

## EXHIBIT A

### SEC. 62-5 DEFINITIONS

The following words, terms, and phrases shall have the following meanings when used in this code or that are otherwise used by the county in its review and disposition of land use issues.

**Sketch plan.** A conceptual plan or map of a proposed subdivision, planned unit development or other development, drawn and submitted in accordance with the requirements of adopted regulations, to evaluate compatibility and general design characteristics at an early state in the planning. A “sketch plan” as defined here is distinct from a “conceptual development plan” as required by this code, in that a sketch plan is typically more informal and more general than a conceptual development plan.

**Developed Area.** Those parts of a parcel that have been improved for an existing land use, including building coverage, parking and loading areas, service or storage yards, and other areas of commercial/industrial improvements.

### SEC. 66-21 MAJOR LAND USE PERMIT PROCEDURES

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**I. Applicability.** Section 66-7 outlines the land uses and development activities that require a major land use permit. These projects must be reviewed in the following order: sketch plan (unless exempt under paragraph 66-19.I.B), preliminary plan, and final plan.

A conceptual development plan is necessary for phased developments. This plan can be processed concurrent with the first phase of the preliminary plan. Each step is distinct and involves: submitting an application and fee, providing plans and reports, referring the proposal to other agencies, conducting staff analysis, work sessions and public meetings. As the process progresses, the level of design and engineering detail increases. This process helps avoid unnecessary expenses from redesign or revisions of costly reports. Approval at one stage does not guarantee approval at the next. Figure 66-21 A illustrates the required applications for major land use permit reviews.

**II. Common procedures for major land use permit preliminary plan.** Figure 66-21 B below identifies the application steps that apply to the review of a preliminary plan.

**III. Lapse of approval.**

- A. Lapse of approvals. An approved sketch plan will expire if the applicant does not submit the preliminary plan within one (1) year of the sketch plan’s approval by the PC. An approved preliminary plan shall expire if the applicant does not submit the final plan within one (1) year of the preliminary plan’s approval by the board.
- B. Lapse of phased elements. If the preliminary plan includes phased final plan approvals, failing to obtain approval for any phase within the specified time in the approved phasing plan will cause the preliminary plan to expire. For phased projects, approval of a final plan for any phase extends the preliminary plan’s validity according to the approved phasing plan. If not specified, it extends for an additional year from the most recent final plan approval. If successive final plans are not submitted within this one (1) year period, or the period specified in an approved phasing plan, the preliminary plan will expire for any parts of the subject property not covered by an approved final plan.

## **SEC. 66-19 SKETCH PLAN**

**I. Purpose.** A sketch plan allows the county, the applicant, and the public to evaluate and discuss the basic design, concept and suitability of the project. It assesses whether the project can substantially comply with this code and generally conform with the comprehensive plan. Where appropriate, the sketch plan process may explore alternative development approaches, allowing the proposal to evolve during the review. To encourage the consideration of alternatives, detailed engineering plans and other overly detailed information are not required, and if accepted by the county, will not be reviewed for compliance with applicable standards. A sketch plan may be an optional or required step in some land use permit and development processes but is not required for major oil and gas permits.

- A. All projects requiring a major land use permit must first complete the sketch plan review, unless the project is exempt.
- B. Exemptions. The following project types are exempt from the sketch plan process.
  - 1. Expansions of up to fifty (50) percent of the existing developed area, provided that the existing development has all required county permits for its current use and that the proposed expansion remains consistent with the original approval. This exemption does not apply to subdivisions.
  - 2. There is an applicable development agreement.
  - 3. There is an applicable conceptual development plan.
  - 4. Chapter 68, Planned Unit Developments, is applicable to the project.

Notwithstanding any exemptions provided herein, the applicant may elect to participate in the sketch plan process by submitting written notice to the director during or prior to a pre-application meeting.

**II. Common procedures.** A general description of the sketch plan steps is outlined below.

- A. Pre-Application. The applicant shall follow the pre-application process in accordance with section 66-10 and Table 66-15 to obtain a list of application requirements and the appropriate forms.
- B. Application Submittal. The applicant shall schedule an appointment with staff prior to submittal of the application. The applicant shall submit the application in accordance with the requirements of subsections 66-11.I and 66-19.V.
- C. Public Notice. The applicant and staff shall comply with all notice requirements pursuant to section 66-14.
- D. Application Review. The application shall be reviewed by staff based on the applicable approval criteria under this subsection 66-19.III below.
- E. Neighborhood Meeting (if required). The director may require a neighborhood meeting pursuant to subsection 66-11.IV.
- F. Staff Report. Staff shall prepare and distribute a written staff report in accordance with section 66-11. The staff report shall conclude with a recommendation of approval, approval with conditions, or denial of the application.
- G. Public Meeting Notice. Staff shall mail and public notice of the public meeting pursuant to section 66-14.
- H. PC Decision. The PC shall hold a public meeting and, at the close of the public meeting, act to approve, approve with conditions, or deny the application pursuant to section 66-12.

[Insert Figure 66-19: Summary of Sketch Plan Procedures.]

- III. **Approval Criteria.** At sketch plan, the decision-making body shall determine whether the proposed sketch plan is in general conformance with the criteria listed below, as well as any additional approval criteria that may be specific to the application type:
- A. The sketch plan must meet the intent of the compatibility criteria outlined in subsection 70-5.III.
  - B. The sketch plan shall identify potential cumulative impacts of the proposed use and/or density and present conceptual solutions to mitigate any identified adverse impacts.
  - C. The proposed use is in general conformance with adopted long-range planning documents, including the comprehensive plan and any applicable District Plans.
  - D. The site generally appears to have or will be able to acquire adequate infrastructure to provide water, sewage disposal and access proportional to the proposed use(s).
  - E. The development is able to avoid or mitigate any known natural hazards.
- IV. **Submittal requirements.** In addition to the general land use permit application submittal requirements set forth in section 66-11, applicants proposing a sketch plan shall submit the following:
- A. A sketch plan drawing on one (1) or more sheets illustrating the entire development. Detailed engineering plans and other detailed information shall not be required. The sketch plan shall include the following information:
    - 1. Uses proposed;
    - 2. Intensity or density of uses proposed;
    - 3. Proposed arrangement of lots;
    - 4. Location of open space;
    - 5. Location of existing and proposed buildings on the site;
    - 6. Existing layout of roads, streets, utilities, drainage and pedestrian facilities and the conceptual design for new or modified roads, streets, drainage and pedestrian facilities.
  - B. Concepts for mitigating potential adverse effects produced by the proposed development. These concepts shall be illustrated on the plan drawing(s) or described in writing, or both. The written description may be included as part of the narrative for the project application.
- V. **Effect of approval of sketch plan.**
- A. Limitation on approval. Approval of a sketch plan shall authorize the applicant to submit to the CDD an application for a minor land use permit or in the case of a major land use permit,

a preliminary plan. It shall not constitute final approval. Sketch plan approval vests no development rights.

- B. Approval and mitigation requirements. Approval of a sketch plan indicates that the proposal is conceptually capable of meeting the intent of subsection 70-5.III, subject to any mitigation measures that are deemed necessary. Any mitigation measures identified during the sketch plan review shall be addressed in the preliminary plan submittal. Additional mitigation measures may also be identified and imposed through the preliminary plan review.
- C. Expiration of approval. Approval of the sketch plan shall be null and void and automatically revoked unless, within one (1) year after the date of approval of the sketch plan, an application for a minor land use permit or in the case of a major land use permit, a preliminary plan is submitted to the CDD and deemed complete by the director.
- D. Extension of sketch plan approval. One (1) extension of time up to one (1) year may be approved by the director upon written request with good cause shown or due to unforeseen circumstances. The owner shall submit a written request for extension to the CDD no later than thirty (30) days prior to the date the sketch plan is set to expire.

**VI. Modification of an approved sketch plan.** An approved sketch plan shall not be materially altered, changed or otherwise modified except through the approval of a new sketch plan application. An applicant shall apply for an amendment to an approved sketch plan prior to submittal of an application for any land use permit requiring sketch plan approval. If, in the course of staff's compliance review of a land use permit requiring sketch plan approval, the director determines the preliminary plan or plat is no longer materially consistent with the approved sketch plan, the director shall notify the applicant in writing. If the applicant fails to amend the approved sketch plan, the application may be subject to remand by the board to the planning commission pursuant to section 66-16.

## **SEC. 66-29 CONCEPTUAL DEVELOPMENT PLANS**

**I. Purpose and applicability.** A conceptual development plan is designed for applicants proposing multi-phased projects. Its purpose is to allow early review of the phasing of a major development. A CDP is required for any major land use permit or major subdivision project that will be completed in multiple phases. A CDP shall be submitted prior to or concurrently with the preliminary plan or plat of the first phase of the project. The CDP process also ensures that each phase includes the necessary facilities and improvements to serve the development.

A CDP is a generalized plan illustrating the types of uses, densities, and proposed vehicle and pedestrian circulation systems within and leading to the proposed development site. Approval of a CDP results in a generalized land use plan for the proposed area. However, approval of a CDP does not grant final planning approval and grading, building, and construction permits may not be issued based on an approved CDP. Since the CDP only requires conceptual mitigation measures for design or engineering documents, its submission does not constitute an application for vested rights (section 66-13) or C.R.S. § 24-68-101 et seq.

**II. Procedures for review of conceptual development plan.** Figure 66-29 below outlines the application steps for reviewing a conceptual development plan.

**III. Approval criteria.** All CDP applications shall be reviewed for general consistency with the general approval criteria stated in section 66-16, but not for detailed compliance with development standards. The review will assess the applicant's concepts for mitigating potential effects of the proposed development in relation to the general approval criteria. For example, while proof of adequate water, sewer and access is not required at the CDP stage, the application shall include mitigation measures to address expected demands and impacts, such as documenting the available capacity of central water or sewer providers, the availability of well permits or plans for road improvements based on current access conditions.

**IV. Submittal requirements.** In addition to the general land use permit application submittal requirements in section 66-11, CDP applications must include the following:

- A. A conceptual development plan drawing on one (1) or more sheets illustrating the entire development, conceptual in nature, and at a minimum, including the following information prepared by qualified professionals with experience in land use, transportation, and utility planning and engineering:
  1. Uses proposed;
  2. Intensity or density of uses proposed;
  3. Proposed arrangement of lots;
  4. Location of open space;

5. Location of existing and proposed buildings;
  6. Existing layout of roads, streets, drainage and pedestrian facilities, the conceptual layout for new or modified roads, streets, utilities, drainage and pedestrian facilities;
  7. The proposed development phases.
- B. A phasing plan with a written description of each of the proposed phases detailing the type of development and necessary infrastructure improvements. This may be included as part of the project narrative.
- C. Concepts for mitigating potential adverse effects produced by the proposed development. These concepts shall be illustrated on the plan drawing(s) or described in writing, or both. The written description may be included as part of the narrative for the project application.

**V. Effect of approval.**

- A. Not a site specific development plan. An approved CDP does not constitute a "site specific development plan".
- B. Effect of approval. Approval of a CDP indicates those aspects of the proposed development shown on the plan. However, it is subject to further review and approval of a major subdivision or permit for all or a portion of the property, in one (1) or more phases, including conforming to all applicable development standards in place at the time of the subsequent application.
- C. Lapse of CDP approval. An approved CDP will expire if an application for subdivision or development of at least the first phase is not submitted within three (3) years of CDP approval, unless otherwise specified by the county in its approval of the CDP or phasing plan. If submitted within the required time frame, the approval for the remaining property subject to the CDP shall be extended for an additional three (3) years or as otherwise specified in the approved phasing plan. If the CDP expires, a new CDP is required before any future development of the parcel, following the procedures of this section. Adjustments or modifications to the CDP do not alter the original approval period, unless specified otherwise.

**VI. Modifications to an approved CDP.** A CDP shall not be altered, changed, or modified unless it qualifies for a permit adjustment under section 66-26. Applicants shall apply for an amendment to an approved CDP before submitting applications to commence development of any phase, or of a preliminary plat if the proposed phase or plat does not conform to the approved CDP.



## **SEC. 67-3 MAJOR SUBDIVISIONS**

**I. Applicability.** The major subdivision procedures shall be applicable to all land divisions into four (4) or more lots.

**II. Overview of necessary applications.** A major subdivision is subject to a sketch plan review by the PC and a preliminary plat review by the board, followed by the administrative review of the final plat. Each step is a distinct process involving the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, staff analysis and public hearings. At each step of the process, the design and engineering detail increases in order to relieve the applicant from major and potentially unnecessary expenses in situations that may require a redesign and a revision of expensive engineering or planning reports. A general description of these steps is outlined below. Approval at any step in the process does not ensure approval at the next step.

A. Sketch plan review provides an opportunity for the county, the applicant, and the public to engage in an exploratory discussion of a proposed land use change. The sketch plan process may explore alternative development approaches, allowing the proposal to evolve during the review. To encourage the consideration of alternatives and to allow the sketch plan to evolve, detailed engineering plans and other overly detailed information shall not be required by the county.

The review of a sketch plan shall follow the procedures set forth in section 66-19.

B. The preliminary plat phase of the review process is an evaluation of the design and engineering aspects of a proposed subdivision. Preliminary plat review requires the applicant to formulate detailed, designed/engineered solutions to the issues and concerns identified during sketch plan review, and to address, in a site-specific manner, all other issues that are relevant to the preliminary plat. All the technical aspects of the physical development of the proposed site will be evaluated to determine their compliance with required standards. The burden is on the applicant to provide detailed information and mitigation proposals for evaluation. The preliminary plat and final plat may be combined and processed together based upon consideration of the following factors: design, size, public facilities and services. Preliminary plat shall conform to any applicable conceptual development plan.

The review of a major subdivision preliminary plat shall follow the procedures for a preliminary plat set forth in subsection 67-3.III.

C. The final phase of the review process consists of the review of the application for an administrative land use permit for the final plat. A final plat shall conform in all respects to the approved preliminary plat and shall incorporate all modifications and conditions of approval.

The review of a major subdivision final plat shall follow the administrative land use permit procedures set forth in section 66-18.

[Insert Figure 67-3 A: Summary of Major Subdivision Procedures]

**III. Preliminary plat procedures.** A general description of these steps is outlined below.

- A. Pre-application. After obtaining approval of a sketch plan, the applicant shall follow the pre-application process in accordance with section 66-10 and Table 66-15 to obtain a list of application requirements and the appropriate forms.
- B. Application submittal. The applicant shall submit the application in accordance with the requirements of subsection 66-11.I.
- C. Public notice. The applicant shall post notice on the property pursuant to section 66-14. Staff shall mail notice of intent to develop pursuant to section 66-14.
- D. Application review. The application shall be reviewed by staff based on the applicable approval criteria.
- E. Neighborhood meeting (if required). The director may require a neighborhood meeting pursuant to subsection 66-11.IV. If a neighborhood meeting is required, the staff shall mail notice pursuant to section 66-14.
- F. Staff report. Staff shall prepare and distribute a written staff report in accordance with section 66-11. The staff report shall conclude with a recommendation for approval, approval with conditions, or denial of the application.
- G. Public meeting notice. Staff shall mail and publish notice of the public hearing pursuant to section 66-14.
- H. Board decision. The board shall hold a public hearing and, at the close of the public hearing, act to approve, approve with conditions, or deny the application based on the approval criteria in subsection 67-2.I and pursuant to section 66-12.

[Insert Figure 67-3 B: Summary of Preliminary Plat Procedures]

**IV. Requirements for phased development.**

- A. Preliminary plats consistent with phasing plans. Review and approval of a phasing plan in conjunction with a conceptual development plan shall be required for any subdivision proposed in phases. Each preliminary plat shall be consistent with the phasing plan approved under such conceptual development plan.
- B. Phased final plats. The preliminary plat may provide for phasing of final plat approvals as determined by the director based upon consideration of the design, size, and complexity of the subdivision and associated improvements. Such phasing of the final plats shall not require the prior approval of a conceptual development plan; however, it shall require a phasing plan be submitted and approved as part of the preliminary plat application. The locations and schedule of phases shall be clearly stated and indicated on the plat and in supporting documentation. The improvements and drainage plans and specifications shall

also address in detail the subdivision improvements to be constructed and completed in association with each phase.