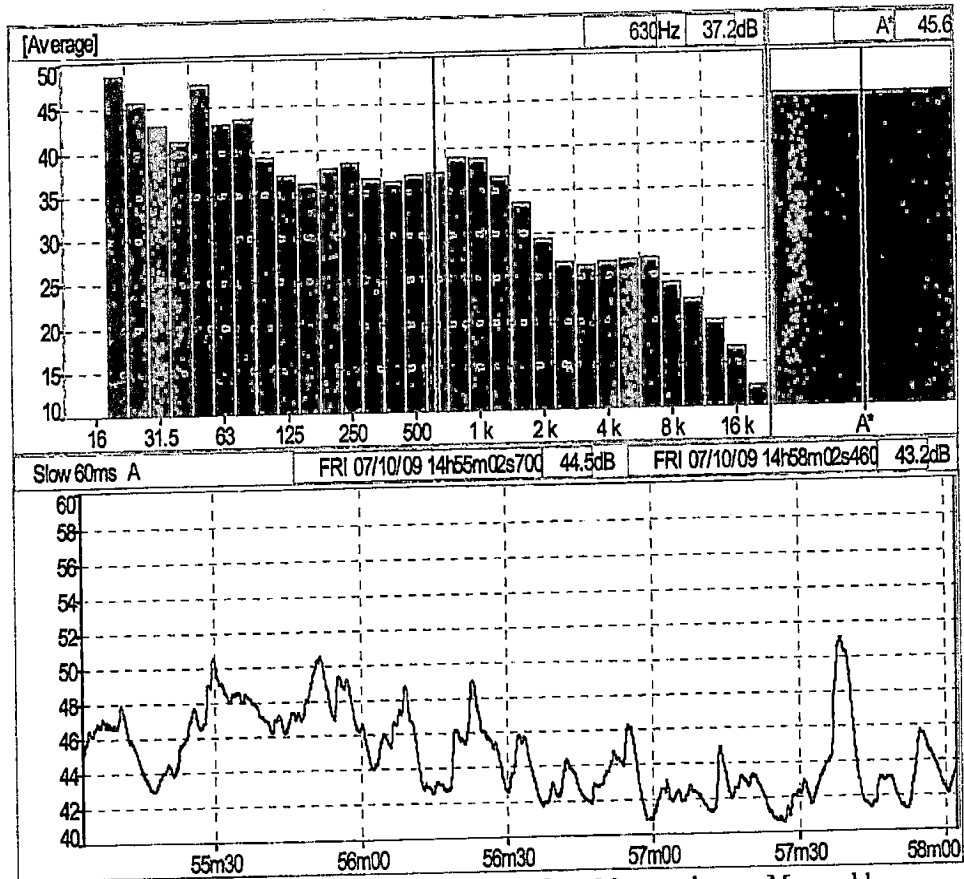
Test #6, Run 1 – Sts Johns Condominiums– No Noise from Motorcycles was Measurable



Test #6, Run 2 – Sts Johns Condominiums – No Noise from Motorcycles was Measurable



Test #6, Pierringer Res. Unit #2541 – Sts Johns Condominiums (aircraft noise) – Motorcycle Noise not Measurable



Test #7 - Enclave Subdivision - No Noise from Motorcycles was Measurable

# Appendix C

## Acoustic Noise Modeling



U. S. Department of Agriculture  
Dillon Ranger District  
680 Blue River Parkway  
Silverthorne, CO 80498  
(970) 468-5400



## Oro Grande Trail System

**Oro Grande Trail - #65**

**Tenderfoot Trail - #76**

**Difficulty:** EASY

**Trail Use:** Moderate

**Length:** Oro Grande Trail – 3.5 miles, Tenderfoot Trail – 0.8 miles

**Elevation:** The trailhead is at 9,280 feet. The highest point at the end of the Tenderfoot trail is at 9,800 feet

**Elevation Gain:** 520 feet

**Open In Winter To:** X-C SKIING, SNOWSHOEING

**Open In Summer To:** HIKING, HORSE, MTN. BIKING

**Access:** Oro Grande Trailhead

- From I-70, take Exit 205, Silverthorne / Dillon and travel south on Highway 6 for approximately 1.2 miles. At the traffic light, turn left on Evergreen Road (towards Dillon Valley).
- Take and IMMEDIATE right on County Road 51 and proceed 0.6 miles to the trailhead on the right side of the road (near the water tank).
- The Tenderfoot Trail is about 0.3 miles down the Oro Grande Trail.

**Trail Highlights:**

- The trails pass through stands of lodgepole pine and aspen groves.
- There are views of Lake Dillon, the Gore Range, and the Ten Mile Range.

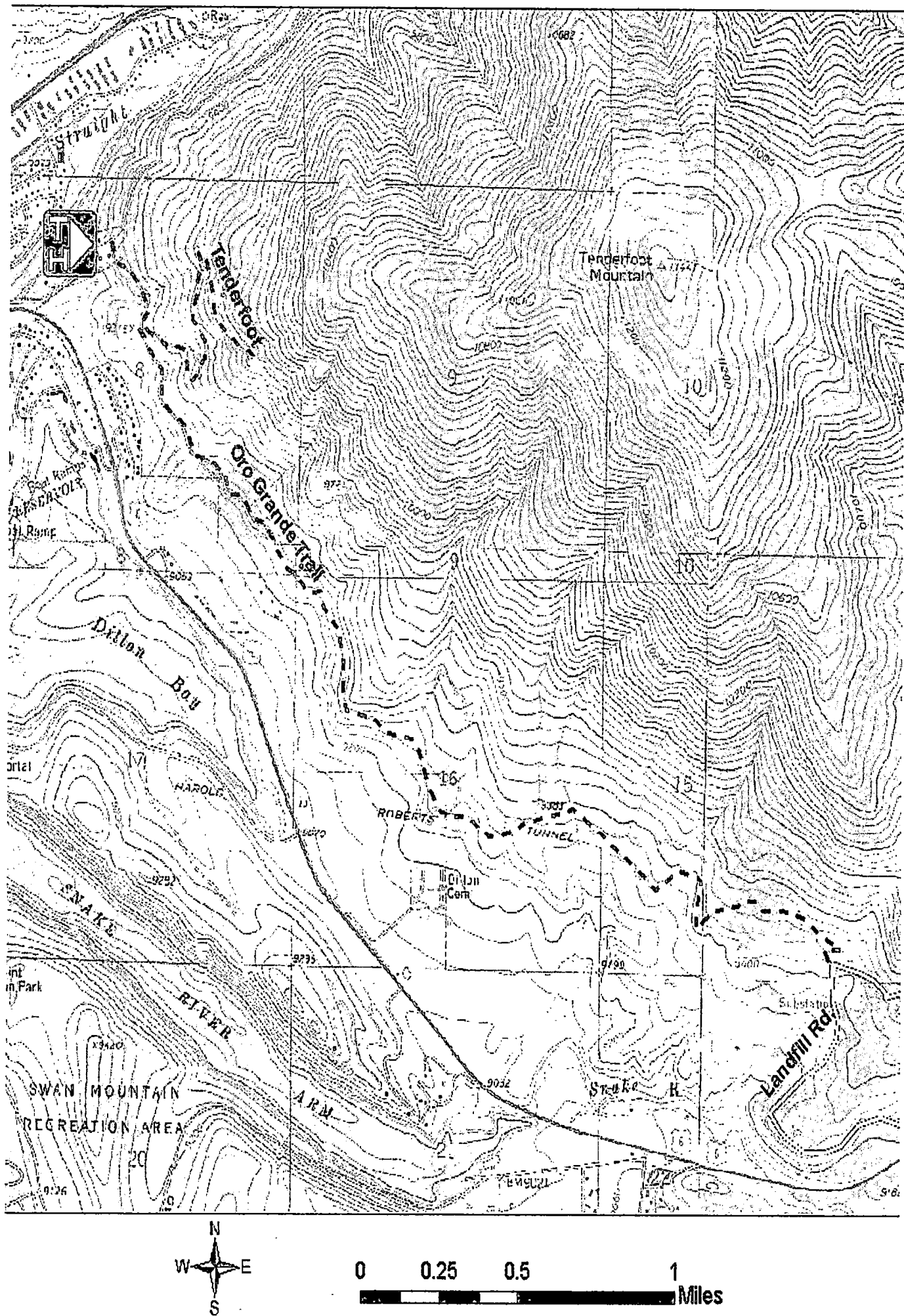
**Important information:**

- The Oro Grande Trail is an old road that is occasionally used by full sized vehicles for administrative purposes.
- The Oro Grande Trail can also be accessed near the Dillon Cemetery.
- Mountain bikes may only be used on trails marked with a mountain bike symbol. If there is no sign, it is closed to that use.
- Dog owners - Please be considerate of other trail users. Keep your dog in sight and when you encounter others, call the dog to your side until they pass. Use a stick to remove dog feces from the trail.

THE INFORMATION CONTAINED HEREIN IS INTENDED TO BE A GENERAL GUIDE ONLY, NOT FOR NAVIGATIONAL PURPOSES.



# Oro Grande Trail System



# Estimating Sound Levels With the Inverse Square Law

In the real world, the inverse square law is always an idealization because it assumes exactly equal sound propagation in all directions. If there are reflective surfaces in the sound field, then reflected sounds will add to the directed sound and you will get more sound at a field location than the inverse square law predicts. If there are barriers between the source and the point of measurement, you may get less than the inverse square law predicts. Nevertheless, the inverse square law is the logical first estimate of the sound you would get at a distant point in a reasonably open area.

If you measure a sound level  $I_1 = 119$  dB  
at distance

$$d_1 = 0.509016 \text{ m} = 1.67 \text{ ft}$$

$$\frac{I_2}{I_1} = \left[ \frac{d_1}{d_2} \right]^2$$

then at distance

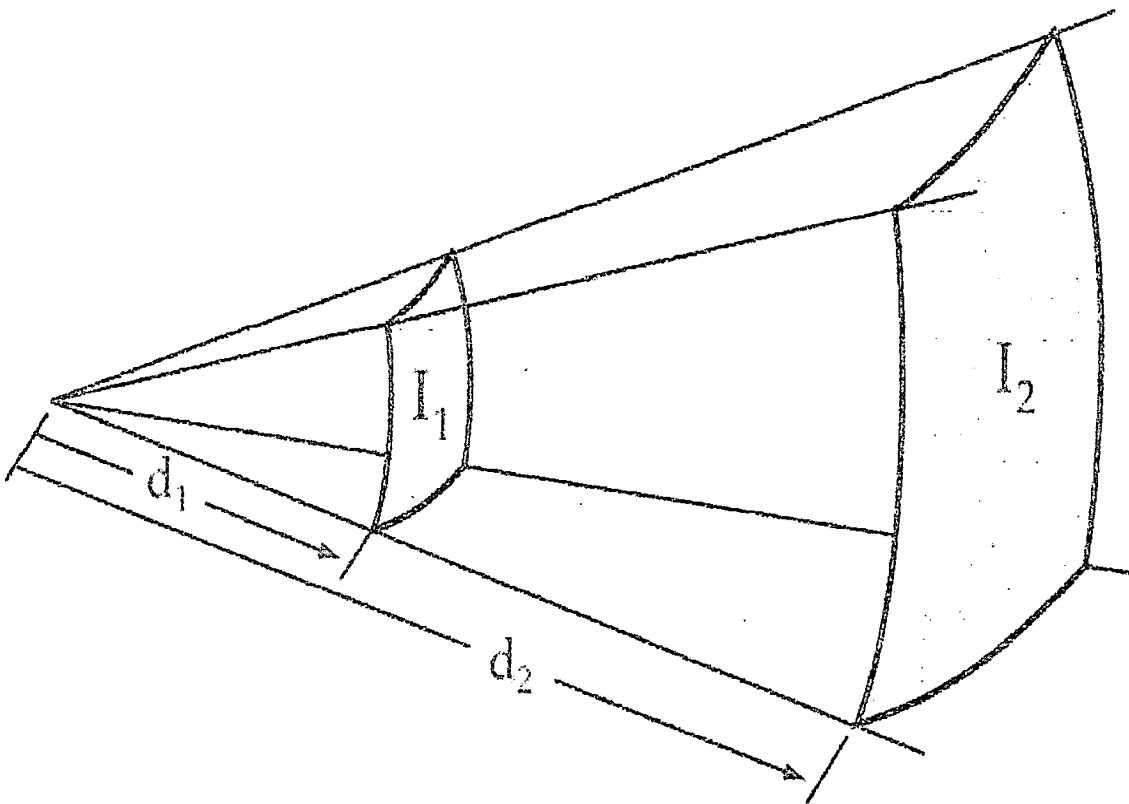
$$d_2 = 182.88 \text{ m} = 600 \text{ ft}$$

the inverse square law predicts a sound level

$$I_2 = 67.89130 \text{ dB}$$

[Index](#)

[Auditorium  
acoustics](#)



You can explore numerically to confirm that doubling the distance drops the intensity by about 6 dB and that 10 times the distance drops the intensity by 20 dB.

[Decibel definition](#) [Decibel calculation](#)

## AMA Position on Excessive Motorcycle Noise

The American Motorcyclist Association, established in 1924, has maintained a position of strong opposition to excessive motorcycle noise throughout its history. It has funded information and public relations campaigns in support of quiet motorcycle use and was the first motorsports sanctioning body in the world to regulate and reduce the sound level of racing vehicles.

The Association believes that few other factors contribute more to misunderstanding and prejudice against the motorcycling community than excessively noisy motorcycles. A minority, riding loud motorcycles, may leave the impression that all motorcycles are loud. In fact, a significant percentage of the public does not realize that motorcycles are built to federally mandated noise control standards.

Each segment of the motorcycling community -- including the riders, event organizers, retailers and distributors, original equipment and aftermarket manufacturers, law enforcement and the safety community -- must realize that it cannot single-handedly solve this problem. However, each has a role and a responsibility in achieving a solution.

Shifting blame and failing to adopt responsible policies on a voluntary basis can only result in greater prejudice and discrimination against motorcycling. The consequences of continuing to ignore this issue will likely result in excessively rigorous state and federal standards, more expensive and less attractive motorcycles, the reduction of choices in aftermarket products, abusive enforcement of current laws and other solutions undesirable to riders and the motorcycle industry.

Based on its opposition to excessive motorcycle noise, the American Motorcyclist Association recommends the following:

- All motorcyclists should be sensitive to community standards and respect the rights of fellow citizens to enjoy a peaceful environment.
- Motorcyclists should not modify exhaust systems in a way that will increase sound to an offensive level.
- Organizers of motorcycle events should take steps through advertising, peer pressure and enforcement to make excessively loud motorcycles unwelcome.
- Motorcycle retailers should discourage the installation and use of excessively loud replacement exhaust systems.
- The motorcycle industry, including aftermarket suppliers of replacement exhaust systems, should adopt responsible product design and marketing policies aimed at limiting the cumulative impact of excessive motorcycle noise.
- Manufacturers producing motorcycles to appropriate federal standards should continue to educate their dealers and customers that louder exhaust systems do not necessarily improve the performance of a motorcycle.
- Law enforcement agencies should fairly and consistently enforce appropriate laws and ordinances against excessive vehicle noise.
- The motorcycle industry and the safety community should educate customers that excessive noise may be fatiguing to riders, making them less able to enjoy riding and less able to exercise good riding skills.

### QUESTIONS & ANSWERS

**Q:** *What is "excessive noise?"*

**A:** No one likes excessive or unreasonable noise. Confusion arises because everyone has a different

definition of "excessive." Noise considered excessive in one environment may be acceptable in another. It's up to you to determine what is excessive. This determination shouldn't always be based on the rider, but rather the conditions around the rider. Some factors to consider include surroundings, time of day, traffic mix, people present, etc.

*Q: Why did the AMA suddenly issue this position statement?*

A: The AMA has fought motorcycle bans in St. Louis, Detroit, Brockton, Massachusetts, and Springfield, Illinois. The foundation for each was tied to excessive noise. More recently we have confronted proposed motorcycle prohibitions in Chicago and New York City. Motorcycle noise, again, was the justification for these proposals.

In the past several years, the AMA has spent well over \$100,000 defending lawsuits and confronting legislative prohibitions initiated by zealous legislators responding to their belief that motorcycles are too loud. In Europe, where road closures to stifle excessive noise are becoming almost commonplace, anti-tampering legislation and restrictive sound emission requirements are under serious consideration.

The position results from the Board's desire to avoid further restrictions on motorcycling. If the excessive noise problem is not addressed voluntarily, and in a timely fashion, these restrictions are inevitable. The Board agrees that failing to raise this warning, despite the potential negative reception by some, would be shirking their responsibility to AMA members and the motorcycling community.

*Q: If my exhaust is modified or capable of producing "excessive noise," will I be denied access to AMA or other motorcycle events?*

A: There are no plans to do so. However, all motorcyclists need to become more sensitive to how they affect others. The AMA has encouraged event organizers to use advertising, peer pressure and enforcement of event rules to discourage excessively loud motorcycles.

*Q: Why should appropriate laws and ordinances against excessive vehicle noise be fairly and consistently enforced?*

A: The AMA believes that if existing laws and ordinances governing excessive noise from vehicles of all types were fairly and consistently enforced, the problem of noisy vehicles would be effectively eliminated.

*Q: What good is it to regulate myself if others continue to make excessive noise?*

A: Excessive noise is not the fault of any one brand, any particular style of bike, or any single segment of the motorcycle industry. It is a community-wide problem and we all need to be part of the solution.

*Q: Is the AMA telling me to replace my aftermarket exhaust with an original-equipment exhaust?*

A: No. However, modified exhaust systems should not increase sound to an offensive level.

## **VOLUNTARY SOUND MANAGEMENT**

Rick Gray, AMA Trustee

With many rights come responsibilities. We enjoy the right to free speech in America, but that right does not entitle us to yell "Fire!" in a crowded theater. So too, the right to ride a motorcycle does not permit us to infringe on the peaceful enjoyment of life by others. Indeed, many others, including the courts, view motorcycling not as a right but a privilege. This is an important distinction because under our legal system, the government can regulate or eliminate a privilege much easier than it can restrict or cancel a right.

When we examine lessons from history, it's predictable that when a minority abuses a right or privilege the majority will react. The reaction usually takes the form of some repressive measure. Often the phrase, "I hate motorcycles" is immediately followed with "they're too loud." Reactions of this nature regularly result in bike bans and proposals to limit the modifications we can make to our motorcycles.

Activist motorcyclists throughout the world have defended themselves against such reactions, and here in the United States the AMA has spent more than \$100,000 fighting bike ban lawsuits in recent years. All too often, the measures being fought by the AMA originated in part or total because a minority of motorcyclists have not acted responsibly when it comes to noise.

Much of this predicament is not an equipment or engineering problem, but rather a behavioral problem. Some motorcycles, when operated under certain conditions, are virtually guaranteed to offend others by interfering with their right to a peaceful environment. Irresponsibly making excessive noise with motorcycle exhaust systems is tantamount to yelling "Fire," yet some do it daily.

Rather than abuse our right to ride, shouldn't we view that right as a resource to be conserved, nurtured and developed? Can we realize that "noise" has become a political problem? Shouldn't we engage in voluntary sound management through reasonable self-regulation in order to avoid the imposition of repressive regulations?

With responsible voluntary sound management, we can "soundly manage" our precious resource of motorcycling. Without it, we invite further government regulation or worse. The choice is ours.

Exhibit 2

# Definition changes only

Motorsports: The operation of Motorsport Vehicles for practice, education, recreation, or competition, excluding agricultural or property maintenance uses or the occasional, incidental operation of Motorsports Vehicles on private property that does not result in the establishment of a track. *-(Amended 4/26/16)*

~~Motorsports, Accessory:~~ ~~On or before August 24, 2016, the personal use of property for Motorsports is not an allowed accessory use in any agricultural or residential zone district, except as specifically allowed through the Use by Special Review process for a Private Motorsports Facility. After August 24, 2016, such accessory use may be allowed by permit only.~~