

**GETTING TO
KNOW THE
NEW LUC**

GETTING TO KNOW THE NEW LAND USE CODE

- Discuss 2 chapters tonight

Chapter 66 - Permits and Procedures

Chapter 67 - Division of Land

GETTING TO KNOW THE NEW LUC

- **WHAT YOU SHOULD KNOW**

- Highlight chapter content
- Note special features
- Spotlight new

- **WHAT WE NEED TO KNOW**

- Universal suite of questions
 - Is it understandable by a nontechnical audience?
 - Is it easy to navigate?
 - Are the requirements clear and relevant?
 - Is it fair and balanced?
 - Does everyone know where they stand?

CH. 66: PERMITS AND PROCEDURES

- **WHAT YOU SHOULD KNOW:**

Chapter 66 can be viewed as consisting of 5 parts:

1. Overview and generally applicable provisions (66-1 to 66-2)
2. Clear listing of uses by permit type with intent of calibrating uses to appropriate and more streamlined review process (66-3 to 66-8)
3. Improved common procedures for land use permits organized in a more understandable format (66-9 to 66-15)
4. General approval criteria established for more consistent review of applications (66-16)
5. Procedures established by permit type using flow charts to make code easier to follow (66-17 to 66-38)

SECTIONS 66-3 TO 66-8 USES BY PERMIT TYPE



NO LAND USE PERMIT REQUIRED



DIRECTOR DETERMINATION

ADMINISTRATIVE





MINOR

MAJOR



USES NOT REQUIRING LAND USE PERMIT (SEC. 66-3)

| New Code | Current Code |
|--|--|
| <ul style="list-style-type: none">• Single-family residences on a vacant legal lot of record• Placement of a manufactured home on a lot or parcel on a vacant legal lot of record• Agricultural uses not subject to use permit • Barns, garages, and sheds intended solely for noncommercial use• Uncovered decks, fences, retaining walls, sidewalks• Parking a recreational vehicle in a recreational vehicle park• Seismic, stratigraphic test, core or other exploratory holes drilled for the purpose of obtaining geological information only• Change of use to a land use which does not require a permit• Second or third dwelling units on a lot pursuant to 73-3.II.• Accessory uses pursuant to 73-2.II.• Family child care home• The deposit of clean, natural, fill with minimal organic content, without payment of any compensation or consideration to the owner, lessor, or other lawful occupant of the property receiving the deposit• Participating in a disaster re-build program pursuant to 79-6• Installation, operation and maintenance of emergency recovery measures to relieve imminent hazards to life or property created by a natural disaster administered by NRCS or any other federally approved program• AgPlus uses pursuant to subsection 66-3.II.  | <ul style="list-style-type: none">• Single-family residences on a vacant legal lot of record• Placement of a manufactured home on a lot or parcel on a vacant legal lot of record• Agricultural uses not subject to class II review• Barns, garages, and sheds intended solely for noncommercial use;• Uncovered decks, fences, retaining walls, sidewalks• Parking a recreational vehicle in a recreational vehicle park• Seismic, stratigraphic test, core or other exploratory holes drilled for the purpose of obtaining geological information only• Change of use to a land use which does not require a permit;• Second or third dwelling units on a lot pursuant to 82-37(a)• Accessory uses pursuant to section 82-5(b);• Family child care home• The deposit of clean, natural, fill with minimal organic content, without payment of any compensation or consideration to the owner, lessor, or other lawful occupant of the property receiving the deposit; |

AGRICULTURAL USES BY RIGHT (66-3) -NO LAND USE PERMITS REQUIRED

- Agricultural uses not subject to land use permit - farming and ranching (No minimum parcel size)
- AgPlus (Assessed Ag previous 2 yrs, minimum 15 ac parcel & no violations)
 - Agricultural research facility
 - Accessory rural occupation or home occupation
 - Equine or llama activities
 - Grain storage facilities
 - Small scale processing facility
 - Direct market business/community supported agriculture
 - Farm machinery repair

Chapter 62 Definition:

Agriculture. The science and art of production of plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use and their disposal by marketing or otherwise, and includes horticulture (fruits, vegetables, ornamental plants), floriculture (flowers), viticulture (grapevines), dairy (lactating hooved animals), livestock (horses, mules, burros, cattle, sheep, goats, llama and swine), poultry (domesticated bird, including chickens, turkeys, ducks, geese, guineas or squab), apiary (hive or hives of bees), fur-bearing animals and any and all forms of farm products and farm production. C.R.S. § 35-1-102(1)

USES BY DIRECTOR DETERMINATION (SEC. 66-4)

| New Code | Current Code |
|---|---|
| <ul style="list-style-type: none">• Use reviews• Permit adjustments• Correction plats• Plat adjustments• Lot legalizations• Written code interpretations• Lots split by county road• Telecommunications facility - not a substantial change• Waiver for an emergency access• Permissible alterations, expansion, abandonment time extension of a nonconforming use/structure• Agricultural second or third dwelling unit• General second dwelling unit• Re-building nonconformities affected by a disaster. | <ul style="list-style-type: none">• Use reviews• Permit adjustments• Correction plats• Plat adjustments• Lot legalizations• Written code interpretations• Lots split by county road• Telecommunications facility - not a substantial change• Waiver for an emergency access• Permissible alterations, expansion, abandonment time extension of a nonconforming use/structure |

USES BY ADMINISTRATIVE LAND USE PERMIT (SEC. 66-5)

| New Code | Current Code |
|---|--|
| <ul style="list-style-type: none">• Second dwelling unit• Up to 800 ft² home-based business (with limits)• Special events• Final plans/Final plats• Plat modifications• Vacation of utility easements• Lot consolidations and boundary adjustments• Telecom. facilities using existing structures <p><u>(CL 1 or CL 2 Permits in Current Code)</u></p> <ul style="list-style-type: none">• Phased elements of major projects• Economic development area uses <p><u>AgPlus Uses</u></p> <ul style="list-style-type: none">• Farm stand selling products produced off-site• Agritourism enterprise• Bed and breakfast• Public livestock or farm implement auction• Child care center• Sale rooms of products grown on site• Assisted living residence• Veterans assistance programs• Wineries, cideries and distilleries | <ul style="list-style-type: none">• Second or third dwelling unit• Up to 800 ft² home-based business (with limits)• Special events• Final plats• Plat modifications• Vacation of utility easements• Lot consolidations and boundary adjustments• Telecom. facilities using existing structures• Wildland fire remediation |

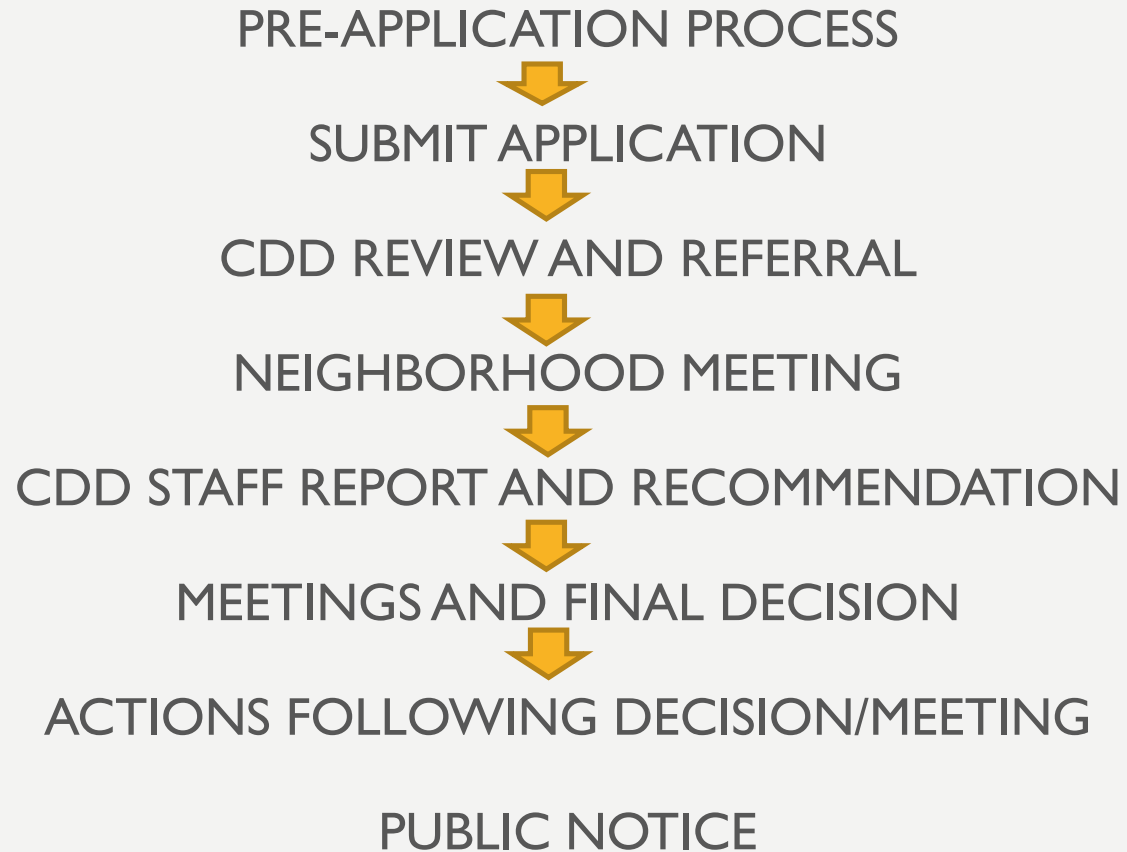
USES BY MINOR LAND USE PERMIT – PC DECISION (SEC. 66-6)

| New Code (Minor Land Use Permit) | Current Code (Class I Land Use Permits) |
|--|---|
| <ul style="list-style-type: none"> • Duplexes • Temporary uses • Accessory uses • Stealth telecommunications facilities • Day care centers serving 5 to 15 individuals <p><u>CL 2 Permits in Current Code</u></p> <ul style="list-style-type: none"> • Sketch plan (1st Step Major Land Use Permit) • Commercial/industrial development <u>less than</u>: 10,000 ft²; 3 acres disturbed; 1,050 gals/day; 5% increase in traffic on public road(s). • Commercial development above & up to 3 homes • Up to 1,200 ft² home-based business (with limits) • Religious institutions and community facilities; • Third single-family dwelling unit on a lot • Minor subdivisions (up to 3 lots) • Clustered rural development • Commercial/industrial for ag. commodities • Small scale solar | <ul style="list-style-type: none"> • Duplexes • Temporary uses • Accessory uses • Construction or replacement of a stealth tower • Family child care homes, small child care center • Second dwelling unit on a lot |

SECTIONS 66-9 TO 66-15 COMMON PROCEDURES



NEW CODE SECTIONS 66-9 TO 66-14



COUNTY PLANNING REVIEW TIMEFRAME (66-11)

| New Code | Current Code |
|---|--|
| <ul style="list-style-type: none">• Application completeness determination in 5 business days• Referral agencies response due in 21 calendar days• Compliance review by planning staff in 15 business days after referral agency review is complete• TOTAL = About 46 days | <ul style="list-style-type: none">• Referral agencies response due in 21 calendar days• Application completeness determination in 14 calendar days• Compliance review by planning staff in 28 business days after referral agency review is complete• TOTAL = About 72 days |

PUBLIC NOTICE (66-14)

- Anything requiring a land use permit except for Director Determinations
- Notice of intent mailed to owners within 500 ft. (1,000 ft. in Animas Valley) once application is complete/accepted. Notice of intent also posted on site. RDAC's are also noticed at this step.
- Notice of public or neighborhood meeting mailed to owners within 500 feet (1,000 ft. in Animas Valley). Notice of public meeting also published

| Type Of Notice | Who Prepares Notice | Minimum Time For Providing Notice |
|---|----------------------------------|---|
| Written (Mail) Notice of Intent to Develop | Community Development Department | Within five (5) business days after acceptance of application |
| Posted Notice of Intent to Develop | Applicant (CDD provides form) | Within five (5) business days after acceptance of application |
| Mineral Rights Owner Written (Mail) Notice of Public Meeting | Applicant | Thirty (30) days prior to public meeting for mineral rights owners |
| Written (Mail) Notice of Public Meeting or Neighborhood Meeting | Community Development Department | Ten (10) days prior to public meeting for surrounding landowners |
| Publication Notice of Public Meeting | Community Development Department | Ten (10) days prior to public meeting and no more than thirty (30) days prior |

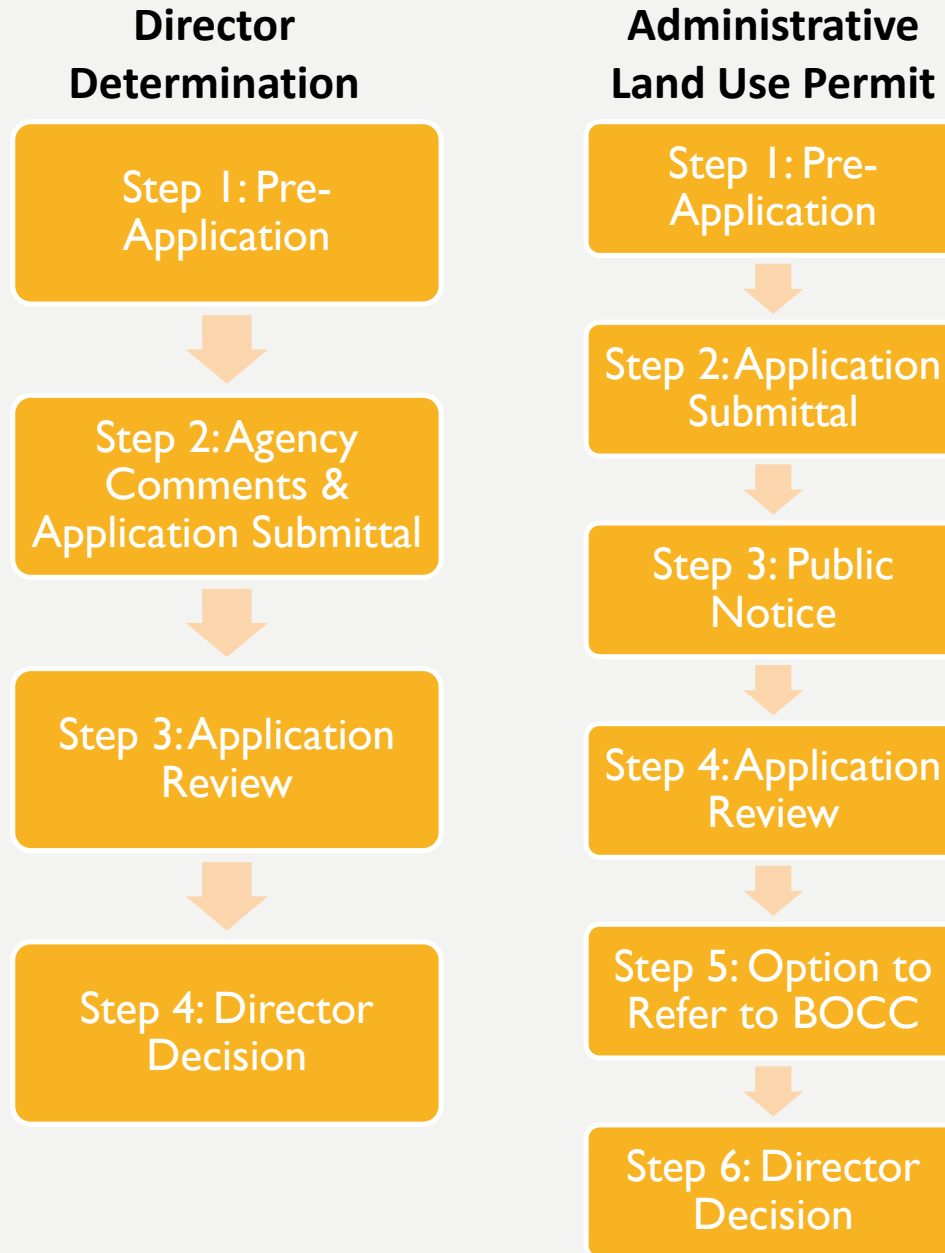
SECTION 66-16 GENERAL APPROVAL CRITERIA

- Consistency with review agency comments
- Consistent with prior approvals
- No significant adverse impacts on surrounding property
- Conformance with adopted plans
- Uses and density in general conformance with district plan.
- As applicable:
 - Rational phasing plan.
 - Consistent with intergovernmental agreements.
 - Compliance with applicable State and Federal Law

SECTIONS 66-17 TO 66-38 PROCEDURES ESTABLISHED BY PERMIT TYPE

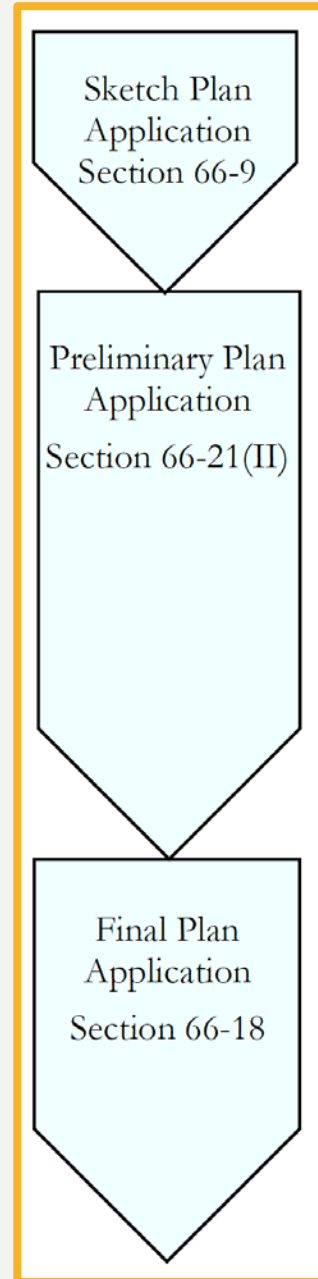
- Sec. 66-17 Director determination procedures
- Sec. 66-18 Administrative land use permit procedures
- Sec. 66-19 Sketch plan
- Sec. 66-20 Minor land use permit procedures
- Sec. 66-21 Major land use permits procedures
- Sec. 66-22 Special uses in the Animas Valley Land Use Plan
- Sec. 66-23 Cooperative planning area development
- Sec. 66-24 Location and extent review
- Sec. 66-25 Use reviews
- Sec. 66-26 Permit adjustments and modifications
- Sec. 66-27 Variances
- Sec. 66-28 Appeals to board of adjustment
- Sec. 66-29 Conceptual development plans
- Sec. 66-30 Development improvements agreements
- Sec. 66-31 Fair share reimbursement for improvements
- Sec. 66-32 Review of historic resources
- Sec. 66-34 Development agreements
- Sec. 66-35 Adoption and amendment of comprehensive plan and district plans
- Sec. 66-37 Animas Valley rezoning
- Sec. 66-38 Economic development area designations

**DIRECTOR
DETERMINATION
(66-17)
AND
ADMINISTRATIVE
REVIEW PROCESS
(66-18)**



MAJOR LAND USE PERMIT (66-21)

Overview of Major Land Use



Sketch Plan:

- **One Hearing - Planning Commission**
- **Determine Compatibility at Front of Process**
- **May Include Phasing Plan**

Preliminary Plan:

- **One Hearing – BOCC**
- **Review of Technical Details and Engineering**
- **May be Combined with Final Plan**
- **Preliminary Plan may Include Future Phases**

Final Plan:

- **Administrative - Planning Director**
- **Final Details and Plans for Construction**
- **Final Plans for Future Phases Covered under Preliminary Plan**

PURPOSE OF SKETCH PLAN

- Evaluate concept, basic design and suitability
- Ability of project to comply with land use code
- General conformance with comprehensive and district plan(s)
- Consider alternative approaches to developing a property
- Evaluate compatibility
- Provides for predictability and improved certainty moving into next application process
- Helps facilitate growth in appropriate areas
- Improvement to the current review process where compatibility is determined at the end

ECONOMIC DEVELOPMENT AREAS (EDA)

- Administrative permits for commercial, industrial and mixed use that are major or minor permits
- Designation can be initiated by property owner(s) or the county, requires planning commission and BOCC review/approval
- Considerations: infrastructure, public services, general compliance with district and comprehensive plan, impacts on environment, suitability
- Gem Village is a pre-existing EDA

BENEFITS

- Provide for predictability and improved certainty of the process and outcomes
- Facilitate and direct growth to appropriate areas
- Improve the review process
- Articulate clear development standards
- Streamline the development process
- Protect and respect the county's most valued assets
- Can help minimize sprawl by facilitating growth in appropriate established areas

CH. 67: DIVISION OF LAND

- **WHAT YOU SHOULD KNOW:**

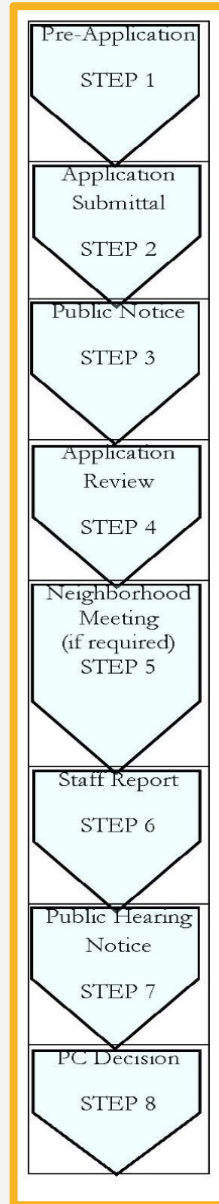
Chapter 67 can be viewed as consisting of 4 parts:

1. General purpose and applicability (67-1)
2. General approval criteria – includes reference to Sec. 66-16 criteria (67-2)
3. Procedures established by type of project using flow charts to make code easier to follow (67-3 to 67-14)
4. Improved organization of standards for land division and plats (67-15)

SECTIONS 67-3 TO 67-14 PROCEDURES ESTABLISHED BY PERMIT TYPE

- Sec. 67-3 Major subdivisions
- Sec. 67-4 Minor subdivisions
- Sec. 67-5 Condominium and townhome developments
- Sec. 67-6 Agricultural exemption subdivision
- Sec. 67-7 Clustered rural development
- Sec. 67-8 Obsolete subdivisions
- Sec. 67-9 Boundary adjustments and lot consolidations
- Sec. 67-10 Corrections to recorded plats
- Sec. 67-11 Plat modifications, adjustments and amendments
- Sec. 67-12 Vacations
- Sec. 67-13 Lots split by county, state or federal road
- Sec. 67-14 Lot legalizations

MINOR SUBDIVISION (67-4)



- **Minor Subdivision:**
 - **Applicable to all land divisions into three (3) or fewer lots (Where any of the lots are less than 35 acres and does not qualify for an exemption)**
 - **One Hearing - Planning Commission**

CLUSTERED RURAL DEVELOPMENT (67-7)

- **Subdivision with clustered development by minor land use permit**
 - **On 70+ acres (can be multiple contiguous parcels)**
 - **2/3 of total acreage remains undeveloped or as agriculture (40 years)**
 - **Density of 1 lot per 17.5 acres concentrated on 1/3 of total acreage**

SECTION 67-15 STANDARDS

- Development standards
- Naming of subdivisions, streets, and addressing
- Lot design and density standards
- Utility and drainage easement standards
- Road right-of-way dedication
- Plat preparation standards
- Submittal requirements

WHAT WE NEED TO KNOW:

- Universal suite of questions
- Did we get it right?



YOUR TURN TO
SHARE WITH US