

ARTICLE 4

PERMIT APPLICATION AND REVIEW PROCEDURES

TABLE OF CONTENTS

DIVISION 1	BASIC REVIEW PROCEDURES FOR LAND USE CHANGE APPLICATIONS	4-1
Section 4-101	Basic Review Process	4-1
A.	Outline of Basic Process	4-1
Section 4-102	Consultants	4-1
A.	Consultant Review	4-1
B.	Referral Agency Review	4-1
C.	Applicant Responsible for Consultant and Referral Agency Review Fees.....	4-1
Section 4-103	Common Review Procedures	4-2
A.	Pre-Application Conference	4-2
B.	Application	4-3
C.	Determination of Completeness	4-3
D.	Review by Referral Agency	4-4
E.	Evaluation by <u>[Administrator/Director]</u> , Staff Review	4-5
F.	Notice of Public Hearing	4-5
G.	Conduct of Public Hearing	4-6
H.	Ex Parte Communications	4-8
DIVISION 2	REVIEW PROCEDURES FOR LAND USE CHANGE APPLICATIONS WHICH DO NOT INCLUDE DIVISION OF LAND	4-9
Section 4-201	Administrative Review Process	4-9
A.	Outline of Process	4-9
B.	Review Process.....	4-9
C.	Reconsideration of <u>[Administrator/Director's]</u> Decision or Call-up by Board of County Commissioners.....	4-11
Section 4-202	Limited Impact Review Process	4-13
A.	Outline of Process	4-13
B.	Review Process.....	4-13
Section 4-203	Major Impact Review Process	4-14

A.	Outline of Process	4-14
B.	Review Process.....	4-15
Section 4-204	Amendments to an Approved Site Plan	4-17
A.	Outline of Process	4-17
B.	Review Process.....	4-18
DIVISION 3	REVIEW PROCEDURES FOR REZONING AND TEXT AMENDMENT	4-20
Section 4-301	Rezoning.....	4-20
A.	Outline of Process	4-20
B.	Review Process.....	4-20
Section 4-302	Land Use Code Text Amendment	4-22
A.	Outline of Process	4-22
B.	Review Process.....	4-23
DIVISION 4	REVIEW PROCEDURES FOR MAJOR ELECTRIC OR NATURAL GAS FACILITY	4-24
Section 4-401	Major Electric or Natural Gas Facility Statutory Requirements	4-24
A.	Outline of Process	4-24
B.	Review Process.....	4-25
DIVISION 5	REVIEW PROCEDURES FOR VARIANCES AND APPEAL OF ADMINISTRATIVE INTERPRETATION	4-27
Section 4-501	Request for Variance	4-27
A.	Outline of Process	4-27
B.	Review Process.....	4-27
Section 4-502	Appeal of an Administrative Interpretation	4-29
A.	Outline of Process	4-29
B.	Review Process.....	4-29
DIVISION 6	SUBMITTAL REQUIREMENTS FOR LAND USE CHANGE APPLICATIONS	4-30

Section 4-601	Application Materials	4-30
A.	Administrative Review	4-31
B.	Appeal of an Administrative Interpretation	4-31
C.	Land Use Code Text Amendment	4-31
D.	Limited Impact Review	4-31
E.	Major Impact Review	4-31
F.	Rezoning.....	4-32
G.	Site Plan Amendment	4-32
H.	Variances.....	4-32
Section 4-602	Description of Submittal Requirements	4-32
A.	Professional Qualifications	4-32
B.	Basic Application Materials.....	4-33
C.	Maps and Plans	4-34
D.	Land Suitability Analysis.....	4-39
E.	Impact Analysis	4-40
F.	Rezoning Justification Report	4-40
G.	Statement of Appeal	4-40
H.	Traffic Study.....	4-41
Section 4-603	Description of Additional Submittal Requirements for Campground/RV Park, Group Home and Manufactured Home Park.....	4-45
A.	Additional Application Materials for Campground/RV Park	4-45
B.	Additional Application Materials for Group Homes.....	4-45
C.	Additional Application Materials for Manufactured Home Park.....	4-46
Section 4-604	Description of Additional Submittal Requirements for Land Use in Floodplain Overlay District	4-46
A.	Floodplain Overlay: Site Plan.	4-46
B.	Floodplain Overlay: Channel Cross-Section.....	4-47
C.	Floodplain Overlay: Construction Specifications	4-47
D.	Floodplain Overlay: Alteration of Water Course	4-47
E.	Floodplain Overlay: Floodway Analysis	4-48
F.	Floodplain Overlay: Floodplain Impact Report.....	4-49
Section 4-605	Description of Additional Submittal Requirements for Land Use in Airport/Heliport Influence Area Overlay District	4-49
A.	Location Map.....	4-49

B.	Elevation Profiles and Site Plan.....	4-49
C.	Written Agreements for Height Exception	4-50
D.	Declaration of Anticipated Noise Levels.....	4-50
E.	Avigation Easement	4-51
 DIVISION 7 FLOWCHARTS.....		4-52
Section 4-701	Administrative Review Flowchart	4-52
Section 4-702	Limited Impact Review Flowchart	4-53
Section 4-703	Major Impact Review Flowchart	4-54
 DIVISION 8 SAMPLE DOCUMENTS		4-55
Section 4-801	Sample Avigation and Hazard Easement	4-55

DIVISION 1 BASIC REVIEW PROCEDURES FOR LAND USE CHANGE APPLICATIONS

Section 4-101 Basic Review Process. The following is an outline of the steps required for review of land use change applications, including those proposing division of land:

1. Pre-application conference.
2. Submittal of application materials.
3. Determination of completeness; compliance with application submittal requirements.
4. Notice to adjacent or affected property owners, and referral to agencies responsible for provision of services or affected by the proposed development.
5. Evaluation by [Administrator/Director]; staff review and report.
6. Review and determination by the [Administrator/Director], or public review and hearing before the Board of Adjustment, Planning Commission, and/or Board of County Commissioners.

Section 4-102 Consultants. The following provisions for consultant and referral agency review apply to all land use change applications, including those proposing division of land, where the County determines that it does not have the required expertise to properly evaluate specialized aspects of a land use change application.

A. Consultant Review. The [Administrator/Director] may authorize all or a portion of the review of a land use change application to be performed by an outside consultant.

B. Referral Agency Review. Any land use change application is referred to the agencies affected by or responsible for provision of services to the proposed development, pursuant to Section 4-103 D, *Review by Referral Agency* of this Article.

C. Applicant Responsible for Consultant and Referral Agency Review Fees. The costs of consultant and referral agency review are the responsibility of the applicant. The costs of consultant and referral agency review shall be paid pursuant Section 4-602 B2, *Fees*.

Section 4-103 Common Review Procedures: Pre-Application Conference

Section 4-103 Common Review Procedures. Unless otherwise provided in these Regulations, the following review procedures apply to all land use change applications, including those proposing division of land.

A. Pre-Application Conference. Unless otherwise provided in these Regulations, all land use change applications begin with a pre-application conference between the applicant and the [Administrator/Director] or staff.

- 1. Purpose.** The pre-application conference is intended to provide information pertinent to the site and the proposal, to provide an understanding of the applicable review procedures and the standards to be met for approval of the application, and to explain the application materials required for submittal.
- 2. Procedure.** An applicant for a land use change shall make a request for a pre-application conference through the [Planning Department].
 - a. Scheduling of Pre-application Conference.** The [Administrator/Director] shall schedule a pre-application conference to be held within [fourteen (14) calendar days] of receipt of request for a pre-application conference. The pre-application conference may be held in the [Planning Department office] or at the site.
 - b. Materials.** Unless otherwise specified by these Regulations, the applicant shall bring a conceptual site plan to the conference. The conceptual site plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size and the magnitude of the proposed development.
 - c. Participants.** In addition to the Planning Department staff, if the [Administrator/Director] feels that the proposal raises potential issues for roads, access, parking, traffic, water supply, sanitation and/or natural resource protection, the appropriate staff shall be included in the pre-application conference.
 - d. Determination of Level of Review.** The [Administrator/Director] shall determine the appropriate review process for the land use change that is being sought.

- e. **Staff Comments and Written Summary.** Any comments made by County staff during the pre-application conference are preliminary in nature and not binding. Formal comments cannot be made by staff until after the complete application is submitted and adjacent and/or nearby property owners and referral agencies have had an opportunity to comment. The [Administrator/Director] shall prepare a written summary within [ten (10) calendar days] which describes the review process and anticipated time frames, and sets forth any concerns or conflicts raised by the applicant's proposal. The information provided in the written summary shall be valid for a period of [six (6) months] from the date of the written summary.

B. Application. Applications for land use change shall be submitted to the [Administrator/Director] by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.

C. Determination of Completeness. Within [fifteen (15) calendar days] of receipt of the application materials, the [Administrator/Director] shall determine whether the application is complete based on compliance with the submittal requirements for the applicable review process.

1. **Application is Not Complete.** If the application is not complete, the [Administrator/Director] shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied.
2. **Application is Complete.** If the application is complete, the [Administrator/Director] shall certify it as complete and stamp it with the date of determination of completeness.
3. **Extension of Time for Determination of Completeness.** The [Administrator/Director] may extend the time to complete review for Determination of Completeness, up to an additional [thirty (30)] calendar days. The extension of time for Determination of Completeness shall be based upon the following considerations.
 - a. **Scope of Application.** The scope of the land use change application is sufficient to require additional time for the

Section 4-103 Common Review Procedures: Review by Referral Agency

[Administrator/Director] to review the application for a Determination of Completeness.

- b. **Staff Workload.** The [department's] workload due to the volume and scope of pending land use change applications justifies the need for an extension of time to review the application for a Determination of Completeness.

D. Review by Referral Agency.

1. **Comment Period.** Unless otherwise provided by these Regulations, the comment period for referral agency review shall be [twenty-one (21)] calendar days¹ from the date that the application is deemed complete, unless a necessary extension of not more than [thirty (30)] calendar days has been consented to by the applicant and by the Board of County Commissioners. Responses not received in a timely manner may not be included in the processing of the application. A lack of timely response shall be interpreted as no comment.
2. **Review Fee by Referral Agency.** A referral agency may impose a fee for the review of a proposed land use change pursuant to Section 4-102, *Consultants*.
3. **Referral Agencies.**
 - a. Each municipality within a 1-mile radius of a proposed business or agricultural land use identified in § 31-15-501(1)(a) and (1)(d), C.R.S.
 - b. Any local government or agency which has entered into an intergovernmental agreement with the County that applies to the area where the use will occur.
 - c. Each county or municipality within a 2-mile radius of a proposed subdivision, or subdivision exemption (required for application proposing division of land).
 - d. The appropriate school districts (required for application proposing division of land).

¹ C.R.S. §30-28-136 requires referral agency review within 21days; maximum 30-day extension.

- e. Any utility, local improvement or service district or ditch company (required for application proposing division of land).
- f. County, district or regional health department, or CDPHE (required for application proposing division of land).
- g. State Engineer (required for a use proposing division of land).
- h. The Colorado State Forest Service (required for application proposing division of land).
- i. The Conservation District Board (required for application proposing division of land).
- j. Colorado Geologic Survey (required for application proposing division of land).
- k. A land use change application may be referred to the Planning Commission as a referral agency if the proposal is not subject to review and public hearing by the Commission.

E. Evaluation by [Administrator/Director], Staff Review. The [Administrator/Director] shall review the land use change application to determine if the proposal satisfies the applicable standards. The [Administrator/Director] shall prepare a staff report discussing whether the standards have been satisfied, issues raised through staff and referral review, mitigation requirements and recommended conditions for approval to ensure that standards are satisfied, and additional information pertinent to review of the application.

1. **Staff Report.** [Seven (7)] calendar days prior to the date of a public hearing, the [Administrator/Director] shall submit a staff report to the applicant and to the hearing body. A copy of the staff report shall also be available for public review prior to the hearing.

F. Notice of Public Hearing. Certain land use change applications will require a public hearing. Unless otherwise provided in these Regulations or law, when a public hearing is required the following public notice shall be required.

1. **Notice by Publication.** At least [fourteen (14)] calendar days prior to the date of a scheduled public hearing before the Planning

Commission, and at least [thirty (30)] calendar days prior to the date of a scheduled public hearing before the Board of County Commissioners or Board of Adjustment, the applicant shall have published a notice of public hearing in a newspaper of general circulation in the area that the proposed land use change is located. Publication of said notice shall follow a form prescribed by the County.

2. **Notice to Adjacent Property Owners.** At least [thirty (30)] calendar days prior to the date of a scheduled public hearing, the applicant shall send by certified mail, return receipt requested, a written notice of the public hearing to the owners of record of all adjacent property within a [one (1) mile] radius. The notice shall include a vicinity map, the property's legal description, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time and location of the scheduled hearing.
3. **Posting of Notice.** At least [fourteen (14)] calendar days prior to the date of a scheduled public hearing the applicant shall post a notice of the public hearing on the property. Such notice shall consist of at least one sign facing each adjacent public right-of-way, located within ten (10) feet of the property line and located so as to be fully visible from the right-of-way. [Such signs shall be provided to the applicant by the Planning Department.]
4. **Proof of Notice.** At the public hearing, the applicant shall provide proof of publication and payment for publication, proof of notification of adjacent property owners, and proof of posting notice on the property.

G. Conduct of Public Hearing. *[NOTE: Public hearing proceedings on quasi-judicial decisions may be conducted according to the following recommended process or such other similar process that is established by the hearing body:]*

1. **Rights of All Persons.** Any person may appear at a public hearing and submit evidence, including oral testimony, either individually or as a representative of an organization. Comment also may be submitted in written form before or during the hearing, or within a designated period of time if the hearing is continued pursuant to paragraph 6 below.

2. **Time Limits for Testimony.** The decision-making body may set reasonable time limits for testimony or presentation of evidence during the public hearing. Oral testimony may be limited based upon relevancy, redundancy or time constraints.
3. **Order of Proceedings.** The order of the proceedings shall be as follows:
 - a. **Confirmation of Adequate Public Notice.** The decision-making body shall determine whether or not adequate notice has been accomplished pursuant to the Code requirements for notice of public hearing.
 - b. **Staff Presentation.** The [Administrator/Director] shall describe the proposed land use change, and identify the standards that apply and whether the application meets those standards.
 - c. **Applicant's Presentation.** The applicant may make an oral or a written presentation on behalf of the application. The burden of proof is on the applicant to demonstrate that the proposed land use change satisfies the applicable standards.
 - d. **Questions by Decision-Making Body.** The decision-making body may ask questions of the staff, the applicant, or members of the public in attendance at any time.
 - e. **Public Comments.** The decision-making body shall hear public comments following the presentation by the applicant. Written comments that have been received before the hearing shall be reported by the [Administrator/Director] and acknowledged to be part of the hearing record.
 - f. **Staff Response.** The [Administrator/Director] may respond to any statement made by the applicant, the public, or the hearing body.
 - g. **Applicant Response.** The applicant may respond to any comments made by the public, the [Administrator/Director] or the decision-making body.

4. **Close of Public Testimony.** At the conclusion of the public testimony, no further public comment shall be accepted.
 5. **Deliberation and Decision.** Following close of public testimony, the decision-making body shall proceed with deliberations. The decision-making body's recommendation or decision to approve, approve with conditions or deny the application shall be set forth in the *[minutes of the public hearing]*.
 6. **Continuation of Public Hearing.** The decision-making body may continue the public hearing to a fixed date and time. An applicant shall have the right to request, and be granted on a showing of good cause, a continuance of the required hearing. Any subsequent continuances shall be granted at the discretion of the decision-making body and upon a finding that good cause has been shown for the continuance.
 7. **Record of Public Hearing.** The hearing body shall record the public hearing by any appropriate means.
 8. **Record of Decision.** The record of decision shall include the following materials:
 - a. The record of the public hearing proceedings.
 - b. The minutes of the public hearing(s) and of other related meetings of the recommending and decision-making bodies reviewing the application.
 - c. The application materials.
 - d. Written materials submitted to the County by an individual or agency regarding the application.
 - e. The Staff Report, and consultant and referral agency reports.
 - f. Documentation of decisions by the recommending and decision-making bodies. *[For example: adopted Resolution]*
- H. **Ex Parte Communications.** Once an application has been received by the *[Planning Department]*, members of any decision-making body shall not

engage in communications with any party regarding the application. It is the members' responsibility to immediately disclose an ex parte contact to the [Administrator/Director]. No ex parte communication shall be considered by the decision-making body, or any of its members in making a decision on an application for land use change permit.

DIVISION 2 REVIEW PROCEDURES FOR LAND USE CHANGE APPLICATIONS WHICH DO NOT INCLUDE DIVISION OF LAND

Section 4-201 Administrative Review Process. Applications for land use change subject to Administrative Review as set forth in Article 2, Section 2-105 A shall be reviewed by the [Administrator/Director] as follows.

A. Outline of Process. The Administrative Review process consists of the following procedures:

1. Pre-Application Conference
2. Application
3. Determination of Completeness
4. Evaluation by the [Administrator/Director], Staff Review
5. Decision by [Administrator/Director]

B. Review Process.

1. **Pre-Application Conference.** A pre-application conference shall be held in accordance with the provisions of Section 4-103 A, *Pre-Application Conference*.
2. **Application.** The application materials required for a land use change subject to Administrative Review are set forth in Section 4-601 A.
3. **Determination of Completeness.** The [Administrator/Director] shall review the application for determination of completeness in accordance with the provisions of Section 4-103 C, *Determination of Completeness*.
4. **Evaluation by [Administrator/Director], Staff Review.** Upon determination of completeness, the [Administrator/Director] shall review the application for compliance with the applicable standards

set forth in Article 7. A staff report shall be prepared pursuant to Section 4-103 E.

- a. **Review by Referral Agencies.** The [Administrator/Director's] evaluation of the application may include comment by referral agencies received under Section 4-103 D, *Review by Referral Agency*.
- b. **Notice to Adjacent Property Owners.** Notice to adjacent property owners shall be required if the [Administrator/Director] determines that the proposed use is likely to affect adjacent property owners. If notification is required, the applicant shall mail a written notice by certified mail, return receipt requested, to the owners of record of all property adjacent to the property within a [one (1) mile] radius. The notice shall include a vicinity map, the property's legal description, a short narrative describing the current zoning and proposed land use change, and the contact information and deadline for comments to be submitted. The comment period for adjacent property owners shall be within [twenty-one (21)] calendar days from the date of the notice.

5. [Administrator/Director's] **Decision.** Within [a reasonable time from] the date of determination of completeness, or close of the comment period if the application is referred for comment, the [Administrator/Director] shall approve, approve with conditions or deny the land use change application subject to Administrative Review. The [Administrator/Director's] decision shall be based upon compliance of the proposed use with the applicable standards set forth in Article 7.

- a. **Approval of Application.** If the application satisfies the applicable standards, the application shall be approved.
- b. **Denial of Application.** If the application fails to satisfy the applicable standards, the application may be denied; or
- c. **Conditional Approval of Application.** The application may be approved with conditions determined necessary for compliance with applicable standards.

6. **Written Notice of Decision.** The [Administrator/Director] shall

Section 4-201 Administrative Review Process
Reconsideration or Call-up by Board of County Commissioners

inform the applicant and adjacent property owners of the approval, conditions of approval or basis for denial in writing within [seven (7)] calendar days of the date of decision. Notice of the [Administrator/Director's] decision shall also be provided to the Board of County Commissioners.

C. Reconsideration of [Administrator/Director's] Decision or Call-up by Board of County Commissioners.

- 1. Request by Applicant or Adjacent Property Owner for Reconsideration of Decision.** An applicant or adjacent property owner affected by the decision may request reconsideration of the [Administrator/Director's] decision by the Board of County Commissioners. The aggrieved party may file a written request within [fourteen (14)] calendar days of the date of written notice of the decision by the [Administrator/Director].
 - a. Schedule Public Hearing.** Public hearing by the Board of County Commissioners shall be held within [forty-five (45)] calendar days of the date of receipt of the request for reconsideration.
 - b. Notice by Publication.** At least [thirty (30)] calendar days prior to the date of the scheduled public hearing before the Board of County Commissioners, the aggrieved party shall have published a notice of public hearing in a newspaper of general circulation in the area that the proposed land use change is located. The published notice shall follow the form prescribed by the [Planning Department].
 - c. Notice to Adjacent Property Owners.** At least [thirty (30)] calendar days prior to the date of the scheduled public hearing, the aggrieved party shall send by certified mail, return receipt requested, a written notice of the public hearing to the owners of record of all adjacent property within a [one (1) mile] radius. The notice shall include a vicinity map, the property's legal description, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time and location of the scheduled hearing.

Section 4-201 Administrative Review Process
Reconsideration or Call-up by Board of County Commissioners

- d. **Decision by Board.** The Board shall conduct a hearing pursuant to the provisions of Section 4-103 G, *Conduct of Public Hearing*. The Board shall uphold the [Administrator/Director's] decision, modify the decision or reverse the decision, based upon compliance of the proposed land use change with the applicable standards set forth in Article 7.
2. **Call-up by Board.** Within [fourteen (14)] calendar days of the date of written notice of the decision by the [Administrator/Director], the Board may, at its discretion, decide to reconsider the [Administrator/Director's] decision at the next regularly scheduled meeting of the Board for which proper notice of hearing can be accomplished.
- a. **Notice by Publication.** At least [thirty (30)] calendar days prior to the date of the scheduled public hearing before the Board of County Commissioners, the [Administrator/Director] shall have published a notice of public hearing in a newspaper of general circulation in the area that the proposed land use change is located.
 - b. **Notice to Adjacent Property Owners.** At least [thirty (30)] calendar days prior to the date of the scheduled public hearing, the [Administrator/Director] shall send by certified mail, return receipt requested, a written notice of the public hearing to the owners of record of all adjacent property within a [one (1) mile radius]. The notice shall include a vicinity map, the property's legal description, a short narrative describing the current zoning and proposed land use change, and an announcement of the date, time and location of the scheduled hearing.
 - c. **Decision by Board.** The Board shall conduct a hearing pursuant to the provisions of Section 4-103 G, *Conduct of Public Hearing*. Upon completion of the hearing, the Board shall uphold the [Administrator/Director's] decision, modify the decision or reverse the decision, based upon compliance of the proposed land use change with the applicable standards set forth in Article 7.

Section 4-202 Limited Impact Review Process. Applications for land use change subject to Limited Impact Review as set forth in Article 2, Section 2-105 A shall be subject to the following review process.

A. Outline of Process. The Limited Impact Review process shall consist of the following procedures:

1. Pre-Application Conference
2. Application
3. Determination of Completeness
4. Evaluation by the [Administrator/Director], Staff Review
5. Public Hearing and Decision by the Board of County Commissioners

B. Review Process.

1. **Pre-application Conference.** A pre-application conference shall be held in accordance with the provisions of Section 4-103 A, *Pre-Application Conference*.
2. **Application.** The application materials required for a land use change subject to Limited Impact Review are set forth in Section 4-601 D.
3. **Determination of Completeness.** The [Administrator/Director] shall review the application for determination of completeness in accordance with the provisions of Section 4-103 C, *Determination of Completeness*.
4. **Schedule Public Hearing.** Upon a determination of completeness, the [Administrator/Director] shall schedule the application for consideration by the Board of County Commissioners.
 - a. Public hearing by the Board shall be held within [forty-five (45)] calendar days of the date of determination of completeness.
 - b. Public notice of the hearing shall be made pursuant to Section 4-103 F, *Notice of Public Hearing*.

5. **Evaluation by [Administrator/Director's], Staff Review.** Upon determination of completeness, the [Administrator/Director] shall review the application for compliance with the applicable standards set forth in Article 7. A staff report shall be prepared pursuant to Section 4-103 E.

a. **Review by Referral Agencies.** The [Administrator/Director's] evaluation of the application may include comment by referral agencies received under Section 4-103 D, *Review by Referral Agency*.

6. **Review and Action by Board of County Commissioners.** An application for land use change subject to Limited Impact Review shall be considered by the Board of County Commissioners at a public hearing, after proper notice, conducted pursuant to Section 4-103 G, *Conduct of Public Hearing*.

a. **Decision by Board.** The Board shall approve, approve with conditions or deny the application based upon compliance with the applicable standards set forth in Article 7.

(1) **Approval of Application.** If the application satisfies the applicable standards, the application shall be approved.

(2) **Denial of Application.** If the application fails to satisfy the applicable standards, the application may be denied; or

(3) **Conditional Approval of Application.** The application may be approved with conditions determined necessary for compliance with applicable standards.

Section 4-203 Major Impact Review Process. Applications for land use change subject to Major Impact Review as set forth in Article 2, Section 2-105 A shall be subject to the following review process.

A. Outline of Process. The Major Impact Review process shall consist of the following procedures:

1. Pre-Application Conference
2. Application
3. Determination of Completeness
4. Evaluation by the [Administrator/Director], Staff Review
5. Public Hearing and Recommendation by the Planning Commission
6. Public Hearing and Decision by the Board of County Commissioners

B. Review Process.

1. **Pre-application Conference.** A pre-application conference shall be held in accordance with the provisions of Section 4-103 A, *Pre-Application Conference*.
2. **Application.** The application materials required for land use changes subject to Major Impact Review are set forth in Section 4-601E.
3. **Determination of Completeness.** The [Administrator/Director] shall review the application for determination of completeness in accordance with the provisions of Section 4-103 C, *Determination of Completeness*.
4. **Schedule Public Hearing.** Upon a determination of completeness, the [Administrator/Director] shall schedule the application for consideration by the Planning Commission.
 - a. Public hearing by the Planning Commission shall be held within [forty-five (45)] calendar days of the date of determination of completeness.
 - b. Public notice of the hearing shall be made pursuant to Section 4-103 F, *Notice of Public Hearing* of this Article.
5. **Evaluation by Director/Staff Review.** Upon determination of completeness, the [Administrator/Director] shall review the application for compliance with the applicable standards set forth in Article 7. A staff report shall be prepared pursuant to Section 4-103 E.

- a. **Review by Referral Agencies.** The [Administrator/Director's] evaluation of the application shall include comment by referral agencies received under Section 4-103 D, *Review by Referral Agency*.
- 6. **Review and Recommendation by the Planning Commission.** A land use change application subject to Major Impact Review shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to Section 4-103 G, *Conduct of Public Hearing*.
 - a. **Recommendation by Planning Commission.** The Planning Commission shall recommend approval, approval with conditions or denial of the application, based upon compliance with the applicable standards set forth in Article 7.
 - (1) **Recommendation of Approval.** If the application satisfies the applicable standards, the Planning Commission shall recommend that the application be approved.
 - (2) **Recommendation of Denial.** If the application fails to satisfy the applicable standards the Planning Commission may recommend that the application be denied; or
 - (3) **Recommendation of Conditional Approval.** The Commission may recommend approval with conditions determined necessary for compliance with the applicable standards.
- 7. **Schedule Public Hearing.** The [Administrator/Director] shall schedule the application for consideration by the Board of County Commissioners.
 - a. Public hearing by the Board of County Commissioners shall be held within [forty-five (45)] calendar days of the date of the Planning Commission recommendation.
 - b. Public notice of the hearing shall be made pursuant to Section 4-103 F, *Notice of Public Hearing*.

8. Review and Action by the Board of County Commissioners.

The final decision to approve, approve with conditions or deny an application subject to Major Impact Review shall be made by the Board of County Commissioners at a public hearing.

a. Decision by Board. Following a public hearing conducted pursuant to Section 4-103 G, *Conduct of Public Hearing*, the Board of County Commissioners shall approve, approve with conditions or deny the application, based upon compliance with the applicable standards in Article 7.

(1) Approval of Application. If the application satisfies the applicable standards, the application shall be approved.

(2) Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or

(3) Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.

Section 4-204 Amendments to an Approved Site Plan. Any proposal to change a site plan approved under these Regulations shall require application to the [Administrator/Director] for Amendment of an Approved Site Plan. The [Administrator/Director] shall review the application to determine whether the proposed change constitutes a substantial modification to the approved plan.

A. Outline of Process. The review process for a proposed Amendment of an Approved Site Plan shall consist of the following procedures.

1. Pre-Application Conference
2. Application
3. Determination of Completeness
4. Evaluation by [Administrator/Director], Staff Review
5. Decision by [Administrator/Director]

B. Review Process.

1. **Pre-Application Conference.** A pre-application conference shall be held in accordance with the provisions of Section 4-103 A, *Pre-Application Conference*.
2. **Application.** The application materials required for amendment of an approved site plan are set forth in Section 4-601 G.
3. **Determination of Completeness.** The [Administrator/Director] shall review the application for determination of completeness in accordance with the provisions of Section 4-103 C, *Determination of Completeness*.
4. **Evaluation by Director/Staff Review.** Upon determination of completeness, the [Administrator/Director] shall evaluate the application to determine if the proposed amendment(s) constitutes substantial modification to the approved site plan. A staff report shall be prepared pursuant to Section 4-103 E.
5. **Director Decision.** Within *thirty (30) calendar days* of the date of determination of completeness the [Administrator/Director] shall make a determination as to whether the proposed change(s) constitutes a substantial modification to the approved plan.
 - a. **No Substantial Modification.** If the [Administrator/Director] determines that the change does not constitute a substantial modification to the approved site plan, the [Administrator/Director] shall approve the proposed amendment to the site plan.
 - b. **Substantial Modification.** If the [Administrator/Director] determines that the change constitutes a substantial modification, the site plan shall be considered a new site plan subject to full review under the applicable review process for the land use change application.
6. **Written Notice of Decision.** The [Administrator/Director] shall inform the applicant of the determination in writing within [seven (7)] calendar days of the date of decision. Notice of the [Administrator/Director's] decision shall also be provided to the Board of County Commissioners.

7. **Request by Applicant or Adjacent Property Owner for Reconsideration of Decision.** An applicant or adjacent property owner affected by the decision may request reconsideration of the [Administrator/Director's] decision by the Board of County Commissioners. The aggrieved party may file a written request within [fourteen (14)] calendar days of the date of written notice of the decision by the [Administrator/Director].
- a. **Schedule Public Hearing.** Public hearing by the Board of County Commissioners shall be held within [forty-five (45)] calendar days of the date of receipt of the request for reconsideration.
 - b. **Notice by Publication.** At least [thirty (30)] calendar days prior to the date of the scheduled public hearing before the Board of County Commissioners, the aggrieved party shall have published a notice of public hearing in a newspaper of general circulation in the area that the proposed land use change is located. The published notice shall follow the form prescribed by the [Planning Department].
 - c. **Notice to Adjacent Property Owners.** At least [thirty (30)] calendar days prior to the date of the scheduled public hearing, the aggrieved party shall send by certified mail, return receipt requested, a written notice of the public hearing to the owners of record of all adjacent property within a [one (1) mile] radius. The notice shall include a vicinity map, the property's legal description, a short narrative describing the proposed Site Plan amendment(s), and an announcement of the date, time and location of the scheduled hearing.
 - b. **Decision by Board.** Following a public hearing conducted pursuant to Section 4-103 G, *Conduct of Public Hearing*, the Board of County Commissioners shall uphold the [Administrator/Director's] decision, modify the decision, or reverse the decision.

DIVISION 3 REVIEW PROCEDURES FOR REZONING AND TEXT AMENDMENTS

Section 4-301 Rezoning. Rezoning may be initiated by the Board of County Commissioners, the Planning Commission, the [Administrator/Director], or an applicant for land use change. No rezoning request shall be processed unless it is accompanied by a request to conduct a specific land use. The rezoning request may be processed concurrently with the land use change application and review process.

A. Outline of Process. The review process for rezoning requests shall consist of the following procedures:

1. Pre-Application Conference
2. Application
3. Determination of Completeness
4. Evaluation by the [Administrator/Director], Staff Review
5. Public Hearing and Recommendation by the Planning Commission
6. Public Hearing and Decision by the Board of County Commissioners

B. Review Process.

1. **Pre-Application Conference.** A pre-application conference shall be held in accordance with the provisions of Section 4-103 A, *Pre-Application Conference*.
2. **Application.** The application materials required for review of a rezoning request are set forth in Section 4-601 F.
3. **Determination of Completeness.** The [Administrator/Director] shall review the application for determination of completeness in accordance with the provisions of Section 4-103 C, *Determination of Completeness*.
4. **Schedule Public Hearing.** Upon a determination of completeness, the [Administrator/Director] shall schedule the application for consideration by the Planning Commission.
 - a. Public hearing by the Planning Commission shall be held within [forty-five (45)] calendar days of the date of determination of completeness.

- b. Public notice of the hearing shall be made pursuant to Section 4-103 F, *Notice of Public Hearing*.
- 5. **Evaluation by Director/Staff Review.** Upon determination of completeness, the [Administrator/Director] shall review the application for compliance with the approval criteria set forth in Article 7, Section 7-902, Review Criteria for *Rezoning Request*. A staff report shall be prepared pursuant to Section 4-103 E.
 - a. **Review by Referral Agencies.** The [Administrator/Director's] evaluation of the application may include comment by referral agencies received under Section 4-103 D, *Review by Referral Agency*.
- 6. **Review and Recommendation by the Planning Commission.** A rezoning application shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to Section 4-103 G, *Conduct of Public Hearing*.
 - a. **Recommendation by Planning Commission.** The Planning Commission shall recommend approval or denial of the application based upon compliance with the approval criteria set forth in Article 7, Section 7-902, Review Criteria for *Rezoning Request*.
 - (1) **Recommendation of Approval.** If the application satisfies the applicable standards, the Planning Commission shall recommend that the application be approved.
 - (2) **Recommendation of Denial.** If the application fails to satisfy the applicable standards the Planning Commission may recommend that the application be denied; or
 - (3) **Recommendation of Conditional Approval.** The Commission may recommend approval with conditions determined necessary for compliance with the applicable standards.

7. **Schedule Public Hearing.** The [Administrator/Director] shall schedule the application for consideration by the Board of County Commissioners.
 - a. Public hearing by the Board of County Commissioners shall be held within [forty-five (45)] calendar days of the date of the Planning Commission's recommendation.
 - b. Public notice of the hearing shall be made pursuant to Section 4-103 F, *Notice of Public Hearing*.
8. **Review and Action by the Board of County Commissioners.** The final decision to approve or deny a rezoning application shall be made by the Board of County Commissioners at a public hearing.
 - a. **Decision by Board.** Following a public hearing conducted pursuant to Section 4-103 G, *Conduct of Public Hearing*, the Board of County Commissioners shall approve, conditionally approve or deny the application based upon compliance with the approval criteria set forth in Article 7, Section 7-902, Review Criteria for *Rezoning Request*.
 - (1) **Approval of Application.** If the application satisfies the approval criteria, the application shall be approved.
 - (2) **Denial of Application.** If the application fails to satisfy the approval criteria, the application may be denied; or
 - (3) **Conditional Approval of Application.** The application may be approved with conditions determined necessary for compliance with applicable standards.

Section 4-302 Land Use Code Text Amendment. Amendments to the text of this Land Use Code may be initiated by the Board of County Commissioners, the Planning Commission or the [Administrator/Director].

A. Outline of Process. The review process for land use code text amendments shall consist of the following procedures.

1. Proposed Amendment
2. Evaluation by [Administrator/Director], Staff Review
3. Public Hearing and Recommendation by the Planning Commission
4. Public Hearing and Decision by the Board of County Commissioners

B. Review Process.

1. **Proposed Amendment.** The materials required for text amendment are set forth in Section 4-601 C, and shall be submitted to the [Administrator/Director].
2. **Schedule Public Hearing.** Within [a reasonable time] from receipt of the proposed text amendment, the [Administrator/Director] shall schedule the proposed amendment for consideration by the Planning Commission.
 - a. Public hearing by the Planning Commission shall be held at the next regularly scheduled meeting of the Commission for which proper notice of hearing can be accomplished.
 - b. Public notice of the hearing shall be published by the [Administrator/Director] in a newspaper of general circulation in the County at least [fourteen (14)] calendar days prior to the date of public hearing by the Commission.
3. **Evaluation by Director/Staff Review.** The [Administrator/Director] shall review the proposed text amendment and prepare a Staff Report pursuant to Section 4-103 E. The [Administrator/Director] may recommend modifications or alternatives to the proposed amendment.
 - a. A request to add use(s) to the zone district regulations shall comply with the approval criteria in Section 7-904, *Review Criteria for Request to Add Use(s) to Zone District Regulations*.
4. **Recommendation by the Planning Commission.** The proposed text amendment, together with any proposed modifications or alternatives, shall be considered by the Planning Commission at

the public hearing. The Planning Commission may recommend approval, modification or denial of the proposed text amendment.

5. **Schedule Public Hearing.** The [Administrator/Director] shall schedule the application for consideration by the Board of County Commissioners.
 - a. Public hearing by the Board of County Commissioners shall be held within [forty-five (45)] calendar days of the date of the Planning Commission's recommendation.
 - b. Public notice of the hearing shall be published by the [Administrator/Director] in a newspaper of general circulation in the County at least [thirty (30)] calendar days prior to the date of the public hearing by the Board.
7. **Review and Action by the Board of County Commissioners.** Following a public hearing, the Board of County Commissioners shall determine whether the text should be amended and the content of any such amendment.
8. **Effective Date.** Unless otherwise specified by the Board of County Commissioners, an approved amendment to the text of this Land Use Code shall become effective within thirty (30) calendar days of the Board's decision.

DIVISION 4 REVIEW PROCEDURES FOR MAJOR ELECTRIC OR NATURAL GAS FACILITY

Section 4-401 Major Electric or Natural Gas Facility Statutory Requirements. A Land Use Change Permit for a Major Electrical or Natural Gas Facility shall be subject to the Major Impact Review, and to the following special requirements imposed by state law, pursuant to Section 29-20-108, C.R.S.

- A. **Outline of Process.**
 1. Major Impact Review
 2. Statutory Requirements for Notice, Action and Appeal

B. Review Process.

- 1. Major Impact Review.** The process for Major Impact Review is set forth in Section 4-203, *Major Impact Review*.

 - a. Application Materials for Major Impact Review.** The application materials required for Major Impact Review are set forth in Section 4-601 E.
- 2. Notice.** A public utility or power authority shall notify the [Administrator/Director] of its plans to site a Major Electrical or Natural Gas Facility prior to submitting the permit application, but in no event later than filing a request for a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or an annual filing with the public utilities commission that proposes or recognizes the need for construction of a new facility or the extension of an existing facility. If a public utility or power authority is not required to obtain a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or file annually with the public utilities commission to notify the public utilities commission of proposed construction of a new facility or the extension of an existing facility, then the public utility or power authority shall notify the County of its intention to site a Major Electrical or Natural Gas Facility when such utility or authority determines that it intends to proceed to permit and construct the facility.
- 3. Consultation with County.** The public utility or power authority shall consult with the County to identify the specific routes or geographic locations under consideration and attempt to resolve land use issues that may arise from the contemplated permit application.
- 4. Alternatives Analysis.** In addition to the alternative described within its permit application, the public utility or power authority shall consider and present reasonable siting and design alternatives or explain why no reasonable alternatives are available.
- 5. Preliminary Application.** Any application submitted by a public utility or power authority which relates to the location, construction or improvement of a Major Electrical or Natural Gas Facility as contemplated by Section 29-20-108, C.R.S. and which is required

to be presented to the Planning Commission for review, shall be considered to be a “preliminary application” pursuant to Section 29-20-108, C.R.S.

- 6. Review and Decision on Application for Major Electrical and Natural Gas Facilities.** Within one hundred twenty (120) calendar days² from the date the application is determined to be complete, the County shall decide whether to approve, approve with conditions or deny the application for Major Electrical or Natural Gas Facility. If the County does not take final action within such time, the application shall be deemed approved. Nothing in these provisions shall be construed to supersede any timeline set by agreement between the County and a public utility or power authority applying for a Land Use Change Permit for Major Electrical or Natural Gas Facilities under these Regulations.

 - a. Determination of Completeness.** For purposes of this Section B6, Determination of Completeness shall be pursuant to the requirements of this Land Use Code, set forth in Section 4-103 C, *Determination of Completeness*.
- 7. Appeal of Denial of Application for Major Electrical or Natural Gas Facility.** If the County denies a permit or application of a public utility or power authority that relates to the location, construction, or improvement of Major Electrical or Natural Gas Facilities, or if the County imposes requirements or conditions upon such permit or application that will unreasonably impair the ability of the public utility or power authority to provide safe, reliable, and economical service to the public, the public utility or power authority may appeal the County action to the public utilities commission for a determination under Section 40-4-102, C.R.S., so long as one or more of the following conditions exist:

 - a.** The public utility or power authority has applied for or has obtained a certificate of public convenience and necessity from the public utilities commission pursuant to Section 40-5-101, C.R.S., to construct the Major Electrical or Natural Gas Facility that is the subject of the local government action;

² If the application is not subject to a review process that includes a “Preliminary Application” (Section 401 B5), the County must render a decision on the application within 90 calendar days from the date the application is determined to be complete.

Section 4-401 Major Electric or Natural Gas Facility Statutory Requirements

- b. A certificate of public convenience and necessity is not required for the public utility or power authority to construct the major electrical or natural gas facility that is the subject of the local government action; or
- c. The public utilities commission has previously entered an order pursuant Section 40-4-102, C.R.S., that conflicts with the local government action.

**DIVISION 5 REVIEW PROCEDURES FOR VARIANCES AND APPEAL
OF ADMINISTRATIVE INTERPRETATION**

Section 4-501 Request for Variance. Variances are deviations from the zoning requirements set forth in Article 3, that would not be contrary to the public interest when, owing to special circumstances or conditions like exceptional topographic conditions, narrowness, shallowness or the shape of a specific piece of property, the literal enforcement of the provisions of this Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property. Variance requests are heard by the Board of Adjustment.

A. Outline of Process. The review process for variance requests shall consist of the following procedures:

- 1. Pre-Application Conference
- 2. Application
- 3. Determination of Completeness
- 4. Evaluation by the [Administrator/Director], Staff Review
- 5. Public Hearing and Decision by the Board of Adjustment

B. Review Process.

- 1. **Pre-application Conference.** A pre-application conference shall be held in accordance with the provisions of Section 4-103 A, *Pre-Application Conference*.
- 2. **Application.** The application materials required for a request for variance are set forth in Section 4-601 H.
- 3. **Determination of Completeness.** The [Administrator/Director] shall review the application for determination of completeness in

accordance with the provisions of Section 4-103 C, *Determination of Completeness*.

4. **Schedule Public Hearing.** The *[Administrator/Director]* shall schedule the application for consideration by the Board of Adjustment.
 - a. Public hearing by the Board of Adjustment shall be held within *[forty-five (45)]* calendar days of the date of determination of completeness.
 - b. Public notice of the hearing shall be made pursuant to Section 4-103 F, *Notice of Public Hearing*.
5. **Evaluation by *[Administrator/Director]*, Staff Review.** Upon determination of completeness, the *[Administrator/Director]* shall review the application for compliance with the approval standards set forth in Article 7, Section 7-903, *Review Criteria for Request for Variance*. A staff report shall be prepared pursuant to Section 4-103 E.
 - a. **Review by Referral Agencies.** The *[Administrator/Director's]* evaluation of the application may include comment by referral agencies received under Section 4-103 D, *Review by Referral Agency*.
6. **Review and Action by the Board of Adjustment.** The final decision to approve, approve with conditions or deny a request for variance shall be made by the Board of Adjustment at a public hearing.
 - a. **Decision by Board.** Following a public hearing conducted pursuant to Section 4-103 G, *Conduct of Public Hearing*, the Board of Adjustment shall approve, approve with conditions or deny the application based upon compliance with the approval standards set forth in Article 7, Section 7-903, *Review Criteria for Request for Variance*.
 - (1) **Approval of Application.** If the application satisfies the applicable standards, the application may be approved.

- (2) **Denial of Application.** If the application fails to satisfy the applicable standards, the application may be denied; or
- (3) **Conditional Approval of Application.** The application may be approved with conditions determined necessary for compliance with applicable standards.

- 7. **Written Notice of Decision.** The [Administrator/Director] shall inform the applicant of the approval, conditions of approval, or basis for denial in writing within [five (5)] calendar days of the date of the decision by the Board of Adjustment.

Section 4-502 Appeal of an Administrative Interpretation. The appeal shall be filed with the [Administrator/Director] within [thirty (30)] calendar days of the date of the written interpretation or notice of decision.

A. Outline of Process. The review process for appeal of administrative interpretation of these Regulations shall consist of the following procedures.

- 1. Application
- 2. Determination of Completeness
- 3. Evaluation by the [Administrator/Director], Staff Review
- 4. Public Hearing and Decision by Board of Adjustment.

B. Review Process.

- 1. **Application.** The application materials required for an Appeal of Administrative Interpretation are set forth in Section 4-601 B.
- 2. **Determination of Completeness.** The [Administrator/Director] shall review the application for determination of completeness in accordance with the provisions of Section 4-103 C, *Determination of Completeness*.
- 3. **Schedule Public Hearing.** The [Administrator/Director] shall schedule the application for consideration by the Board of Adjustment.

- a. Public hearing by the Board of Adjustment shall be held within [forty-five (45)] calendar days of the date of determination of completeness.
 - b. Public notice of the hearing shall be published by the applicant in a newspaper of general circulation in the County no less than [thirty (30)] calendar days prior to the date of the hearing.
4. **Evaluation by Director/Staff Review.** Upon determination of completeness, the [Administrator/Director] shall review the application for compliance with the criteria set forth in Article 7, Section 7-901, *Review Criteria for Appeal of Administrative Interpretation*. A staff report shall be prepared pursuant to Section 4-103 E.
5. **Review and Action by the Board of Adjustment.** The Board of Adjustment shall review the application and testimony at a properly noticed public hearing.
 - a. **Decision by Board of Adjustment.** Following the public hearing, conducted pursuant to Section 4-103 G, *Conduct of Public Hearing*, the Board of Adjustment shall uphold, modify or reverse the administrative interpretation or decision, based upon the criteria set forth Article 7, Section 7-901, *Review Criteria for Appeal of Administrative Interpretation*.
6. **Written Notice of Decision.** The [Administrator/Director] shall provide the applicant with written notice of decision by the Board of Adjustment within [five (5)] calendar days of the date of the decision by the Board of Adjustment.

DIVISION 6 SUBMITTAL REQUIREMENTS FOR LAND USE CHANGE APPLICATIONS

Section 4-601 Application Materials. Following are the application materials required for Land Use Change applications. A detailed description of each submittal requirement is set forth in Section 4-602, *Description of Submittal Requirements*. The [Administrator/Director] may waive or alter any of these

requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

A. Administrative Review. The Administrative Review Process is set forth in Section 4-201, *Administrative Review Process* and requires the following materials.

1. Application Form and Fees
2. Vicinity Map
3. Site Plan

B. Appeal of Administrative Interpretation. The process for Appeal of Administrative Interpretation is set forth in Section 4-502, *Appeal of Administrative Interpretation* and requires the following materials.

1. Application Form and Fees
2. Statement of Appeal

C. Land Use Code Text Amendment. The review process for land use code text amendment is set forth in Section 4-302, *Land Use Code Text Amendment* and requires the following materials.

1. Written Description of proposed land use code text amendment, and justification for amendment.

D. Limited Impact Review. The Limited Impact Review Process is set forth in Section 4-202, *Limited Impact Review Process* and requires the following materials.

1. Application Form and Fees
2. Vicinity Map
3. Site Plan
4. Impact Analysis
5. Land Suitability Analysis

E. Major Impact Review. The Major Impact Review Process is set forth in Section 4-203, *Major Impact Review Process* and requires the following materials.

1. Application Form and Fees
2. Vicinity Map
3. Site Plan

4. Impact Analysis
5. Land Suitability Analysis
6. Landscape Plan
7. Erosion and Sediment Control plan

F. Rezoning. The review process for rezoning is set forth in Section 4-301, *Rezoning* and requires the following materials.

1. Application Form and Fees
2. Vicinity Map
3. Rezoning Justification Report
4. Application Materials for Proposed Land Use Change accompanying the Rezoning request

G. Site Plan Amendment. The process for Site Plan Amendment is set forth in Section 4-204, *Amendments to an Approved Site Plan* and requires the following materials.

1. Application Form
2. Written Statement of proposed amendment(s)
3. Supporting documents necessary to evaluate the proposed amendment(s)

H. Variances. The review process for request for variance is set forth in Section 4-501, *Request for Variance* and requires the following materials.

1. Application Form and Fees
2. Written Statement of variance requested and description of hardship
3. Site Plan

Section 4-602 Description of Submittal Requirements. This section describes the materials that are required to be submitted.

A. Professional Qualifications. The professional qualifications for preparation and certification of certain documents required by these Regulations are as follows.

1. **Civil Engineer.** Improvement plans and reports for water supply, sanitation, drainage, utilities, soils grading, roads, structures and other civil engineering required to satisfy the development standards of these Regulations shall be prepared and certified by a

Section 4-602 Description of Submittal Requirements: Professional Qualifications

professional engineer qualified in the specific discipline and licensed by the State of Colorado.

2. **Surveyor.** All documents containing land survey descriptions shall be prepared and certified by a certified Colorado Professional Land Surveyor.
3. **Geologist.** Geology reports shall be prepared by either a member of the American Institute of Professional Geologists or a member of the Association of Engineering Geologists.
4. **Other.** Other professionals retained by the applicant to provide studies and analyses required by these Regulations shall demonstrate qualification in the specific field, to the satisfaction of the reviewing body.

B. Basic Application Materials. The following basic materials are required for *all* applications for land use change permit, including division of land.

1. **Application Form.** Application forms for a land use change permit shall be obtained from the [Planning Department]. Completed application forms and accompanying materials shall be submitted to the [Administrator/Director] by the owner, or any other person having a recognized fee title interest in the land for which a land use change is proposed, or by any agent acting through written authorization of the owner.
 - a. **Authorized Agent.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.
 - b. **Applicant is Not the Sole Owner.** If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all other owners or an association representing all the owners, by which all owners consent to or join in the application.
2. **Fees.** Any application for a land use change permit must be accompanied by the appropriate fees. A schedule of fees is available through the [Planning Department].

- a. **Payment of Consultant Fees.** Pursuant to Section 4-102, *Consultants*, the cost of consultant and referral agency review are the responsibility of the applicant.
 - (1) The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated consultant review costs, at the time of application and in addition to the application fees.
 - (2) The County may suspend the application review process pending payment of consultant costs.

C. Maps and Plans.

- 1. **Basic Requirements for Maps and Plans.** The following are basic requirements for *any* map or plan submitted under the application and review procedures of these Regulations.
 - a. Name or identifying title of the proposed development or use.
 - b. Total area of the site, in acres.
 - c. Name, address and telephone number of the applicant, person preparing the map or plan, designer, engineer, surveyor, and any other consultants of the applicant.
 - d. Date of preparation, revision box, written scale, graphic scale, and north arrow.
 - e. Scale of 1 inch to 200 feet for properties exceeding 160 acres in size, or 1 inch to 100 feet for properties less than 160 acres in size, unless otherwise specified by these Regulations.
- 2. **Vicinity Map.** An 8 ½ x 11 vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, and all property within a [3-mile radius] of the subject property.
- 3. **Site Plan.** The [Administrator/Director] may require, or the

Section 4-602 Description of Submittal Requirements: Basic Application Materials
Site Plan

applicant may choose to submit, a more detailed version of all or part of the site plan. The site plan shall include the following elements.

- a.** Legal description of the property.
- b.** Boundary lines, corner pins, and dimensions of the subject property, including land survey data to identify the parcel with section corners, distance and bearing to corners, quarter corners, township and range.
- c.** Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage.
- d.** Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features and aquatic habitat; geologic features and hazards including slopes, alluvial fans, areas of subsidence, rock outcrops and rockfall areas, radiological and seismic hazard areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.
- e.** Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks and paths, shown by location and dimension.
- f.** Existing and proposed roads, railroad tracks, irrigation ditches, fences and utility lines on or adjacent to the parcel, shown by location and dimension.
- g.** Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.
- h.** Area of the individual parcels, and the total square feet of existing buildings, driveways and parking area.
- i.** Zone district in which the site is located.

Section 4-602 Description of Submittal Requirements: Basic Application Materials
Site Plan

- j. Location and dimension of all structures, existing and proposed, and distance of structures from property lines.
 - k. Elevation drawings showing existing grade, finished grade, and height of the proposed structures above existing grade.
 - l. Description of the proposed wastewater treatment system, including location and size of leach field, sewer service lines, and treatment facilities to serve the proposed use.
 - m. Description of the source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed use.
 - n. Location and size of signs for the purpose of identification, advertising and traffic control.
 - o. Additional information that may be reasonably requested by the Administrator/Director to enable an adequate evaluation of the proposal.
4. **Landscape Plan.** The landscape plan shall be prepared by a landscape architect and shall include the following elements.
- a. Topographic information at two (2) foot contour intervals.
 - b. Location of all lot lines and improvements to the property, and location of any easements of record.
 - c. Identification of all existing deciduous and coniferous trees of six inches (6") in caliper or greater, and which trees will be preserved and which trees will be removed or relocated; areas where other existing vegetation will either be preserved or removed; the type, location, size and number of plants that will be installed; specified seed mixtures.
 - d. An estimate of the cost of supplying and installing the materials depicted in the landscape plan.
 - e. A description of the proposed program to maintain the landscaping after it has been installed.

Section 4-602 Description of Submittal Requirements: Basic Application Materials
Erosion and Sediment Control Plan

5. **Erosion and Sediment Control Plan.** The Erosion and Sediment Control Plan shall include the following elements.
- a. **Site Map.** A site map showing locations of any existing structures, waterbodies or hydrologic features on the site, including intermittent water features, wetlands and the 100-year flood plain boundaries.
 - b. **Drainage Structures.**
 - (1) Locations of existing and proposed drainage structures or natural drainage features affecting site drainage on the parcel and within 100 feet adjacent to the site boundary, including: street gutters, storm sewers, drainage channels and other water conveyance structures; and wetlands or other waterbodies receiving storm runoff from the site.
 - (2) Preliminary engineering design and construction features for drainage structures to be constructed.
 - c. **Drainage Plan.** Proposed drainage plan.
 - d. **Topography.** Existing topography at reasonable contour intervals, to provide necessary detail of the site. The map should extend a minimum of 100 feet beyond the property line and show the location of the property line.
 - e. **Grading Plan.** A grading plan showing the proposed topography at reasonable contour intervals that provide necessary detail of the site. The plan shall show elevations, dimensions, location, extent and slope of all proposed clearing and grading including building site and driveway grades.
 - f. **Soil Stockpile and Snow Storage Areas.** Probable locations of soil stockpiles and snow storage areas.
 - g. **Equipment Storage Areas.** Location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment structures.

Section 4-602 Description of Submittal Requirements: Basic Application Materials
Erosion and Sediment Control Plan

- h. **Temporary Roads.** Location of temporary roads designed for use during the construction period.
- i. **Areas of Steep Slope.** Areas with slope of twenty (20) percent or greater shall be identified by location and percentage of slope, both for the existing site conditions and within the developed area.
- j. **Construction Schedule.** Construction schedule indicating the anticipated starting and completion time periods of the site grading and/or construction sequence including the installation and removal of erosion and sediment control measures, and the estimated duration of exposure of each area prior to the completion of temporary erosion and sediment control measures.
- k. **Permanent Stabilization.** A brief description of how the site will be stabilized after construction is completed.
- l. **Erosion Control Measures.** Plan view drawings of all erosion and sediment control measures showing approximate locations and site drainage patterns for construction phases and final design elements. Text may be necessary to accompany and explain the drawings. Typical erosion control measures should be depicted using standard map symbols.
- m. **Estimated Cost.** Estimated total cost (installation and maintenance) of the required temporary soil erosion and sediment control measures.
- n. **Calculations.** Any calculations made for determining rainfall, runoff, sizing any sediment basins, diversions, conveyance or detention/retention facilities.
- o. **Additional Information or Detail.** Other information or data, and additional detail as may be reasonably required by the [Administrator/Director].
- p. **Signature Blocks.** Signature block for owner or legal agent acknowledging the review and acceptance of responsibility,

Section 4-602 Description of Submittal Requirements: Basic Application Materials
Land Suitability Analysis

and a signature and stamped statement by the qualified individual acknowledging responsibility for the preparation of the Erosion and Sediment Control Plan.

- D. Land Suitability Analysis.** The Land Suitability Analysis is a written analysis of conditions on-site and off-site which have an influence on the proposed use of the land. The Land Suitability Analysis shall include the following information.
- 1. Site Features.** A description of site features such as streams, areas subject to flooding, lakes, high ground water areas, vegetative cover, climatology, and other significant natural and man-made features.
 - 2. Drainage Features.** A description of the existing drainages and impoundments, natural and man made.
 - 3. Soil Characteristics.** A description of soil characteristics of the site.
 - 4. Geology and Hazard.** A description of the geologic characteristics of the area including any potential natural or man-made hazards.
 - 5. Topography and Slope.** A description of the topography and the slope determination.
 - 6. Existing Water Supply and Adequacy of Supply for Existing and Future Requirements.** A description of the source of water supply, the existing and future domestic and agricultural requirements, and the capacity of the source of water supply to meet existing and future requirements. The description shall include detail of historic irrigation, tailwater issues, and water demands.
 - 7. Groundwater and Aquifer Recharge Areas.** A description of the relationship of the subject parcel to floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land, the effect of sewage effluents, and the pollution of surface runoff, stream flow and groundwater.
 - 8. Floodplain.** A description of the Floodplain and Flood Fringe designations affecting the subject property.

Section 4-602 Description of Submittal Requirements: Basic Application Materials
Land Suitability Analysis

9. **Environmental Conditions.** A description of the existing environmental conditions.
 - a. Existing flora and fauna habitat, wetlands, migration routes.
 - b. Significant archaeological, cultural, palentological, and historic resource areas.
 - c. Potential radiation hazard that may have been identified by the state or [*County Health Department*].
 10. **Use of Adjacent Property.** A description of the existing and historic use of adjacent property and neighboring properties within a [*1500'*] radius.
 11. **Easements.** A description of all easements defining, limiting or allowing use types and access.
 12. **Access.**
 - a. **Public Access to Site.** A description of historic public access to or through the site.
 - b. **Access to Adjoining Roadways.** A description of access to adjoining roads and site distance and intersection constraints.
- E. Impact Analysis.** The Impact Analysis shall provide a description of the impacts that the proposed land use change may cause, based upon the standards that the proposed use must satisfy. The Impact Analysis shall include a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied.
- F. Rezoning Justification Report.** A report that explains how the rezoning will satisfy the approval criteria for a rezoning, set forth in Article 7, Section 7-917 *Rezoning Criteria*.
- G. Statement of Appeal.** A written statement of the administrative interpretation or decision to be appealed, the date of the written interpretation or decision, and the reasons why the appellant believes that the interpretation or decision is incorrect, including any materials or evidence to support the appeal.
-

H. Traffic Study. A Traffic Study shall be submitted as part of the Impact Analysis. The Traffic Study shall contain a Basic Traffic Analysis and, depending on the results of that analysis, a Detailed Traffic Analysis where certain thresholds are exceeded. Both the Basic and Detailed Traffic Analyses shall contain sections addressing projected construction and development traffic impacts. A Detailed Traffic Analysis shall be prepared by a registered professional with experience in Transportation Engineering, utilizing existing County traffic counts as mapped, the current County Transportation Plan, accepted Trip Generation Manuals, the Manual on Uniform Traffic Control Devices, and current standards as applied by the Colorado Department of Transportation, as applicable.

1. Information Requirements for a Basic Traffic Analysis.

- a. Maps.** A map or maps depicting the parcel or activity area, showing existing and proposed internal roads, adjoining roads, access points and activity areas for construction activity, access points for the finished development, all County roads within a 1 mile radius of the development, and the nearest proximate intersections with state or federal highways likely to receive traffic impacts from the development.
- b. Existing Land Use and Traffic.** A narrative description of existing land uses on the parcel, with current trip generation estimates at existing access points, the current status of those access points regarding County driveway permits, any permits for access to a state highway, railroad crossings, access easements and their legal status and other appropriate current traffic information and legal constraints that may apply.
- c. Proposed Land Use and Traffic.** A narrative description of proposed land uses and likely trip generation projections for each, based on current trip generation manuals or other credible and defensible analysis, both for the construction phase(s) and the completed development, with a breakdown of traffic into heavy trucks and 'other,' for existing, temporary or proposed new access points.

- MODEL COUNTY LAND USE CODE**
November 2008

Section 4-602 Description of Submittal Requirements: Basic Application Materials
Traffic Study

The [*County Transportation Plan*] shall be consulted to determine levels of service and capacity definitions and information as currently available and applicable to County roads.

- a. Access points to and from the development shall be analyzed for AM and PM peak hour use for turning movements to determine the necessity for traffic control and signalization, geometrics including turning lanes, and acceleration and deceleration lanes, and signage.
- b. County road segments where traffic is expected to increase by over 30% shall be characterized in detail by current level of service, roadway condition and type, lane width, shoulder characteristics and condition, available right-of-way, speed limits, any weight limits, existing safety concerns and considerations, likely increases in maintenance requirements, and status for improvement in the [*County Capital Improvements Plan*]. Probable maintenance and improvement cost estimates shall be provided.
- c. County road intersections where traffic is expected to increase by over 30% shall have information provided about existing traffic control and signalization, AM and PM peak hour utilization with turning movements, projections for levels of service, and recommended modifications for intersection geometrics including turning lanes, control or signalization devices, acceleration or deceleration lanes and advance signage where appropriate. Probable cost estimates shall be provided.
- d. State or federal highway intersections where traffic is expected to increase by over 20% shall have information provided about existing traffic control and signalization, AM and PM peak hour utilization with turning movements, through movements as applicable, projections for levels of service, and recommended modifications for intersection geometrics including turning lanes, control or signalization devices, acceleration or deceleration lanes and advance signage. Consultation with the Colorado Department of Transportation is required and shall be documented. Probable cost estimates shall be provided.

4. Calculation of On-Site and Off-Site Improvements and Fees.

- a. A narrative description shall be included for on-site improvements to be donated or constructed relating to traffic control and accommodation (i.e., donated right-of-way, improvement of existing access points, addition of new access points, signalization, turning lanes, acceleration/deceleration lanes, etc.)
- b. A narrative description and site plans shall be provided for improvements for any off-site County road segments and intersections necessary to maintain the level of service.
- c. A narrative description and site plans shall be provided for improvements for any state highway intersections deemed necessary by CDOT.
- d. Calculation of County Road Impact Fee due for the proposed development and any off-site costs identified that are not already part of the currently approved [County Transportation Capital Improvements Plan].
- e. A proposed funding and phasing plan shall be provided for work necessary to be performed off-site that is not an identified project in the [County Transportation Capital Improvements Plan].
 - (1) For projects that are identified in the [County Transportation Capital Improvements Plan], the applicant may propose moving the project forward in time, cost sharing, or joint ventures for consideration by the County.

5. Additional Submittal Requirements and Documentation

- a. Existing County permits, including driveway permits and access permits.
- b. Existing access easements.
- c. Existing permits from CDOT, railroads or other applicable entities.

Section 4-602 Description of Submittal Requirements: Basic Application Materials
Traffic Study

- d. Evidence of consultation with the County for future access locations.
- e. Evidence of consultation with CDOT for future access permits, as applicable.
- f. Any proposed access easements, agreements and modifications and current status.
- g. Any proposed Noise Barrier or Sound Wall improvements.

Section 4-603 Description of Additional Submittal Requirements for Campgrounds/RV Park, Group Home, and Manufactured Home Park.

A. Additional Application Materials for Campground/RV Park.

- 1. **Plot Plans.** Typical plot plans for individual recreational vehicle spaces and campsites at a scale of 1 inch equals 10 feet.
- 2. **Space Size and Density.** The number, location and size of all recreational vehicle spaces and camp sites, and the gross density of such spaces and camp sites.
- 3. **Typical Sections.** Typical street and walkway sections.
- 4. **Roadway and Walkway Detail.** The location, surfacing and width of roadways, sidewalks, pathways.

B. Additional Application Materials for Group Homes.

- 1. **Management Plan.** An approved management plan shall be required by the Board in considering the application for final approval.
 - a. **Elements of a Management Plan.** The management plan shall define the operating characteristics of a group home facility. The management plan shall contain the following information.

- (1) Hours of operation.

Section 4-603 Description of Additional Submittal Requirements
For Campground/RV Park, Group Home, and Manufactured Home Park

- (2) Client arrival and departure times.
- (3) Coordinated times for deliveries and trash collection.
- (4) Mitigation of noise impacts.
- (5) Security.
- (6) The facility's drug and alcohol policy.
- (7) Loitering.
- (8) Employee education.
- (9) Neighborhood outreach and methods for future communication.
- (10) Dispute resolution with the surrounding neighborhood.

b. Management Plan as a Condition of Approval.

The approved management plan shall be incorporated into the conditions of approval.

C. Additional Application Materials for Manufactured Home Park.

1. **Plot Plans.** Typical plot plans for individual manufactured home spaces, at a scale of 1 inch equals 10 feet.
2. **Space Size and Density.** The number, location and size of all manufactured home spaces and the gross density of such spaces.
3. **Typical Sections.** Typical street and walkway sections.
4. **Roadway and Walkway Detail.** The location, surfacing and width of roadways, sidewalks, pathways.

**Section 4-604 Description of Additional Submittal Requirements for
Land Use in Floodplain Overlay District.**

A. Floodplain Overlay: Site Plan. In addition to the site plan requirements set forth in Section 4-602 C3, the site plan shall include the following elements. The *[Floodplain Administrator]* may require, or the applicant may choose to submit, a more detailed version of all or part of the site plan.

1. Base flood boundary and water surface elevations.
2. Floodway boundary.

Section 4-604 Description of Additional Submittal Requirements
Floodplain Overlay District: Site Plan

3. Channel of the watercourse.
4. Existing and proposed topographic contours shown at vertical intervals of no greater than 2'.
5. Elevation of the lowest floor, including basement and garage, of each existing and proposed structure.
6. Proposed elevations to which structures will be flood proofed (if applicable).
7. Location, dimension and elevation of proposed landscape alterations.
8. Elevations of existing streets, water supply, and sanitation facilities.
9. Boundaries and total land area of all existing and proposed impervious surfaces, including structures.
10. Location of existing water supply ditches, irrigation ditches and laterals.

B. Floodplain Overlay: Channel Cross-Section. A typical cross-section showing the following elements:

1. Channel of the watercourse.
2. Boundaries of floodplain adjoining each side of channel.
3. Area to be occupied by the proposed land use.
4. Existing and proposed base flood elevations.

C. Floodplain Overlay: Construction Specifications. Specifications for construction and materials of buildings, flood proofing, filling, dredging, grading, channel improvements, storage of materials, water supply, and sanitation facilities as applicable.

D. Floodplain Overlay: Alteration of Water Course. Description of the extent to which any water course will be altered or relocated as a result of the proposed development.

Section 4-604 Description of Additional Submittal Requirements
Floodplain Overlay District: Floodway Analysis

E. Floodplain Overlay: Floodway Analysis. A floodway analysis prepared by a qualified professional engineer shall be required for *all* land use proposed to be located in a Floodway, and shall meet the following guidelines. If a detailed hydraulic floodway analysis has not been performed, the Floodplain Administrator shall require the applicant to provide the analysis necessary for determining the floodway boundary.

1. The Floodway Analysis shall be completed using methodology acceptable to the Federal Emergency Management Agency (FEMA) and Colorado Water Conservation Board.
2. The [Floodplain Administrator] may require a detailed hydraulic floodway analysis based on the identical hydraulic model used to develop the current engineering study adopted by the Board of County Commissioners, if available.
3. The hydraulic model shall be updated to reflect existing hydraulic conditions, to determine any increase in the 100-year water surface elevation levels that has occurred as a result of development since the floodplain was established.
 - a. Alternate floodway configurations may then be analyzed based on methods as outlined in the current U.S. Army Corps of Engineers HEC-RAS Water Surface Profiles Users Manual and submitted to the [Floodplain Administrator] for review and approval.
 - b. The analysis shall provide a determination of the cumulative effects of the proposed development, plus the effects of development since the original flood hazard area was established, on the base flood elevation.
 - c. At the [Floodplain Administrator's] discretion, where a regulatory floodway has been designated, it may not be necessary to determine the cumulative effects of existing development.
4. Floodway boundary configurations shall be examined and approved by the [Floodplain Administrator]. The following information shall be included for the stream reach 1000 feet upstream and 1000 feet downstream from the proposed encroachment:

Section 4-604 Description of Additional Submittal Requirements
Floodplain Overlay District: Floodway Analysis

- a. A copy of the printout for the hydraulic computer model representing the base flood profile run for conditions existing at the time the currently effective floodplain was developed. The printout must include the full input and output listing.
- b. A copy of the printout from the hydraulic computer model representing the floodway run for the proposed floodway configuration and including developments and other hydraulic changes within the floodplain since the currently effective floodplain was established. The printout must include the full input and output listing with all input changes from the original model highlighted.
- c. A copy of the floodway data table representing data for the proposed floodway configuration.
- d. A copy of the currently effective official engineering study showing the existing floodplain and the proposed floodway configuration.
- e. Certification from a Colorado Registered Professional Engineer that the proposed floodway configuration, in combination with current floodplain hydraulic conditions, meets FEMA and CWCB requirements when evaluated against flood elevations established when the original floodplain study was completed.

F. Floodplain Overlay: Floodplain Impact Report. An engineering report addressing the standards set forth in Article 7, Section 7-701.

**Section 4-605 Description of Additional Submittal Requirements for
Land Use in Airport/Heliport Influence Area Overlay
District.**

- A. Location Map.** A map or drawing showing the location of the subject property in relation to Airport Imaginary Surfaces.
- B. Elevation Profiles and Site Plan.** Elevation profiles and a site plan including:

Section 4-605 Description of Additional Submittal Requirements
Airport/Heliport Influence Area Overlay District: Elevation Profiles and Site Plan

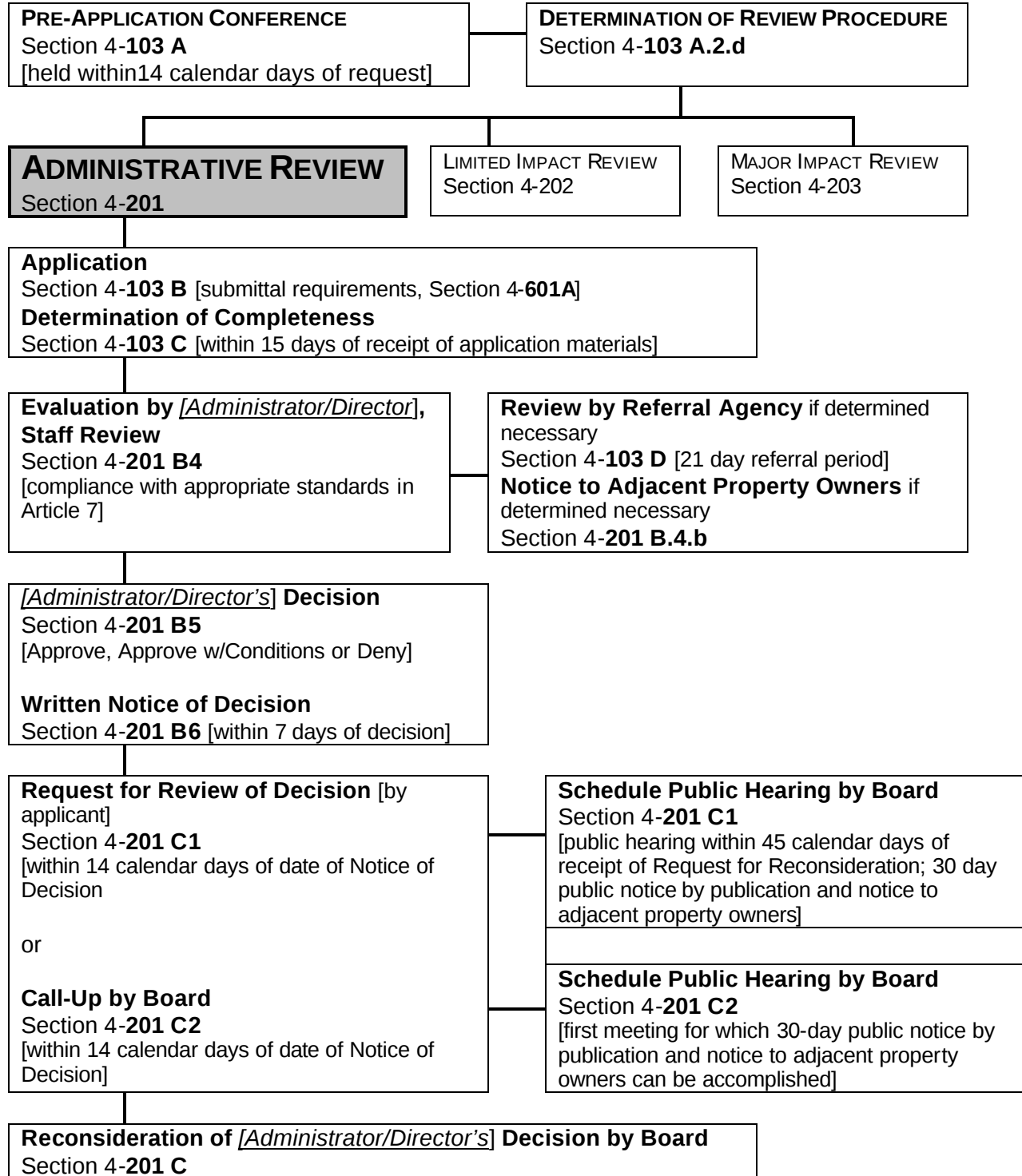
1. Location of existing and proposed structures in relation to Airport Imaginary Surfaces.
 2. Height of all existing and proposed structures, measured in feet above mean sea level.
 3. Layout plan for Heliport/Helistop. The plan shall be sufficient to depict the design helicopter, the layout of existing & planned facilities and features, ground contours at 10' intervals, the building restriction lines, the relationship of the Final Approach and Takeoff Area (FATO), the Touchdown and Lift-off Area (TLOF), the Safety Area and the Approach/Departure and Transitional Surfaces (as defined in AC 150/5390-2) to the land parcel(s) on which the heliport/helistop is to be located and to adjoining land parcels. Approach profiles shall depict the composite profile based on the highest terrain across the width & along the length of each approach surface (helistop approach surface profiles are required for the inner 1,000' only).
 4. Layout plan for Landing Strip. The plan shall be sufficient to depict the airport reference code, the layout of existing & planned facilities and features, ground contours at 10' intervals, the building restriction lines, the relationship of the runway(s) and RPZs to the land parcel(s) on which the landing strip is to be located and to adjoining land parcels. Approach profiles shall depict the composite profile based on the highest terrain across the width & along the length of each RPZ.
- C. Written Agreements for Height Exception.** Written Agreements from the Airport/Heliport Sponsor and the FAA, if a height exception is requested.
- D. Declaration of Anticipated Noise Levels.** A declaration of anticipated noise levels for property located within Noise Impact Area boundaries.
1. For noise sensitive land use located in areas where the noise level is anticipated to be at or above 55 Ldn, the applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

Section 4-605 Description of Additional Submittal Requirements
Airport/Heliport Influence Area Overlay District: Avigation Easement

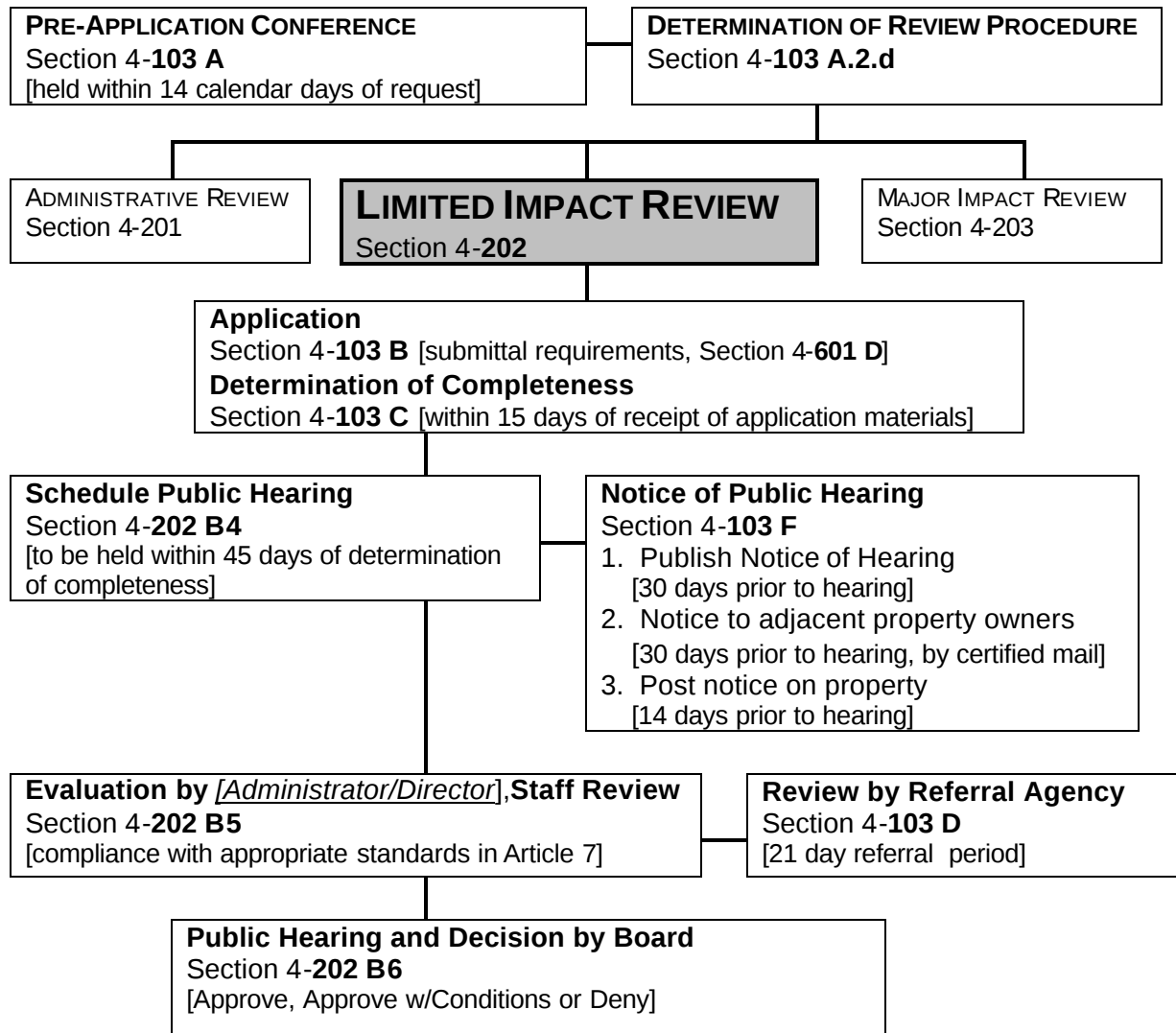
E. Avigation Easement. An avigation easement dedicated to the Airport Sponsor, in a form acceptable to the Airport Sponsor. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. A sample avigation easement is provided in Section 4-801.

DIVISION 7 FLOWCHARTS

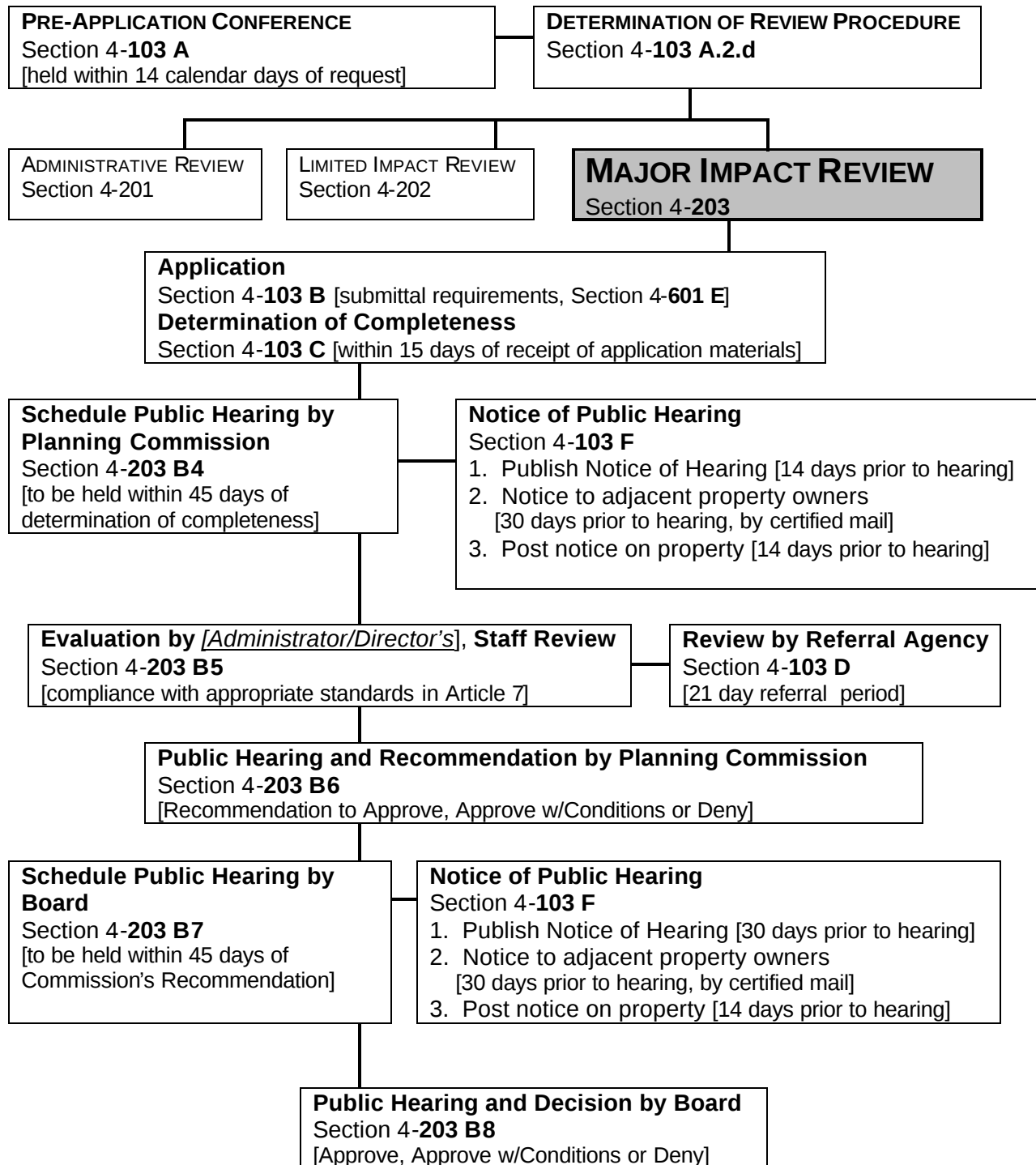
Section 4-701 Administrative Review Flowchart.



Section 4-702 Limited Impact Review Flowchart.



Section 4-703 Major Impact Review Flowchart.



DIVISION 8 SAMPLE DOCUMENTS

Section 4-801 Sample Avigation and Hazard Easement.

Example

AVIGATION AND HAZARD EASEMENT

WHEREAS, (full name of property owner(s)) hereinafter called the Grantors, are the owners in fee of that certain parcel of land situated in the City of _____, County of _____, State of _____, more particularly described as follows:

(Full description of property to be covered by easement)
hereinafter called "Grantors' property," and outlined on the attached map (Exhibit 1);

NOW, THEREFORE, in consideration of the sum of _____ dollars (\$_____) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby grant, bargain, sell, and convey unto (owner and operator of airport, i.e., City of _____) hereinafter called the Grantee, its successors and assigns, for the use and benefit of the public, as easement and right of way, appurtenant to (full name of airport) or the unobstructed passage of all aircraft, ("aircraft" being defined for the purpose of this instrument of any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air) by whomsoever owned and operated.

In the air space above Grantors' property above an imaginary plane rising and extending in a general (i.e., Easterly) direction over Grantors' property, said imaginary plane running from approximately (i.e., 25) feet Mean Sea level above Point A on Exhibit 1 at the rate of one foot vertically for each (i.e., 50) feet horizontally to approximately (i.e., 55) feet Mean Sea level above Point B on Exhibit 1, to an infinite height above said imaginary plane,¹

(OR USE THE FOLLOWING)

in the air space above Grantors' property above a Mean Sea level of (i.e., 150) feet, to an infinite height above said Mean Sea level of (i.e., 150) feet,¹

(OR USE THE FOLLOWING)

in all air space above the surface of Grantors' property, to an infinite height above said Grantors' property.³

³ Alternative language depending upon desired coverage of easement

Together with the right to cause in all air space above the surface of Grantors' property such noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said _____ (full name of airport).

The easement and right of way hereby granted includes the continuing right in the Grantee to prevent the erection or growth upon Grantors' property of any building, structure, tree, or other object, extending into the air space above the aforesaid imaginary plane,

(OR USE THE FOLLOWING)

extending into the air space above the said Mean Sea level of (i.e., 150)
feet,¹

(OR USE THE FOLLOWING)

extending into the air space above the surface of Grantors' property;¹
and to remove from said air space, or at the sole option of the Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantors' property, together with the right of ingress to, egress from, and passage over Grantors' property for the above purposes.

TO HAVE AND TO HOLD said easement and right of way, and all rights appertaining thereto unto the Grantee, its successors, and assigns, until said (full name of airport) shall be abandoned and shall cease to be used for public airport purposes.

AND for the consideration hereinabove set forth, the Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby agree that for and during the life of said easement and right of way, they will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon Grantors' property any building, structure, tree, or other object extending into the aforesaid prohibited air space, and that they shall not hereafter use or permit or suffer the use of Grantors' property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or as to impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off, or maneuvering of aircraft, it being understood and agreed that the aforesaid covenants and agreements shall run with the land.

In consideration of the premises and to assure Grantee of the continued benefits accorded it under this Easement, (name of mortgagee), owner and holder of a mortgage dated _____ and recorded _____ covering the premises above described, does hereby covenant and agree that said mortgage shall be subject to and subordinate to

this Easement and the recording of this Easement shall have preference and precedence and shall be superior and prior in lien to said mortgage irrespective of the date of the making or recording of said mortgage instrument.⁴

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals
this _____ day of _____, 20_____.

Signed, sealed, and delivered in the presence of:

_____ (SEAL)

_____ (SEAL)

(Notarial Acknowledgment)

⁴ Local recordation and subordination practices must also be met. If subordination is necessary, in which case the mortgagee must join in the agreement, the above language is suggested.