

# SAN MIGUEL COUNTY LAND USE CODE

## ARTICLE 3

### PROCEDURES

#### SECTION 3-1: GENERAL

This article establishes the procedures to be followed for approval of development permits.

##### **3-101 Development Permits**

No person (s) may engage in any development within the unincorporated area of San Miguel County without obtaining a development permit unless the proposed development qualifies for an exemption. Development Permits (other than those associated with buildings and signs, see Section 5-704, and Oil and Gas Development pursuant to Section 5-26) are not required in the WM Zone District. Development permits are not required in the WE Zone District, except for Oil and Gas Development pursuant to Section 5-26. Any development within the Telluride R-1 School District shall require compliance with Section 5-13 of this Code to provide appropriate employee housing mitigation for the proposed development.

No person or entity owing money to the County, in any amount or for any purpose, including any delinquent taxes certified by the County Treasurer, may be granted any development permit or any other development approval. All development shall be in compliance with the effective development permit duly issued in compliance with the Code. Failure to comply with any condition(s) of approval, as determined by the Board of County Commissioners, shall result in inability to obtain any rights granted conditionally thereunder, in accordance with Land Use Code Section 3-1402 and C.R.S. 24-68, and County revocation of the development permit upon 30 day notice to the Developer and opportunity for hearing and County determination of non-compliance with conditions.

##### **3-102 Subdivision Exemptions**

The subdivision of land into parcels greater than 35 acres in size is exempt from subdivision review by San Miguel County.

##### **3-103 Building Permits**

No person(s) shall erect, construct, reconstruct, excavate for a foundation, alter or change the use of any building or other structure or improvements of land without obtaining a building permit or an exemption from the Building Department. Building Permits are not required in the WE Zone District. No person or entity owing money to the County, in any amount or for any purpose, may be granted any building permit approval. A building permit shall not be granted if "Access" (as defined in Article 6) to the property does not exist.

## FIGURE 3-1

### LAND USE ACTIVITIES AND REVIEW PROCEDURES

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#### Administrative Reviews

Caretaker, Accessory Dwelling & Secondary Dwelling Units

Development of a Residence, and /or Access & Utilities associated with a Residential Unit in a Wetland Area

Enhancement or protection against property loss and/or damage in a Wetland area

Development in a Watershed Protection Area

Release of Collateral

Open Land Protection for Four or Fewer Lots

Wright's Mesa Open Land Protection for Ten or Fewer Lots

Minor Review of a Single-family Residence in an Area of Local and State Interest/C.R.S.1041  
Environmental Hazard Review

Minor Amendments to Special Use Permits

Minor Amendments to Special Approvals Granted to Land Uses Subject to One-step Planning  
Commission or Board of County Commission Approval

Scenic Foreground Overlay Review for One Single-family Dwelling Unit

Insubstantial Amendments to Final Plat or Planned Unit Development (PUD)

Underground Electricity Transmission and Distribution Lines

Temporary Uses with minimal adverse short-term impacts

Minor Facility Oil and Gas Development

## **One-step Planning Commission Reviews**

Special Use Permits/Planning Commission Approvals

Approval of Specific Land Uses Identified within Article 5 as Uses Subject to One-step Planning Commission Review

Scenic Foreground Overlay Reviews for all development other than construction of one Single-family dwelling unit

Major Review of a Single-family Residence in an Area of Local and State Interest / C.R.S. 1041 Environmental Hazard Review

## **One-step Board of County Commissioner Reviews**

Subdivision Exemptions for the following activities:

- a. Correction of Survey Errors;
- b. Lot line adjustments;
- c. Parcels for Essential Community Facilities;
- d. Reversion to Acreage Plats;
- e. Agricultural Lands Lots Split;
- f. Open Land Protection (5 or more lots);
- g. Fully Developed Residential Property;
- h. Single Lot Split in an Existing Subdivision;
- i. Wright's Mesa Subdivision Exemption (parcels 150 acres or greater);
- j. West End
- k. Wright's Mesa Open Land Protection (11 or more lots)
- l. Wright's Mesa Essential Community Facilities & Parks
- m. Vacation of Lot Lines

Acceptance of Subdivision Roads

Reduction in Highway Setbacks

Road Standard Variances

## **Two-step reviews**

Development in Wetland Areas other than a Residential Home and Access & Utilities associated with a Residential House

Special Use Permits

Substantial Plat Amendments

Substantial Planned Unit Development (PUD) Amendments

Land Uses Requiring Special Use Permits

Land Use Code Amendments

Rezoning

Mining and Mineral Processing

Conditional Uses on Federal Lands

All Development in Areas of Local and State Interest/ C.R.S. 1041 Environmental Hazard Review with the exception of the construction of one single-family dwelling unit

Public Utility Structures and Above ground Electricity Transmission and Distribution Lines

Modification of Ecological Sensitivity Area Boundaries

Road Vacations

Flood Plain Development Permits for Special Uses

Major Facility Oil and Gas Development

Wright's Mesa Subdivision Exemption for parcels 37 acres or larger and less than 150 acres

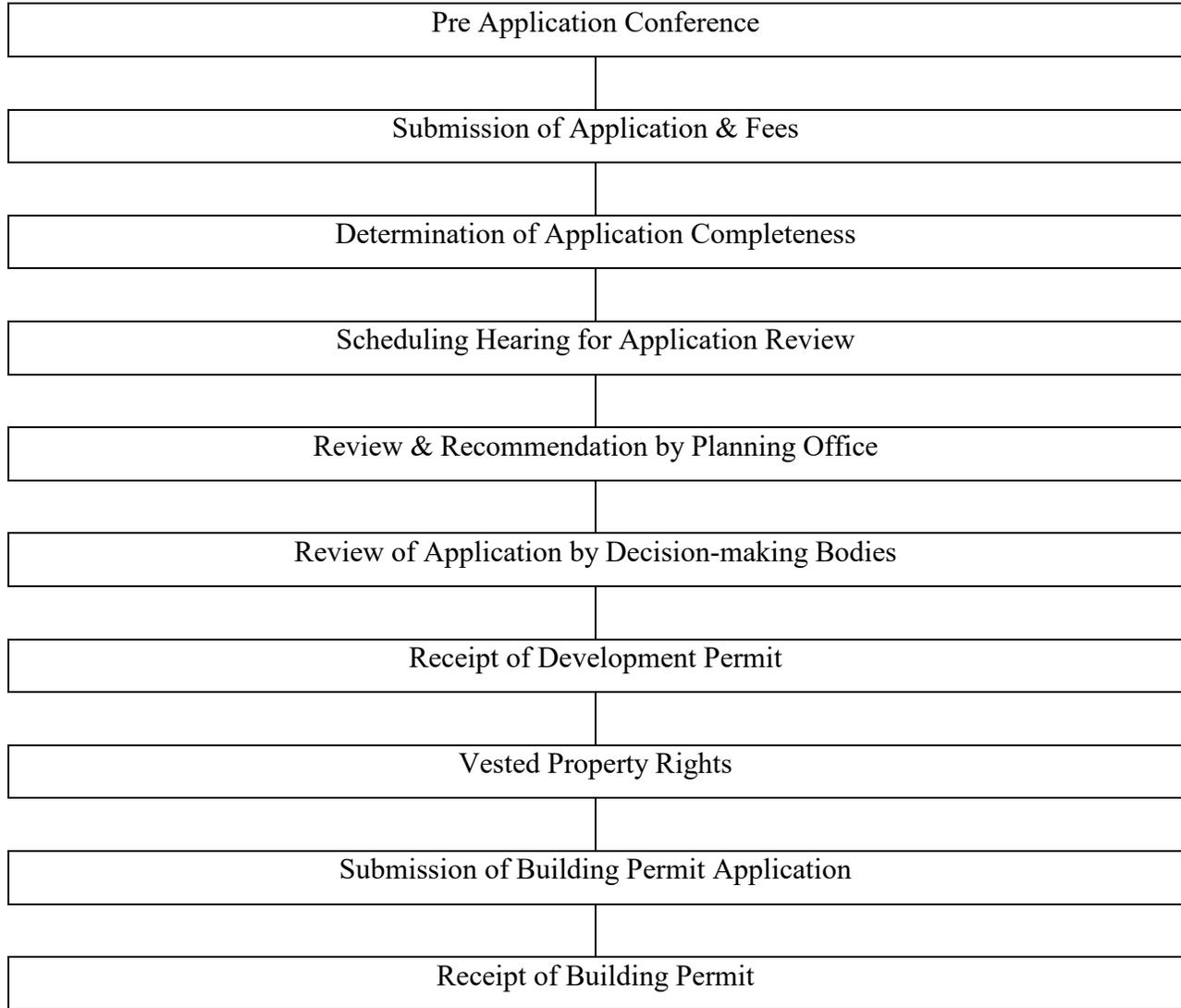
## **Five-step Reviews**

Subdivisions

Planned Unit Developments

**FIGURE 3-2**

**DEVELOPMENT REVIEW PROCESS**



## **SECTION 3-2: OVERVIEW OF DEVELOPMENT REVIEW PROCESS**

### **3-201 General**

Article 3 establishes the procedures for submission and review of development permit applications. Figure 3-1 identifies the review procedure for each type of land use application.

### **3-202 Ten Stages of the Land Use Review Process**

The land use review process is comprised of the ten stages, which are described in this section and depicted in Figure 3-2.

#### **3-202 A. Pre-Application Conference**

Prior to the formal submission of an application, it is required that an applicant confers with the Planning Office staff in a pre-application conference to obtain information and guidance. During the pre-application conference, the applicant or his or her representative shall describe the proposed development project. The Planning Office staff shall identify the procedural review requirements, applicable standards of the Code, vested rights procedures and referral agencies to be involved in the review process. The staff shall identify, pursuant to the Code, the submission contents for the type of development application required to be submitted, the number of copies and application fees. Determinations made by the staff regarding the procedures, standards and submission contents are not binding upon the Planning Commission or the Board of County Commissioners.

At the conclusion of the conference, an applicant will be presented with a written summary of the meeting on a pre-application summary sheet. The applicant shall be required to submit the pre-application summary sheet with the application.

#### **3-202 B. Submission of Application and Fees**

A development application shall be submitted in the standard form as specified by the staff and shall contain the submission contents identified by the staff in the pre-application conference pursuant to Article 4 of the Code. The development application shall be accompanied by a fee, as established by the Board, from time to time.

#### **3-202 C. Determination of Application Completeness**

Within seven working days of the submission of a development application, the Planning Director shall complete a preliminary review of the application to determine whether or not the application is complete.

Commencement of the PUD and Subdivision application review process does not

occur until the application is certified complete. If the Planning Director determines that the application is incomplete, a written notice shall be sent to the applicant or applicant's representative specifying the deficiencies. No further action will be taken on the application until the application's deficiencies are remedied by the applicant. An application may be certified incomplete if a Land Use Code amendment applicable to the application is pending and such application shall be processed pursuant to the amended Land Use Code provision, if adopted.

If the application is determined to be complete, the Planning Director shall notify the applicant of its completeness. A determination of completeness shall not necessarily constitute a determination of compliance with the substantive requirements of the Code. The Planning Commission or the Board of County Commissioners may require more materials or information to be supplied by an applicant.

#### 3-202 D. Scheduling Application Review Hearing

After the Planning Director determines that a development application is complete, the Planning Director shall send a letter notifying the applicant of the hearing date. Development applications will be scheduled for review before the Board or Commission at the earliest available agenda date but no sooner than 30 days following certification of completeness. Administrative reviews will be processed by the staff without a hearing. Agenda dates will be assigned to complete applications based upon the order in which the applications have been certified as complete and numbered by the Planning Director, unless determined otherwise by the Board. If public notice of a hearing is required, the Planning Director shall cause public notice to be given pursuant to Section 3-9 and send a copy of the notice to the applicant.

#### 3-202 E. Review and Recommendation by the Planning Office

##### I. Comments from Referral Agencies

Once the application is certified as complete by the Planning Director, the application shall be referred to those County, City, State and Federal Agencies and neighborhood organizations selected by the Planning Director for comments.

All land use applications for property located within two miles of the boundaries and/or service area boundaries of incorporated areas shall be referred to the municipalities for referral comments. The Planning Office staff shall consider all referral comments in reviewing the development application.

## II. Report and Recommendation

The Planning Office staff shall compile all comments and recommendations from referral agencies and shall make a written report and recommendation concerning the development application to the appropriate decision-making body. The report shall state whether or not the application conforms to the appropriate review standards and whether it should be approved, approved with conditions, disapproved or tabled for further consideration. The staff report shall be distributed to the decision-making bodies and the applicant at least one day prior to consideration.

### 3-202 F. Review of Application

- I. Following the Planning Office review, a land use application shall be referred to the appropriate decision-making body for consideration at a public meeting, unless the land use application is subject only to administrative review. Each development application shall be subject to one of the following six review procedures:
  - a. Building Permit Review (refer to Section 3-3)
  - b. Administrative Review (refer to Section 3-4);
  - c. One-step Planning Commission Review (refer to Section 3-5);
  - d. One-step Board of County Commission Review (refer to Section 3-5);
  - e. Two-step Review (refer to Section 3-6);
  - f. Five-step Review (refer to Section 3-7).
- II. Applications for development permits shall be considered by decision making bodies and approved, approved with conditions, disapproved or tabled for further consideration. A development permit shall be issued for a development request that meets the applicable standards of the Code. Conditions may be imposed upon a development request to assure compliance with the Code.
- III. In the case of applications for development permits subject to administrative review, applications may be approved, approved with conditions, or disapproved by the Planning Director, or scheduled by the Planning Director for review by the Planning Commission or Board of

County Commissioners at a duly noticed public meeting.

- IV. Applications requiring more than one type of approval shall be processed simultaneously until all approvals have been obtained or until any necessary approval has been denied.

3-202 G. Receipt of Development Permit

Applications, which receive approvals or conditional approvals, qualify for a development permit. A resolution of approval signed by the chairperson of the decision-making body and recorded with the County Clerk and Recorder shall constitute the development permit. In the case of administrative reviews the Planning Director shall prepare and sign a development permit.

3-202 H. Vested Property Rights

Following receipt of a development permit, an applicant may request the Planning Office to initiate procedures for vesting property rights pursuant to Section 3-14.

3-202 I. Submission of Building Permit Application

Following a receipt of a development permit, an applicant may submit a building permit application to the Building Department unless specified otherwise in the development permit.

3-202 J. Receipt of Building Permit

Following a review of the building permit application, the Building Department shall issue a building permit to applicants whose applications comply with the appropriate development permits, if any, and the Uniform Building Code.

**SECTION 3-3: BUILDING PERMIT REVIEW**

**3-301 General**

Building permit development applications are reviewed by the Chief Building Official or his or her designee. The Chief Building Official may issue a building permit upon compliance with the Uniform Building Code and issuance of a development permit to an applicant by the Planning Director.

**FIGURE 3-3**

**ADMINISTRATIVE REVIEWS: SUBMISSION CONTENTS AND STANDARDS**

<b>Land Use Activity</b>	<b>Land Use Code Section</b>	
	<b>Submission Contents</b>	<b>Standards</b>
Accessory Dwelling Units	4-7	5-13
Minor Review of a Single-Family Residence in an Area of Local and State Interest / C.R.S. 1041 Environmental Hazard Review	4-6	5-4
Minor Amendments to Special Use Permits	4-7	5-10
Minor Amendments to Special Approvals Granted to Land Uses Subject to One-step Planning Commission or Board of County Commission Approval	4-7	5-10
Scenic Foreground Overlay Review for one Single-family Dwelling Unit	4-8	5-316
Insubstantial Amendments to Final Plat or Planned Unit Development (PUD)	4-6	5-15
Underground Electricity Transmission and Distribution Lines Carrying Less Than 115 Kilovolts	4-7	5-709
Collateral Release	3-1203	3-1203
Development in Wetland Area of Access or Utility associated with Residential Unit or House Site	4-2, 5-2202 B.	5-22
Development in a Watershed Protection Area	4-2, 5-2203 E	5-25
Secondary Dwelling Units in the WM Zone District	4-2	5-319D.
Open Land Protection for Four or Fewer Lots	4-2, 5-1207 E. I.	5-1207 D.
Minor Facility Oil and Gas Development	5-2603 B.& C.	5-2603

## **SECTION 3-4: ADMINISTRATIVE REVIEW PROCEDURES**

### **3-401 General**

The development applications identified in Figure 3-1 and listed in this section are subject to the Administrative review procedures described in this part of the Code. Figure 3-3 is a guide to the procedures, submission contents and review standards for Administrative reviews.

- 3-401 A. Accessory Dwelling Units (Refer to Section 4-7 for submission contents and Section 5-13 for review standards).
- 3-401 B. Minor Review of a Single-Family Residence in an Area of Local and State Interest/C.R.S. 1041 Environmental Hazard Review (refer to Section 4-6 for submission contents and Section 5-4 for review standards).
- 3-401 C. Minor Amendments to Special Use Permits (Refer to Section 4-7 for submission contents and Section 5-10 for review standards).
- 3-401 D. Minor Amendments to Special Approvals Granted to Land Uses Subject to One-step Planning Commission or Board of County Commission Review (Refer to Section 4-7 for submission contents and section 5-10 for standards).
- 3-401 E. Scenic Foreground Overlay Review for One Single-family Dwelling Unit (Refer to Section 4-8 for submission contents and Section 5-316 for standards).
- 3-401 F. Insubstantial Amendments to Final Plat or Planned Unit Development (PUD) (Refer to Section 4-6 for submission contents and Section 5-15 for standards).
- 3-401 G. Underground Electricity Transmission and Distribution Lines (Refer to Section 4-7 for submission contents and 5-709 for standards).
- 3-401 H. Development in a Wetland Area or Wetland Area Buffer Zone of Access, Utility associated with a residence and/or Residence (Refer to Sections 4-2 and 5-2203 F. for submission contents and 5-22 for standards).
- 3-401 I. Caretaker Units in the Forestry, Agriculture and Open (F) Zone District (Refer to Section 5-307 C.I.).
- 3-401 J. Development in a Watershed Protection Area (Refer to Section 5-25).
- 3-401 K. Subdivision Exemption for Open Land Protection for Four or Fewer Lots (Refer to Section 5-1207).

- 3-401 L. Release of Collateral (Refer to Section 3-1203).
- 3-401 M. Minor Oil and Gas Development (Refer to Section 5-26 for submission contents and requirements).
- 3-401 N. Subdivision Exemption for Wright’s Mesa Open Land Protection for Ten or Fewer Lots (Refer to Section 5-1212)
- 3-401 O. PUD Architectural Review Plan for Allowable Uses provided for in Section 5-323 C. II (Refer to Section 5-323 for standards.

**3-402 Administrative Review Procedure**

Administrative reviews shall be conducted pursuant to the applicable stages of the ten-stage land use review process described in Section 3-202 and this section of the Code.

3-402 A. Planning Office Review and Decision by Planning Director

- I. An applicant seeking administrative review approval shall submit an application to the Planning Office consistent with the submission contents requirements described in Article 4 of the Code. The Planning Office shall review the application for compliance with the standards of the Code that are applicable to the development proposal.
- II. After completion of the Planning Office review, the Planning Director shall:
  - a. Issue a development permit, or
  - b. Issue a development permit subject to conditions based upon the standards of the Code, or
  - c. Issue a written denial of the application, or
  - d. Schedule a public meeting before the Board of County Commissioners to consider the application.
- III. The Planning Director may refer any Administrative Review application to the Board of County Commissioners for consideration. For example, the Planning Director may refer such applications to the Board in the event of a disagreement with an applicant regarding a condition of approval.

3-402 B. Appeal of Planning Director's Decision

An applicant or other affected and aggrieved person(s) may appeal the Planning Director's decision by preparing a letter addressed to the Planning Director requesting an appeal. The

Board of County Commissioners shall conduct a public meeting within 60 days to consider such an appeal. The Board shall render its written decision within 30 days of the date of the appeal hearing, which decision shall constitute the final action of the County.

## **SECTION 3-5: ONE-STEP REVIEWS**

### **3-501 General**

The development applications identified in Figure 3-1 and listed in this section are subject to the one-step Planning Commission or the one-step Board of County Commissioners review procedures described in this part of the Code. Figure 3-4 serves as a guide to procedures, submission contents and review standards for one-step reviews.

- 3-501 A. The land use activities listed in this section are subject to One-step Planning Commission Review.
- I. Approval of Specific Land Uses Identified within Article 5 as Uses Subject to one-step Planning Commission Review (Refer to Section 4-6 for submission contents and Section 5-10 for review standards);
  - II. Scenic Foreground Overlay Reviews for all development other than construction of one single-family dwelling unit (Refer to Section 4-8 for submission contents and Section 5-316 for review standards);
  - III. Major Review of a Single-Family Residence in an Area of Local and State Interest C.R.S. 1041 Environmental Hazard Review (refer to Section 4-6 for submission contents and Section 5-4 for review standards);
  - IV. Determination of Parking Requirements (Refer to Section 4-7 for submission contents and Section 5-702 F. for standards);
  - V. Amendments to the Comprehensive Development Plan; such amendments require a public hearing before the Planning Commission;
  - VI. Development of equestrian centers, allowed only in the Low Density (LD) Zone District (see Section 4-2 for submission requirements and Sections 5-10 and 5-24 for standards);
  - VII. Reduction in Highway Setbacks (Refer to Section 4-7 for submission contents and Section 5-505 for review standards);
  - VIII. Logging (Refer to Section 5-17 for standards).

IX. PUD Architectural Review Plan for Allowable Uses provided for in Section 5-323 C. III (Refer to Section 5-323 for standards).

3-501 B. The land use activities listed in this section are subject to One-step Board of County Commissioners Review.

I. Subdivision Exemptions for the following activities:

- a. Correction of Survey Errors (Refer to Section 4-6 for submission contents and Section 5-1202 for review standards);
- b. Lot line adjustments (Refer to Section 4-6 for submission contents and Section 5-1203 for review standards);
- c. Parcels for Community Facilities (Refer to Section 4-6 for submission contents and Section 5-1204 for review standards);
- d. Reversion to Acreage Plats (Refer to Section 4-6 for submission contents and Section 5-1205 for review standards);
- e. Agricultural Lands Lots Split (Refer to Section 4-6 for submission contents and Section 5-1206 for review standards);
- f. Open Land Protection, creating 5 parcels or more (Refer to Section 4-6 for submission contents and Section 5-1207 for review standards);
- g. Fully Developed Residential Property (Refer to Section 5-1208 for standards);
- h. Single Lot Split in an Existing Subdivision (Refer to Section 5-1209 for standards);
- i. Wright's Mesa Subdivision Exemption for parcels 150 acres or greater (Refer to Section 4-6 for submission contents and Section 5-1210 for review standards);
- j. West End (Refer to Section 4-6 for submission contents and Section 5-1211 for review standards);
- k. Wright's Mesa Open Land Protection, creating 11 parcels or more (Refer to Section 4-6 for submission contents and Section 5-1212 for review standards);

1. Wright's Mesa Essential Community Facilities & Parks (Refer to Section 4-6 for submission contents and Section 5-1213 for review standards);
  - m. Vacation of Lot Lines (Refer to Section 4-6 for submission contents and Section 5-1214 for review standards).
- II. Acceptance of Subdivision Roads (Refer to Section 4-6 for submission contents and Section 5-504 for review standards).

**FIGURE 3-4**

<b>ONE-STEP REVIEWS: SUBMISSION CONTENTS AND STANDARDS</b>		
<b>Land Use Activity</b>	<b>Land Use Code Section</b>	
	<b>Submission Contents</b>	<b>Standards*</b>
<b>Land Use Activities Subject to Planning Commission Review</b>		
Approval of Specific Land Uses Identified within Article 5 as Uses Subject to One-step Planning Commission Review	4-6	5-10
Scenic Foreground Overlay Reviews for all development other than construction of one Single-Family Dwelling Unit	4-8	5-316
Major Review of a Single-family Residence in an Area of Local and State Interest / 1041 Environmental Hazard Review	4-6	5-4
Equestrian Centers (allowed in Low Density Zone District only)	4-2	5-10, 5-24
<b>Land Use Activities Subject to Board of County Commissioner Review</b>		
Subdivision Exemptions for:		
Correction of Survey Errors	4-6	5-1202
Lot Line Adjustments	4-6	5-1203
Parcels for Community Facilities	4-6	5-1204
Reversion to Acreage Plats	4-6	5-1205
Agricultural Lot Split	4-6	5-1206
Open Land Protection, 5 lots or more	4-6	5-1207
Fully Developed Residential Property	4-6	5-1208
Single-lot Split in an Existing Subdivision	4-6	5-1209
Wright's Mesa Subdivision Exemption, 150 acres or larger	4-6	5-1210
West End	4-6	5-1211
Wright's Mesa Open Land Protection, 11 lots or more	4-6	5-1212
Wright's Mesa Essential Community Facilities & Parks	4-6	5-1213
Vacation of Lot Lines	4-6	5-1214
Acceptance of Subdivision Roads	4-6	5-504
Reduction in Highway Setbacks	4-7	5-505

\* Other standards may apply.

### **3-502 Procedure**

- 3-502 A. One-step reviews shall be conducted pursuant to the applicable stages of the ten-stage land use review process described in Section 3-202 and this section of the Code. An applicant seeking a one-step review approval for any of the applications identified in Figure 3-1 and listed in 3-501 shall submit an application to the Planning Director consistent with the submission contents described in Article 4 of the Code.
- 3-502 B. One-step reviews shall occur at public meetings of the Planning Commission or the Board of County Commissioners depending upon which body has jurisdiction pursuant to Section 3-501.

### **3-503 Platting Procedure**

An applicant seeking approval for a Subdivision Exemption shall be required to prepare and record with the County Clerk and Recorder a final plat approved by the Planning Director and signed by the County Attorney and Chairperson of the Board of County Commissioners consistent with the submission requirements in Article 4 and Section 5-12 of the Land Use Code.

**FIGURE 3-5**

<b>TWO-STEP REVIEWS: SUBMISSION CONTENTS AND STANDARDS</b>		
	<b>Land Use Code Section</b>	
<b>Land Use Activity</b>	<b>Submission Contents</b>	<b>Standards*</b>
Substantial Plat Amendments	4-6	5-15
Substantial Planned Unit Development (PUD) Amendments	4-6	5-14
Land Uses Requiring Special Use Permits	4-6	5-10
Land Use Code Amendments	4-7	5-18
Rezoning	4-6	5-18
Mining and Mineral Processing	4-7	5-16
Conditional Uses on Federal Lands	4-7	5-11
All Development in Areas of Local and State Interest /C.R.S. 1041 Environmental Hazard Review with the exception of the construction of one Single-family Dwelling Unit	4-6	5-4
Public Utility Structures, Above Ground Electricity Transmission and Distribution Lines longer than 1,000 feet and; Underground Electricity Transmission and Distribution Lines carrying more than 115 kilovolts	4-701 J 4-701 J. 4-702	5-709
Development in Wetland Area other than Access, Utility, House on Previously Approved Parcel	4-2, 5-2203 E.	5-22
Modification of Ecological Sensitivity Boundaries	5-2502 B.	5-25
Major Facility Oil and Gas Development	5-2604 B.	5-2604
Wright's Mesa Subdivision Exemption 37 Acres or larger & Less than 150 Acres	4-6	5-1210

\*Other standards may apply.

## **SECTION 3-6: TWO-STEP REVIEWS**

### **3-601 General** (including Land Use Code Amendments)

The development applications identified in Figure 3-1 and listed in this section are subject to two step review procedures described in this part of the Code (Figure 3-5 serves as a guide to the procedures, submission contents and review standards for two-step reviews):

- 3-601 A. Substantial Plat Amendments (Refer to Section 3-703 for continuance requirements, Section 4-6 for submission contents and Section 5-15 for review standards).
- 3-601 B. Substantial Planned Unit Development (PUD) Amendments (Refer to Section 3-703 for continuance requirements, Section 4-6 for submission contents and Section 5-15 for review standards).
- 3-601 C. Land Uses Requiring Special Use Permits (Refer to Section 4-7 for submission contents and Section 5-10 for review standards).
- 3-601 D. Land Use Code Amendments (Refer to Section 4-7 for submission contents and Section 5-18 for review standards).
- 3-601 E. Rezoning (Refer to Section 4-6 for submission contents and Section 5-18 for review standards).
- 3-601 F. Conditional Uses on Federal Lands (Refer to Section 4-7 for submission contents and Section 5-11 for standards).
- 3-601 G. All Development in Areas of Local and State Interest/1041 Environmental Hazard Review with the exception of the construction of one single-family dwelling unit (refer to Section 4-6 for submission contents and Section 5-4 for review standards).
- 3-601 H. Public Utilities Structures, Above Ground Electricity Transmission and Distribution Lines Longer Than 1,000 Feet, and Underground Electricity Transmission and Distribution Lines Carrying More Than 115 Kilovolts (Refer to Sections 4-701 I. and 4-703 for submission contents and Section 5-709 for standards).
- 3-601 I. Development in Wetland Areas or Wetland Buffer Zone Areas (See Sections 4-2 and 5-2203 E. for submission requirements and Section 5-22 for standards.).
- 3-601 J. All reviews required pursuant to CRS 30-28-110(1) regarding construction, use or modification of public facilities, including rights-of-way.

- 3-601 K. Modification of Watershed Protection, Ecological Sensitivity Area Boundaries.
- 3-601 L. Major Oil and Gas Development (Refer to Section 5-26 for submission contents and review standards).
- 3-601 M. Wright's Mesa Subdivision Exemption for parcels 37 acres or larger but less than 150 acres in size.
- 3-601 N. Mining and Mineral Processing.

**3-602 Procedures**

- 3-602 A. General
 

Two-step reviews shall be conducted pursuant to the applicable stages of the ten-stage land use review process described in Section 3-202 and this section of the Code. An applicant seeking a two-step review approval for any of the applications identified in Figure 3-1 and listed in 3-501 shall submit an application to the Planning Director consistent with the submission contents described in Article 4 of the Code.
- 3-602 B. Planning Commission Review
 

The Planning Commission shall review the application at a public meeting and either recommend approval, denial or approval with conditions or continue or table the application for up to two regular meetings (or longer at the request of an applicant) to allow for provision of additional information. The Planning Commission may document its recommendation within a resolution recorded with the County Clerk and Recorder.
- 3-602 C. Board of County Commissioners Review
 

The Board of County Commissioners shall review the application at a public hearing noticed pursuant to Section 3-9. The Board shall be the decision-making body for all two-step reviews and will document their decisions within a resolution recorded with the County Clerk and Recorder.

**SECTION 3-7: FIVE-STEP REVIEWS**

**3-701 General**

The development applications identified in Figure 3-1 and listed in this section are subject to five-step review procedures described in this section of the Code (Figure 3-6 serves as a guide to the procedures, submission contents and review standards for five-step reviews:

- 3-701 A. Subdivisions (Refer to Section 4-3, 4-4 and 4-5 for submission contents and Figure 3-6 for review standards); and
- 3-701 B. Planned Unit Developments (Refer to Sections 4-3, 4-4, 4-5 and 4-9 for submission contents and Section 5-14 for review standards).

**FIGURE 3-6**

**FIVE-STEP REVIEWS: SUBMISSION CONTENTS AND STANDARDS**

<b>Land Use Activity</b>	<b>Land Use Code Section</b>	
	<b>Submission Contents</b>	<b>Standards*</b>
Subdivisions	4-3, 4-4 and 4-5	2-1 to 2-33 5-1 to 5-10
Planned Unit Developments	4-3, 3-4, 4-5 and 4-9	2-1 to 2-33 5-1 to 5-10, 5-14

\* Other standards may apply.

### 3-702 Procedures

Five-step reviews shall be conducted pursuant to the ten stages of the land use review process described in Section 3-202 and the procedures described in this part of the Code. An applicant seeking a five-step review approval for any of the applications listed in section 3-701 shall submit an application to the Planning Director consistent with the submission contents described in Article 4 of the Code:

3-702 A. Steps One and Two - Planning Commission and Board of County Commissioners Sketch Plan Subdivision and Planned Unit Development (PUD) Review.

I. Planning Commission Review

The Planning Commission shall review an application containing the submission contents identified in Sections 4-3 and 4-10 at a public hearing noticed pursuant to Section 3-9 and shall recommend approval, denial, approval with conditions or continuance (in accordance with Sections 3-703 and 3-1006). The Planning Commission may document its recommendation within a resolution recorded with the County Clerk and Recorder.

II. Board of County Commissioners Review

The Board of County Commissioners shall review the application at a public meeting. The Board shall be the decision-making body and shall document its decisions within a resolution recorded with the County Clerk and Recorder.

3-702 B. Steps Three and Four - Planning Commission and Board of County Commission Preliminary Subdivision and Planned Unit Development (PUD) Review

I. Within one year of the approval of Sketch Plan Subdivision Plan, the applicant shall submit a Preliminary Subdivision application containing the submission contents identified in Section 4-4 to the Planning Director or the Sketch Plan Subdivision approval shall expire.

II. The Planning Director shall consider the referral agency comments, citizen comments and the standards of the code and conditions imposed by the Board of County Commissioners during the Sketch Plan Subdivision Review and the standards which are applicable to the development as noted in Figure 3-6.

III. The Planning Director shall prepare a written report for consideration by

the Planning Commission in accordance with 3-202 F.

- IV. The Planning Commission shall review the Preliminary Submission application at a public meeting and recommend approval, denial or approval with conditions.
  - V. The Planning Commission may document its recommendation within a resolution recorded with the County Clerk and Recorder.
  - VI. The Board of County Commissioners shall review the Preliminary Subdivision application at a public hearing noticed pursuant to Section 3-9 and grant or deny approval of the application or continue the hearing (in accordance with Sections 3-703 and 3-1006), based upon consideration of the staff report, Planning Commission recommendation, citizen comments and applicable standards of the Land Use Code,
  - VII. The Board of County Commissioners action shall be documented within a resolution recorded with the County Clerk and Recorder.
- 3-702 C. Step Five - Board of County Commissioners Final Plat Plan and Planned Unit Development (PUD) Review
- I. An applicant seeking a five-step review shall submit a final plat subdivision application containing the submission contents identified in Section 4-5 to the Planning Director pursuant to the procedures in Section 3-202.
  - II. The Board of County Commissioners shall consider the final plat subdivision application at a public meeting and grant or deny final approval of the application based upon consideration of the staff report, citizen comments and applicable standards of the Land Use Code.

### **3-703 Review and Continuance Process**

All Subdivision and PUD reviews and amendments shall not be continued for more than forty days from the date of the public meeting/hearing without the written consent of the applicant. Any continuation of a public meeting/hearing shall be to a date certain.

An applicant may be requested, based on specific, objective criteria, by the reviewing body to redesign all or any portion of a plat or plan submitted for approval. If the applicant redesigns the plat or plan in accordance with the request, no further redesign shall be requested unless necessary to comply with a duly adopted county resolution, ordinance or regulation.

A meeting/hearing may be extended by the County to receive a recommendation from any agency

to which a plat or plan was referred, but such extension shall not exceed thirty days unless the agency has notified the County that it will require additional time to complete its recommendation.

A technical dispute between a licensed or registered professional of the applicant and the County may be referred, at the applicant's request, to a qualified employee in the appropriate state department for a recommendation to facilitate a resolution of the dispute.

**FIGURE 3-7**

**LAND USE ACTIVITIES REQUIRING PUBLIC HEARING**

<b>Land Use Activity</b>	<b>Body Responsible for Public Hearing</b>
Subdivision Exemptions	Board of County Commissioners
Substantial Plat Amendments	Board of County Commissioners
Substantial Planned Unit Development (PUD) Amendments	Board of County Commissioners
Land Use Code Amendments	Board of County Commissioners
Rezoning	Board of County Commissioners
Subdivisions	Planning Commission for Sketch Plan Review and Board for Preliminary Review
Planned Unit Developments (PUD)	Planning Commission for Sketch Plan Review and Board for Preliminary Review
Floodplain Development Permit Uses by Special Review	Board of County Commissioners

## **SECTION 3-8: CONSOLIDATION OF APPLICATIONS**

In the case of applications seeking multiple land use approvals, the various review requests shall be consolidated so that different requests for approvals are considered comprehensively by the decision-making bodies.

## **SECTION 3-9: PUBLIC NOTICE**

### **3-901 General**

Prior to 20 days before any meeting for which consideration of **any** land use application is scheduled, the applicant shall notify by First Class mail every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of **any** land use application is scheduled, the applicant shall post notice of the scheduled consideration of the application. Mailing and posting of notice by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code.

Prior to a **public hearing** on a development application, notice also shall be provided to the public pursuant to Section 3-903 D. Figure 3-7 identifies the various types of land use applications and steps in the review process at which time notice is to be given.

Pursuant to C.R.S. § 24-65.5-102(2)(a), a land use application that is subject to the requirements of public notice for neighboring property owners and the subsurface mineral estate underneath the subject property includes, but is not limited to, all public hearings and public meetings before either the County Planning Commission or the County Board of Commissioners, including preliminary or final plat for a subdivision, rezonings, any subdivision exemption creating more than one (1) new parcel, a planned unit development, and applications for special use permits where such applications are in anticipation of new surface development. In such case, the applicant shall provide notice, pursuant to C.R.S. §§ 30-28-133(10) and 24-65.5-103(1), to all owners and lessees of a mineral interest of record on the subject property of the pending application. For purposes of identifying the mineral estate owner on the subject property, the applicant or his representative shall examine the records in the office of the San Miguel County Clerk and Recorder. Notice to the mineral estate owner shall be provided by first class mail to the last-known address of record of the mineral estate owner not less than thirty (30) days before the date scheduled for the initial public meeting by San Miguel County.

Pursuant to C.R.S. § 24-65.6-102(2)(a) Application for Development does not include: building permit applications, applications for a change of use for an existing structure, applications for

boundary adjustments, applications for platting of an additional single lot, applications for lot site plans, applications for a development permit, or applications with respect to electric lines, natural gas pipelines, steam pipelines, chilled or other water pipelines, or appurtenances to said lines or pipelines. An applicant's failure/refusal to submit the required certification of notice required by C.R.S. §§ 24-65.5-103(4) and 104(2), will result in the public meeting or hearing being rescheduled to a later date.

### **3-902 Content**

- 3-902 A. Every notice shall include:
- I. The name and address of the applicant;
  - II. The type of development application sought;
  - III. Date, time and place of the hearing;
  - IV. The address and legal description of the subject property, if applicable;
  - V. A summary of the Development Application under consideration; and
  - VI. Identification of the decision-making body conducting the hearing and such other information as may be required to apprise the public of the nature of the application.

### **3-903 Manner**

- 3-903 A. General
- I. Notice for all land use applications (as specified in Figure 3-7) shall be given pursuant to this section.
  - II. Notices shall contain the information described in Section 3-902.
  - III. The applicant shall use its best efforts to provide notice to the public, pursuant to Sections 3-7 and 3-903.
- 3-903 B. Posting
- I. Posting of notice shall be made by the applicant by posting a sign in a conspicuous place on the property subject to the development application.
  - II. The applicant shall obtain a copy of the form of the sign from the Planning Office at least 20 days prior to the public meeting.
  - III. The sign shall be made of suitable, waterproof materials, shall be not less than 22 inches wide and 26 inches high, and shall be composed of letters not less than one inch in height.
- 3-903 C. Mailing

- I. Written notice of an application for approval of a Development proposal shall be sent to the Owners of property located adjacent to the property subject to the application. Mailing of notice shall be made by the applicant, who shall obtain a copy of the notice from the Planning Director. The notice shall inform adjacent property Owners that they have 20 days from the time the notice is postmarked to notify the Planning Director in writing of any objection to the request for a Development Permit.
- II. At least 20 days prior to the public meeting, notice shall be sent by first class, postage prepaid U.S. mail, to all Owners of property within 500 feet of the property subject to the Development application.
- III. Except for notice to the subsurface mineral estate, which shall be determined by examination of the records of the San Miguel County Clerk and Recorder's Office in accordance with C.R.S. §§24-65.5-103(2), and 104(2), the names and addresses shall be of those on the current tax records of San Miguel County as they appeared either in the records of the San Miguel County Assessor or under the San Miguel Geographic Information Systems (GIS) mapping program no more than 60 days prior to the date of the public meeting. GIS data may not accurately or completely reflect owners in multi-unit, multi-floor buildings in San Miguel County. In such instance, the applicant must examine the Assessor's information in addition to the GIS data in order to provide the required public notice.
- IV. Should a land use application be subject to the public noticing provisions of Section 3.9 and C.R.S. § 24-65.5-103(1), the applicant must submit, to the Planning Department, a certification of compliance with these public notice requirements in accordance with C.R.S. § 24-65.5-103(4) and 104(2), prior to the initial public meeting on a land use application in anticipation of new surface development. The form for a certification of compliance with these public notice requirements shall be available from the San Miguel County Planning Department. Failure to submit the required certification of notice will result in the public meeting or hearing being rescheduled to a later date.

3-903 D. Publication

The Planning Director shall cause notice of a hearing to be published one time in a newspaper of general circulation in the County at least 14 and no more than 45 days prior to the hearing.

## **SECTION 3-10: CONDUCT OF PUBLIC HEARINGS**

### **3-1001 General**

The general procedures in this section shall apply to all public hearings regarding the review of a development application by decision-making bodies.

### **3-1002 Oath or Affirmation**

Upon request or direction of the Chairperson, testimony and evidence shall be given under oath or affirmation to the body conducting the hearing.

### **3-1003 Rights of all Persons**

Any person or persons may appear at a public hearing and submit evidence either individually or as a representative of another person or organization. Each person who appears at a public hearing shall be identified and, if appearing on behalf of another person or an organization, shall state the name and mailing address of the person or the organization.

### **3-1004 Due Order of Proceedings**

The Chairman of the decision-making body conducting a hearing may, at his discretion, evoke any and/or all of the following rules of order. The decision-making body conducting the hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. Any person may ask relevant questions of other persons appearing as witnesses, but shall do so only through the discretion of the Chairman. The order of proceedings shall be as follows:

- 3-1004 A. Nothing in this Section 3-1004 withstanding, if the applicant or the San Miguel County Planning Office fails to provide a notice pursuant to the provision of Sections 3-7 and 3-903, then such failure shall not constitute a procedural error that would result in voiding or in any way affecting the validity or enforceability of the action of the decision-making body at the public hearing. However, if the decision-making body finds that either the applicant or the San Miguel County Planning Office failed to use its best efforts in attempting to provide notice pursuant to the provision of Sections 3-7, 3-403 and/or 3-903, then the decision-making body may continue such hearing to a future date, at which time it will again address the issue of whether or not best efforts were used in attempting to provide notice pursuant to Sections 3-7, 3-403 and 3-903.
- 3-1004 B. The Planning Office staff shall present a narrative and graphic description of the development application.
- 3-1004 C. The Planning Office staff shall present a written and oral recommendation. This recommendation shall address each factor required to be considered by the Code and the **San Miguel County Comprehensive Development Plan** prior to development approval and shall be made available to the applicant submitting the development application at least one (1) working day prior to the hearing.

- 3-1004 D. The applicant shall present any information that it deems appropriate and shall demonstrate that public notice has been given, if required.
- 3-1004 E. Public testimony shall be heard, first in favor of the development application, then in opposition to it.
- 3-1004 F. The Planning Office staff may respond to any statement made by the decision-making body, by the applicant or by the public.
- 3-1004 G. The applicant may respond to any testimony or evidence presented by the Planning Office staff, the decision-making body or the public.

### **3-1005 Testimony**

In the event any testimony or evidence is excluded as irrelevant or unduly repetitious, the person offering such testimony or evidence shall have an opportunity to introduce such testimony or evidence in written form into the official record. An offer of such testimony may be made at the hearing or in writing within five days after the close of the hearing.

### **3-1006 Continuance**

The decision-making body conducting the hearing may, on its own motion or at the request of any person, continue the hearing to a fixed date, time and place. No notice shall be required if a hearing is continued. Continuances shall be granted at the discretion of the decision-making body conducting the hearing only upon good cause shown. (Refer to Section 3-703 for continuation of Subdivision or PUD applications.) All adjourned public hearings shall commence only upon the giving of all notices that were required for the initial call of the public hearings.

### **3-1007 Other Rules**

Other matters pertaining to the public hearing shall be governed by other provisions of the San Miguel County Code and applicable State statutes, applicable to the decision-making body conducting the hearing and its adopted rules of procedure, so long as the rules are not in conflict with this Section. The County's decision-making bodies may adopt rules of procedure to limit the number of development applications that may be considered at a hearing.

### **3-1008 Record**

#### **3-1008 A. Recording**

The County Clerk shall record the proceedings by any appropriate means. The proceedings may be transcribed at the request and expense of any person.

#### **3-1008 B. Composition**

The following documents and information shall constitute the official record of the hearing:

- I. Record of oral proceedings including testimony and statements of personal opinions;

- II. The minutes of the County Clerk or the Clerk's designee;
  - III. All applications, exhibits and papers submitted in any proceeding before the decision-making body;
  - IV. The report and recommendation of the Planning Office;
  - V. The decision and resolution of the decision making body;
  - VI. San Miguel County Land Use Code;
  - VII. San Miguel County Comprehensive Development Plan; and
  - VIII. Any documents contained in the County's records that are relevant to the proceedings.
- 3-1008 C. Public Records  
All records of decision-making bodies shall be public, open for inspection at reasonable times and upon reasonable notice.
- 3-1008 D. Final Actions by Decision-making Bodies  
Any final decision made by a decision-making body shall be documented in a resolution signed by the Chairperson of the body. No action shall be considered to be final without proper signature and recording of the resolution.

**SECTION 3-11: ACTIONS BY DECISION-MAKING BODIES**

**3-1101 General**

- 3-1101 A. The decision-making body shall approve or approve with conditions only those applications it finds to be in compliance with the standards, and, if applicable, conditions imposed during previous stages of the review process.
- 3-1101 B. The decision-making body may continue any meeting and remand an application to the applicant for modification or further study if it finds there is insufficient evidence to take other action.
- 3-1101 C. The decision-making body shall execute all required actions within reasonable time frames.

### **3-1102 Sketch Plan Subdivision Approvals**

#### **3-1102 A. General**

Sketch plan subdivision approval by the Board of County Commissioners shall not constitute acceptance of any required subsequent submission(s).

#### **3-1102 B. Time Limits**

Approval of a sketch plan shall be valid for one year from the date of approval by the Board of County Commissioners. If, within that time period, the required subsequent submission has not been filed, the Board may grant a one-time extension of the approval, for a period not to exceed one year, if the applicant demonstrates to the Board that substantial action has been taken in reliance on the sketch plan approval.

### **3-1103 Preliminary Subdivision Approvals**

#### **3-1103 A. General**

Preliminary subdivision approval by the Board of County Commissioners shall not constitute acceptance or approval of the final plat.

#### **3-1103 B. Time Limits**

Approval of a preliminary plan shall be valid for one year from the date of approval by the Board of County Commissioners. If, within that year and within each year thereafter, a final plat submission has not been filed for at least a portion the approved preliminary plan, the Board may grant extension(s) of the approval for good cause shown.

### **3-1104 Rezoning and Special Review Approvals**

3-1104 A. Rezoning and approvals of special uses which are made in conjunction with Planned Unit Developments (PUDs) or Subdivisions shall not be effective until the final plat is signed by the Board of County Commissioners.

3-1104 B. Approval of rezoning and special review applications in conjunction with sketch plan subdivision and preliminary PUD approvals shall not require the Board to grant such approvals at the final stage of the subdivision and PUD review.

## **SECTION 3-12: IMPROVEMENT AGREEMENTS AND PERFORMANCE GUARANTEES**

### **3-1201 Improvements Agreements**

Prior to the issuance of a building permit and the recording of a final plat, an applicant shall submit for approval to the Board of County Commissioners an improvements agreement for construction of any required public improvements designated on the final plat.

### **3-1202 Performance Guarantee**

- 3-1202 A. Prior to the issuance of any building permit, the Board of County Commissioners may require an applicant to file a financial guarantee in order to insure compliance with any or all requirements of the Board stipulated in the improvements agreement and the final plat.
- 3-1202 B. The financial guarantee, in the judgment of the Board of County Commissioners, shall be sufficient to make reasonable provision for completion of said improvements in accordance with design and time specifications.
- 3-1202 C. Ordinarily, a letter of credit to the Board of County Commissioners from a commercial bank, savings and loan institution, insurance company or other qualified lending institution(s) licensed or authorized to do business in the State of Colorado, or a letter from the Federal Housing Administration or Veterans Administration in a form satisfactory to the County Attorney shall be required.
- 3-1202 D. Nothing in Section 3-1202 C. shall preclude the Board of County Commissioners from approving other forms of financial security.

### **3-1203 Release of Collateral**

- 3-1203 A. As public improvements are made, an applicant may apply to the County for release of part or all of the collateral deposited with the County.
- 3-1203 B. Upon inspection and approval, the County shall release collateral, provided that in the event a combination of forms of collateral has been accepted, the County shall release collateral on a priority basis it deems appropriate.
- 3-1203 C. If the County Engineer determines that any of the required improvements are not constructed in substantial compliance with specifications, it shall furnish the applicant a list of specifications and shall be entitled to withhold collateral sufficient to insure substantial compliance.
- 3-1203 D. If the County determines that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the County may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

### **3-1204 Form of Agreement**

The form of the Improvements Agreement shall be as set forth in Section 4-508. B. and Exhibit F: Subdivision Improvements Agreement Form.

**SECTION 3-13: AMENDMENTS TO DEVELOPMENT APPLICATIONS**

**3-1301 General**

This section of the Code establishes the procedures for amendments to development applications.

**3-1302 Development Permit Amendments**

3-1302 A. Minor amendments

Minor amendments to all development applications may be permitted during the land use review process pursuant to the procedures in this section. The Board of County Commissioners shall determine whether or not the proposed amendment constitutes either a minor amendment or a major amendment to a development application pursuant to the standards in Section 5-10 and 5-15. Major amendments shall require a new sketch plan subdivision application and shall be reconsidered by the Planning Commission pursuant to Sections 3-5 or 3-6 whichever is applicable.

3-1302 B. After the Issuance of a Development Permit

I. Insubstantial Amendments

Minor amendments to an approved development application that has been issued a development permit may be allowed by administrative review pursuant to Section 3-4.

II. Substantial Amendments

Major Amendments to a development proposal that has been issued a development permit may be permitted by Two-step Review pursuant to Section 3-5.

**SECTION 3-14: VESTED PROPERTY RIGHTS**

**3-1401 General**

3-1401 A. Pursuant to the provisions of Article 68 of Title 24, C.R.S., a property right shall be deemed vested with respect to any property, following notice and public hearing, when required, upon the approval, or conditional approval, of a final plat, evidenced by the signing thereof by the Board of County Commissioners.

3-1401 B. A vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approval.

- 3-1401 C. The Board of County Commissioners, Planning Commission or Planning Director may approve a subdivision plat or grant other final approval upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such approval shall result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights upon a determination by the Board of County Commissioners, following and hearing.

### **3-1402 Vested Property Right Term**

A property right that has been vested as provided in Section 3-1401 shall remain vested for a period of three years. However, the Board of County Commissioners may enter into development agreements with land owners specifying that property rights shall be vested for a period exceeding three years when warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, economic cycles and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.

Issuance of a building permit or a development permit shall guarantee vested rights to use the property in compliance with the terms and conditions of final plat, although failure to comply with such terms and conditions shall result in forfeiture of vested property rights. Should no building permit or development permit be issued within said three years, the plan shall be terminated and the vested property right shall expire upon a determination by the Board of County Commissioners, following hearing and notice to interested parties.

### **3-1403 Extension of Vested Property Right Term**

The affected landowner may request that the Board of County Commissioners grant an extension of the site-specific development plan for up to three years, provided that:

- 3-1403 A. A written request for an extension is submitted by the affected landowner within sixty (60) days of the date of termination of the vested property right;
- 3-1403 B. Such extension request shall be considered by the Board in a public hearing, notice of which shall be advertised not less than 30 days prior to such hearing in a newspaper of general circulation within the County;
- 3-1403 C. There is no conflict with the Land Use Code or that any conflict may be corrected by an amendment to the final plat, which shall be presented with the request for extension;
- 3-1403 D. The applicant has demonstrated that the final plat continues to be compatible with adjacent properties and the surrounding area, or that compatibility may be established by an amendment to the final plat, which shall be presented with the

request for extension;

- 3-1403 E. The applicant has demonstrated that the final plat is consistent with the Comprehensive Development Plan; and
- 3-1403 F. Such extension, if granted, shall be valid only for the period approved by the Board of County Commissioners.

### **3-1404 Further Reviews**

Following approval or conditional approval of a subdivision plat or other final approval, nothing in this resolution shall exempt such a plan or plat from subsequent reviews and approvals, including, but not limited to, construction drawings, drainage plans, building permit and certificate of occupancy to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with said original approval.

### **3-1405 New Regulations**

The establishment of a vested property right shall not preclude the application of land use regulations which are general in nature and are applicable to all property subject to land use regulation by the County, including, but not limited to, building, fire, plumbing, electrical, mechanical codes, and other public health, safety and welfare codes.

### **3-1406 Natural or Man-made Hazards**

A vested property right shall automatically terminate upon the discovery on or in the immediate vicinity of the subject property of natural or man-made hazards which could not reasonably have been discovered at the time of site-specific development plan approval, and which, if uncorrected, would pose a serious threat to the public health, safety and welfare.

### **3-1407 Public Improvements**

The vested property rights provided herein shall in no way diminish or alter the requirement for public improvements, or other requirements, as provided in County regulations.

### **3-1408 Effective Date of Final Plat Approval**

A final plat shall be deemed approved upon the effective date of signing by the Board of County Commissioners, as set forth in Section 3-1401 A. In the event amendments to a final plat are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of signing of the original final plat, unless the Board of County Commissioners finds to the contrary and incorporates such finding in its approval of the amendment.

### **3-1409 Final Plat Language**

Each final plat shall contain the following language: "**approval of this plan may create a vested property right pursuant to article 68 of Title 24, C.R.S., as amended.**" Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved and the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than fourteen (14) days after approval of the final plat, in a newspaper of general circulation within the County.

### **3-1410 Fees**

Fees for the processing of land use applications for proposed developments shall be set by resolution of the Board of County Commissioners commensurate with the level of service. Such fees may include all costs occasioned to the County, including publication of notices, public hearing and review costs, and engineering, and legal and other professional review costs.

### **3-1411 Other County Rules**

Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of the County's regulations pertaining to the development and use of property.