

SUMMIT COUNTY PLANNING DEPARTMENT

CLASS 3 DEVELOPMENT REVIEW PROCESS: PLANNING COMMISSION AND, IN CERTAIN INSTANCES, BOARD OF COUNTY COMMISSIONER (“BOCC”) INFORMAL REVIEW AND COMMENT ON PROPOSED APPLICATIONS IN THE FORUM OF A WORK SESSION

For the complete Summit County Land Use and Development Code, please refer to the following website:
<http://www.co.summit.co.us/divisions/commdev/planning/DEVCODE/DevCodedisclaim.htm>

General Description: The Class 3 development review process is intended to provide the Review Authority and, in certain instances, the BOCC with an opportunity to comment on an application in a work session, and to advise the applicant of issues related to specific Code requirements and of commissioner concerns in such regard. An applicant shall use the work session analysis and commissioner comments in preparing a formal submittal for a development review application. The information provided by the applicant for a work session is less detailed and, correspondingly, less analysis is provided by the Planning Department than for a formal development review application. The main function of a work session is to have a non-binding, cursory review of broad issues and concerns per the applicable Code requirements and criteria for decision rather than provide a detailed and in-depth analysis. No formal approval or disapproval is granted at work session discussions and the Planning Commission’s and BOCC’s direction or comments on a proposal are non-binding due to the cursory nature of a work session review.

Applicability: The Class 3 development review process shall be required for the following development reviews as specifically outlined in each respective section of the Code, unless the requirement for a work session is waived by the Planning Department based on an application’s relative lack of contested issues per the requirements and criteria for decision of the Code:

- i. Zoning amendments.
- ii. Major PUD modifications.
- iii. Preliminary plats.

In addition, the Planning Department may require a work session on more complex development review applications not listed in this section so that the developer will submit a well prepared and fully evaluated formal development review application based on input from the Review Authority, the public, referral agencies and the Planning Department. The Planning Department shall determine if the work session requirement may be waived as a part of the required presubmittal meeting. A developer may also request in writing that the Planning Department determine if a work session is required prior to the presubmittal meeting, provided that such letter includes a detailed description of the proposal and a conceptual plan if so required by the Planning Department.

Developer Request for a Work session: An applicant for a development review other than those listed in the section above may also submit a request for a work session to evaluate the bigger picture issues of a proposed development.

Board of County Commissioners Work sessions: The BOCC shall determine if major development projects or more complex applications will have a work session before the BOCC. The BOCC will determine if a work session is warranted in its normal weekly work session meetings. After the Planning Commission conducts its work session and if the BOCC determines that a work session is warranted, a work session for a major development project or a more complex application shall be scheduled before the BOCC. Notwithstanding the foregoing, the BOCC may determine if a joint-work session with the Planning Commission is warranted in lieu of separate work sessions. An applicant may request that the BOCC conduct a joint work session as a part of its Class 3 development review application submittal and the BOCC shall consider such request in its deliberation regarding a work session.

DEVELOPMENT REVIEW PROCEDURES

The following development review procedures shall be used for all classes of development review applications, except where a section of the Code has a unique development review process contained therein. These basic development review procedures shall be used in conjunction with the specific review procedures for each type of application outlined in the Code. Where there is a conflict between the development review procedures and the procedures required under a specific section of the Code, the more restrictive provisions shall be followed. The County has also prepared development review

application submittal information packets for each type of development review that summarize the process as required by the provisions of the Code and provide a complete summary of the requirements contained herein.

AUTHORITY TO INITIATE A DEVELOPMENT REVIEW APPLICATION

Any property owner holding title to the land for which an application is proposed or anyone who has written permission from the property owner in a form deemed acceptable by the Planning Department has the ability to submit an application. Special rules apply to submitting an application for a zoning amendment to create a PUD and for PUD modifications. Please refer to Section 12202.03 for the rules that clarify who has the authority to initiate such applications.

STEP 1: REQUIRED PRESUBMITTAL MEETING

The purpose of a presubmittal meeting is to provide an applicant with a list of required submittal information that must be submitted to the Planning Department for a proposed development review application, and to also discuss potential issues associated with such an application prior to it being submitted. During the presubmittal meeting, the Planning Department may provide a non-binding estimated timeline for review that attempts to map out the time of development review based on a “best case” development scenario. Such a timeline is not considered an assurance or affirmative representation of any manner.

- A. Prior to submitting a Class 3 development review application, a presubmittal meeting shall be scheduled with the Planning Department to go over the submittal documents, information and studies as required by the Code. This meeting may, at the discretion of the Planning Department, require a conceptual site plan showing key plan elements (building layout, parking area layout, access, lot layout etc.) or proposed text changes for development review applications involving only text. The applicant will be provided with a development review application submittal information packet and a checklist of submittal requirements at the presubmittal meeting, with the latter outlining the plans and information that must be submitted.
- B. **Waiver of Presubmittal Meeting:** The Planning Department may waive the requirement to hold a presubmittal meeting as required by this section based upon the nature and scope of an application, and upon the experience of the applicant in processing development review applications with Summit County. Notwithstanding the foregoing, a submittal requirement checklist is still required to be filled out by the Planning Department and provided to an applicant and this submittal requirement checklist shall be provided to the Planning Department as a part of the required application.

STEP 2: APPLICATION SUBMITTAL

- A. An application can be submitted to the Planning Department after any required presubmittal meeting. The application shall include all the submittal requirements indicated on the submittal requirement checklist, all applicable fees, required plans and other submittal documents required by the County in accordance with Section 12003. Please refer to the submittal requirements listed in Section 12003 for more information on submittal requirements.

STEP 3: COMPLETENESS CHECK

- A. The Planning Department shall determine whether the application is complete per the requirements of the Code and whether all required materials have been submitted within seven (7) calendar days after an application has been submitted.
- B. **Acceptance of Application:** If the application is complete, it shall be accepted and the formal review process shall begin.
- C. **Advisement of Status of Application:** If the application is not complete, the applicant shall be advised of the specific deficiencies in writing and the review process shall not begin until all the deficiencies are corrected. The Planning Department shall mail, e-mail or fax written notice of either the acceptance of the application or deficiencies of an application at the conclusion of the completeness check deadlines. If the Planning Department does not provide such written notice by the deadlines established under Section 12000.05.B-C, an application shall be processed using the applicable procedures and requirements of the Code. An incomplete application may be sent back to an applicant if an application is not made complete within 21 calendar days of the original submission date.

STEP 4: REFERRAL AND REVIEW PROCESS

- A. The formal review process for an application shall begin with the referral and review process. The referral and review process shall be a twenty one (21) calendar day process commencing on the date an application is determined to be complete in accordance with Section 12000.05 et seq. Referral agency comments shall be forwarded to the applicant when deemed to potentially affect the subject application. The Planning Department’s review of the application per the requirements of the Development Code will also occur during the specified referral and/or review period.
- B. Additional Review Time: For all classes of development review applications (Class 1-Class 6), the Planning Department has the authority to decide, based on the complexity of a request and staffing demands related thereto, if additional review time is required for the referral and review process. The Planning Department shall mail, e-mail or fax written notice to the applicant if additional time is needed within fourteen (14) calendar days of determining an application is complete as provided for in Section 12000.05 et seq.
- C. The Planning Department shall be responsible for referring applications to the agencies listed below, unless determined by the Planning Department as unnecessary based on the nature of the request. Additional agencies can be selected for referrals depending upon the nature or significance of the request.
- D. If a referral agency fails to respond by the date requested on the referral form, their failure to respond will be interpreted as “no comment”. In this case it will be presumed that such referral agency does not have any issues or concerns with an application.
- E. Concerns raised by referral agencies related to specific regulatory requirements shall be considered by the Review Authority in making a decision. Recommendations not related to specific regulatory requirements of an agency can be addressed provided such is within the criteria for decision used by a Review Authority in acting on an application. The following table lists the different classes of applications and the corresponding referral agency, with mandatory referrals as required by State Statutes shown with an “M” next to the “X”:

Referral For Each Class of Development Review Application

Referral Agency	Class 2	Class 3	Class 4	Class 5	Class 6
County Engineering Department	X	X	X	X	X
County Open Space & Trails Department	X	X	X	X	X
County Public Health Department	X	X	X	X	X
County Cartographer	X		X	X	X
County Surveyor (Plats only)	X			X	X
County Road & Bridge Department	X		X	X	X
County Assessor	X	X	X	X	X
Applicable Water District	X	X	X	X	X
Applicable Fire District	X	X	X	X	X
Applicable Sewer District	X	X	X	X	X
Summit School District	X	X	X	XM	X
Summit Water Quality Committee	X	X	X	X	X
Qwest (Telecommunications Provider)	X		X	X	X
Xcel or Mountain Parks (Energy Provider)	X		X	X	X
Colorado State Engineer				XM	
Colorado State Forest Service	X		X	X	
Colorado Division of Wildlife		X	X	X	X
Colorado Department of Transportation	X	X	X	X	X
Colorado Geologic Survey				XM	
Colorado Land Use Commission				XM	
Soil Conservation Service				XM	

XM: Mandatory referrals

Other discretionary referral agencies include, but are not limited to: towns within the County, surrounding counties in the Rural Resort Region, Summit Stage, the Summit Housing Authority, the United States Army Corps of Engineers, the United States Environmental Protection Agency and the United States Forest Service.

STEP 5: FOLLOW-UP COMMUNICATION

Within seven (7) calendar days of the completion of the referral and review process, the Planning Department shall provide the applicant with a follow up communication in accordance with the standards as set forth in Section 12000.15 of the Code that summarizes the conclusions of the referral and review process, and, if warranted by the conclusions of the review, may provide guidance and suggestions regarding staff's analysis of measures necessary to attain compliance with the applicable criteria for decision and requirements of the Code.

1. **Disclaimer:** The Planning Department's written correspondence to an applicant represents only a review of the application up through the referral and review process. Additional issues may arise due to adjacent property owner concerns and/or additional review or writing of the staff report.
2. **Scheduling Hearing:** If the Planning Department determines that a Class 3 development review application contains sufficient detail to allow a thorough review of the proposal by the Review Authority per the applicable requirements of the Code and the applicable criteria for decision, a public hearing or meeting shall be scheduled in accordance with Section 12000.09.

STEP 6: SUBMITTAL DOCUMENT REVISIONS AND RE-EVALUATION

Submittal Document Revisions:

- A. If the Planning Department determines that submittal document revisions are required or warranted to attain compliance with the applicable criteria for decision and requirements of the Code based on the referral and/or review process, the applicant will be given an opportunity to submit revisions to the submittal documents, and any additional information, necessary to address outstanding issues.
- B. The Planning Department shall have a maximum of fourteen (14) calendar days from the date of re-submission of revised or new submittal documents to evaluate the submitted documents, and complete its review of the same. The Planning Department has the authority to decide, based on the complexity of a request and staffing demands related thereto, if additional review time is required for the review of the revised or new submittal documents. The Planning Department shall notify the applicant in writing if additional time is needed within seven (7) calendar days of having received revised or new submittal documents.
- C. Within four (4) calendar days of the completion of the reevaluation of new or revised submittal documents, the Planning Department shall provide the applicant with a follow up communication in accordance with the standards as set forth in Section 12000.15 of the Code that summarizes the conclusions of such process, and, if warranted by the conclusions of the review, may provide guidance and suggestions regarding staff's analysis of measures necessary to attain compliance with the applicable criteria for decision and requirements of the Code.

Scheduling Hearing or Meeting:

- A. If the Planning Department determines that a Class 3 development review application is sufficient to allow a thoughtful review of the proposal by the Review Authority per the applicable requirements of the Code and the applicable criteria for decision, a public meeting shall be scheduled in accordance with Section 12000.09.
- B. An applicant that contests the need to revise the submittal documents to address the requirements of the Code shall submit a letter that responds to each point in the Planning Department letter within two (2) weeks of the date on the follow up communication letter from the Planning Department. Such letter from the applicant shall also outline why it feels the plans should not be revised or new information submitted, whichever situation applies. If an applicant fails to respond to suggested submittal document revisions or the submission of new information, a development review application shall be scheduled before the Review Authority in accordance with Section 12000.25.

STEP 7: SCHEDULING PUBLIC HEARINGS AND MEETINGS WITH THE REVIEW AUTHORITY

- A. A public meeting for work sessions (Class 3 development review application) shall not be scheduled before the Review Authority until the application is deemed by the Planning Department to be sufficient to allow a thoughtful review of the proposal by the Review Authority per the applicable requirements of the Code and the applicable criteria for decision.
- B. A development review application shall be scheduled before the Review Authority at its next meeting where adequate time is available on the agenda to conduct a public meeting or hearing. Notwithstanding the foregoing, scheduling of the public meeting or public hearing, whichever situation applies, shall occur within 60 calendar days after the earlier to occur of: (a) the date an application has been found to meet the applicable requirements of the Code; or (b) the date

the County receives a written acknowledgement by the applicant per Section 12000.08.B.2 that it has no intention of making any further modifications to the application and wishes to proceed, even if it implicates a recommendation of denial by the Planning Department.

- C. A public meeting for the BOCC's review of a Class 3 development review application (which is at the discretion of the BOCC per the provisions of the Code) shall not be scheduled before the BOCC until the Commission has held its final hearing or meeting, whichever situation applies, and the scheduling of such a matter before the BOCC shall be done in accordance with the provisions of this section. Notwithstanding the foregoing, the BOCC reserves the right to allow for a BOCC work session or a joint work session as provided for in the Code prior to or during the Commission's deliberation on such work session.

STEP 8: PUBLIC NOTICING

Notice of a Class 3 development review application shall be in substantial accordance with the requirements of Section 13100 et seq. Class 3 development reviews are work sessions and only a courtesy notice is required per the provisions of Section 13100 et seq.

STEP 9: PREPARATION OF STAFF REPORT

The Planning Department shall prepare a staff report for the Review Authority for Class 3 development review applications that analyzes the application per the applicable requirements and criteria for decision of the Code.

STEP 10: REVIEW AUTHORITY PUBLIC HEARING OR MEETING

The Planning Commission and, if required by the BOCC as provided for in Section 12000.C.3 for major development projects and more complex zoning amendments or other more complex development review applications, the BOCC, shall hold at least one (1) public meeting, duly recorded, for the purpose of considering recommendations from the Planning Department and other agencies. The Review Authority may also allow testimony from the applicant and from the public. Notice of all meetings and the Review Authority's review of such applications shall be in accordance with Section 13100 et seq.

STEP 11: ACTION ON A DEVELOPMENT REVIEW APPLICATION

- A. No formal action is taken by the Planning Commission or the BOCC (when the BOCC conducts a work session) on work session items because work sessions provide informal opportunities for developers to obtain input from the Planning Commission and the BOCC. Work sessions are intended to provide a general discussion of the proposal, a discussion of potential issues and areas of concerns and to evaluate possible alternatives. Any comments or actions by the Planning Commission or the BOCC shall not be considered binding or represent any promises, warranties, guarantees and/or approvals in any manner or form. In addition, the proponent must realize that the work session cannot be construed as a comprehensive review of the proposal under discussion and as such, additional issues and/or concerns may arise as part of the formal review process.
- B. In no event may the Review Authority continue a work session for more than 40 calendar days unless: (a) agreed to by the applicant and the applicant provides a letter to that fact, or (b) a written, mutually agreeable timeline for review has been accepted by the applicant and the Planning Department. If a work session is continued, the applicant shall submit, at least 30 calendar days prior to the continued work session (unless otherwise specified by the County) any additional required submittal documents or new information to address the Review Authority's concerns per the applicable requirements and criteria for decision of the Code. Work sessions continued to a certain date, time and location do not need to be renoticed per the requirements of Section 13100.

STEP 12: NOTICE OF ACTION

No action is taken at work sessions; therefore, no notice of action is required.