

SUMMIT COUNTY PLANNING DEPARTMENT

CLASS 1 DEVELOPMENT REVIEW PROCESS: PLANNING DEPARTMENT REVIEW AND ACTION ON BUILDING PERMITS

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>

Application of Development Review Processes (Section 12000 (Chapter 12) of the Development Code:

General Description: The Class 1 development review process is the administrative review process for building permits and other related permits per the applicable Building Code, and is designed to run concurrently with, and mesh with, the Building Department's review of such permits. It is acknowledged that there may be unique situations where the Planning Department's review of building permits as a Class 1 development review may take longer than the Building Department's review based upon unique site considerations, such as but not limited to the presence of development constraints that pose a threat to the public health, safety or welfare. It is the goal of this process to have a seamless development review of building permit applications via the Class 1 development review process. The Class 1 development review process is designed to review building permits for development review applications that may be administratively acted on, as well as building permits for projects that are required by the provisions of the Code to be first reviewed and approved by either the Planning Commission, BOA or the BOCC (e.g. Site plan review for multi-family project must first be reviewed and approved by a Planning Commission prior to the Planning Department reviewing the building permit).

Applicability: The Class 1 development review process shall be used for those development reviews identified as such in this Code, including but not limited to, the following types of applications:

- i. Site plan review as required by Section 12600 et seq. for certain development that may be administratively reviewed and acted on by the Planning Department, including but not limited to single-family and duplex dwellings and permitted or accessory uses related thereto. If a Planning Commission site plan review is required either by a plat note, a Planned Unit Development ("PUD") provision or some other legal mechanism, such applications shall instead follow the Class 4 development review process and such items shall be placed on the Planning Commission's consent agenda.
- ii. The Class 1 development review process is also the review process for building permits for projects that have been first reviewed and acted on by the Planning Department, Planning Commission, BOA or the BOCC.

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 rezoning to create a PUD and for PUD modifications. Please refer to Section 12000.02 for the rules that clarify who has the authority to initiate such an application.

DEVELOPMENT REVIEW PROCEDURES

The following development review procedures shall be used for all classes of development review applications, except where a section of this 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 this Code. Where there is a conflict between the development review procedures and the procedures required under a specific section of this 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 this Code and provide a complete summary of the requirements contained herein.

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.

Class 1 Development Review Applications: **Presubmittal meetings are not required for Class 1 development review applications**, however, an applicant may request such a meeting.

Step 2: Application Submittal

Class 1 development review applications do not require the submission of a formal application to the Planning Department. Class 1 development review applications are considered to be the formal building permit application submitted to the Building Department, and the Planning, Engineering and Building departments will create one (1) submittal packet that outlines the information that needs to be submitted for building permits.

Step 3: Completeness Check

- A. Completeness checks are not conducted for Class 1 development review applications** when they are submitted; the completeness check occurs when the Planning Department is conducting its review of such permits. Nonetheless, an applicant for a building permit should ensure that an application for a building permit includes all of the submittal requirements for Class 1 development review application prior to submitting to ensure that an application is not held up due to the need to have plan revisions or additional information submitted.
- B. Acceptance of Application:** If the application is complete, it shall be accepted and the formal review process shall begin.
- C. Advisement of Incomplete 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.

Step 4: Referral and Review Process

- A. Class 1 Development Review Applications: Class 1 applications being processed concurrently with a building permit do not commonly require referrals**, however, unique situations may warrant referrals for such applications, at the discretion of the Planning Department. If a referral is required by the Planning Department for a Class 1 application, the application cannot proceed forward until the County receives referral agency comments in accordance with the referral provisions enabled by this section. Class 1 applications that are submitted concurrently with a building permit to the Building Department shall be reviewed and acted on within the timeframes of the building permit process unless (1) the Planning Department requires a referral or (2) additional review time is required pursuant to Section 12000.06.D.
- 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., except for Class 1 and Class 2 development review applications, in which the County shall have seven (7) calendar days to notify an applicant if additional review time is necessary.
- C.** The Planning Department shall be responsible for referring applications to the required agencies, 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. Class 1 applications are not normally referred to other agencies, unless there are unique issues, in which case the Planning Department shall determine the proper referral agencies.
- 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.

Step 5: Follow-up Communication

The Planning Department is not required to provide written correspondence to an applicant for a Class 1 development review application unless issues arise that need to be addressed prior to approving a building permit, and in that case the Planning Department shall provide an applicant with a list of issues that need to be addressed by either telephone, facsimile, e-mail or other electronic communication, or written correspondence.

Step 6: Submittal Document Revisions and Re-evaluation

- 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 this 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 this 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 this Code.

Step 7: Action on a Development Review Application

- 1. The Planning Department shall issue its written decision on a Class 1 development review application within four (4) calendar days after the earlier to occur of: (a) the completion of the referral and/or review process or, if required per the provisions of Section 12000.08, the review of submittal document revisions; or b) the date the applicant contests in writing, the need to revise the documents to address requirements of this Code outlined in correspondence from the Planning Department.
- 2. The written decision on Class 1 applications can be electronically approved as part of building permit review.
- 3. The Planning Department's action on Class 1 permits shall be based on the specific requirements and findings of this Code for the type of application under review and shall be for either approval or denial.
- 4. Approval of a Class 1 application may include conditions in accordance with the provisions listed in Section 12000.13.D.

Step 8: Notice of Action

Class 1 Development Review Applications: Notice of a decision on a Class 1 development review application shall be as provided for in the building permit review process as administered by the Building Department.

EFFECTIVE DATE AND APPEAL

Class 1 Development Review Applications: Action on a Class 1 development review applications shall become effective on the date a decision is rendered.

LENGTH OF VALIDITY

Class 1 Development Review Applications: Approval of a Class 1 development review application shall lapse when the building permit expires unless a certificate of occupancy is obtained. If a certificate of occupancy is obtained, a Class 1 development review approval shall remain valid for the life of the project unless it is amended or revoked in accordance with the procedures outlined in this Code.

REVOCATION

Revocation shall be as provided in the Building Code.

REVISIONS OR MODIFICATIONS

Class 1 may be granted an administrative revision or modification by the Planning Department subject to the provisions of Section 12001 et seq. of the Code.

TIME LIMITS FOR DEVELOPMENT APPLICATION PROCESSING

- A. Except as provided for in Section 12000.25.B below, every development application that is accepted by the Planning Department shall receive a final decision from the BOCC or other final Review Authority within one (1) year from the date such application is filed and accepted by the Planning Department. In the event an applicant does not schedule the application for review as required by this Code, the Planning Department shall schedule the application for review by the appropriate Review Authority and provide notice as required by this Code so that a final decision may be rendered as required by this section.
- B. The Code Administrator may extend the one (1) year review period for any development application as deemed necessary upon a finding that good cause exists for such extension due to: 1) the complexity, size or other extraordinary physical characteristics of the proposed development, or 2) other exceptional circumstances applicable to the particular development application.
- C. The time limit established by this section shall apply to all development review applications provided for in this Code.