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GARFIELD COUNTY, COLORADO

Article 4: Application and Review Procedures

ARTICLE 4
APPLICATION AND REVIEW PROCEDURES

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ARTICLE 4: APPLICATION AND REVIEW PROCEDURES

DIVISION 1. REVIEW PROCESS FOR LAND USE CHANGE REQUESTS.

4-101. COMMON REVIEW PROCEDURES.

The following review procedures apply to all Land Use Change applications. Where these procedures are modified for a specific application type, the change is noted in that section.

A. Pre-Application Conference.

All Land Use Change applications shall begin with a pre-application conference between the Applicant and the Director unless otherwise provided in the specific application section.

1. Purpose. The pre-application conference is intended to provide the County with information pertinent to the site and the proposal; provide the Applicant with 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. The Applicant shall request a pre-application conference through the Community Development Department.

a. Scheduling of Pre-Application Conference. Within 20 business days of receiving a request, the Director shall schedule a pre-application conference. The pre-application conference may be held in the Community Development Department office or at the site.

b. Materials. 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 magnitude of the proposed development.

c. Participants. If the 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 Director shall determine the appropriate review process for the requested Land Use Change.

3. 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 application is submitted and adjacent and/or nearby property owners and referral agencies have had an opportunity to comment. Within 10 business days from the date of the pre-application conference the Director shall prepare a written summary that describes the review process, submittal requirements, and anticipated time frames, and shall set forth any concerns or conflicts, known at that time, that may impact the Applicant's proposal. The information provided in the written

summary shall be valid for a period of 6 months from the date of the written summary.

B. Determination of Application Completeness Review.

1. Director Review. The Director shall determine whether the application is complete based on compliance with the submittal requirements for the applicable review process. Completeness review shall take place in the following time frames:

a. General applications: 10 business days.

b. Major applications, as identified below: 20 business days.

(1) Major Impact Review;

(2) Limited Impact Review;

(3) Rezoning, nonresidential;

(4) Subdivision; and

(5) PUD.

2. Determination. The Director shall make 1 of the following determinations:

a. Application is Not Complete. If the application is not complete, the Director shall inform the Applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the Applicant fails to correct the deficiencies within 60 calendar days, the application shall be considered withdrawn and returned to the Applicant.

b. Application is Complete. If the application is complete, the Director shall certify it as complete and provide written notice to the Applicant including the date of determination of completeness.

3. Extension of Time for Determination of Completeness. The Director may authorize an extension of time to complete review for a determination of completeness when:

a. Scope of Application. The scope of the Land Use Change application is sufficient to require additional time for the 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.

4. Written Notice of Extension of Time. As soon as possible after receipt of an application, the Director shall inform the Applicant in writing if an extension is necessary to determine completeness, and shall identify the new completeness deadline.

5. Request for Waiver of Submission Requirements. Requests for waiver of submission requirements pursuant to section 4-202 shall be submitted with the application and considered by the Director as part of the determination of completeness.

6. Review/Public Hearing Schedule. Complete applications shall be scheduled for Public Hearing on the next available agenda date of the appropriate review body following any required public notice. Applications for review that do not require a Public Hearing and are

scheduled for a Director's Decision shall be reviewed within 30 calendar days of a determination of completeness.

C. Review by Referral Agency.

1. Any Land Use Change application shall be referred to the appropriate local, State, or Federal agencies or departments for review. The list of reviewing agencies for any individual application shall be determined by the Director unless specific agencies or departments are required by State statute.

2. A referral agency may impose a fee for the review of a proposed development. The Director will disclose an estimated range of any potential referral agency fees in the pre-application conference summary. This estimate is nonbinding.

3. The comment period for referral agency review shall be 21 calendar days from the date that the complete application and sufficient copies are delivered to the County by the Applicant. Responses not received by the County in a timely manner may not be evaluated in the Director's review of the application. A lack of timely response shall be interpreted as no comment.

D. Evaluation by Director/Staff Review.

1. The Director shall review the Land Use Change application to determine if the proposal satisfies the applicable standards of this Code and any review criteria identified in the specific procedure.

2. The Director may authorize all or a portion of the review of a Land Use Change application to be performed by an outside consultant. This work shall be subject to the County Procurement Code. The cost of the consultant review shall be the responsibility of the Applicant and shall be paid pursuant to section 4-203.B.3., Fees. The Director will disclose an estimated range of any potential outside consultant fees in the pre-application conference summary. This estimate is nonbinding.

3. The Director shall prepare a staff report discussing whether the standards have been satisfied; identifying issues raised through staff and referral review; outlining mitigation requirements; recommending conditions for approval to ensure that standards are satisfied; and requesting additional information pertinent to review of the application.

E. Notice of Public Hearing.

When a Public Hearing is required, notice shall be provided. The type of notice required is identified in Table 4-102, Common Review Procedures and Required Notice.

1. Notice shall be provided as follows:

a. Notice by Publication. At least 30 but not more than 60 calendar days prior to the date of a scheduled Public Hearing before the Planning Commission or BOCC, the Applicant shall publish notice of a Public Hearing in a legal publication, unless otherwise specified by State law.

b. Written/Mailed Notice to Adjacent Property Owners and Mineral Owners.

(1) Written notices shall be provided at least 30 but not more than 60 calendar days prior to the date of a scheduled Public Hearing.

(2) The Applicant shall send written notice by certified mail or by a nationally recognized overnight courier, return receipt requested.

(3) Written notice shall be provided to the owners of record of all adjacent property within a 200-foot radius of the subject parcel as shown in the office of the County Clerk and Recorder or Assessor at least 15 calendar days prior to sending notice.

(4) Written notice shall also be provided to owners of mineral interests in the subject property (other than construction materials as defined in C.R.S. § 34-32.5-1, in accordance with C.R.S. § 24-65.5-101, *et seq*., as such owners can be identified through records in the office of the Clerk and Recorder or Assessor, or through other means.

c. Posting of Notice. At least 30 and not more than 60 calendar days prior to the date of a scheduled Public Hearing, the Applicant shall post a notice of the Public Hearing on the property. Posted notice shall consist of at least 1 sign facing each adjacent road right-of-way, and located so as to be fully visible from the road right-of-way generally used by the public. The notice signs shall be provided to the Applicant by the Community Development Department.

2. Contents of Notice. The notice shall follow a form prescribed by the County.

3. Applicant Responsibility. It shall be the responsibility of the Applicant to provide the names and mailing addresses of Adjacent Property Owners and Mineral Owners as identified in section 4-101.E.1.b.(3) and (4) as part of the application.

4. Proof of Notice. At the Public Hearing, the Applicant shall provide proof of publication, proof of notification or attempted notification of Adjacent Property Owners, and proof of posting notice on the property. The Applicant shall provide proof of notification or attempted notification of owners of a mineral interest in the subject property.

5. Constructive Notice. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing, and the location of the subject property, shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the Decision-Making Body shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this Code before proceeding with the hearing.

F. Review and Recommendation.

The recommending body shall recommend approval, approval with conditions, or denial of the application based on the following:

1. Recommendation of Approval. If the application satisfies all of the applicable requirements of this Code, the recommending body shall recommend the application be approved. The recommending body may recommend approval with conditions determined necessary for compliance with the applicable requirements.

2. Recommendation of Denial. If the application fails to satisfy any 1 of the applicable requirements and compliance cannot be achieved through conditions of approval, the recommending body shall recommend that the application be denied.

G. Decision.

The Decision-Making Body shall approve, approve with conditions, or deny the application based on the following:

1. Approval of Application. If the application satisfies all of the applicable requirements of this Code, the application shall be approved. The application may be approved with conditions determined necessary for compliance with applicable requirements.

2. Denial of Application. If the application fails to satisfy any 1 of the applicable requirements, and compliance cannot be achieved through conditions of approval, the application shall be denied.

H. Duration and Expiration of Conditional Approval and Plat Approvals.

1. Conditional Approval of a Land Use Change Application. Unless otherwise approved by the decision maker, an Applicant has 1 year from the date of approval or Director's Determination to satisfy any remaining conditions precedent to issuance of a Land Use Change Permit. Failure to meet all conditions will result in the expiration of the approval and the Applicant will be required to submit a new application for the desired land use.

2. Conditional Approval of a Subdivision or Conservation Subdivision Preliminary Plan. Unless otherwise approved by the BOCC, an Applicant has 1 year from the date of approval for a Preliminary Plan to receive a determination of completeness for a Final Plan/Plat application. Failure to timely file a technically complete Final Plan/Plat application will result in the expiration of the Preliminary Plan approval, and the Applicant will be required to submit a new application for the desired subdivision.

3. Conditional Approval of a Final Plat. The Applicant has 90 calendar days from the date of approval of an Exemption or Final Plan/Plat application to submit a Final Plat suitable for recording. Failure to timely file a Final Plat suitable for recording will result in the expiration of the Exemption or Final Plat approval, and the Applicant will be required to submit a new application for the desired Exemption or Final Plan/Plat.

4. Approval of a Final Plat. Within 10 business days of the submittal to the County of the properly executed Final Plat which is suitable for recording, such Final Plat must be signed by the BOCC and be recorded with the Clerk and Recorder.

I. Extension of Conditional Approval.

It is the Applicant's responsibility to timely satisfy any conditions of approval. Prior to the expiration of a conditional approval, however, the Applicant may request an extension of the expiration date as follows:

1. Supporting Documentation. Application shall be made to the decision maker that issued the original approval and shall include a written explanation of the reasons why the conditions have not been met and the estimated timeframe in which the conditions will be met or completed.

2. First Extension.

a. Extensions of 1 year may be granted for all conditional Land Use Change approvals, and Subdivision or Conservation Subdivision Preliminary Plan approvals.

b. Exemptions and Final Plat approvals may be extended by a period of 90 days.

3. Additional Extensions. Requests for longer periods of time, or additional time extensions following the first extension, shall be made to the decision maker that issued the original approval, prior to the expiration of the current approval.

4. New Application Required. If an Applicant fails to timely request an extension as set forth in section 4-101.I., the approval will be void and the Applicant must submit a new application for the desired Land Use Change or division of land approval notwithstanding the foregoing, the BOCC may grant an extension of an otherwise expired approval upon a finding by the BOCC that the failure to file for an extension was due to extenuating circumstances and that it benefits the public interest to grant the extension.

4-102. APPLICABILITY OF COMMON REVIEW PROCEDURES.

The various specific review procedures in this Article shall be processed in accordance with the common review procedures identified in Table 4-102, Common Review Procedures and Required Notice. Additional requirements specific to a review procedure are identified by cross-reference in the left-hand column to the section that contains the requirements.

Table 4-102: Common Review Procedures and Required Notice

Section 4-101.		A	B	C	D	E	F	G	H	I	Required Notice			
✔	Applicable Review Procedure	Pre-App. Conference	Completeness	Referral Agency	Director Evaluation	Notice	Recommendation	Decision	Duration/Expiration	Extension	Published	Mailed	Posted	Additional Requirements
BOA	Board of Adjustments													
BOCC	Board of County Commissioners													
D	Director													
PC	Planning Commission													
4-103	Administrative Review	✔	✔	✔	✔	✔		D	✔	✔	-	✔	-	
4-104	Limited Impact Review	✔	✔	✔	✔	✔		BOCC	✔	✔	✔	✔	✔	
4-105	Major Impact Review	✔	✔	✔	✔	✔	PC	BOCC	✔	✔	✔	✔	✔	Notice required for PC and BOCC hearings.
4-106	Amendments to an Approved LUCP	✔	✔					D			-	-	-	Subject to Minor or Substantial Modification Determination per section 4-106.
4-107	Minor Temporary Housing Facility	✔	✔		✔	✔		D	✔	✔	-	✔	-	
4-108	Vacation of a County Road or Public ROW	✔	✔	✔	✔	✔	PC	BOCC	✔	✔	✔	✔		PC hearing requires inclusion in posted agenda. BOCC hearing requires publication and mailing.
4-109	Develop. in the 100-Year Floodplain	✔	✔	✔	✔	✔		D	✔	✔		✔		Per Administrative Review, section 4-103.
4-110	Develop. in the 100-Year Floodplain Variance	✔	✔	✔	✔	✔		BOA			✔	✔	✔	
4-111	Location and Extent Review	✔	✔		✔	✔		PC	✔		✔	✔	✔	Notice to be provided at least 7 calendar days but no more than 30 calendar days prior to hearing.
4-112	Call-Up to the BOCC					✔		BOCC	✔	✔				The BOCC shall provide notice as required by the original application. If no notice was required, notice shall be adequate if included in a posted agenda.
4-113	Rezoning	✔	✔	✔	✔	✔	PC	BOCC			✔	✔	✔	Notice required for PC and BOCC hearings.
4-114	Code Text Amendment		✔		✔	✔	PC	BOCC			✔	-	-	Published notice for PC and BOCC hearings.
4-115	Variance	✔	✔	✔	✔	✔		BOA			✔	✔	✔	
4-116	Administrative Interpretation							D						
4-117	Administrative Interpretation Appeal		✔		✔	✔		BOA			✔	-	-	
4-118	Waiver of Standards	✔		Determined by companion application.							Notice as required by companion application.			
4-119	Accommodation Pursuant to Federal Fair Housing Act		✔		✔	✔		BOCC	✔			✔		

4-103. ADMINISTRATIVE REVIEW.

A. Overview.

Applications subject to Administrative Review shall be reviewed and decided by the Director.

B. Review Process.

Applications for Administrative Review shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. Pre-Application Conference. This requirement may be waived by the Director.

2. Determination of Completeness. Once the application is deemed technically complete, the Director will send a letter to the Applicant that indicates:

a. The additional number of copies to be delivered to the County;

b. The date that the Director will render a decision or, if the Director decides to refer the application to the BOCC, the date that the BOCC will hear the Application; and

c. The notice form that the Applicant is required to mail to the Adjacent Property Owners and mineral estate owners and lesees.

3. Notice. The Applicant shall mail notice pursuant to section 4-101.E.b.(2), -(4)., at least 15 days prior to the date of the Director's decision and shall provide proof of adequate notice prior to any decision. The notice shall include a Vicinity Map, the property's legal description, a short narrative describing the current zoning and proposed Land Use Change, the contact information for the Community Development Department and the date that the Director will make a decision.

4. Decision.

a. Director Decision. If the Director decides the application, the Director will inform the Applicant and the BOCC of the approval, conditions of approval, or basis for denial, in writing within 10 days of the date of decision.

b. BOCC Decision. If the application is referred to the BOCC for a decision, the BOCC will memorialize their decision of approval, conditions of approval or basis for denial in the form of a Resolution.

5. Call-Up to the BOCC. The Director's decision is subject to section 4-112, Call-Up to the BOCC.

C. Review Criteria.

An application shall comply with the applicable standards of this Code.

4-104. LIMITED IMPACT REVIEW.

A. Overview.

Applications subject to a Limited Impact Review shall be reviewed and decided by the BOCC.

B. Review Process.
Applications for Limited Impact Review shall be processed according to Table 4-102, Common Review Procedures and Required Notice.

C. Review Criteria.
An application shall comply with the applicable standards of this Code.

4-105. MAJOR IMPACT REVIEW.

A. Overview.
Applications subject to a Major Impact Review shall be reviewed and a recommendation made by the Planning Commission, and decided by the BOCC.

B. Review Process.
Applications for Major Impact Review shall be processed according to Table 4-102, Common Review Procedures and Required Notice.

C. Review Criteria.
An application shall comply with the applicable standards of this Code.

4-106. AMENDMENTS TO AN APPROVED LAND USE CHANGE PERMIT.

A. Overview.
Applications for amendment to an approved Land Use Change Permit including a Preliminary Plan for a division of land may be reviewed and decided by either the Director as a Minor Modification or be reviewed as a Substantial Modification. This procedure is applicable to:

1. Proposed amendments to a Land Use Change Permit approved under this Code or the Unified Land Use Resolution of 2008;

2. Proposed amendments to conditional use permits and special use permits approved by the BOCC under the Land Use Resolution of 1978;

3. Proposed amendments to an approved preliminary plan for a division of land; and

4. Change of a specific condition(s) of approval as identified in a final approval made by the Decision-Making Body. Any requested change of a specific condition(s) as identified in a resolution adopted by the BOCC shall be considered a Substantial Modification.

B. Review Process.
Applications for an amendment to an approved Land Use Change Permit shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications.

1. Pre-Application Conference. After holding a pre-application conference and within 10 business days of receiving all necessary information, the Director shall make 1 of the following 3 determinations:

a. Minor Modification. The Director shall apply the criteria in section 4-106.C. to determine if the proposed amendment is minor in nature. Upon finding the amendment is a Minor Modification, the Director may approve, conditionally approve, or deny the amendment and provide written notice to the Applicant.

b. Substantial Modification.

(1) If the Director determines that the proposed amendment constitutes a Substantial Modification, the change shall require a new application for a Land Use Change Permit. The Director shall determine the contents of the application submission requirements for a Substantial Modification request and provide this information in writing to the Applicant. Though a new application is required, the review of the application may result in an approval, approval with conditions or denial of the amendment only. If the amendment is denied, the Applicant's original approval is still valid.

(2) Should the Applicant contest the decision made by the Director that the proposed amendment constitutes a Substantial Modification, the Applicant may request the decision be called-up to the BOCC pursuant to section 4-112.B and C.

c. Determination by the BOCC. The Director shall have the discretion to request the BOCC decide, in a Public Meeting, whether a modification is Minor or Substantial.

C. Review Criteria.

Minor Modifications are those that deviate from standards or rearrange/reconfigure elevations, structures, parking areas, landscape areas, drainage facilities, utilities, or other site improvements in an approved Land Use Change Permit, including Subdivisions, and that meet all of the following criteria as applicable:

1. Comply with all requirements of this Code;

2. Do not conflict with the Comprehensive Plan;

3. Do not change the character of the development;

4. Do not alter the basic relationship of the development to adjacent property;

5. Do not change the uses permitted;

6. Do not require amendment or abandonment of any easements or rights-of-way;

7. Do not increase the density;

8. Do not increase the zone district dimensions to an amount exceeding the maximum dimension in the applicable zone district in Table 3-201; and

9. Do not decrease the amount of the following to an amount below the minimum required in the applicable zone district:

a. Amount of dedicated Open Space;

b. The size of or change in the locations, lighting, or orientation of originally approved signs; and

c. Any zone district dimensions in Table 3-201.

4-107. MINOR TEMPORARY HOUSING FACILITY.

A. Overview.

Applications for a Minor Temporary Housing Facility shall be reviewed and decided by the Director.

B. Review Process.

A Minor Temporary Housing Facility shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. Pre-Application Conference. The Director may waive the pre-application conference.

2. Call-Up to the BOCC. The Director's decision is subject to call-up pursuant to section 4-112, except that call-up may be initiated only by the following:

a. The Applicant;

b. Adjacent Property Owners within 200 feet of the subject lot or the Permitted Site if the Permitted Site is within the Resource Land Zone Districts;

c. The owner(s) of the subject lot or the Permitted Site if the Permitted Site is within the Resource Land Zone Districts;

d. Separated mineral estate owners; and/or

e. The BOCC.

C. Review Criteria.

An application shall comply with the applicable standards of this Code.

4-108. VACATION OF A COUNTY ROAD OR PUBLIC RIGHT OF WAY.

A. Overview.

1. Applications to vacate a County road or public right-of-way shall be reviewed and a recommendation made by the Planning Commission, and decided by the BOCC.

2. The provisions of C.R.S. § 43-2-301, shall control all vacation proceedings considering a petition to vacate or abandon the entire width of any County road or public right-of-way. The provisions in this Code are in addition to all other requirements of State law.

B. Review Process.

Applications to vacate a County road or public right-of-way shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. Pre-application Conference. The Director may waive the pre-application conference.

2. Review by Referral Agency. Staff shall request that referral agencies address the following:

a. Whether the property is or is likely to be necessary or desirable for any public purpose within the reasonably foreseeable future;

b. Any term, condition, reservation, or dedication of any easement or interest in the property necessary or desirable for public purposes and permitted by law; and

c. Any other comment relevant to the County road or public right-of-way.

3. Planning Commission Review and Recommendation. The Planning Commission shall review all applications or petitions to vacate a County

road or public right-of-way pursuant to the provisions of C.R.S. § 30-28-110(1)(d).

a. The Planning Commission shall conduct its review of the petition or application to vacate a County road or public right-of-way at a Public Hearing without required notification other than inclusion in a posted agenda.

b. The date established for initial review by the Planning Commission shall be considered the date of submission pursuant to C.R.S. § 30-28-110.

c. The Planning Commission may continue consideration of the application until the next regularly-scheduled Planning Commission meeting. Under all circumstances, it shall conclude its review and render its decision and recommendation to the BOCC within 60 calendar days of submission.

d. The decision of the Planning Commission shall be considered a recommendation, not a final action on the request.

4. BOCC Review and Notice. The BOCC shall conduct its review pursuant to the provisions of C.R.S. § 43-2-301, *et seq*., and the requirements of this Code. The BOCC review and decision shall be considered a legislative act.

a. Hearing Notification. Action of the BOCC shall be pursuant to a Public Hearing. Mailed and published notice shall be provided according to section 4-101.E.

b. Published Notice. Published notice shall include a statement that a resolution to vacate the subject County road or public road right-of-way will be presented at the hearing.

c. Hearing Information. During the Public Hearing before the BOCC, the Applicant shall provide a form of resolution vacating the subject County road or public right-of-way that is prepared by the Applicant and reviewed and approved by the County Attorney's Office prior to the BOCC hearing.

5. BOCC Decision. The BOCC may approve, approve with conditions, or deny the application pursuant to section 4-101.G., or take any of the following actions:

a. Continue the Hearing. The BOCC may continue the Public Hearing as it deems necessary to receive all information the BOCC deems relevant. Any continuation must be to a date certain with a decision to approve or deny the resolution vacating the County road or public right-of-way occurring within 90 calendar days of the initiation of the Public Hearing.

b. Modified Resolution. The BOCC may elect to approve a resolution vacating a County road or public right-of-way in a form modified or altered from that presented. In that event, the BOCC shall specifically direct staff to make alterations to the resolution by a motion specifying those alterations. Such motion shall also include a continuance to allow staff to revise the resolution and present it in final form as part of the continued Public Hearing.

c. Final Action. No final action on a petition or application to vacate a County road or public right-of-way shall occur until a resolution has been considered at a Public Hearing, signed by the chair of the BOCC, pursuant to motion, and recorded with the Garfield County Clerk and Recorder.

d. Vested rights. No rights shall vest in the vacated right-of-way until final action of the BOCC has occurred, including recording of the vacation resolution under C.R.S. § 43-2-301, *et seq*.

6. Subsequent Action. Subsequent to recording a resolution vacating a County road or public right-of-way, the Road and Bridge Supervisor shall delete the roadway or portion of roadway from all County road maps submitted to the State of Colorado and all reports submitted to the State claiming the road or right-of-way as a County road.

C. Review Criteria.

A petition or request to vacate a County road or public right-of-way may be approved so long as it meets the following criteria. However, meeting these criteria does not preclude the BOCC's denial of a petition or application for any other reason.

1. The subject County road or public right-of-way does not provide any access to public lands (for the purpose of this subsection, public land shall mean any property owned by the Federal government or the State of Colorado).

2. The subject County road or public right-of-way does not abut or connect to any property, including any easement owned by the Federal government, State of Colorado, municipality, County, or special district, where such property or easement constitutes a public park, recreational area, or trail.

3. The subject County road or public road right-of-way is not currently used nor will it be used in the future for any County road or public right-of-way purpose unless the BOCC makes a specific finding that a satisfactory alternative route for the existing or future County road or public right of way purpose is available or will be provided.

4-109. DEVELOPMENT IN THE 100-YEAR FLOODPLAIN.

A. Overview.

Applications for development within the 100-year Floodplain must receive a Floodplain Development Permit prior to any development.

B. Review Process.

Development in the 100-Year Floodplain shall be processed pursuant to section 4-103, Administrative Review. A Floodplain Development Permit shall be issued upon approval of the application.

C. Review Criteria.

A Floodplain Development Permit may be issued by the Director or designated Floodplain Administrator if it is found that the application is in conformance with section 3-301, Floodplain Overlay Regulations, and upon weighing the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood

damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
7. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the Comprehensive Plan for that area.

4-110. DEVELOPMENT IN THE 100-YEAR FLOODPLAIN VARIANCE.

A. Overview.

Variances are deviations from the terms of the 100-year Floodplain regulations that are not contrary to the public interest when, owing to special circumstances or conditions, such as topographic conditions, narrowness, shallowness, or the shape of a property, the literal enforcement of this Code would result in peculiar and exceptional, practical difficulties to, or exceptional or undue hardship on the owner of the property. Variances may be issued for New Construction and Substantial Improvements to be erected on a legal lot of record contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, providing the relevant review criteria of this Article have been fully considered.

1. The Board of Adjustments shall hear and render judgment on requests for development in the 100-year Floodplain variances.
2. The Board of Adjustments shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Code.
3. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the FEMA and the CWCB upon request.

B. Review Process.

Applications for a variance shall be processed according to Table 4-102 with the additions as follows:

1. Any Applicant to whom a variance is granted shall be given written notice

that the structure will be permitted to be built with the Lowest Floor Elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor Elevation.

2. Upon consideration of the factors noted above and the intent of this Code, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Code as stated in section 3-102.A.1, Floodplain Overlay Purpose.

C. Review Criteria.

1. The following standards shall be satisfied in order to grant approval of a request for development in the 100-year Floodplain variance:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

b. Variances shall only be issued upon showing a good and sufficient cause;

c. Variances shall only be issued upon determination that failure to grant the variance would result in exceptional hardship to the Applicant;

d. Variances shall only be issued upon determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations; and

e. Variances shall not be issued within any designated Floodway if any increase in flood levels during the Base Flood discharge would result.

2. Variances may be issued by a community for New Construction and Substantial Improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

a. The criteria outlined in section 4-110.C.1 are met, and

b. The structure or other development is protected by methods that minimize flood damages during the Base Flood and create no additional threats to public safety.

3. Variances may be issued for the repair or rehabilitation of a Historic Site upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Site and the variance is the minimum necessary to preserve the historic character and design of the structure.

4-111. LOCATION AND EXTENT REVIEW.

A. Overview.

Location and Extent Review of certain public and quasi-public projects is mandated by State law including, but not limited to, C.R.S. §§ 30-28-110, 22-32-124(1)(a) and 22-32-124(1.5)(a). In the event of any conflict between these procedures and applicable State law, State law shall govern.

1. The entity charged with authorizing and financing a public project, or the board of education for the applicable school district, shall submit an application for Location and Extent Review. Except if it is a utility owned by an entity other than a political subdivision, then the application must be made by the utility, not the Public Utilities Commission.

   The following Projects shall be subject to Location and Extent Review:

   a. Roads, parks, or other public way, ground, or space;

   b. Public Buildings or structures;

   c. Public utilities, whether publicly or privately owned, unless the Public Utility project is a designated activity of State interest subject to permitting pursuant to C.R.S. § 24.65.1-501; and

   d. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, sale, lease, or acquisition of land for any road, park, or other public way, ground, place, property, or structure; and

   e. Public and charter schools;

2. The Location and Extent Review of a request to vacate a County road or public right-of-way pursuant to section 4-108 may be combined with any request being processed through this section.

B. Review Process.

Applications for a Location and Extent Review shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. The Planning Commission shall either approve or disapprove the application for a Location and Extent Review based on general conformance with the Comprehensive Plan.

2. In the event the Planning Commission finds the application is not in general conformance with the Comprehensive Plan and disapproves the application, the following apply:

   a. For public and charter school projects, the Planning Commission may request a Public Hearing before the board of education, pursuant to C.R.S. § 22-32-124(1)(a) or (1.5)(a).

   b. For all other projects, the Applicant may appeal the disapproval to the applicable governing body in accordance with C.R.S. § 30-28-110(1)(b) or (c).

C. Review Criteria.

The Planning Commission shall determine whether the project is in general conformance with the Comprehensive Plan.

4-112. CALL-UP TO THE BOCC.

A. Overview.

Where permitted by the Code, a call-up may be initiated by the BOCC, the Director, the Applicant, or any affected Adjacent Property Owner.

B. Review Process.

Call-ups shall be processed according to Table 4-102., Common Review Procedures and Required Notice, with the following additions:

1. A request for a call-up shall be submitted in writing to the Director within 10 days of the decision being challenged.
2. The request for a call-up will be scheduled at a Public Meeting at the next available BOCC meeting. At this meeting, the BOCC shall, by a majority vote, decide whether to review the Director's decision.
3. Should it be decided that BOCC will review the Director's decision, the BOCC shall schedule a Public Hearing and provide notice as required in the original application. Should it be decided that the Director's decision will not be reviewed, the Director's decision shall be final.

C. Review Criteria.

The BOCC shall apply the same review criteria under which the original application was processed.

4-113. REZONING.

A. Overview.

1. Applications for rezoning shall be reviewed and a recommendation made by the Planning Commission, and decided by the BOCC.
2. Rezoning may be initiated by the BOCC, the Planning Commission, the Director, or the owner of the subject property.
3. The rezoning request may be processed concurrently with a Land Use Change application and review process.

B. Review Process.

Applications for rezoning shall be processed according to Table 4-102, Common Review Procedures and Required Notice.

C. Review Criteria.

An application for rezoning shall demonstrate with substantial evidence that an error exists in the Official Zone District Map, or meet the following criteria:

1. The proposed rezoning would result in a logical and orderly development pattern and would not constitute spot zoning;
2. The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area;
3. The proposed rezoning addresses a demonstrated community need with respect to facilities, services, or housing; and
4. The proposed rezoning is in general conformance with the Comprehensive Plan and in compliance with any applicable intergovernmental agreement.

4-114. CODE TEXT AMENDMENT.

A. Overview.

1. Applications for an amendment to the Land Use and Development Code shall be reviewed and a recommendation made by the Planning Commission, and decided by the BOCC.
2. Amendments to the text of this Code may be initiated by the BOCC, the Planning Commission, the Director, or an Applicant owning property that is subject to the proposed text change. The Garfield County Housing

Authority may also initiate changes to the text of this Code that are specifically related to Article 8 of this Code.

B. Review Process.

Applications for a Code text amendment shall be processed according to Table 4-102, Common Review Procedures and Required Notice.

C. Review Criteria.

An application for a land use code text amendment shall meet the following criteria:

1. The proposed text amendment is in compliance with any applicable intergovernmental agreements; and

2. The proposed text amendment does not conflict with State law.

4-115. VARIANCE.

A. Overview.

1. Applications for variance shall be reviewed and decided by the Board of Adjustments.

2. Variances are deviations from certain zoning dimensional requirements of this Code 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 on the owner of the property.

B. Review Process.

Applications for a variance shall be processed according to Table 4-102, Common Review Procedures and Required Notice.

C. Review Criteria.

The following standards shall be satisfied for approval of a request for variance from specific regulatory provisions of this Code:

1. Special Circumstances or Conditions Exist. One or more of the following circumstances or conditions exist with respect to the specific property:

a. Exceptional narrowness, shallowness, or shape of the property at the time of the enactment of the regulation in question;

b. Exceptional topographic conditions of the property; and

c. Other extraordinary and exceptional situations or conditions of the property.

2. Not a Result of the Actions of Applicant. The special circumstances and conditions have not resulted from any act of the Applicant.

3. Strict Application Consequence. Because of the special circumstances and conditions found pursuant to section 4-115.C.1., the strict application of the regulation would result in peculiar and exceptional, practical difficulties to, or exceptional and undue hardship on, the owner of the property.

4. Variance is Necessary for Relief. The granting of the variance from the strict application of the provisions set forth in this Code is necessary to relieve the owner of the peculiar and exceptional, practical difficulties or

exceptional and undue hardship.

5. Not Detrimental to the Public Good. Granting the variance will not cause substantial detriment to the public good.

6. Variance Will Not Impair the County's Zoning. Granting the variance will not substantially impair the intent and purpose of this Code.

4-116. ADMINISTRATIVE INTERPRETATION.

A. Overview.

The Director shall make Administrative Interpretations to this Code when asked by any person to clarify or interpret any part of this Code.

B. Review Process.

An Administrative Interpretation shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. Written Request. The person requesting the Administrative Interpretation shall provide a written request to the Director that contains the provision within the Code in which the person is requesting the interpretation and any evidence the person has that may assist in an interpretation.

2. Within 10 business days, the Director shall issue in writing, an Administrative Interpretation for the provision of the Code in question. The written response shall include a summary of the facts and the rational supporting the interpretation.

C. Review Criteria.

The Director shall use the best facts and evidence available to make an Administrative Interpretation of this Code.

4-117. ADMINISTRATIVE INTERPRETATION APPEAL.

A. Overview.

An appeal may be taken to the Board of Adjustments by any person aggrieved by a final written Administrative Interpretation of this Code by the Director.

B. Review Process.

An appeal of an Administrative Interpretation of the Code shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications.

1. Application. The appeal shall be filed with the Director within 30 calendar days of the date of the final written Administrative Interpretation.

2. Written Notice of Decision. The Director shall provide the Applicant with a copy of the recorded resolution setting forth the Board of Adjustments' decision within 30 calendar days of the date of the decision.

C. Review Criteria.

The Board of Adjustments shall consider the following criteria in hearing an appeal of an Administrative Interpretation of this Code:

1. The technical meaning of the provision being appealed;

2. Evidence as to the past interpretation of the provision; and

3. The effect of the interpretation on the intent of this Code.

4-118. WAIVER OF STANDARDS.

A. Overview.

This section allows an Applicant to request a waiver of standards in Article 7 as part of Land Use Change Permit process.

B. Review Process.

A request for waiver of standards shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. An Applicant applying for a waiver shall present and justify the waiver request as part of the application. Failure to make a timely request for a waiver may result in a staff recommendation to the Decision-Making Body that the request should be denied. Final approval of any proposed waiver shall be the responsibility of the Decision-Making Body of the Land Use Change application.

2. An approved waiver shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

C. Review Criteria.

A waiver may be approved if the Applicant demonstrates that the following criteria have been met by the proposed alternative:

1. It achieves the intent of the subject standard to the same or better degree than the subject standard; and

2. It imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this Code.

4-119. ACCOMMODATION PURSUANT TO THE FEDERAL FAIR HOUSING ACT.

A. Overview.

1. The purpose of this process is to provide persons with disabilities or handicaps seeking equal access to housing under the Federal Fair Housing Act a procedure to request accommodations in the application of land use regulations, policies, and procedures.

2. A request for an accommodation allows an individual with a disability or handicap, his or her representative, or a developer or provider of housing for individual with disabilities, to seek relief from any land use regulation or procedure in this Code that may be necessary to ensure equal access to housing for an individual with a disability.

3. Requests for accommodation may be submitted by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability.

B. Review Process.

Request for accommodation shall be processed according to Table 4-102, Common Review Procedures and Required Notice, with the following modifications:

1. A request shall be submitted in writing on a form provided by the Community Development Department, or in another manner deemed acceptable by the Director, along with any additional information required.

2. Notice. The Applicant shall mail notice of the Public Hearing consistent with section 4-101.E.

3. Decision.

a. The BOCC shall approve, conditionally approve, or deny any request for reasonable accommodation and shall provide notice of this decision in writing to the Applicant.

b. If the request is associated with a Land Use Change Permit or a division of land, the accommodation request and the land use application shall be submitted to and acted upon by the BOCC.

c. Prior to the issuance of any permits relative to an approved accommodation, the BOCC may require the Applicant to record a covenant with the County Clerk and Recorder's Office acknowledging and agreeing to comply with any terms and conditions established in the decision. The covenant shall be required only if the BOCC finds that a covenant is necessary to provide notice to future owners that an accommodation has been approved.

4. Duration of Approval and Expiration.

a. If the BOCC approves or conditionally approves the request, the request shall be granted to an individual and shall not run with the land unless the BOCC also finds that the modification is physically integrated into the structure and cannot be easily removed or altered to comply with the Code.

b. The accommodation may continue to be used and maintained by the individual with a disability for the duration of his or her tenancy in the dwelling subject to 4.a., above.

c. Within 60 calendar days of the termination of tenancy, the reasonable accommodation shall be removed unless the BOCC has determined that the accommodation may remain as provided in section 4-119.C.

C. Review Criteria.

To approve a request for an accommodation, the BOCC must find the accommodation is consistent with the Fair Housing Act and both reasonable and necessary considering the following. The County may impose any condition of approval to ensure that the accommodation would be reasonable.

1. The dwelling unit, which is the subject of the request for accommodation, will be used by an individual or a group of individuals with a disability or handicap protected under the Fair Housing Act.

2. The requested accommodation is necessary to make the dwelling available to an individual with a disability protected under the Act.

3. The requested accommodation would not require a fundamental alteration to the land use, zoning, building, fire, or safety codes adopted by the County.

4. The requested accommodation would not impose an undue financial or administrative burden on the County.

5. There are no alternative reasonable accommodations available that would provide an equivalent level of benefit.

6. The accommodations would be suitable based on the circumstances of this particular case.
7. If applicable, the request would be consistent with the Comprehensive Plan future land use designation and with the general purpose and intent of the zoning district in which the accommodation would be located.
8. The requested accommodation will not substantially affect the physical attributes of the property.

DIVISION 2. GENERAL SUBMITTAL REQUIREMENTS.

4-201. APPLICATION MATERIALS.

A. Required Submissions.

This Division identifies the application materials required by this Code, including some submittal materials required for Article, 5, Divisions of Land.

B. Additional Submissions.

The required application materials are identified below in Table 4-201. In addition, the Director, in his or her discretion, may request any additional information necessary to adequately review an application and to determine compliance with the standards of this Code.

Table 4-201: Application Submittal Requirements

Section	Application Type	B General Application Materials	C Vicinity Map	D Site Plan	E Grading and Drainage Plan	F Landscape Plan	G Impact Analysis	H Rezoning Justification Report	I Statement of Appeal	J Development Agreement [1]	K Improvements Agreement [2]	L Traffic Study	M Water Supply/Distribution Plan	N Wastewater Man./treat Plan	O Floodplain Analysis	Written Narrative/ Additional Submissions
4-103	Administrative Review	✔	✔	✔	✔	✔	✔			✔	✔	✔	✔	✔		
4-104	Limited Impact Review	✔	✔	✔	✔	✔	✔			✔	✔	✔	✔	✔		
4-105	Major Impact Review	✔	✔	✔	✔	✔	✔			✔	✔	✔	✔	✔		
4-106	Amendment to an Approved LUCP	✔														Amendment Description, subject to Minor or Substantial Modification determination per section 4-106.
4-107	Minor Temporary Housing Facility	✔		✔									✔	✔		See Section 4-301 for additional submittal requirements.
4-108	Vacation of a County Road or Public ROW	✔														See Section 4-302 for additional submittal requirements.
4-109	Development in 100-Year Floodplain	✔	✔	✔											✔	
4-110	Develop. 100-Year Floodplain Variance	✔	✔	✔											✔	Statement of request and response to standards.
4-111	Location and Extent Review	✔		✔												Demonstration of general conformance with the Comp. Plan and compliance with any applicable IGAs.
4-112	Call-Up to the BOCC								✔							Application materials as determined by Director.
4-113	Rezoning	✔	✔				✔									Legal description of property.
4-114	Code Text Amendment	✔														Written description of amendment and justification.
4-115	Variance	✔		✔												Statement of request and response to standards.
4-116	Administrative Interpretation	✔														
4-117	Administrative Interpretation Appeal.								✔							
4-118	Waiver of Standards															Submitted with companion application.
4-118	Accommodation, Federal Fair Housing Act	✔														

[1] A development agreement will be required for any project for which the Applicant is requesting a vested rights period longer than 3 years.
[2] An improvements agreement may be required for any project for which public improvements are necessary.

4-202. WAIVER OF SUBMISSION REQUIREMENTS.

A. Overview.

The Director may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary in determining whether the application satisfies applicable standards. A waiver shall apply only to the specific application for which it was requested and shall not establish a precedent for approval of other requests.

B. Review Process.

1. Applicant shall request the waiver of a submission requirement in writing as part of an application submission.

2. The Director shall review the request as part of the completeness review and make a determination regarding whether to waive or require the information. The Director may refer the waiver request to the BOCC for consideration at a Public Meeting.

3. The Director shall notify the Applicant in writing of the determination whether to waive submission requirements and include a summary of the decision in the staff report.

4. The Director's determination regarding waiver of submission requirements is subject to call-up pursuant to section 4-112.

C. Review Criteria.

A waiver request shall be considered based on the following criteria:

1. The Applicant shows good cause for the requested waiver;

2. The project size, complexity, anticipated impacts, or other factors support a waiver;

3. The waiver does not compromise a proper and complete review; and

4. The information is not material to describing the proposal or demonstrating compliance with approval criteria.

4-203. DESCRIPTION OF SUBMITTAL REQUIREMENTS.

A. Professional Qualifications.

The professional qualifications for preparation and certification of certain documents required by this Code are as follows:

1. Civil Engineer. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils grading, roads, traffic study, structures, and other civil engineering required to satisfy the development standards of this Code must be certified by a professional engineer qualified in the specific discipline and licensed by the State of Colorado.

2. Surveyor. All documents containing land survey descriptions must be certified by a licensed Colorado Professional Land Surveyor.

3. Geologist. Geology reports shall be prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, or a qualified geotechnical engineer licensed in the State of Colorado.

4. Wildlife Expert. Wildlife impact reports shall be prepared by a qualified wildlife biologist.

5. Water Supply Expert. A professional engineer licensed to practice in the State of Colorado qualified to perform such work.

6. Other. Other professionals retained by Applicant to provide studies and analysis required by this Code shall demonstrate qualification in the specific field, to the satisfaction of the reviewing body.

B. General Application Materials.

The following basic materials are required for all applications for a Land Use Change Permit, including division of land.

1. Application Form. Application forms for a Land Use Change Permit shall be obtained from the Community Development Department. Completed application forms and accompanying materials shall be submitted to the 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 representative acting through written authorization of the owner.

a. Authorized Representative. 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.

c. Applicant is an Entity. If the Applicant is an entity or a trust, the Applicant shall submit a letter consenting to submission of the application signed by a person authorized to encumber the property and a recorded Statement of Authority for that person.

2. Ownership. The application shall include a deed or other evidence of the owner's fee title interest in the land for which a Land Use Change is proposed.

3. Adjacent Property Owners and Mineral Owners and Lessees. If an application requires mailed notice, the application shall include the following:

a. A list and a map of real property, the owners of record and mailing address, within a 200-foot radius of the subject parcel as shown in the Office of the County Clerk and Recorder. Said list shall be generated at least 15 days prior to sending public notice.

b. A list of mineral estate owners in the Subject Site, their name, and the mailing address for each owner or lessee.

4. Fees. Any application for a Land Use Change Permit must be accompanied by the appropriate fees. A schedule of fees is available through the Community Development Department. An estimated range of any potential fees will be disclosed in the pre-application conference summary. This estimate is nonbinding.

a. The costs of consultant and referral agency review are the responsibility of the Applicant.

b. 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.

c. The County may suspend the application review process pending payment of consultant costs.

5. Project Description. A description of the project including a statement of need, and detailed information about the project such as timeline for development, hours of operation, number of employees, project size (acreage of the site), size of proposed buildings and structures (sq. footage, height), similar related attributes such as parking lot size, access roadway information, and overall capacity (i.e. gallons, barrels) or numbers of units or equipment (i.e. number of residential units, number of compressor units, pipeline size/length etc.), and an explanation of all functional aspects of the proposed facility such as the processes, activities, function, operations and maintenance that will occur as part of the project,

6. General Requirements for Maps and Plans. The following are general requirements for any map or plan submitted under the application and review procedures of this Code:

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; and

d. Date of preparation, revision box, written scale, graphic scale, and north arrow.

7. Combination of Map and Plan Requirements. Applicant may request at a pre-application conference to combine various plan and specification requirements of this section into a single submission. The Director may allow combination of the plan requirements if:

a. The information requested to be combined is similar;

b. The requirements can be clearly mapped or drawn; and

c. The Code requirements and sections can be labeled or otherwise clearly identified.

8. Applications for Major Projects. The Director shall inform the Applicant of any project that may include 200 or more employees of the additional application requirements, including:

a. Estimated construction schedule;

b. Number of employees for construction and operating work force;

c. Direct and indirect tax bases and revenues associated with the project; and

d. Total direct and indirect population associated with the project, including the rate, distribution, and demographic characteristics of the population change.

C. Vicinity Map.

An 8-inch by 11-inch Vicinity Map locating the parcel in the County. The Vicinity Map shall clearly show the parcel and the boundaries of the subject site and all property within a 3-mile radius of the subject parcel.

D. Site Plan.

Site Plans shall be scaled at 1-inch to 200 feet for properties exceeding 16 acres in size, or 1 inch to 100 feet for properties less than 16 acres in size. The Director may require, or the 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:

1. Legal description of the subject parcel;

2. Boundary lines, corner pins, and dimensions of the subject site for the proposed Land Use Change Permit, including land survey data to identify the subject site with section corners, distance, and bearing to corners, quarter corners, township, and range;

3. Existing and proposed topographic contours at vertical intervals sufficient to show the topography affecting the development and storm drainage;

4. 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 off-site features of the same type that influence the development;

5. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turnarounds, sidewalks, and paths, shown by location and dimension;

6. Existing and proposed roads, railroad tracks, irrigation ditches, fences, and utility lines on or adjacent to the parcel, shown by location and dimension;

7. Users and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension;

8. Area of the individual parcels, and the total square feet of existing buildings, driveways, and parking area;

9. Zone district in which the site is located;

10. Location and dimension of all structures, existing and proposed, and distance of structures from property lines;

11. Elevation drawings showing existing grade, Finished Grade, and height of the proposed structures above existing grade;

12. Location and size of leach field, sewer service lines, and treatment facilities to serve the proposed use;

13. The source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed use; and

14. Location and size of signs for the purpose of identification, advertising, and traffic control.

E. Grading and Drainage Plan.

The Grading and Drainage Plan shall include the following elements:

1. 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 Floodplain boundaries.

2. Drainage Structures.

a. Locations of existing and proposed drainage structures or natural drainage features affecting site drainage on the parcel and within 10 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.

b. Preliminary engineering design and construction features for drainage structures to be constructed.

3. Topography. Existing topography at reasonable contour intervals to provide necessary detail of the site. The map should extend a minimum of 10 feet beyond the property line and show the location of the property line.

4. Grading Plan. A grading plan showing the proposed topography at reasonable contour intervals that provides 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.

5. Soil Stockpile and Snow Storage Areas. Probable locations of soil stockpiles and snow storage areas.

6. Drainage Plan. Proposed drainage plan.

7. Equipment Storage Areas. Location of storage areas designated for equipment, fuel, lubricants, chemical, and waste storage with an explanation of spill containment structures.

8. Temporary Roads. Location of temporary roads designed for use during the construction period.

9. Areas of Steep Slope. Areas with Slope of 20% or greater shall be identified by location and percentage of Slope, both for the existing site conditions and within the developed area.

10. 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.

11. Permanent Stabilization. A brief description of how the site will be stabilized after construction is completed.

12. 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.

13. Estimated Cost. Estimated total cost, including installation and maintenance, of the required temporary soil erosion and sediment control measures.

14. Calculations. Any calculations made for determining rainfall, Runoff, sizing any sediment basins, diversions, conveyance, or detention/retention facilities.

15. Neighboring Areas. A description of neighboring areas with regard to land use and existing pertinent features such as lakes, streams, structures, roads, etc.

16. Stormwater Management. A description of the stormwater management planning concept for the site, including both structural and nonstructural best management practices.

17. Stormwater Management Plan. Copy of the stormwater management plan application to CDPHE with date of submittal.

18. Reclamation Plan. A reclamation plan consistent with the standards in section 7-207.

19. Hydraulic Calculations. Hydrologic, hydraulic, and all other calculations used to size and design drainage facilities and/or structural BMPs.

20. Maintenance Requirements. Maintenance requirements for all proposed BMPs should be discussed including access, schedules, costs, and designation of a responsible party.

21. Spill Prevention Control and Countermeasures Plan, if Applicable. A SPCC Plan will be required for any facility with the potential to discharge oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes, in quantities that may be harmful to navigable water and adjoining shoreline, per EPA regulations.

22. Additional Information or Detail. Other information or data and additional detail as may be reasonably required by the Director.

23. Signature Blocks. Signature block for owner or legal agent acknowledging the review and acceptance of responsibility, and a signature and stamped statement by the qualified individual acknowledging responsibility for the preparation of the Grading and Drainage Plan.

F. Landscape Plan.

Landscape Plans shall be scaled at 1 inch to 20 feet for properties exceeding 16 acres in size, or 1 inch to 10 feet for properties less than 16 acres in size. The Landscape Plan shall demonstrate compliance with section 7-303 and shall include, at a minimum, the following elements:

1. Topographic information at least 2-foot contour intervals;

2. Location of all lot lines and improvements to the property, and location of any easements of record;

3. Identification of all existing deciduous tree and coniferous trees of 6 inches 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; and specified seed mixtures;

4. An estimate of the cost of supplying and installing the materials depicted in the Landscape Plan; and

5. A description of the proposed program to maintain the landscaping after it has been installed.

G. Impact Analysis.

Where the proposed development will impact specific features of the site, the Applicant shall describe both the existing conditions and the potential changes created by the project. The Impact Analysis shall include a complete description of how the Applicant will ensure that impacts will be mitigated and standards will be satisfied. The following information shall be included in the Impact Analysis:

1. Adjacent Land Use. Existing use of adjacent property and neighboring properties within 1,500-foot radius.

2. Site Features. A description of site features such as streams, areas subject to flooding, lakes, high ground water areas, topography, vegetative cover, climatology, and other features that may aid in the evaluation of the proposed development.

3. Soil Characteristics. A description of soil characteristics of the site that have a significant influence on the proposed use of the land.

4. Geology and Hazard. A description of the geologic characteristics of the area including any potential natural or manmade hazards, and a determination of what effect such factors would have on the proposed use of the land.

5. Groundwater and Aquifer Recharge Areas. Evaluation 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.

6. Environmental Impacts. Determination of the existing environmental conditions on the parcel to be developed and the effects of development on those conditions, including:

   a. Determination of the long-term and short-term effect on flora and fauna;

   b. Determination of the effect on designated environmental resources, including critical wildlife habitat;

   c. Impacts on wildlife and domestic animals through creation of hazardous attractions, alteration of existing native vegetation, blockade of migration routes, use patterns, or other disruptions; and

   d. Evaluation of any potential radiation hazard that may have been identified by the State or County Health Departments.

7. Nuisance. Impacts on adjacent land from generation of vapor, dust, smoke, noise, glare or vibration, or other emanations.

8. Hours of Operation. The Applicant shall submit information on the hours operation of the proposed use.

H. Rezoning Justification Report.

A report that explains how the rezoning will satisfy the approval criteria for a rezoning set

forth in section 4-113.C., Review Criteria.

I. Statement of Appeal.

A written statement of the Director's decision to be called-up or the interpretation to be appealed, the date of that decision/interpretation, and the reasons why the Applicant/appellant believes that the decision/interpretation of the Director is incorrect, including any materials or evidence to support the call-up or appeal.

J. Development Agreement.

The BOCC may enter into a development agreement with the Applicant specifying the terms and conditions of approval for an extended vested rights period. The Applicant must submit a draft development agreement containing the following information, in a form acceptable to the County Attorney's Office. The development agreement shall be signed by the Applicant, the BOCC, and all owners of the subject property. The development agreement must include the following:

1. Phasing schedule; and

2. Language establishing a vested property right pursuant to the provisions of section 2-202, Establishment of Vested Property Rights.

K. Improvements Agreement.

1. Purpose. Whenever there are public improvements identified as requirements of project or Subdivision approval, the BOCC, prior to issuance of any Land Use Change Permit or approval of a Subdivision or Exemption Final Plat, shall require the Applicant to file a guarantee of financial security deemed adequate by the BOCC and payable to the County pursuant to Article 13, and to execute an improvements agreement. The purpose of the financial guarantee and improvements agreement is to ensure the following:

a. The project or development is completed, including reclamation of property to return the property to pre-existing conditions and remove structures to 1 foot below ground level;

b. The Applicant performs all improvements, mitigation requirements, and permit conditions in connection with the construction, operation, and termination of the project or development;

c. The Applicant addresses responsibility for increased demand on public facilities and services as a result of the construction, operation, and termination of the project or development; and

d. In the event that the project or development is suspended, curtailed, or abandoned, the County can complete the project or development and necessary improvements, or restore the property to its original condition or an acceptable condition at no additional cost to the County.

2. Compliance with Design Standards. The improvements shall adhere to design standards of the County or prevailing engineering practices as required by the BOCC.

3. Provisions for Timely Completion. The agreement shall make reasonable provision for completion of the specified improvements in a specified time period, with appropriate phasing, as a condition of acceptance by the BOCC.

4. Amount and Types of Security. Security shall equal in value the cost of improvements to be completed, but shall not be required on the portion of a development subject to Plat restriction. The amount of security may be incrementally reduced as improvements are completed. The improvements agreement may include any 1 or a combination of types of security or collateral, as approved by the BOCC, and the Applicant may substitute security in order to release portions of a Subdivision or Exemption for sale pursuant to C.R.S. § 30-28-101(11). A letter of credit or cash deposit is typically required for public improvements. Depending on the circumstances, however, the BOCC may accept the following types of security or collateral:

a. Restrictions on the conveyance, sale, or transfer of any lot, lots, tract, or tracts of land within the Subdivision or Exemption as set forth in the Plat or as recorded by separate instrument;

b. Performance or property bonds;

c. Private or public escrow agreements;

d. Loan commitments;

e. Assignments of receivables;

f. Liens on property;

g. Letters of credit;

h. Deposits of certified funds; and

i. Other similar surety agreements.

5. Necessary Provisions. The improvements agreement must address the following if applicable to the project:

a. Necessary deeds or transfer of property;

b. Provisions for construction of improvements;

c. Performance guarantees and letters of credit;

d. Payment of sewer and water tap fees;

e. Payment of any other necessary fees;

f. Transfer of water rights;

g. Transfer of roads and improvements, rights-of-way, and other common elements;

h. Agreements to provide digital and hard copies of “as built” plans;

i. Methods of providing perpetual maintenance of common property and equipment;

j. Provisions for a Homeowner Association, including final covenants/restrictions and HOA materials;

k. Process for amending the improvements agreement; and

l. Covenants and enforcement provisions.

L. Traffic Study.

Assessment of traffic impacts is required based upon a Traffic Study prepared in compliance with this section.

1. Type of Study Required.

a. The Traffic Study shall be comprised of a basic Traffic Analysis utilizing existing County traffic counts as mapped, the Manual on Uniform Traffic Control Devices, accepted Trip Generation manuals, and current standards as applied by the CDOT.

b. The Traffic Study may also include a detailed Traffic Analysis if the Director determines that any 1 of the following thresholds is exceeded:

(1) Traffic volumes projected at any intersection when a State or Federal highway exceeds current volumes by 20%, as determined by CDOT using current traffic counts and CDOT-approved methodology;

(2) Traffic volumes projected on any County road segment exceed current volumes by 20%; or

(3) Traffic volumes on any road segment identified or contained within an approved municipal street plan within a 1-mile radius exceed current volumes by 30%.

c. Study Preparation. The Traffic Study shall be prepared by a qualified professional engineer, experienced in transportation engineering.

d. Revisions to Traffic Study. Revisions to the Traffic Study shall be provided as required by the County. The need to require revisions will be based on the completeness of the Traffic Study and the thoroughness of the evaluation.

2. Basic Traffic Analysis. The Basic Traffic Analysis shall include the following information:

a. A map or maps depicting the parcel or activity area and showing the following information:

(1) Existing and proposed internal roads, adjoining roads, access points, and access points for the finished development;

(2) All County roads within a 1-mile radius of the development;

(3) The nearest proximate intersections with State or Federal highways likely to receive traffic impacts from the development; and

(4) Activity areas for construction activity.

b. A narrative description of existing land uses on the parcel, including the following information:

(1) Current Trip Generation estimates at existing access points;

(2) County driveway permits for the access points and status;

(3) Permit requirements for access to a State highway, railroad crossings, and status;

(4) All access easements and information regarding the legal status of these easements; and

(5) Other appropriate current traffic information and legal constraints that may apply.

c. A narrative description of proposed land uses and Trip Generation projections for each use, based on current Trip Generation manuals or other credible and defensible analysis. Trip Generation projections shall be required for both the construction phase(s) and for the completed development, with a breakdown of traffic into categories of heavy trucks and other vehicle types for existing, temporary, or proposed new access points.

d. A narrative description of the construction phase(s) of the development, including the following:

(1) Staging and storage areas;

(2) Temporary access points;

(3) Duration, types, and frequency of heavy truck traffic;

(4) Access road segments to be impacted;

(5) Projected lane closures or traffic interruption, and a statement of mitigation measures that will be applied to minimize disruption and damage; and

(6) All County or State permits that will be required.

e. Map depicting existing Average Daily Traffic count information for all County road segments and State or Federal highway intersections, at the appropriate map scale. The map shall also include the following information:

(1) The likely increase in Average Daily Traffic of trucks for construction activity and Average Daily Traffic for the completed development; and

(2) Where a development has 2 or more access points, the anticipated trip distribution and assignment for each access point, supported by a narrative describing rationale for the projected allocation of trips by access points and road segment.

3. Detailed Traffic Analysis. In addition to the information provided in the Basic Traffic Analysis, the following information shall be provided in a Detailed Traffic Analysis. The Detailed Traffic Analysis must show the highest probable volumes from the proposed uses and densities to be allowed at build-out. The Detailed Traffic Analysis shall include an analysis of the existing and proposed levels of service and shall address adequacy of capacity for the proposed use, and any additional information 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 20% 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 20% shall be characterized by 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 be characterized by 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 dedicated or constructed relating to traffic control and accommodation (i.e., dedicated 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 necessary to maintain a level of service C, per the Highway Capacity Manual and for any County intersections necessary to maintain a level of service D.

c. A narrative description and Site Plans shall be provided for improvements for any State highway intersections deemed necessary by CDOT. The County is not required to approve any development where facilities in place are not adequate to serve the proposed use.

d. Calculation of County road impact fees due for the proposed development and any off-site costs identified that are not already part of the currently-approved County 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 capital improvements plan. For projects that are identified in the County capital improvements plan, the Applicant may propose the County move the project forward in time or priority in light of a cost-sharing arrangement.

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;

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; and

g. Any proposed noise barrier or sound wall improvements.

M. Water Supply and Distribution Plan.

1. Water Supply. For the purposes of this plan, 1 Single-Family Equivalent (SFE) shall equal 350 gallons of water per day, regardless of the type of use.

a. Water Supplied by a Water Supply Entity. Any development that will be served by a Water Supply Entity shall submit a letter prepared by the engineer of the Water Supply Entity, stating whether the Water Supply Entity is willing to commit and has the ability to provide an Adequate Water Supply for the proposed development.

(1) At a minimum, the letter shall include:

(a) An estimate of the water supply requirements for the proposed development through build-out conditions;

(b) A description of the physical source of water supply that will be used to serve the proposed development;

(c) An estimate of the amount of water yield projected from the proposed water supply under various hydrologic conditions;

(d) Water conservation measures, if any, that may be implemented within the proposed development;

(e) Water demand management measures, if any, that may be implemented to address hydrologic variations; and

(f) Such other information as may be required by the BOCC.

(2) In the alternative, an Applicant shall not be required to provide a letter if the water for the proposed development is to be provided by a Water Supply Entity that has a water supply plan that:

(a) Has been reviewed and updated, if appropriate, within the previous 10 years by the governing board of the Water Supply Entity;

(b) Has a minimum 20-year planning horizon;

(c) Lists the water conservation measures, if any, that may be implemented within the service area;

(d) Lists the water demand management measures, if any, that may be implemented within the development;

(e) Includes a general description of the Water Supply Entity's water obligations;

(f) Includes a general description of the Water Supply Entity's water supplies; and

(g) Is on file with the local government.

b. 14 SFE or Fewer. Developments that require water for 14 SFE or fewer and will not be served by a Water Supply Entity shall provide a plan that describes how the water supply will be sufficient for build-out of the proposed development in terms of water quality, quantity, dependability, and availability. In determining adequacy of the proposed water supply, the following considerations shall apply in addition to requirements of the State Engineer and County Public Health Department:

(1) The average daily demand of the entire service area and the proposed development shall accommodate peak demands to service the total development population and shall account for any irrigation or agricultural uses.

(2) The average daily demand for commercial and industrial uses shall be reviewed based on the anticipated demand of the proposed development, based on standard engineer's criteria.

(3) The demand for irrigation water shall be based upon the type of vegetation to be maintained, soil characteristics, the historic yield of the property, and available water rights.

(4) The water supply demand for fire protection shall be based upon recognized and customary engineering standards and requirements of the applicable fire protection district. Subdivision developments shall comply with the provisions of section 7-109, Fire Protection.

(5) For projects served by wells:

(a) A minimum 4-hour pump test shall be performed on the well(s) to be used. The results of the pump test shall be analyzed and summarized in a report, including basic well data (size, depth, static water level, aquifer, etc.) pumping rate, draw down, recharge, and estimated long-term yield. The report shall be prepared by a qualified professional engineer or ground water hydrologist and shall include an opinion that the well will be adequate to supply water for the proposed uses. The report shall also address the impacts to ground water resources in the area.

(b) If a well is to be shared, an Applicant shall submit a legal well-sharing declaration addressing all easements and costs associated with operation and maintenance of the system and identifying the person responsible for paying costs and how assessment will be made for those costs.

(c) Water quality shall be tested by an independent testing laboratory for the following contaminants: alkalinity, arsenic, cadmium, calcium, coliform bacteria, chloride, conductivity, copper, corrosivity, fluoride, hardness, iron, lead, magnesium, manganese, nitrate/nitrite, pH, sodium, sodium adsorption ratio, sulfate, total dissolved solids, uranium, zinc and alpha/beta radioactivity. Additional testing may be required for other contaminants that occur within the County. The results shall show that the Maximum Contaminants Levels (MCLs), as set forth by the CDPHE within the Colorado Primary Drinking Water Standards, are not exceeded, or the Applicant has otherwise identified a treatment system that will bring the water within acceptable MCLs. Annual testing, testing for other contaminants, and testing for secondary drinking standards including taste, odor, color, staining, scaling, and corrosion is also recommended.

c. Greater than 14 SFE. Developments that require water for greater than 14 SFE and that will not be served by a Water Supply Entity shall provide a plan that describes the following:

(1) An estimate of the water supply requirements for the proposed development through build-out conditions.

(2) A description of the physical source of water supply that will be used to serve the proposed development.

(3) An estimate of the amount of water yield projected from the proposed water supply under various hydrologic conditions.

(4) For projects served by wells:

(a) A minimum 4-hour pump test shall be performed on the well(s) to be used. The results of the pump test shall be analyzed and summarized in a report, including basic well data (size, depth, static water level, aquifer, etc.) pumping rate, draw down, recharge, and estimated long-term yield. The report shall be prepared by a qualified engineer or ground water hydrologist and shall include an opinion that the well will be adequate to supply water for the proposed uses. The report shall also address the impacts to ground water resources in the area.

(b) If a well is to be shared, an Applicant shall submit a legal well-sharing declaration addressing all easements and costs associated with operation and maintenance of the system and identifying the person responsible for paying costs and how assessment will be made for those costs.

(c) Water quality shall be demonstrated by complying with CDPHE's drinking water standards or all Development Permits requiring a water demand of 14 SFE or greater.

(5) Water conservation measures, if any, that may be implemented within the development.

(6) Water demand management measures, if any, that may be implemented within the development to account for hydrologic variability.

(7) Evidence of ownership or right of acquisition of or use of existing and proposed water rights.

(8) Such other information as may be required by the BOCC.

d. Development That is a Division of Land. If the development is a division of land and is not served by a Water Supply Entity, the plan shall include all the information required in section 4-203.M.1.b. or section 4-203.M.1.c. depending on SFE, as well as the following evidence required by C.R.S. § 30-28-133(3)(d):

(1) Historic use and estimated yield of claimed water rights;

(2) Amenability of existing rights to a change of use;

(3) Evidence that private water owners can and will supply water to the proposed Subdivision stating the amount of water available for use within the Subdivision and the feasibility of extending service to that area; and

(4) Evidence concerning the potability of the proposed water supply for the Subdivision.

2. Water Distribution. For a water supply that serves 15 or more taps, or 25 people, or is located within 400 feet of an existing Central Water System and connection is practicable and feasible, a Central Water Distribution System is required. The system shall be designed by a qualified professional engineer licensed by the State of Colorado and shall be approved by the CDPHE and the County.

a. Sized for Initial and Future Demand. The water Distribution System shall be sized to meet both the initial and future demands of the proposed development.

b. Sized for Maximum Day Demand. The system shall be sized for maximum day demand plus fire or peak hour demand, whichever is greater.

(1) Unless otherwise approved by the County Engineer, maximum day demand shall be 3.0 times average day demand, and maximum hour demand shall be 6.0 times average day demand.

(2) Minimum residual pressures shall be 40 psi under maximum hour demands; 20 psi if direct flow is used.

(3) The actual pressure in the supply system under the conditions specified shall be used in designing the Distribution System. Assumed future supply pressures and points of connection for designing the system in all other cases shall be subject to the approval of the County Engineer. If future connection to a different supply system is anticipated, critical pressure in that system may be used as the starting design pressure.

c. Water Lines. Where dead-ends are proposed for cul-de-sacs, there shall be a fire hydrant or blow-off valve at the end of the line. Otherwise, all lines shall be looped with no dead-ends included in the system.

d. Stem Design. On-lot water supply stems shall be designed to minimize or eliminate infiltration.

e. Water Mains. All water mains shall be the minimum diameter necessary to the water demands for the project based on standard engineering criteria.

f. Quality and Material Specifications. Material specifications for all water Distribution Systems shall be approved by the County Engineer. Proposed specifications shall include the following:

(1) The strength rating for distribution piping and fittings with fire flow demand shall have a minimum safety factor of 4 times the anticipated internal operating pressure.

(2) The Distribution System shall be designed for a minimum service life of 50 years.

(3) The Distribution System shall have sufficient cover to prevent freezing.

N. Wastewater Management and System Plan.

1. Wastewater Management.

a. If the proposed land use is to be served by an existing public collection system and treatment facilities, evidence that provision has been made for adequate service to the proposed land use, in compliance with State and local regulations**.**

(1) Evidence that the existing collection system and treatment facilities can and will provide adequate service for the proposed land use.

(2) A letter of commitment for service from an authorized representative of the entity that owns and operates the system. The letter shall include evidence that the facility and system is adequate to serve the proposed land use.

(3) Description of the legal entity that owns and operates the collection and treatment facilities.

(4) Description of the proposed method of financing the collection and treatment facilities service to the proposed land use.

b. If On-Site Wastewater Treatment Systems (OWTS) are proposed, the following information shall be provided:

(1) Evidence that the OWTS will comply with the County's OWTS requirements and requirements of the CDPHE, Water Quality Control Commission;

(2) Documentation of soil percolation tests and other studies required to determine maximum seasonal groundwater level and depth to bedrock, in compliance with the County's Individual Sewage Disposal requirements;

(3) Test locations shall be indicated on the Plat;

(4) Tests shall be performed by a qualified professional engineer; and

(5) A proposed management plan for operation and maintenance of on-site systems.

c. If a new wastewater treatment facility is proposed, the following information shall be provided:

(1) A general description of the proposed collection system and treatment facilities;

(2) A copy of the completed Colorado Department of Health Waste Water Treatment Plant Site Location Approval Application;

(3) Description of the legal entity that will own and operate the collection and treatment facilities; and

d. Description of the proposed method of financing the collection and treatment facilities.

e. Wastewater System Design. A wastewater system shall be designed by a qualified professional engineer licensed by the State of Colorado, and reviewed by the Community Development Department. The system shall be designed in compliance with the standards established by the CDPHE. Site location approval shall be obtained from the Colorado Water Quality Control Commission for systems requiring their approval.

(1) The collection system shall not be designed for less capacity than the anticipated maximum daily sewage flow or treatment requirements. Where guidelines and standards are not available, the design intended for use shall be reviewed by the Community Development Department.

(2) Collection systems shall be designed and sized to comply with the guidelines and requirements of the applicable service provider. Approval of the proposed system by the service provider shall be a recommended condition of approval. Collection systems shall be sized to meet present and future demands of the proposed development. Oversizing for likely extensions may be required.

f. Occupancy Restrictions. Where connection to a central collection

and treatment system is proposed and approved, but not available until installation or expansion of such facilities is completed, no uses shall occupy the lot until the collection and treatment system is available to service the proposed use.

g. Repair and Maintenance. Adequate provisions for repair and maintenance of the wastewater system shall be required.

h. Public Systems. For proposed developments within 400 feet of an existing sanitary sewer main, the BOCC may require the subdivider to make provisions for the extension of service, including escrow funds for the installation of sewer mains and house connections, in addition to the installation of temporary individual on-site sanitary disposal systems.

i. Private Systems. If a public system is not available, a central on-site treatment plant and collection system or dry line with an OWTS may be used until the central system is available. The system shall be in compliance with appropriate municipal standards, and accepted by the County Public Health Department.

(1) Where a septic system or OWTS is allowed, it shall be comply with the County OWTS regulations.

(2) Where individual or central on-site treatment systems are proposed, lots shall be laid out to provide a suitable treatment area for each lot or grouping of lots in conformance with criteria established by the County.

(3) Where leach fields are proposed, evaluation of a suitable treatment area shall include soil suitability, slopes, surface hydrology, and water table depth, including anticipated variation with time.

(4) Percolation tests shall be sufficient to reasonably assure that each lot will have a suitable treatment area.

(5) Larger lots may be required to accommodate the capacity of the proposed treatment system.

(6) Each site in the development shall be capable of accommodating a septic system or accommodating an alternative engineered system in compliance with requirements of the County Public Health Department.

j. Minimum Lot Requirements for Private Systems. The proposed system shall comply with the minimum lot requirements set forth in Table 7-105. However, the minimum lot area may be increased and the number of uses permitted under the applicable zoning district may be decreased if the County Public Health Department determines that the proposed use of septic tanks or other individual sewage treatment facilities could result in a danger to public health.

O. Floodplain Analysis.

When a project is located within a Special Flood Hazard Area, if there is an indication or suggestion that a project is located in a SFHA, or if a project is a division of land or a PUD over 5 acres in size or proposes 50 lots or greater, the application must include a Floodplain Analysis.

1. Floodplain Specific Site Plan. The Applicant shall submit a Site Plan with specific information pertaining to the SFHA and 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. Any elevation information shall be provided in the North American Vertical Datum of 1988.

- **a.** Base Flood boundary and water surface elevations;
- **b.** Floodway boundary;
- **c.** Channel of water course;
- **d.** Existing and proposed topographic contours shown at vertical intervals of no greater than 2 feet;
- **e.** Elevation of the Lowest Floor, including Basement and garage, or each existing and proposed structure;
- **f.** Proposed elevations to which structures will be flood-proofed;
- **g.** Existing and proposed location, dimension, and elevation of proposed landscape alterations, structures, streets, water supply and any sanitation facilities;
- **h.** Boundaries and total land area of existing and proposed impervious surfaces, including structures; and
- **i.** Location of existing water supply ditches, irrigation ditches and laterals.

2. A certificate from a qualified professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria in section 3-301.C.2., Specific Standards for Nonresidential Construction.

3. An elevation certificate from a qualified professional engineer or architect that certifies that all residential construction and mechanical equipment will be at least 1 foot above BFE.

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. An engineer's report completed by a qualified professional engineer experienced in hydrology or hydraulics, using a methodology acceptable to FEMS or the CWCB, that address the standards in section 3-301.B-G. of this Code.

DIVISION 3. ADDITIONAL SUBMISSION REQUIREMENTS FOR SPECIFIC APPLICATION TYPES.

4-301. MINOR TEMPORARY HOUSING FACILITY.

A. Submission Requirements.

Applications for a Minor Temporary Housing Facility must include the following:

1. General application materials pursuant to . 4-203.B.

2. A Vicinity Map presented on a USGS 7.5-minute series quadrangle at a scale of 1 inch equals 2,000 feet or equivalent, with a topography depicted at a minimum of 40-foot intervals, and that indicates the following:

a. The section, township, and range of the subject parcel and the location of Minor Facility within the subject parcel and the Permitted Site;

b. General relation to surrounding public roads, private roads, adjacent utility systems, residential development, other actively permitted Minor and Major Facilities, natural drainage courses, and municipalities within 1 mile of the proposed Minor Facility;

c. North arrow and scale; and

d. GPS coordinates and current surface ownership of the subject lot.

3. Site Plan consistent with section 4-203.D. and including the following information:

a. The proposed location and anticipated layout for the Facility.

b. Site specific, surveyed maps depicting the location of the Facility, located within the Permitted Site within the subject parcel.

c. The dates of installation and removal for the Facility. The list shall also include the estimated total cumulative length of time that the Facility is anticipated to be installed at the proposed location.

d. The sewage and wastewater disposal, trash receptacles, potable water storage, all other associated infrastructure, and all other equipment located within the Permitted Site.

e. Identification of the private and public roadways accessing the Facility. Roadways shall be marked as open, gated, and/or locked (include combinations). Detailed directions, with mileage, shall be given from the nearest town within the County, nearest County Sheriff's Office dispatch location, and responsible fire district headquarters to each Minor Facility along each roadway.

f. The name, address, and phone number of surface owner of the subject lot or the Permitted Site if the Permitted Site is within the Resource Land Zone Districts.

g. The name, address, and phone number, including a 24-hour emergency response number of at least 2 persons responsible for the Operator's emergency field operations; contact numbers for local Hospitals, emergency response, fire protection districts, the County Sheriff's Office, Life/Care Flight, and applicable regulatory agencies; site safety/evacuation plan; and any other written

response plan for potential emergencies at the Permitted Site.

4. Sign-offs from the County Sheriff's Office, relevant fire protection district(s), and Community Development Department consistent with the requirements of this Code.

5. Use and Occupancy Certification.

a. A legible photo of the State Division of Housing Seal certifying the housing unit that will be used meets the use and occupancy per Building Code; or

b. Stamped certification by the State Department of Housing that the use and occupancy of the housing unit will meet the building and fire code requirements.

6. A description of infrastructure and services that will be provided at the site.

7. Evidence of the physical and legal water supply and a general description of the water system planned for potable water, along with details regarding number and volume of potable water tanks; source of water; name of hauler; hauler's CDPHE identification number; and copy of hauler's CDPHE certification, frequency of delivery, calculation of water demand, and demonstration of adequate capacity.

8. A general description of the system planned for collection and storage of sewage and wastewater, along with details regarding number and volume of sewage and wastewater vaults; name of hauler; frequency of pickup; identification of sewage disposal site; calculation of sewage and wastewater treatment demand; and demonstration of adequate storage and/or treatment capacity.

9. A general description of the system planned for collection and disposal of refuse, including number, type, and volume of collection containers; name of hauler; frequency of collection; and identification of refuse disposal site.

10. A list of adjacent surface owners, as identified in the records of the County Assessor or the Clerk and Recorder's Office, located within 200 feet of the subject parcel or 200 feet from the Permitted Site if the Permitted Site is within the Resource Land Zone Districts, and a list of separated mineral estate owners in the subject lot or the Permitted Site if the Permitted Site is within the Resource Land Zone Districts.

11. The name, title, address, phone number, and email address of the Operator's Compliance Officer or other authorized representative who is in charge of ensuring that the Minor Facility is in compliance with the standards outlined in this Code.

12. A form provided by the Community Development Department and signed by the Operator's Compliance Officer, indicating that the Minor Facility will be installed in accordance with all applicable County, relevant fire district, State, and Federal regulations.

13. A form, provided by the Community Development Department and signed by the Operator's Compliance Officer, indicating that the Operator submits to the enforcement provisions identified within this Code.

14. A copy of the permit from the State or Federal agency regulating the Permitted Site, identifying the location, conditions of approval, time period

for which the permit is valid, and the parameters for reclamation, and revegetation of the Minor Facility once the State or Federal permit for the Permitted Site has expired or is otherwise terminated.

4-302. VACATION OF A COUNTY ROAD OR PUBLIC RIGHT-OF-WAY.

A. Submission Requirements.

An application to vacate a County road or public right-of-way shall contain the following information:

1. A Vicinity Map showing the following:

- **a.** The location of adjacent properties and any structures within 20 feet of the boundaries of the vacation, including any publicly-owned land;
- **b.** Land uses for those adjacent properties;
- **c.** Location of all existing utilities in or adjacent to the proposed vacation;
- **d.** Existing road rights-of-way within a 20-feet radius of any proposed vacation; and
- **e.** A survey and map containing a legal description and graphic depiction of the proposed vacation suitable to be recorded in the County Clerk and Recorder's Office.

2. A description of the current condition of the road or right-of-way, a Traffic Analysis of current uses, a description of any gates placed upon the road or right-of-way, a description of the current and historic uses of the roadway, and the position of the Applicant concerning continued use of the roadway for nonmotorized public use.

3. A letter from any involved utility company stating the company's position on the proposed vacation.

4. A letter from any affected fire district stating that district's position on the need for maintaining the right-of-way for emergency use.

5. A statement indicating whether the proposed vacation has ever been established as a County road.

6. A title opinion from an attorney or title company stating the basis (deed, dedication, prescription, etc.) for the interest in the public or County.

7. A statement indicating whether the proposed vacation provides any access to public lands. (If the proposed vacation concerns a road or right-of-way that extends to public land, the application shall include evidence that all posting, publication, and notification required by C.R.S. § 43-2-201.1, has occurred at least 18 months prior to the date of submittal of the application.)

8. Names and addresses of all property owners adjacent to that portion of the right-of-way proposed for vacation, including any public land owners.