

# Clear Creek County Zoning Regulations: Section 20

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## SECTION 20. DEVELOPMENT REVIEW

### 2001. PURPOSE

The general purpose of these regulations is to ensure that commercial and industrial development is responsive to both the surrounding mountain environment and the changing needs of the community as a whole. Such development shall accomplish this through the use of building form, elements, and materials that are derived directly and indirectly from the mountain environment and the application of technology that is responsive to the needs and climate of the county.

### 2002. APPLICABILITY FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT

#### 2002.1. Square Footage

These regulations shall apply to new development and improvements to existing development in commercial and industrial zoning districts as outlined in the table below. The values shown below represent total square footage of all proposed and existing structures on the parcel(s) which the development is or will be located.

<u>Zoning District</u>	<u>No Development Review</u>	<u>Development Review</u>
Commercial - Neighborhood (C-N)	5,000 or less	above 5,000
Commercial - Retail/Office (C-RO)	10,000 or less	above 10,000
Commercial - Tourism/Recreation (C-TR)	10,000 or less	above 10,000
Commercial - Outdoor/Recreation (C-OR)	10,000 or less	above 10,000
Commercial - Light Manufacturing C - LM)	10,000 or less	above 10,000
Commercial - Warehouse/Manufacturing C - WM)	10,000 or less	above 10,000
Obsolete Commercial One (C-1)	5,000 or less	above 5,000
Obsolete Residential - Commercial (R-C)	5,000 or less	above 5,000
Industrial	15,000 or less	above 15,000

#### 2002.2. Vehicle Trips

These regulations shall apply to new development and improvements to existing development in all commercial and industrial zoning districts as outlined in the table below. The value shown below represents the number of vehicle trips likely to be generated per day (ADT = average daily traffic) as determined by the Clear Creek County Roadway Design and Construction Manual, the Institute of Transportation Engineers' Trip Generation publication, or a transportation engineer or transportation planner who is a member of the Institute of Transportation Engineers' professional society.

<u>Zoning District</u>	<u>No Development Review</u>	<u>Development Review</u>
All Commercial and Industrial Zoning Districts	200 ADT or less	above 200 ADT

OR, Development Review shall apply if the projected ADT from the proposed development increases the design capacity classification for the roadway(s) from which the proposed development will gain access, as per the Clear Creek County Roadway Design and Construction Manual, as adopted by the Board of County Commissioners.

#### 2002.3 Site Disturbance

These regulations shall apply to new development and improvements to existing development in all commercial and industrial zoning districts. The values shown below represent the total square footage of surface disturbance that the proposal will impose on the property.

<u>Zoning District</u>	<u>No Development Review</u>	<u>Development Review</u>
All Commercial and Industrial Zoning Districts	2 acres or less	above 2 acres

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## 2003. SUBMITTAL PROCESS

### 2003.1 Sketch Plan/Final Plan (Intent/Submittal Requirements)

The sketch plan is intended to be an optional process that provides an applicant the opportunity to submit a basic conceptual plan for rezoning of the property in order to allow the County and public to evaluate and discuss basic concepts for development prior to an applicant moving forward to submitting detailed plans and engineering required in the final plan process. Generally, the two-step process will perform best when a Rezoning and Development Review are filed in conjunction. If the property is already appropriately zoned for the Development Review proposal, the applicant will be better off to skip the sketch plan step and apply only under the final plan.

The two-step process is further explained in Section 19 of these Zoning Regulations.

### 2003.2. Submittal Process

The following process will be followed for both Sketch Plan and Final Plan applications.

#### 2003.2.1 Pre-application Conference

Prior to submittal of an application, the applicant shall meet with the Planning Department to determine if the Development Review process is applicable to their particular development request and to review the procedure and submittal requirements. The applicant should bring applicable documentation for review.

#### 2003.1.2

After a site visit has been conducted, the Planning Department will determine any additional submittal requirements needed (other than the general requirements), and will provide them in writing to the applicant.

#### 2003.1.3

The applicant shall submit one (1) copy of the submittal to the Planning Department.

#### 2003.1.4

The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal shall not be processed.

#### 2003.1.5

Once the submittal is determined complete by the Planning Department, staff will notify the applicant of the number of copies and content of the submittal required to be provided for distribution.

#### 2003.1.6

The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis.

#### 2003.1.7

Referral agencies shall be given twenty-one (21) calendar days prior to the Planning Commission public hearing to comment.

#### 2003.1.8

The Planning Department will mail a location map to the Planning Commission so they may visit the proposed site.

#### 2003.1.9

Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Planning Commission public hearing.

#### 2003.1.10

The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the Planning Commission public hearing. The applicant will be notified of the public hearing date, time, and place.

#### 2003.1.11

At least fourteen (14) calendar days prior to the Planning Commission public hearing, the applicant shall post and maintain a notice on the parcel(s) under consideration. The notice(s) shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.

#### 2003.1.12

During the public hearing, the Planning Commission shall evaluate the submittals, referral comments, staff report, and public testimony, and make a recommendation to the Board of County Commissioners (BOCC) to approve, approve with conditions, or deny the application.

#### 2003.1.13

The applicant may be required to provide additional information prior to the BOCC public hearing based on conditions/stipulations recommended by the Planning Commission.

#### 2003.1.14

The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the BOCC public hearing. The applicant will be notified of the public hearing date, time, and place.

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- 2003.1.15** Based upon the submittal documentation, site characteristics analysis, comments received, and the Planning Commission's recommendation, the Planning Department will prepare a staff recommendation/report and draft resolution for the BOCC public hearing.
- 2003.1.16** During the public hearing, the BOCC shall evaluate the submittals, referral comments, staff report, Planning Commission recommendation, and public testimony, and shall approve, approve with conditions, or deny the application.
- 2003.1.17** The Planning Department will notify the applicant of any modifications or requirements needed to finalize the development review site plan or other final documents prior to recording with the County Clerk and Recorder.
- 2003.1.18** The final development review site plan approved by the decision-making body shall be the basis for the site plan and drawings to be submitted with an application for a building permit.

### **2004. GENERAL SUBMITTAL REQUIREMENTS**

**2004.1. Minimum Contents of Application.** Both the Sketch Plan and Final Plan application shall be submitted in a form established by these Land Use Regulations and made available to the public. Both applications shall include, at a minimum, the following materials:

- 2004.1.1 Applicant's Identity.** The applicant's name, mailing address, telephone, email, address and fax number. If the owner is to be represented by an agent, a letter signed by the owner granting power of attorney to the agent, or a completed landowner authorization form granting authorization to the agent, shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, mailing address, telephone, email address and fax number.
- 2004.1.2 Legal Description.** The legal description and street address, if such exists, of the parcel on which development is proposed to occur.
- 2004.1.3 Disclosure of Ownership.** A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. The disclosure of ownership shall be in the form of a current certificate from a title insurance company (title commitment), or ownership and encumbrance report. The title commitment or ownership and encumbrance report shall be dated within two (2) months prior to formal application submittal.
- 2004.1.4 Vicinity Map.** An eight and one-half inch by eleven inch (8 ½" x 11") vicinity map, locating the subject parcel within Clear Creek County. The map shall, at a minimum, have a scale bar and clearly identify the subject parcel(s) and the nearest public road.
- 2004.1.5 Written Description.** A written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the Regulations applicable to the application shall be prepared. The description shall include, but not be limited to the following:
  - 1.Types of uses proposed
  - 2.General hours of operation
  - 3.Maximum number of potential employees
  - 4.Why should the proposed development be considered?
  - 5.How is the proposal consistent with the applicable Master Plan(s) for the area?
  - 6.How is the proposed zoning more appropriate than existing zoning?
  - 7.Have there been major changes of an economic, physical, or social nature in the area involved that were not anticipated when the existing zoning was implemented?
  - 8.How is the proposal consistent with the purpose and intent of the Zoning Regulations?
  - 9.Generally, how will the proposal impact the immediate community?
  - 10.How is the proposal compatible with the immediate community?
  - 11.Statement of projected County tax revenue based upon the previous year's County tax levy and a schedule of projected receipts of that revenue.
  - 12.Proposed method of fire protection, including information demonstrating a legal, adequate water supply for fire fighting purposes

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## 2005. SKETCH PLAN SUBMITTAL REQUIREMENTS

### 2005.1 Services and Infrastructure

- 2005.1.1 Description of Proposed Method of Water Supply including proposed source and evidence of availability.
- 2005.1.2 Description of Wastewater Treatment Method including proposed source and evidence of available capacity.
- 2005.1.3 Access and Traffic Analysis
  - 1. Analysis of existing access to the property(ies) from County, State, and/or Federal road systems
  - 2. Analysis of traffic generation anticipated by the proposal
  - 3. Analysis of impacts from increased traffic generation, including but not limited to, level or service, congestion, noise, dust, odors, and traffic hazards.
- 2005.1.4 Availability of Public Services/Infrastructure
  - 1. Verification letters of service from all applicable utility companies
  - 2 .Analysis of burden on the following services:
    - a. Fire District
    - b. Ambulance and EMS
    - c. Sheriff's Office
      - 1. Analysis of Burden on Clear Creek School District RE-1

### 2005.2 Environmental Impact

- 2005.2.1 A Site Characteristic Analysis Report identifying information on natural hazards; including geologic, wildfire, and flood hazards; wildlife, and wetlands.

### 2005.3 Building and Site Design

Scaled Conceptual Site Plan showing and/or explaining the following when applicable:

- 1. Location of proposed uses and buildings and densities of proposed uses and buildings
- 2. Location of proposed open space/parks/trails
- 3. Location of public space (roads/sidewalks/trails)
- 4. Rough existing and proposed drainage patterns
- 5. Location of significant natural or man-made features, including major peaks, ridgelines, hillsides and viewsheds. This can be identified with appropriate contours
- 6. Vehicular circulation and off-street parking
- 7. Proposed schedule of development phasing
- 8. Location of wells/water supply and sewage treatment

### 2005.4 Conceptual Architectural Plans

## 2006. FINAL PLAN SUBMITTAL REQUIREMENTS

### 2006.1 Services and Infrastructure

2006.1.1 Proposed Method of Water Supply in the form of one or more of the following:

- 1. An 'ability to serve' letter from an applicable water district or provider
- 2. A copy of a current valid well permit if supply is from an existing well
- 3. Proposed water augmentation plan or proposed water supply plan. Information regarding existing water rights should include, but not be limited to: 1) evidence of ownership or right of acquisition of or use of existing and proposed water rights; 2) historical use and estimate yield of claimed water rights; and 3) amenability of existing rights to a change in use.
- 4. If a new water treatment system or district, or extension, is proposed, a copy of the approved 1041 Permit or application for a 1041 Permit for approval shall be submitted.
- 5. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with Development Standards.

2006.1.2 Wastewater Treatment Method in the form of one or more of the following:

- 1. An 'ability to serve' letter from an applicable sanitation district or provider
- 2. If an individual sewage disposal system (ISDS) is proposed, evidence prepared by a Colorado licensed professional engineer that the sewage treatment system and leach field will be in compliance with the County's ISDS Regulations
- 3. If a new sewage treatment system or special district, or extension, is proposed, a copy of the approved 1041 Permit or application for a 1041 Permit for approval shall be submitted.
- 4. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with the ISDS Regulations or applicable Development Standards.

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### **2006.1.3** Access and Traffic Analysis

1. Analysis of existing access to the property(ies) from County, State, and/or Federal road systems
2. Analysis of traffic generation anticipated by the proposal
3. Analysis of impacts from increased traffic generation, including but not limited to, level or service, congestion, noise, dust, odors, and traffic hazards.
4. Demonstration of conformance with the *Clear Creek County Roadway Design and Construction Manual*
5. The analysis shall also address measures taken to avoid or mitigate identified impacts, and/or ways to bring the proposal into conformance with the *Clear Creek County Roadway Design and Construction Manual*.

### **2006.1.4** Availability of Public Services/Infrastructure

1. Verification letters of service from all applicable utility companies
2. Analysis of burden on the following services:
  - a. Fire District
  - b. Ambulance and EMS
  - c. Sheriff's Office
  - d. Road and Bridge Department
  - e. Office of emergency Management
3. Analysis of Burden on Clear Creek School District RE-1
4. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with the Development Standards

### **2006.2** Environmental Impact

#### **2006.2.1** Analysis of Natural Hazards, including Geologic, Wildfire, and Flood Hazards

#### **2006.2.1** Analysis of Wildlife

#### **2006.2.3** Analysis of Wetlands

The Analyses shall address measures taken to avoid or mitigate identified impacts and shall be prepared in conformance with the provisions of the Development Standards

### **2006.3** Building and Site Design

#### **2006.3.1** Site Plan

The Site Plan shall include a full land survey plat in conformance with Article 16: General Surveyor Requirements, of the *Clear Creek County Subdivision Regulations*. A separate site plan may be prepared which contains the following additional elements:

1. Elevation contours at an interval of 5 to 10 feet for all disturbed areas
2. location of uses
3. Proposed densities of uses
4. Proposed densities and location of buildings
5. Location of proposed open space/parks/trails
6. Location of public space (roads/sidewalks/trails)
7. Site design should pay attention to, and incorporate natural assets of the property and surrounds, such as ridgelines/hillsides/viewsheds/etc.
8. Location of signs, parking, fencing, landscaping, and lighting
9. Vehicular circulation and off-street parking
10. Proposed schedule of development phasing
11. Location of wells/water supply and sewage treatment

#### **2006.3.2** Drainage and Stormwater Management Plan, prepared by a Colorado licensed professional engineer

#### **2006.3.3** Best Management Practices Plan

#### **2006.3.4** On previously-mined properties, an Environmental and Safety Assessment Report identifying potential mining hazards on the property and mitigation techniques that adequately mitigate such hazards.

#### **2006.3.5** Building Design Features, including color chips and photographs

#### **2006.3.6** Scaled Building Elevation drawings depicting north, south, east, and west views of all proposed buildings

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### **2007. FINDINGS FOR APPROVAL**

The County must find that the proposal conforms with the provisions of Section 10: Development Standards, of the Zoning Regulations.

### **2008. REVISIONS AND MODIFICATIONS**

Action on changes to approved Development Review Site Plans shall be taken by the review authority responsible for action on the original review through the process identified in these regulations. However, if approval was made by the Planning Commission, the revisions shall be taken by the Board of County Commissioners. Revisions and Modifications shall comply with the provisions of this section. However, if the Planning Director determines changes to be minor in nature, they may be approved by the Planning Director. Changes shall be considered minor if they meet the following criteria:

**2008.1** Does not increase the amount of square footage, site disturbance, or unit count by more than 10% of the total approved in the original Development Review Site Plan.

**2008.2** Complies with zoning regulations including use regulations and development regulations and standards.

**2008.3** Does not change the location of uses, or the layout of streets, trails, or pathways except for minor adjustments within areas approved for development or within approved rights-of-way.

**2008.4** Does not include the addition of a drive-through in which the patron's automobile is accommodated from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

**2008.5** Is not a detriment to public health, safety, and welfare.

### **2009. PERFORMANCE GUARANTEE**

**2009.1** Before a Certificate of Occupancy is provided or final inspection is conducted, the decision-making body may, in its discretion, require the applicant to file a performance guarantee of financial security deemed adequate by and made payable to the County.

**2009.2** The purpose of this performance guarantee shall be to assure that the applicant shall faithfully perform all conditions as specified in the approval of the application.

**2009.3** Any requirement for a performance guarantee shall be specified in the written decision of the County in a resolution.

### **2010. ANNUAL REVIEW**

The Board of County Commissioners may require the applicant to periodically submit a report via the Planning Director, detailing all past activities conducted by the applicant pursuant to the Development Review approval by the Board, including a satisfactory showing that the applicant/property owner has complied with all conditions of the Development Review approval and applicable regulations. The applicant/property owner need not inform the County of activities such as operational changes, which are not the subject of a Development Review approval.

The Planning Director shall review the report within thirty (30) days from the date of submittal thereof. If the Planning Director determines, based upon its review, that the applicant/property owner is likely to have violated the provisions of the Development Review or applicable regulations, the County may issue a notice of violation to the applicant/property owner.

Upon notice to the Planning Director of the fulfillment of all conditions of the approval of the Development Review, and the Planning Director's concurrence therein, the Planning Director may terminate any annual review requirements.

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### **2011. EARLY DETERMINATION OF “SIGNIFICANT”**

#### **2011.1 Approval Authority**

The Board of County Commissioners has the authority to decide on an application for early determination of “Significant” after a recommendation by the Planning Commission.

#### **2011.2 Purpose**

This process is required when a residential development in conformance with the Multi-Family Units (R-3) zoning district is being proposed with a commercial development as a use permitted in the obsolete Commercial One (C-1) zoning district (Section 22(B)(D)(23) .

#### **2011.3 Submittal Requirements**

**2011.3.1** Location Map that indicates the location of the proposed development in relation to roads, streams, utilities, adjacent parcels, and other features.

**2011.3.2** Preliminary project description and economic impact report that outlines the following:

1. Need for the project
2. Total square footage or area of the parcel
3. Number of residential units proposed, total footprint are, and total square footage
4. The commercial development proposed, total footprint area, and total square footage
5. Projected tax revenue generated by the residential development
6. Projected tax revenue generated by the commercial development
7. List of services provided by the proposed development
8. Proposed job generation of the commercial development
9. Proposed job generation of the residential development

**2011.3.3** Cost/Benefit Analysis, with proposed mitigation methods of identified costs.

#### **2011.4 Review Process**

**2011.4.1** After receipt of a complete application (as determined by the Planning Department), the Planning department shall publish notice of the Planning Commission and Board of County Commissioners’ public hearings on said application, and the hearings will be scheduled for the next available Planning Commission and BOCC hearing dates. Notice shall be published in a newspaper of general circulation in the County, not less than fourteen (14) days before the date set for the hearing..

**2011.4.2** The Planning Commission shall provide a recommendation to the Board of County Commissioners that the proposed development does or does not meet the intent of “significant” within fifteen (15) working days of the date that the proposal is first heard by the Planning Commission.

**2011.4.3** The Board of County Commissioners shall approve or deny the proposed development as meeting the intent of “significant” within fourteen (14) calendar days of the date that the proposal is first heard by the Board of County Commissioners.

#### **2011.5 Criteria for Evaluation**

The following are the criteria that the County will evaluate to assure that the proposed commercial development is “significant” to the County. To determine a proposed commercial development as “significant” does not necessarily mean it shall be significant relative to the residential component of the development, rather, it may be evaluated independently from the residential component.

1. Tax Revenue Generated
2. Total Square Footage
3. Costs versus Benefits
4. Job Generation
5. Sales Tax Generation
6. Services Provided

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7. Other elements applicable to a particular proposal