

3. REVISIONS TO LA PLATA COUNTY CODE CHAPTERS 62, 66 AND 67 REGARDING SKETCH PLAN AND ASSOCIATED CODE SECTIONS.



ACCOUNTABILITY · INTEGRITY · RESPECT

**Item Number:** 25-1235

**Date of Meeting:** May 22, 2025

**Decision Agenda**

## Agenda Item Summary

**MEETING GROUP:** Planning Commission

**STAFF RESOURCE:** Lynn Hyde, Community Development Director

**ADDITIONAL STAFF RESOURCES:** Dan Armentano, Principal Planner  
Tracie Hughes, Long Range Senior Planner

**DEPARTMENT:** Community Development Department

**TYPE:** Code Amendment

**SUBJECT:** REVISIONS TO LA PLATA COUNTY CODE CHAPTERS 62, 66 AND 67 REGARDING SKETCH PLAN AND ASSOCIATED CODE SECTIONS.

### BACKGROUND:

The purpose of this agenda item is to request the Planning Commission deliberate (with potential recommendation) Resolution 2025- XX amendment portions of the La Plata County Land Use Code related to the sketch plan process in section 66-19 and related sections 62-5, 66-21, 66-29, and 67-3.

There have been multiple opportunities for the public to engage in the drafting of the proposed code including a listening session held by the Planning Commission on April 25, 2024 and an open house at the Fairgrounds on June 11, 2024. The Planning Commission and county staff held a work session on June 24, 2024 to discuss what public comments had been received and the desired direction of the Planning Commission. Since that time, staff has been working internally to draft code that meets the desired outcomes identified during these public meetings and work sessions.

The Land Use Code amendments to La Plata County Code sections 62-5, 66-21, 66-29, and 67-3 are proposed in order to achieve the below:

- Clarify when a project may be exempt from Sketch Plan. This includes circumstances such as when a proposal is subject to a Development Agreement, Conceptual Development Plan, or Planned Unit Development, or when an existing business or development seeks an expansion equal to or less than 50 percent.
- Clarify the scope of sketch plan review and refine the approval criteria.

- Provide edits that clarify a sketch plan should not be used for phased projects (a sketch plan is valid for one (1) year and phased projects should go through a Conceptual Development Plan).
- Establish that the project is conceptually capable of meeting compatibility criteria and reinforce that mitigation measures identified during sketch plan review shall be addressed in the preliminary plan submittal.

In addition, staff have been working to update figures in the Land Use Code for ADA accessibility. These efforts are the first of many similar adjustments to come. The new ADA accessible figures will have the text removed and included in the paragraphs within the applicable code section. Although the text shows up as redline in the code, it is mostly the same language as is currently in the figures. The only text that has been modified is as follows:

o (DRAFT paragraph 67-3.II.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. It is expected that the proposal will evolve during sketch plan 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 ~~nor accepted~~ by the county.")

The new figures are still being created and a placeholder was left where the new figures will be placed. Staff will present these figures to the Planning Commission once they are available.

In addition to providing the sketch plan redlines for the Planning Commission's review, staff has also included a clean document for readability.

### **STRATEGIC PLAN ALIGNMENT:**

Strategic Objective 4.2: Community members and partners are engaged and involved in open decision-making.

### **RECOMMENDED ACTION:**

Recommend approval to the Board of County Commissioners Resolution 2025-XX amending La Plata County Code Chapters 62, 66, and 67 regarding sketch plan.

### **ALTERNATIVE ACTION:**

The Planning Commission may vote to recommend approval to the Board of County Commissioners with stated modifications to the proposed amendments.

The Planning Commission may vote to continue consideration of the amendments with specific direction to staff.

The Planning Commission may vote to recommend denial to the Board of County Commissioners.

**ATTACHMENTS:**

1. DRAFT Resolution 2025-XX
2. DRAFT Exhibit A Sketch Plan Redlines
3. Sketch Plan proposed edits without redlines

**RESOLUTION NO. R-2025-**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA  
PLATA COUNTY, COLORADO AMENDING PROVISIONS RELATED TO  
SKETCH PLAN IN THE LA PLATA COUNTY CODE**

**WHEREAS**, pursuant to C.R.S. §§ 30-11-101(1)(e) and (2), 30-11-103, and 30-11-107(1)(e), the Board of County Commissioners of La Plata County, Colorado (the “Board”), has the legislative authority to manage the business and concerns of the County and to exercise such other and further powers as are conferred by law when deemed by the Board to be in the best interests of the County and its inhabitants, and is further authorized by *inter alia*, C.R.S. §§ 30-28-101, *et seq.*, C.R.S. §§ 30-28-201, *et seq.*, and C.R.S. §§ 29-20-101, *et seq.*, to adopt regulations for the protection of the public health, safety, and welfare of the inhabitants of La Plata County; and

**WHEREAS**, pursuant to the Colorado County Planning Code, the Board is empowered to plan and provide for the physical development of the unincorporated territory of La Plata County (the “County”). C.R.S. § 30-28-102; and

**WHEREAS**, the Local Government Land Use Control Enabling Act empowers the Board to plan for and regulate the use of land within the unincorporated territory of the County, including but not limited to: regulating the use of land on the basis of the impact thereof on the community or surrounding areas; regulating the location of activities and developments which may result in significant changes in population density; providing for phased development of services and facilities; and otherwise providing for the planned and orderly use of land and protection of the environment, in a manner consistent with constitutional rights. C.R.S. § 29-20-104; and

**WHEREAS**, the Colorado County Planning Code and Local Government Land Use Control Enabling Act constitutes a broad delegation of authority to the County, generally encompassing the subject of land use; and

**WHEREAS**, Colorado counties possess those powers enumerated by the Colorado Constitution and Colorado Revised Statutes, and such further incidental implied powers as are reasonably necessary to carry out their express powers; and

**WHEREAS**, County planning staff believes that revisions to the sketch plan process and standards could improve the tool and recommend that the Board revise sketch plan by amending portions of sections 62-5, 66-19, 66-21, 66-29, and 67-3 as set forth in Exhibit A; and

**WHEREAS**, on May 22, 2025, the Planning Commission held a public meeting and heard testimony that it would be in the best interest of the general health, safety and welfare of the people within the County to amend sections 62-5, 66-19, 66-21, 66-29, and 67-3 of the La Plata County Code, and made a recommendation to the Board to adopt the amendments substantially similar to those set forth in Exhibit A; and

**WHEREAS**, notice of a public hearing to be held before the Board on July \_\_\_, 2025 on the proposed amendments set forth in Exhibit A was published on June \_\_\_, 2025 in the Durango Herald, a newspaper of general circulation in the County; and

**WHEREAS**, in accordance with the published notice, on July \_\_\_, 2025, the Board held a public meeting and heard testimony that it would be in the best interest of the general health, safety and welfare of the people of La Plata County to amend sections 62-5, 66-19, 66-21, 66-29, and 67-3 of the La Plata County Code, as more particularly set forth in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LA PLATA, STATE OF COLORADO, AS FOLLOWS:**

1. The foregoing recitals are incorporated herein and made a part of this resolution.
2. La Plata County Code sections 62-5, 66-19, 66-21, 66-29, and 67-3 are amended as set forth in Exhibit A.
3. This resolution shall apply within the unincorporated territory of La Plata County. This resolution shall in no way limit application and enforcement of any statutes of the State of Colorado, but shall be in addition thereto.
4. This resolution shall be liberally construed so as to further its purposes.
5. If any portion of this resolution is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution. The Board of County Commissioners hereby declares this resolution and the provisions contained in Exhibit A to be severable and further declares that it would have passed this resolution and each amendment to sections 62-5, 66-19, 66-21, 66-29, and 67-3 of the La Plata County Code irrespective of the fact that any one part of such section be declared invalid.
6. The proposed amendments are appropriate and lawful land use regulations for the unincorporated territory of the County and to address the County's needs for a code capable of use by the County in its future planning of development within the unincorporated parts of the County.
7. This resolution shall be effective [September 1, 2025? specific date 30 days after board meeting?] and shall supersede any and all prior resolutions or motions inconsistent with this resolution.
8. The County Attorney's Office is authorized to make additional form and style-type revisions, including but not limited to spelling, numbering, statutory references and other conforming-type revisions, but not revisions that are substantive in nature.

**DONE AND ADOPTED IN DURANGO, COLORADO, this \_\_\_\_th day of July, 2025.**

Attest:

LA PLATA COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS

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Clerk to the Board

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Marsha Porter-Norton, Chair

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Matt Salka, Vice Chair

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Clyde Church, Commissioner

EXHIBIT A

[cut and paste entire set of final redlines here]



## 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 ~~feasibility~~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 ~~because the sketch plan is intended only to facilitate discussions between a prospective applicant and the county.~~

**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 ~~establishes outlines~~ the land uses and development activities that ~~are~~ subject to require a major land use permit. ~~Major land use permit. These projects require consideration by~~ must be reviewed in the county of a following order: sketch plan, (unless exempt under paragraph 66-19.I.B), preliminary plan, and final plan, in that order. Unless a phasing plan was approved as part of a sketch plan, a

A conceptual development plan as provided in section 66-29 is required when development is proposed in phases and may is necessary for phased developments. This plan can be processed ~~concurrently~~concurrent with the first phase of the preliminary plan. Each step is ~~a distinct process involving the submittal of an application, and involves: submitting an application and fee, required providing plans and reports, referrals of referring the proposal to other agencies, conducting staff analysis, work sessions and public meetings. At each step of As the process progresses, the process, the level of design and engineering detail increases in order to relieve the applicant from major and potentially. This process helps avoid unnecessary expenses in situations that may require a from redesign and a revision of expensive engineering or planning or revisions of costly reports. Approval of any application in the process at one stage does not ensure guarantee approval of at the next application. Figure 66-21 A below provides an overview of illustrates the required applications that are required for the review of for major land use permits 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 ~~shall lapse and be of no further force and effect will expire~~ if the applicant ~~fails to~~does not submit the preliminary plan within one (1) year of ~~the date of~~ the sketch ~~plan plan's~~ approval by the PC. An approved preliminary plan shall ~~lapse and be of no further force and effect expire~~ if the applicant ~~fails to~~does not submit the final plan within one (1) year of ~~the date of~~ the preliminary ~~plan plan's~~ approval by the board.

- B. Lapse of phased elements. If the ~~approved~~ preliminary plan ~~provides for phasing of~~ includes phased final plan approvals, ~~failure~~ failing to obtain approval ~~of a final plan~~ for any phase within the ~~time~~ specified time in the approved phasing plan ~~shall result in a lapse of~~ will cause the preliminary plan to expire. For phased projects, ~~an approved approval of a~~ final plan for any phase of extends the preliminary ~~plan shall extend the life of the preliminary plan-plan's validity~~ according to the approved phasing plan, ~~or if, If~~ not specified ~~in an approved phasing plan, it extends~~ for an additional ~~one (1)~~ year from ~~the date~~ the most recent final plan ~~was approved~~ approval. If successive final plans are not submitted within this one (1) year period, or ~~within~~ the period specified in an approved phasing plan, ~~then~~ the preliminary plan ~~approval shall lapse and be of no further force or effect~~ will expire for ~~those portions~~ any parts of the subject property not covered by an approved final plan.

## SEC. 66-19 SKETCH PLAN

I. **Purpose.** A sketch plan ~~provides an opportunity for~~allows the county, the applicant, and the public to evaluate and discuss the basic design, concept and suitability of the project ~~and to consider if. It assesses whether the project is capable of~~can substantially ~~complying~~comply with this code and ~~in general conformance~~generally conform with the comprehensive plan. Where appropriate, the sketch plan process may ~~also examine~~explore alternative ~~approaches to~~development of approaches, allowing the ~~property. Typically, a~~proposal will to evolve during ~~sketch plan~~the review. To encourage the consideration of alternatives ~~where appropriate and to allow the sketch plan to evolve~~, detailed engineering plans and other overly detailed information ~~shall~~are not ~~be~~required ~~nor, 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. Figure 66-19 below identifies the application steps that apply to the review of a sketch plan.

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.

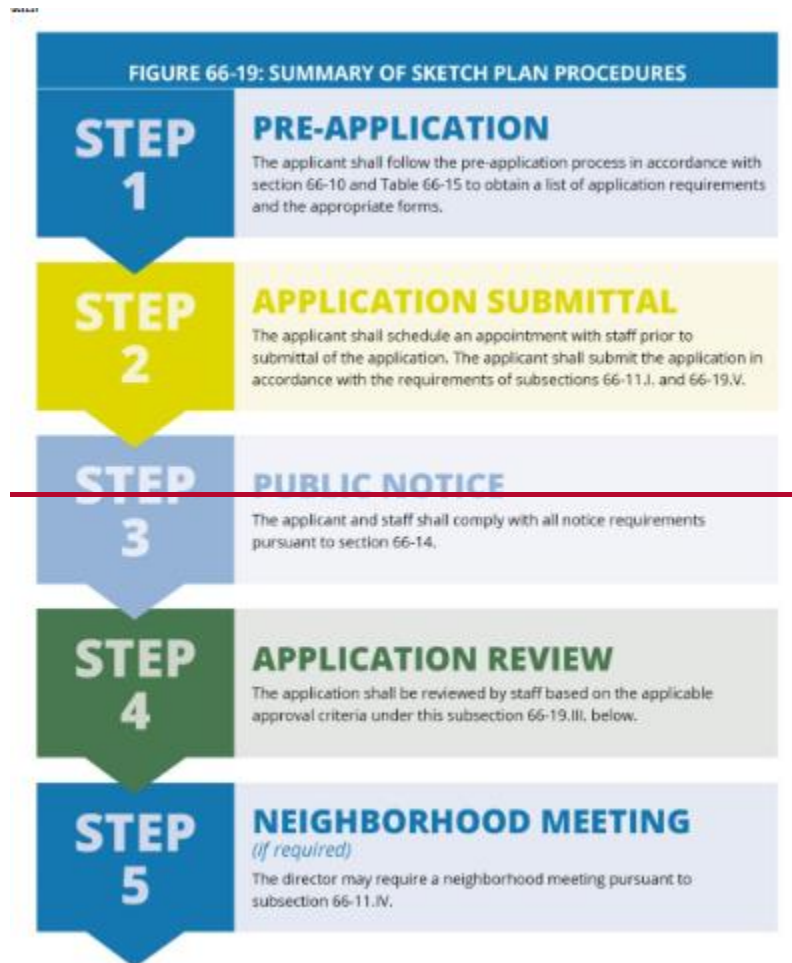
E. Neighborhood Meeting (if required). The director may require a neighborhood meeting pursuant to subsection 66-11.IV.

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.** ~~All sketch plans shall be reviewed for general consistency with the general approval criteria stated in section 66-16, but not for detailed compliance with development standards referenced in such criteria. The review for general consistency shall include a review of the applicant's concepts for mitigating potential effects expected to be produced by the proposed development in relationship to the general approval criteria. The application may also be subject to additional approval criteria specific to the type of application.~~

**Sketch plan review and considerations.** Criteria. At sketch plan, the decision-making body shall determine whether the proposed sketch plan ~~substantially complies with this code and~~ is in general conformance with the ~~comprehensive plan. The decision-making body shall consider matters such~~ criteria listed below, as, ~~but not limited to, the following:~~

- A. The types of use;
- B. The general locations intended for development and the areas planned to remain undeveloped, including open space;
- C. The general plan for phasing of the development and 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 ~~or other~~ improvements;
- D. ~~The general alignment for access;~~

~~E. The provision of an adequate to provide water supply and whether the water supply and sewage disposal will be provided through on-site water and wastewater treatment systems or through connection to public systems; and access proportional to the proposed use(s).~~

~~F. Compatibility with the natural environment and the way natural hazards will not be increased as a result of the development;~~

~~G. Compatibility with the existing uses of adjacent properties and other lands that may be significantly impacted.~~

~~E. The development is able to avoid or mitigate any known natural hazards.~~

~~V-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 ~~nor accepted by the county.~~ The sketch plan shall ~~be conceptual in nature and, at a minimum,~~ 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. ~~Conceptual~~Existing layout of ~~road, street~~roads, streets, utilities, drainage and pedestrian facilities ~~existing and proposed the conceptual design for new or modified roads, streets, drainage and pedestrian facilities.~~

~~7. The proposed development phases.~~

~~B. If phasing is proposed, a phasing plan consisting of a written description of each of the proposed phases indicating the type of development and the infrastructure improvements necessary for each phase. This may be included as part of the narrative for the project application.~~

~~B. C.~~ Mitigation conceptsConcepts 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.

~~VI. Sketch plan outcome.~~ The outcome of sketch plan review should be an identification of issues and concerns the applicant must address for the project to be considered ripe for review by the decision-making body.

**V. ~~VII~~. 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.

CB. 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.

DC. 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.

**~~V~~IVIII. 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 ~~to accommodate the needs of~~ applicants proposing multi-phased projects. ~~The intent of a CDP~~Its purpose is to allow early review of the phasing of a ~~proposed~~ major development. A CDP is required for any major land use permit or major subdivision project ~~where the proposed development or subdivision~~that will be ~~accomplished~~completed in multiple phases ~~unless a phasing plan is approved as part of a sketch plan~~. A CDP shall be submitted prior to or concurrently with the preliminary plan or plat of the first phase of the project. The CDP ~~procedure~~process also ensures that each phase ~~of a multi-phased project contains~~includes the necessary facilities and improvements ~~that are necessary~~ to serve the development.

A CDP is a generalized plan ~~that illustrates~~illustrating the ~~amount and~~ 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 ~~area~~ proposed ~~to be developed~~area. However, approval of a CDP does not ~~result in~~grant final planning approval ~~for the proposed property~~, and grading, building, and construction permits may not be issued based on an approved CDP. ~~Because~~Since the CDP only requires ~~the applicant to prepare~~ conceptual mitigation measures for design or engineering documents, ~~submittal requirements for a CDP shall~~its submission does not constitute an application for ~~purposes of~~ 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 ~~identifies~~outlines the application steps ~~that apply to the review of~~for reviewing a conceptual development plan.

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



IV. **Submittal requirements.** In addition to the general land use permit application submittal requirements ~~set forth~~ in section 66-11, ~~applicants proposing a CDP shall also submit 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 ~~on the site~~;
  6. ~~Road, street~~ Existing layout of roads, streets, drainage and pedestrian facilities ~~existing, and proposed~~;
  7. ~~Existing the conceptual layout for new or proposed modified roads, streets~~, utilities for the development, drainage and pedestrian facilities;
  7. The proposed development phases.
- B. A phasing plan ~~consisting of with~~ a written description of each of the proposed phases ~~indicating detailing~~ the type of development and ~~the necessary~~ infrastructure improvements ~~necessary for each phase~~. This may be included as part of the project narrative ~~for the project application~~.
- C. ~~Mitigation concepts~~ 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 ~~are generally approved~~. However, it is subject, ~~however~~, to subsequent consideration and 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 adopted by the county in place at the time ~~such of the~~ subsequent application ~~is submitted~~.

- C. Lapse of CDP approval. An approved CDP ~~shall lapse and be of no further force and effect will expire~~ if an application for subdivision or development of at least the first phase ~~of the CDP basis~~ not ~~been~~ submitted within three (3) years of ~~the~~ CDP approval, unless otherwise specified by the county in its approval of the CDP or phasing plan. ~~Provided such application is~~ If submitted within the ~~applicable required~~ time ~~period frame~~, the ~~term of~~ approval for the ~~remainder of 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 ~~lapses expires~~, a new CDP ~~shall be~~ is required ~~prior to before any~~ future development of the ~~subject~~ parcel. ~~Such new CDP shall be processed according to, following~~ the procedures of this section. Adjustments or modifications to the CDP do not ~~affect alter~~ the original approval period, unless ~~specified~~ otherwise ~~provided~~.

VI. **Modifications to an approved CDP.** ~~Unless qualifying for a permit adjustment pursuant to section 66-26, no~~ A CDP shall not be altered, changed, or ~~otherwise~~ modified ~~except through the approval of a new CDP application. An applicant unless it qualifies for a permit adjustment under section 66-26. Applicants~~ shall apply for an amendment to an approved CDP ~~prior to the submittal of before submitting~~ applications to commence development of any phase, or ~~prior to the submittal~~ of a preliminary plat, ~~where if~~ the proposed phase ~~of development~~ 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]

Figure 67-3 A: Overview of Major Subdivision Procedures provides an overview of the application steps that apply to the review major land use permits.



### **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]

~~Figure 67-3 B: Summary of Preliminary Plat Procedures identifies the application steps that apply to the review of a preliminary plat~~

ation steps that apply to the review of a preliminary plat.



#### IV. Requirements for phased development.

- A. Preliminary plats consistent with phasing plans. Review and approval of a phasing plan in conjunction with a ~~sketch plan or~~ 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 ~~sketch plan or~~ 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 ~~sketch plan or~~ 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.

## 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.