

CHAPTER 3: PROVISIONS APPLYING TO LAND USE APPLICATIONS

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CHAPTER 3: PROVISIONS APPLYING TO LAND USE APPLICATIONS

Section 3.1

Section 3.1 PURPOSE

The purpose of *Chapter 3 Provisions Applying to Land Use Applications* is to set forth the common requirements and procedures for development permit applications to Teller County for action pursuant to these Regulations. Such development permit applications include those for amendment of the Official Zone District Map (rezoning) or text of these Regulations; development within overlay zone districts; Subdivision, Special Exemption Plat, plat amendment or like procedures, Planned Unit Development (PUD), Special Review Use Permits, Variances, and “New Communities.”

- A. **Exceptions.** The provisions of *Chapter 3* do not apply to applications for single-family residential Building Permits, nor to private uses in residential dwelling units for which no County permit is required, nor to the customary residential use of any such property. (See *Chapter 7 Site Plan and Site Plan Review.*)

Section 3.2

Section 3.2 MINIMUM CONTENTS OF APPLICATIONS

- A. **Applicant.** Any person, individual, firm, corporation, partnership, or other entity, whether public or private, owning a property or having a legal interest in that property, may apply for an approval or development permit for that property. Applicant also includes the “Applicant’s representative” or “agent.”
1. **Applicant’s Representative or Agent.** If the property fee (title) owner has designated a representative or agent, a signed and notarized statement authorizing said representative or agent to act on the owner’s behalf shall be submitted with the Application Form.
 2. **Applicant is Not an Owner but a Legally Entitled Individual or Entity.** When the Applicant is not the fee (title) owner of the property but has other legal interest in it, the Applicant shall submit a letter, signed by the fee owner and notarized, consenting to the submission of the development permit application.
 3. **Applicant is Not the Sole Owner.** If the Applicant is not the sole fee owner of the land, a letter shall be submitted signed by all other fee owners or an association representing the owners, and notarized,

consenting to or joining in the development permit application.

Section 3.2.B

B. Application Form. The Application Form requires, but is not limited to, the following information:

1. Name, address and telephone number of each of the fee owner(s) of the property involved.
2. Legal description of the total property, including the County Assessor's tax parcel identification number (PID), all or part of which may be the specific subject of the development permit application.
3. Specific legal description of that portion of the property which is the subject of the development permit application, if different than the total property.
4. Total acreage of the entire property and also that portion subject to the development permit application if not the same as the entire property.
5. Existing zone district(s) and uses of the entire property.
6. Existing zone district(s) and uses of the adjoining and adjacent properties.
7. Signatures of the fee owners(s), legally entitled party, or authorized agent.

C. Application Submittal Materials

1. **General Submittal Materials.** In addition to the Application Form and any authorizing statement(s) required to be submitted, the following shall also accompany all development permit applications unless otherwise modified by the specific development permit application requirements.
 - a. **Disclosure of Ownership.** Documentation of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. This is most commonly in the form of a Commitment for Title Insurance, Title Guarantee, Attorney's Title Opinion, or title Ownership and Encumbrance report.
 - b. **Adjacent Property Owners.** Names and addresses of all adjacent property owners, compiled using the most recent Teller County *ad valorem* tax rolls. For the purposes of this requirement, an adjacent property means the property

Section 3.2.C.1.b

touching **any part** of the property, in whole or in part, which is the subject of the development permit application. If a development permit application is for a use on only part of a total property legally described by deed in various parcels, all property touching any part of the total property perimeter is considered an adjacent property. If an adjacent property is a public road, trail, or right-of-way, railroad right-of-way, stream, or river, the adjacent property is the property on its opposite side.

- c. **Mineral Interest Owners List.** Evidence of conformance with the requirements of CRS §24-65.5-103 on a form provided by Teller County, and including, as appropriate, the names and addresses of owners and lessees of all surface and subsurface mineral interests in the property.
 - d. **Mailing Labels.** Except when notice to adjacent property owners or mineral interest owners is not required, Applicant shall also submit pre-addressed adhesive labels in addition to the written list.
 - e. **Written Description.** A written statement or narrative describing the request and reason for the request, and stating how Applicant has met the Standards for approval of the specific development permit application as set forth in these Regulations and any Development Agreement, PUD Guide, or other document, if any, governing development of the subject property.
2. **Specific Submittal Materials.** Specific submittal materials are those additional materials required to be submitted as set forth in the sections of these Land Use Regulations for the specific type(s) of approval sought.
- a. **Reports and Studies Previously Prepared.** A report or study prepared for another development permit application for the same site may be used provided that (1) the report or study was originally prepared by a qualified professional; (2) the report or study has been brought current to date by a qualified professional while also addressing any change in conditions; and (3) the revision document supplements the original report or study to provide information currently required or analysis not included in the original document. A copy of the original report or study, as well as a copy of the first page of the Staff Report for the development permit application of which it was a part, should accompany the revised report or study.
3. **Fees.** Development permit application fees, according to the fee

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schedule established by Resolution of the Board of County Commissioners, shall be paid to the Planning Department upon the filing of any development permit application and prior to its processing. Applicant is also responsible for any recording fee, County Contract Employee review fee (*Section 3.4.D.2.b*), or Third Party Review fee (*Section 3.4.D.2.c*), as appropriate to the particular development permit application, and no development permit application shall receive a final determination from the decision-making body until all fees are paid in full.

Section 3.3

**Section 3.3
NOTICE TO THE PUBLIC**

Required legal notices shall be prepared by the Planning Director. Publication and normal mailing costs will be paid from the development permit application fees collected by the County.

A. Published Notice. Except as set forth below, notice of public hearings shall be given by publication in an official County newspaper at least 10 days prior to the first hearing. Said notice shall contain the following information, and any other information reasonably necessary to provide adequate warning to all persons whose rights might be affected by the proposed action: (1) the name of the Applicant and the property owner; (2) the legal description of the property and its street address or approximate location; (3) the present zone district classification of the property; (4) a summary of the request, including the type of development permit application; and (5) the date, time, and place of hearing.

1. Exempt Applications. Building Permits, Major Building Site Plan Reviews, Legal Lot Determination, Vacation of Interior Lot Line (*Section 9.10.D*), Vacation of Plats/Blocks (*Section 9.10.B*), and Modification of Infrastructure Standards do not require published notice. [*am.* BOCC 10-08-09(41)]

2. Separate Notice Required for Board of County Commissioners' Hearing. All development permit applications for which the Planning Commission makes recommendation to the Board of County Commissioners require that a separate notice of the date of the first Board of County Commissioners' hearing be given by publication in an official County newspaper at least 14 days prior to that hearing. Board of County Commissioners' notices shall contain all information required by *Section 3.3.A Published Notice*. In the event that such a development permit application is postponed for any reason after publication of the Board hearing date but before the Board of County Commissioners' hearing, a new notice shall be published at least 14 days before the revised Board of County Commissioners' hearing date. The Board of County Commissioners' hearing for any Subdivision or PUD plat, plan, or agreement shall, in no event, take place later than

the date set forth on the Decision Date Statement (*Section 3.4.C.2* of these Regulations), without the prior written consent of the Applicant.

Section 3.3.B

B. Mailed Notice. Except as set forth below, the Planning Director shall mail by first class mail a notice of public hearing to each property owner whose property is adjoining or adjacent to the site described in the development permit application at least 30 days prior to the first public hearing. Said notice shall contain the following and any other information reasonably necessary to provide adequate warning to all persons whose rights might be affected by the proposed action: (1) the name of the Applicant and the property owner; (2) the legal description of the property and its street address or approximate location; (3) the zone district classification of the property; (4) a summary of the request, including the type of development permit application; and (5) the date, time, and place of hearing. It shall also state that a copy of the development permit application is available for public review in the Teller County Planning Department offices, and that all interested persons may appear at the hearing and/or submit a written comment on the development permit application.

1. **Exempt Applications.** Amendment to the Text of the Land Use Regulations, Building Permits, Major Building Site Plan Reviews, Modification of Infrastructure Standards, Legal Lot Determination, CCIOA Subdivision pursuant to *Section 9.5* of these Regulations, Technical Corrections Plat, Vacation of Interior Lot Line (*Section 9.10.D*), Vacation of Plats/Blocks (*Section 9.10.B*), and Appeals to the Board of Adjustment (other than Zoning Variance) do not require Mailed Notice. [*am.* BOCC 10-08-09(41)]
2. **Location and Extent.** The Planning Director shall mail, by first class mail, a notice of public hearing at least 10 days prior to the hearing, provided, however, at the discretion of the Planning Director and generally, notice to adjacent property owners are not mailed for utility line installations. Such installations include those for water, gas, and electricity.
3. **Other Applicable Entities.** The Planning Director shall also mail notice to potentially affected legally constituted groups, associations, or other recognized representative bodies in accordance with the provisions of *Section 3.3.B* above solely insofar as such entities are, at the time a development permit application is submitted, (1) currently active; (2) with recognized standing in Teller County; and (3) the name of a valid official of the entity together with a current mailing address for that person exists with the Teller County Planning Department. Legally constituted groups, associations, or other recognized representative bodies include 501(c)(3) corporations, homeowners' associations, and neighborhood or area groups with historically active participation in land use matters. The burden of maintaining current contact name

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and address information with the Teller County Planning Department rests entirely with the group, association, or other recognized representative body and not with Teller County.

4. **Mineral Estate Owners: Applicant Responsible.** At least 30 days prior to the first public hearing, **Applicant** shall mail by first class mail a notice of public hearing to each Mineral Estate Owner identified on the Mineral Interest Owners List, if any, with rights in the site described in the development permit application. (See *Chapter 12 Definitions*, Mineral Interest (Mineral Estate) Owner.)

a. **Contents.** The notice shall contain the name and address of the Mineral Estate Owner and the following: (1) the name of the Applicant and the Surface Estate Owner (the “land owner”), including the name of any purchaser with rights under a contract to purchase all or part of the surface (land) estate; (2) the legal description of the property and its street address or approximate location; (3) the present zone district classification of the property; (4) a summary of the request, including the type of development permit application; (5) the date, time, and place of the hearing; and (6) that it is Teller County that is considering the development permit application. It shall further state that a copy of the development permit application is available for review in the Teller County Planning Department offices, and that all interested persons may appear at the hearing or submit a written comment on the development permit application. A copy of the notice mailed shall be submitted to the Teller County Planning Department prior to the first public hearing.

b. **Applicability.** Notice to Mineral Estate Owners is required to be given for any development permit application for a Preliminary or Final Plat for a Subdivision, Sketch or Preliminary Plan for PUD, Amendment to the Official Zone District Map (“rezoning”), Special Review Use Permit where such development permit application is in anticipation of new surface development. Such notice is not required for Building Permit applications, Major Building Site Plan Review applications, Vacation of Interior Lot Line (*Section 9.10.D*), 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, or applications with respect to electric lines, natural gas pipelines, steam pipelines, chilled and other water pipelines, or appurtenances to said lines or pipelines. [*am. BOCC 10-08-09(41)*]

C. **Posted Notice.** Except as provided below, the property which is the subject of the development permit application shall be posted with a

Section 3.3.C

notice of public hearing at least 30 days in advance of the first such hearing. The Planning Director shall provide the Applicant with one or more sign(s) for posting the property. The sign(s) shall identify the property for which the notice is being given, and be readable from the nearest public road. Posting the property, and verifying that the sign(s) remain(s) in place for the required period of time, is the responsibility of the Applicant. An affidavit executed by Applicant attesting to the proper posting of the property must be provided by Applicant to the Planning Department at the first public hearing.

1. **Exempt Applications.** Amendment to the Text of the Land Use Regulations, Building Permits, Major Building Site Plan Reviews, Modification of Infrastructure Standards, Legal Lot Determination, CCIOA Subdivision Pursuant to *Section 9.5* of these Regulations, Technical Corrections Plat, Vacation of Interior Lot Line (*Section 9.10.D*), Vacation of Plats/Blocks (*Section 9.10.B*), and Appeals to the Board of Adjustment (other than Zoning Variance) do not require posted notice. [*am. BOCC 10-08-09(41)*]
2. **Location and Extent.** The property shall be posted with a notice of public hearing at least 10 days in advance of the first such hearing.

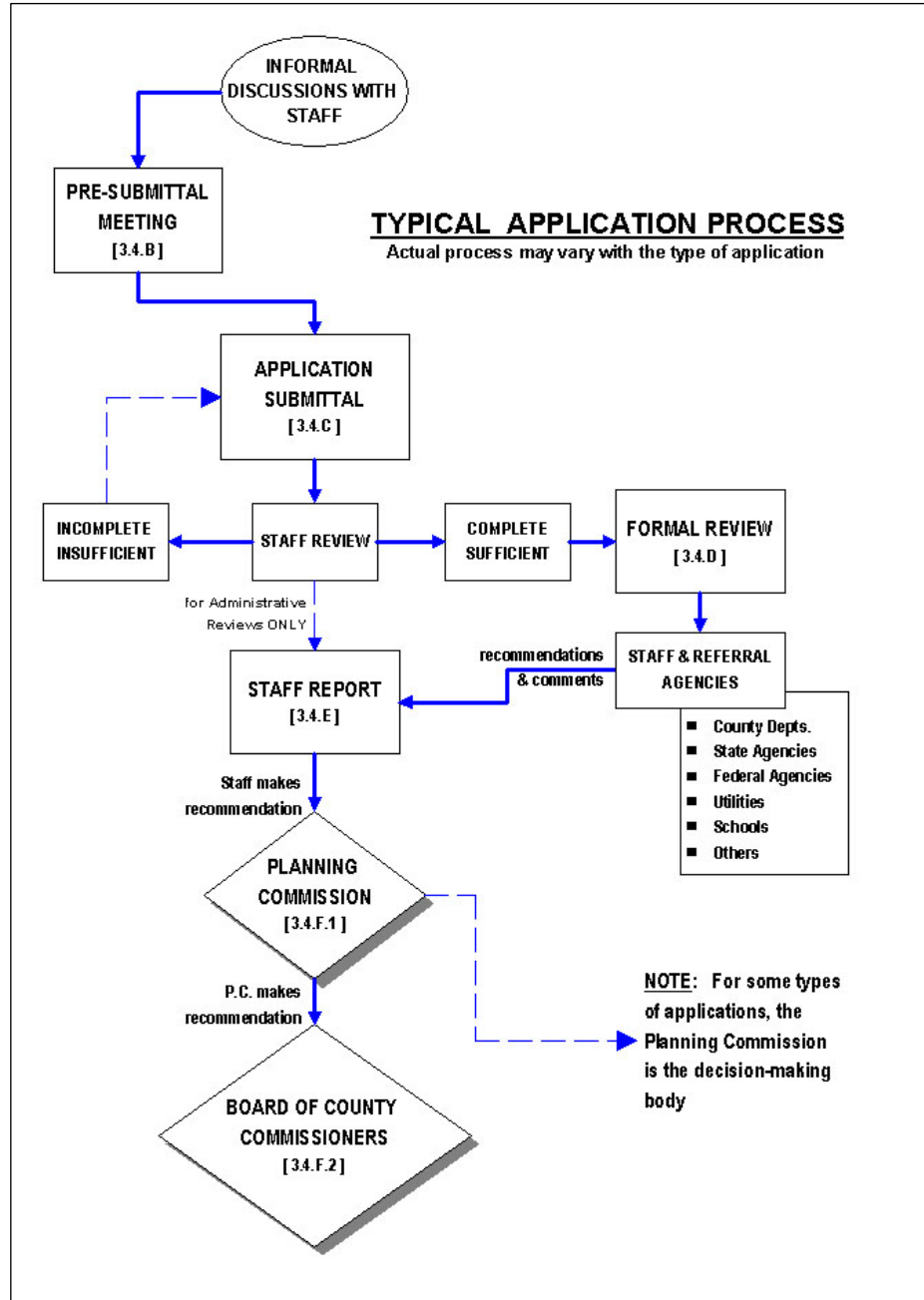
Section 3.4

**Section 3.4
COMMON PROCEDURES FOR REVIEW OF APPLICATIONS**

The process of review of all development permit applications, or any particular agreement, shall be conducted pursuant to these Regulations and all other applicable Federal, State, or duly adopted County resolutions, codes, ordinances, or regulations. All applicable Teller County documents shall be available to Applicant prior to commencement of such process.

The disapproval of any development permit application, or any particular agreement, shall be based on written findings of (1) failure to conform to the requirements of these Regulations or other applicable Federal, State and local statutes, laws, codes, resolutions, ordinances, and regulations; (2) and/or failure to conform to the terms and conditions of any related prior approval. The written findings shall specify the provisions of these Regulations or other applicable Federal, State and local statutes, laws, codes, resolutions, ordinances, and regulations, or the terms and conditions of any related prior approval, that are not satisfied. Applicant may waive, in writing, this requirement of written findings for disapproval. (See “Typical Application Process” flowchart following, and *Table 3-1 Summary of Application Review.*)

Section 3.4



A. Prior Application Approval Requirements

1. **Building Permits.** Planning Department approval of a Building Permit application requires (a) compliance with the requirements of *Chapter 7: Site Plan and Site Plan Review*; (b) Applicant’s acquisition of all other required permits or approvals including a septic permit pursuant to the Teller County Sewage Disposal Regulations and a driveway permit according to the Teller County Roadway Design and Construction Standards, and any other

Section 3.4.A.1

required permit or approval pertinent to the specific Building Permit application; and (c) compliance with any condition attached to such other required permits or approvals.

2. **Subdivision and PUD.** Major Subdivisions and PUD are subject to approval of separate development permit applications for Sketch Plan, Preliminary Plan, and Final Plat. The Applicant may request that the County consider a combined Sketch and Preliminary Plan development permit application under certain conditions (see *Chapter 9: Subdivision* and *Chapter 10: Planned Unit Development (PUD)*). County acceptance of a development permit application for a Major Subdivision Final Plat is subject to prior approval of the Subdivision Preliminary Plan and fulfillment of any conditions of Preliminary Plan approval
3. **New Community (1041) Permit.** Major Subdivisions are subject to prior approval of a separate development permit application for New Community (1041) Permit. If any department of Teller County receives a development permit application which it determines is an application in connection with an otherwise unpermitted New Community (1041) as defined in these Regulations (by way of example **only**: a development permit application for rezoning or subdivision, or a Building Permit, or road access or road cut permit), the development permit application will be held in abeyance until such time as the Applicant obtains a Permit pursuant to *Chapter 11: Permit for New Community (1041)* of these Regulations.
4. **Location and Extent.** Approval of the Location and Extent for public improvements pursuant to *Section 8.4. Location and Extent* of these Regulations is required prior to the approval of any related Conditional or Special Use Permit.

B. Formal Pre-Submittal Meeting. Notwithstanding any prior inquiry or informal meetings with Teller County Planning Staff, unless waived by the Planning Director, the Applicant for any development permit other than a Minor Building Permit, shall formally meet with the Planning Director in a Pre-Submittal Meeting for the purposes set forth in *Section 3.4.B.1. Purposes* below. Within 10 days of the Pre-Submittal Meeting, the Planning Director shall advise the Applicant in writing of any specific additional information brought forth in the meeting that is pertinent to completion of the development permit application.

1. **Purposes**
 - a. **Submittal Requirements.** To review Applicant's existing materials against the submittal requirements for the development permit application pursuant to these Regulations.

Section 3.4.B.1.b

- b. **Master Plan Evaluation.** To evaluate the proposed development for conformance with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s) and other related official plans or public improvements.
- c. **Additional Information.** To determine whether new, more extensive, or more current documentation, reports, or analyses may be required. Such a determination will depend on the location and the extensiveness of the development proposed for the site, its impacts relative to *Chapter 4: Infrastructure*, *Chapter 5: Site Design*, and *Chapter 6: Critical Areas*, and the currency and comprehensiveness of any existing professional reports and analyses.

2. Meeting Materials. At or prior to the Pre-Submittal Meeting, Applicant shall provide to the Planning Director, copies of the following:

- a. An Environmental Description pursuant to *Section 6.2: Environmental Description*.
- b. Any currently existing studies, reports, analyses and other documents related to the site, if any.
- c. A preliminary *Chapter 7* site plan.
- d. Roadway approaches showing the proposed location of any development and development access.
- e. Any other general or specific information relative to the proposed development permit application and its submittal requirements Applicant has obtained or prepared, including an External Effects Disclosure pursuant to *Section 5.3.C* as required.
- f. Applicant should be prepared to discuss how all *Chapter 4: Infrastructure* requirements are to be met.

C. Application Submittal

- 1. Determination of Submittal Completeness and Preliminary Sufficiency.** Upon receipt of a formal development permit application subject to a public hearing, the Planning Director shall, within 10 days, determine and advise the Applicant in writing whether the application has been accepted as complete and sufficient enough to accept for formal review, or rejected as incomplete or insufficient for formal review. The Planning Director will not formally review, distribute for review to review agencies, or schedule any public hearing for an incomplete or insufficient development permit application.

Section 3.4.C.1.a

- a. **Incomplete or Preliminarily Insufficient.** Although a development permit application may contain all submittal materials required, such materials may not be sufficient enough for formal review. (By way of examples **only**: required reports submitted may lack specific information or have been prepared by an unqualified individual; required drawings submitted may not meet normal standards of practice; required written information submitted may be so vague or incomplete as to make it difficult to ascertain the intent of the Applicant and/or the full extent of the impact of the proposed development.) If the Planning Director determines a development permit application is incomplete or insufficient for formal review, the written notification shall specify in detail what is needed to complete the application or remedy the insufficiency. No further action will be taken by the County on the application until its deficiencies or insufficiencies are remedied. **If the Applicant fails to correct the deficiencies or insufficiencies within 90 days of the date of the Planning Director’s notice, the development permit application will be deemed withdrawn by the Applicant, and will be withdrawn by the Planning Director and returned to the Applicant.** The Applicant may appeal the Planning Director’s determination to the Board of Adjustment pursuant to *Section 1.14.A. Appeal of Zoning Action by an Administrative Official.*
- b. **Complete and Preliminarily Sufficient.** A development permit application is deemed complete and preliminarily sufficient if it appears that (1) all required submittal materials are provided; and (2) such materials are adequate enough to determine whether the proposed development **may** be able to conform to the requirements of these Land Use Regulations, and such other State or Federal regulations as may apply. **A determination that an application is complete and preliminarily sufficient does not preclude the possibility that upon its formal review by Staff, referral agencies, Third Party reviewers, or decision-making bodies more specific information may be necessary to adequately assess the impacts of the proposed development.**

2. **Decision Date Statement.** Applicants for any Subdivision or PUD Sketch or Preliminary Plan; any plat (including Exemption Plats, Final Plats, and Amended Final Plats); or any Subdivision Improvements Agreement or other public improvements or other agreement or contract, shall, in consultation with the Planning Director, agree to and execute a Decision Date Statement at the time such development permit application is submitted. The Decision Date Statement establishes the date by which the application shall be either approved, conditionally approved, or disapproved and

Section 3.4.C.2

should be the earliest hearing date for which the requirements for public notice pursuant to *Section 3.3. Notice to the Public* and review by other agencies and Teller County departments can be met, and allowing no less than 12 days for preparation and distribution of the Staff Report. Applicant has the right to waive, in writing, the requirement that action on Applicant's plat, plan or agreement occur on or before the date set forth in the Decision Date Statement. Execution of the Decision Date Statement does not abrogate the County's right to postpone or continue the hearing to accommodate the extended agency response time allowed pursuant to CRS §24-67-105.5, CRS §30-28-133.5(6), and CRS §30-28-136(2), or waive Applicant's right to request postponement or continuance of the public hearing as provided in *Section 3.4.G. Hearing Postponement or Continuance*.

- D. Formal Review.** Formal review is a comprehensive analysis of the development permit application or agreement by Staff and referral entities. During such review, the Planning Director shall make good faith efforts to advise the Applicant of any deficiency or nonconformity prior to any required public hearing. Any 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 an appropriate State agency to help facilitate a resolution of the dispute. An Applicant for any Subdivision or PUD Sketch or Preliminary Plan, any plat, or any Subdivision Improvements Agreement or other public improvements or other agreement or contract has the right to waive, in writing, the requirement that the County make every effort to advise of deficiencies or nonconformities prior to public hearing.
- 1. Multiple Copies.** When a development permit application is determined to be complete and preliminarily sufficient, the Applicant shall be notified in writing regarding the number of copies required for submittal to all required and advisory referral agencies, County Contract Employees, and Third Party Reviewers, if any, for formal review.
 - 2. Referral Agencies.** After determination of completeness and preliminary sufficiency, the Planning Director shall also determine the appropriate referral agencies, County Contract Employees, and Third Party Reviewers, if any, to formally receive a request to review and comment upon the development permit application. See *Table 3-2: Summary of Common Referral Agencies* which includes required and customary referral agencies.
 - a. Referral Agency Review and Comment.** Entities receiving referrals will be requested to submit comments or make recommendations within 21 days of the date of mailing by the County. Such time period may be extended by the County pending receipt of comment or recommendation, but such

Section 3.4.D.2.a

extension shall not exceed 30 days unless the division, department, or agency has notified the County that it will require additional time to complete its review and make comment or recommendations; or unless Applicant has agreed, in writing, to waive or extend the 30-day extension provision. Unless otherwise extended or waived, the failure of any referral division, department or agency to respond within the 21 days or period of extension shall, for the purpose of the hearing, be considered its approval by that entity of the development permit application. However, the board conducting the hearing **may** consider late referral comments.

- b. County Contract Employees.** From time to time Teller County may retain contract professionals to perform development permit application review tasks which might otherwise be performed by elected, appointed, or regularly employed County Staff. Such contract professionals may include, among others, those acting as the County Engineer, County Construction Inspector, or County Surveyor. Applicant shall reimburse the County for the actual cost of such professional review or inspection in the following manner: An initial payment based on the County's non-binding estimate of the cost of service to be provided will be made at the time of development permit application. Any overpayment of actual costs shall be refunded to Applicant, and any underpayment of actual costs shall promptly be paid by Applicant.
- c. Third Party Review.** When these Regulations require a specialized study or report to be submitted by Applicant, the Planning Director has the discretion to hire an independent contractor to conduct a Third Party Review of such submittal. The Planning Director, with input from the Applicant, shall determine the contractor, cost, scope of work (to include the duties to be performed and estimated hours necessary to perform them), and schedule. Scope of work is limited to checking for (1) compliance with applicable laws and regulations and applicable State, Federal, national or professional codes or standards of practice for the accuracy of any calculations; and (2) the adequacy and completeness of the study or report and any conclusions that may be contained therein. Completion of the review and recommendation to the Planning Director shall be performed in a timely manner.

- E. Staff Report and Recommendation.** A written Staff Report shall be sent to the decision-making body hearing the development permit application and to the Applicant, at least 10 days prior to the hearing, when possible. The Staff Report shall include: (1) a summary of agency comments received by the Planning Department, with copies of the original comment

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transmittals attached to the Staff Report; (2) Staff analysis of, and comment on, the development permit application, including whether it complies with the standards and requirements of these Regulations for the development permit application; (3) recommended conditions of approval, if any, necessary to bring the proposed development into compliance with the appropriate review standards or to protect adjoining and adjacent properties or the public interest; and (4) recommendation to the decision-making body for approval, approval with conditions, or disapproval of the development permit application, stating the findings upon which such recommendation is made.

F. Actions by Decision-Making, Administrative, and Advisory Bodies.

All decision-making, administrative, and advisory, bodies and persons shall act in accord with the time limits established in these Regulations.

- 1. Planning Commission Hearing.** Applicant, or Applicant's agent, should be present at the Planning Commission public hearing on the development permit application, which shall be conducted in accordance with the rules of procedure established by that body for such type of hearings. In the event that the Applicant or its agent is not present at the public hearing, and provided Applicant or its agent has not obtained a postponement in advance of the hearing, the hearing shall proceed as if Applicant or its agent is present.

During the course of the public hearing, the Planning Commission may request that Applicant provide such additional information as is reasonable and necessary in order that it may properly render its decision or make recommendation to the Board of County Commissioners on the development permit application.

The Planning Commission may also request that Applicant redesign all or any portion of a subdivision or PUD plat or plan submitted for approval, based on specific, objective standards. Applicant does have the right, however, to waive, in writing, the requirement that any such request be based on specific objective standards. If the Applicant redesigns the plat or plan in accordance with the request, no further redesign shall be required unless necessary to comply with a duly adopted County resolution, ordinance, or regulation. Applicant may, likewise, waive, in writing, this provision that no further redesign shall be required except for the reasons cited. The Planning Director shall notify the Applicant in writing of the Planning Commission's decision on the development permit application within 10 days of the Planning Commission's final action.

- a. Planning Commission Decision.** For matters on which the Planning Commission is the decision-making body, after the close of the public comment at the hearing, and after consideration of the development permit application, the

Section 3.4.F.1.a

relevant support materials, the Staff Report, referral responses, and the testimony of the public, or others, given at the public hearing, the Planning Commission shall approve, approve with conditions, or disapprove the development permit application, considering whether it is consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s), the standards and requirements of these Regulations for the particular development permit application, and/or other duly adopted County resolutions, ordinances, codes, or regulations. Written findings shall be made to support such approval, approval with conditions, or disapproval. In approving a development permit application, the Planning Commission may impose such requirements and conditions as it deems necessary to enforce compliance with these Regulations, or for the protection of adjoining and adjacent properties, or the public interest, including the requirement that an adequately collateralized Improvements Agreement pursuant to *Section 3.5.B* of these Regulations be provided.

- b. Planning Commission Recommendation.** For a development permit application subject to Planning Commission recommendation to the Board of County Commissioners for the Board of County Commissioners' final action, after the close of the public comment at the hearing, and after consideration of the development permit application, the relevant support materials, the Staff Report, referral responses, and the testimony of the public, or others, given at the public hearing, the Planning Commission shall recommend in writing to the Board of County Commissioners approval, approval with conditions, or disapproval of the development permit application, considering whether it is consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s), the standards and requirements of these Regulations for the particular development permit application, and/or other duly adopted County resolutions, ordinances, codes or regulations. If the development permit application is recommended for approval, approval with conditions, or disapproval, the reasons shall be set forth in writing. If a development permit application is recommended for disapproval, recommendations shall be made, if possible, whereby approval might have been recommended.
- c. Application for Subdivision or PUD Plat or Plan.** Applicant may waive, in writing, the requirement that there be written findings for disapproval of any subdivision or PUD plat or plan, as well as the limitation that such findings be based on a failure to conform to the standards and

Section 3.4.F.1.c

requirements of the Teller County Land Use Regulations or other duly adopted County resolution, ordinance, or regulation.

2. **Board of County Commissioners Hearing.** Applicant, or Applicant's agent, should be present at the Board of County Commissioners' public hearing on the development permit application, which shall be conducted in accordance with the rules of procedure established by that body for such type of hearings. In the event that the Applicant or its agent is not present at the public hearing, and provided Applicant or its agent has not obtained a postponement in advance of the hearing, the hearing shall proceed as if Applicant or its agent is present.

During the course of the public hearing, the Board of County Commissioners may request that Applicant provide such additional information as is reasonable and necessary in order that it may properly render its decision on the development permit application.

The Board may also request that Applicant redesign all or any portion of a subdivision or PUD plat or plan submitted for approval, based on specific, objective standards. Applicant does have the right, however, to waive, in writing, the requirement that any such request be based on specific objective standards. If the Applicant redesigns the plat or plan in accordance with the request, no further redesign shall be required unless necessary to comply with a duly adopted County resolution, ordinance, or regulation. Applicant may, likewise, waive, in writing, this provision that no further redesign shall be required except for the reasons cited.

The Planning Director shall notify the Applicant in writing of the Board of County Commissioners' decision on the development permit application within 10 days of the Board's final action.

- a. **Board of County Commissioners Decision.** After the close of the public comment at the hearing, and after consideration of any Planning Commission recommendation, if any, the development permit application, the relevant support materials, the Staff Report, referral responses, and the testimony of the public, or others, given at the public hearing, the Board shall approve, approve with conditions or disapprove the development permit application, considering whether it is consistent with the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s), the standards and requirements of these Regulations for the particular development permit application, and/or other duly adopted County resolutions, ordinances, codes or regulations. Written findings shall be made to support such approval, approval

Section 3.4.F.2.a

with conditions, or disapproval. In approving a development permit application, the Board of County Commissioners may impose such requirements and conditions as it deems necessary to enforce compliance with these Regulations, or for the protection of adjoining and adjacent properties, or the public interest, including the requirement that an adequately collateralized Improvements Agreement pursuant to *Section 3.5.B* of these Regulations be provided. In conditionally approving a development permit application, the conditions of approval shall specify the requirements whereby final approval may be granted. Any final decision of the Board of County Commissioners on a development permit application shall be by Resolution of the Board.

- (1) **Application for Subdivision or PUD Plat, Plan, or Agreement.** Applicant may waive, in writing, the requirement that there be written findings for disapproval of any subdivision or PUD plat, plan, or agreement, as well as the limitation that such findings be based on a failure to conform to the standards and requirements of the Teller County Land Use Regulations or other duly adopted County resolution, ordinance, or regulation.

G. Hearing Postponement or Continuance. Any required public hearing on any development permit application shall be conducted expeditiously, and concluded when all those present and wishing to testify have done so. In the event it is necessary to postpone or continue the public hearing, the following shall apply:

1. **Postponement.** Postponement of the initial scheduled hearing of any board on a particular development permit application may only be considered prior to the formal opening of the public hearing on that particular application. Once a hearing has commenced on any development permit application it can only be continued pursuant to *Section 3.4.G.2. Continuance* below.

- a. **Applicant Request.** The Planning Director will honor two requests by Applicant for postponement of the initial scheduled hearing of any board on any development permit application when the request for postponement is submitted in writing to the Planning Director no later than one week prior to the scheduled hearing date. An Applicant request for postponement of the initial scheduled hearing of any board on any development permit application submitted in writing to the Planning Director later than one week prior to the hearing, must be considered by the board conducting the hearing. Consideration of such requests for postponement by the board will be solely based upon the need for more time to gather information to provide to the board, or the inability of experts or consultants to attend the meeting.

Section 3.4.G.1.b

b. **Staff Request.** Staff may request that the initial scheduled hearing of any board on a particular development permit application be postponed to a later meeting pending submittal of further information from the Applicant, Staff, or other agencies. Except as allowed pursuant to CRS §24-67-105.5, CRS §30-28-133.5(6) and CRS §30-28-136(2), Staff may not postpone an item without either (a) the written agreement of the Applicant prior to the hearing; or (b) at the hearing, approval by the board conducting the hearing and the written agreement of the Applicant.

c. **Time Limit and Notice Requirements.** Any postponement of a public hearing shall be to a date certain, and for those development permit applications to which it applies a new Decision Date Statement pursuant to *Section 3.4.C.2. Decision Date Statement* shall be executed. No postponement shall exceed 100 days. It shall be the responsibility of the Applicant to post a notice of the postponement on the subject property in the same manner as the original notice. Postponement for more than one month will require re-notification of adjacent property owners, re-posting of the property, and re-publication of the request.

2. **Continuance.** Unless withdrawn by Applicant, postponed by Applicant, or postponed by Teller County to receive agency comment pursuant to *Section 3.4.D.2.a. Referral Agency Review and Comment*, no public hearing on a any plat, plan, or agreement application once opened shall continue for more than 40 days from the date of its commencement without the written consent of the Applicant. In the interest of the public, any continuation of a public hearing shall be to a date certain. Any plat, plan, or agreement application that has been neither approved, conditionally approved, nor disapproved within said 40 days or within a time certain mutually agreed by the County and the Applicant at the time of filing pursuant to *Section 3.4.C.2. Decision Date Statement*, unless continued or waived in writing by Applicant, shall be deemed approved under these Regulations.

3. **Fees Apply.** Fees as provided in fee schedule established by Resolution of the Board of County Commissioners shall apply to any Applicant Postponement or Continuance.

H. **Recording of Documents.** Prior to approval by the Board of County Commissioners, all documents, including plats and agreements, shall be corrected as may be necessary, and executed by the Applicant and all required signatories, as witnessed by a Notary Public. The Board of County Commissioners shall not execute a document not previously executed by Applicant and all required signatories, nor shall any such document be recorded until executed by the Board of County Commissioners. All required recording fees shall be submitted by Applicant upon final submittal of the document(s).

Section 3.4.H.1

1. **Effect of Approval by Conditioned Resolution.** Failure of the Applicant to submit any required document for execution by the Board of County Commissioners within 90 days of its conditional approval shall render any Resolution of the Board conditionally approving such document void, invalid and of no effect. **The foregoing sentence, as may be amended in its particulars in each Resolution, may appear in all Board of County Commissioners Resolutions of Conditional Approval.**

I. **Subsequent Approvals or Actions Prior to Start of Work.** Once a development permit application approval is obtained, work shall not commence until the Applicant has obtained any and all other approvals and/or permits required by local, State, or federal agencies.

J. **Notice of Vesting.** For property rights vested pursuant to *Section 3.7. Vested Property Rights* of these Regulations, **it is the Applicant's responsibility, and not the responsibility of Teller County,** to publish the public notice required by CRS §24-68-103 no later than 14 days following vesting approval.

**Section 3.5
RELATED DOCUMENTS**

Section 3.5

In conjunction with the development permit application approval process or other matter, or as otherwise may be required by the Board of County Commissioners, certain documents are, or may be, called for. These documents include the following:

A. **Development Agreement.** A Development Agreement, or any amendment of a Development Agreement, is a separate written agreement in a form acceptable to the Board of County Commissioners and executed by the Board of County Commissioners, the Applicant, the owners of the land, and anyone holding a lien on the property or any other interest in title. A Development Agreement runs with the land and restricts the development or use of said land in accordance with its terms and conditions. Any provision of a Development Agreement may be amended by the Board of County Commissioners, following public hearing, upon application by any party thereto, if the Board finds that, as a result of a change in circumstances, the provision no longer serves the purpose(s) for which it was established, and the public interest would not be injured as a result of the change.

B. **Improvement Agreement (IA) or Subdivision Improvement Agreement (SIA).** In order to ensure the proper and timely installation of all public improvements, including landscaping, that may be necessary to accommodate a proposed development, one of the following, in the discretion of, and in a form acceptable to, the Board of County Commissioners is required: (1) Improvements Agreement (IA); (2)

Section 3.5.B

Subdivision Improvements Agreement (SIA); or (3) other Agreement or contract. Said IA, SIA, or other Agreement or contract, executed by Applicant, shall set forth the plan, method, and parties responsible for the construction of any such required public improvements which, in the judgment of the Board of County Commissioners, will make reasonable provision for, and guarantee, completion of said improvements in accordance with applicable design and time specifications.

- 1. Inclusions.** In its specifics, the IA, SIA, or other such Agreement or contract shall include: (1) a detailed description of the public improvements to be completed by Applicant; (2) completion time specifications; (3) a fully itemized estimate of the current labor and materials costs to construct or install such public improvements; (4) collateral in a form acceptable to the Board of County Commissioners sufficient, in the judgment of the Board, to make reasonable provision for the completion of said improvements in accordance with applicable design and time specifications, but in no case less than 100% of the estimated costs plus an amount sufficient to cover projected increased costs due to time delays and cost overruns; and (5) any other provision or condition deemed necessary by the Board of County Commissioners. At Applicant's option, in the case of a phased development, the guarantee may be provided for the entire development at one time, or, when final platting is not all accomplished at one time, for each phase at the time of its platting.

 - a. Warranty Period.** Cost estimates shall provide for the continued maintenance and replacement as necessary of such improvements, including any infrastructure or landscaping materials, for a period of two years after installation, or, where applicable, as otherwise specified in the Teller County Roadway Design and Construction Standards.
- 2. Submittal.** No fewer than 60 days prior to review of any IA, SIA, or other Agreement or contract by the Board of County Commissioners, Applicant shall provide to the Teller County Planning Director such technical drawings and fully itemized cost estimates necessary to complete the public improvements according to Teller County standards. All such improvements drawings and cost estimates shall be prepared, stamped, and signed by a Registered Professional Engineer licensed in the State of Colorado, or, in the case of landscaping, other qualified professional, subject to review and approval by the County Engineer, or by the Planning Director in the case of landscaping improvements, prior to finalization of the IA, SIA or other Agreement or contract in advance of its review by the Board of County Commissioners. An IA, SIA or other Agreement or contract shall run with, and be a burden upon, the land described in that document.
- 3. Release of Collateral.** As the public improvements are completed,

Section 3.5.B.3

Applicant may apply to the Planning Director for the Board of County Commissioners' release of collateral in whole or in part. Upon receipt of such request for release, the County Engineer, or Planning Director in the case of landscaping, shall inspect them or have them inspected, and, upon approval, request that the Board of County Commissioners wholly or partially release the collateral for the costs agreed for that portion of the improvements that have been completed. In no case, however, shall any partial release be for more than an amount equal to any remaining balance, nor leave a balance of less than 15% of the original collateral (or 25% in the case of landscaping) to cover the warranty period, which amount shall either be (1) retained by the County; or (2) replaced by a guarantee in an amount and form acceptable to the Board of County Commissioners as substitution for release of the entire amount of the retained collateral. Applicant shall be responsible for the condition of the public improvements after their completion and through the Warranty Period, guaranteed as set forth in this *Section 3.5.B.3*.

- a. **Inspection Failure.** If it is determined that any improvements are not constructed in substantial compliance with plans and specifications, a list of specific deficiencies shall be provided to Applicant, and Teller County shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board of County Commissioners determines that Applicant will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

- 4. **Plat Restriction Enforcement.** Any purchaser of any lot, lots, tract or tracts of land subject to a plat restriction restricting Applicant's sale thereof which plat restriction is the security portion of an IA, SIA or other Agreement or contract, shall have the authority to bring an action in the District Court to compel the Applicant's compliance with any IA, SIA or other Agreement or contract in conjunction with the sale, conveyance or transfer of any such lot, lots, tract or tracts of land. The Board of County Commissioners shall have the authority to bring such an action, or to compel the compliance with any provision of such IA, SIA or other Agreement or contract, as well as any provision of *Section 3.5.B* of these Regulations.

- C. **PUD Control Document (PUD Guide).** For any PUD there shall be a recorded PUD Control Document (the "PUD Guide"), prepared in a form acceptable to the Board of County Commissioners. The PUD Guide shall comprehensively set forth the land use restrictions and standards for development to be applied within the entirety of the proposed PUD,

Section 3.5.C

including any modification(s) of the standards of any controlling Teller County regulatory document in effect at the time of Preliminary Plan development permit application. Such land use restrictions and standards of development include: the specific land uses, residential densities and/or commercial square footages, dimensional limitations, site development standards, structure and/or lot design guidelines, sign plan, phasing, and ownership and control, either within the PUD as a whole or within each separate planning parcel or phase of development. (See also: *Chapter 10: Planned Unit Development (PUD)*.)

1. **Draft Document.** A draft of the proposed PUD Guide shall be submitted as part of the Sketch Plan development permit application for review and recommendation by the Planning Commission; and review, modification as necessary, and approval, approval with conditions, or disapproval by the Board of County Commissioners.
2. **Final Document.** The final proposed PUD Guide shall be submitted with the PUD Preliminary Plan development permit application for review and recommendation by the Planning Commission; and review, modification as necessary, and approval, approval with conditions, or disapproval by the Board of County Commissioners. No Preliminary Plan for PUD shall be approved without simultaneous approval of its PUD Guide.
3. **Recording and Effect.** The PUD Guide, as approved by the Board of County Commissioners, shall be attached to any Resolution of the Board approving the PUD Preliminary Plan, and shall constitute the development regulations for the PUD. Development of the PUD shall be limited to, and solely in accordance with, provisions of the PUD Guide, the PUD Preliminary Plan maps and plats, and any separate PUD Development Agreement. Where the PUD Guide is silent, the appropriate provisions, if any, of the Teller County Land Use Regulations in effect at the time any question is raised shall apply.

**Section 3.6
TAKINGS STUDY**

Section 3.6

Any Applicant who objects to any land dedication or fee-in-lieu payment required under these Regulations on the basis that the requirement is illegal in that it bears no substantial relationship (essential nexus) to a legitimate public purpose, or is not roughly proportional to the impact caused by the proposed development, shall, no fewer than 10 days prior to the hearing on the development permit application, notify the Planning Director in writing. An independent study justifying what the Applicant believes would be the maximum legally supportable requirement must accompany the notification. The study shall be prepared by a qualified Registered Professional Engineer licensed in the State of Colorado, and any and all fees, costs, or other charges associated with preparing and presenting the study shall be solely born by Applicant and not Teller County.

Section 3.7

**Section 3.7
VESTED PROPERTY RIGHTS**

The purpose of *Section 3.7* is to establish a system of vested property rights for these Land Use Regulations, as authorized by CRS §24-68-101, *et. seq.* "Vested property rights" means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan approved on or after January 1, 1988.

Application for approval of a site specific development plan as well as the approval, conditional approval, or disapproval of the plan is governed only by the duly adopted laws and regulations in effect at the time a complete and sufficient development permit application is submitted to Teller County.

For purposes of this *Section 3.7*, "laws and regulations" includes any duly adopted zoning law of general applicability as well as any zoning or development regulations that have previously been adopted for the particular parcel described in the plan and that remain in effect at the time of the development permit application for approval of the plan.

Notwithstanding the limitations set forth above, Teller County may adopt a new or amended law, code, ordinance, or regulation when necessary for the immediate preservation of public health and safety and may enforce such law, code, ordinance, or regulation in relation to site specific development plan development permit applications pending at the time such law, code, ordinance, or regulation is adopted. Further, the establishment of a vested property right does not preclude the application of laws, codes, ordinances, or regulations which are general in nature and are applicable to all property subject to land use regulation by Teller County, including building, fire, plumbing, electrical and mechanical codes.

A. Establishment

- 1. General.** Vested property rights attach to and run with the applicable property for which the site-specific development plan is approved or conditionally approved, and confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan including any amendments thereto.
- 2. Site-specific Development Plan.** "Site-specific development plan" means any of the following plans that have been submitted to Teller County by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of and for the purpose of vesting property rights in Teller County, and approval of the following are the only types of plans that cause property rights to vest, and no other rights shall vest under these Regulations as a site specific development plan under Colorado Statutes: Final Plat and limited vesting at Preliminary Plan for a Planned Unit Development (PUD). Vesting of a PUD is limited solely to those matters specifically approved in the PUD as vested, and as subsequently recorded as

Section 3.7.A.2

vested in the public records of Teller County. The site specific development plan is binding upon all subsequent owners of the property.

A site specific development plan may be approved upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional 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.

3. **Zoning.** Zoning that is not part of a site specific development plan does not result in the creation of vested property rights.

B. When Vesting Occurs. The period of time permitted by law for the vesting of property rights occurs upon the recording of a Resolution of the Board of County Commissioners, following notice and public hearing, approving, or conditionally approving, a site-specific development plan as herein described. Such approval is subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in a newspaper of general circulation within Teller County, of a notice advising the general public of the site specific development plan approval and creation of a vested property right. Such publication shall occur no later than 14 days following approval, and **it is the Applicant's responsibility and not the responsibility of Teller County to publish such notice.**

1. **Failure to Comply.** Upon determination by the Board of County Commissioners, after notice to the owner and an opportunity to be heard, that the owner of the property has failed to comply with any condition of a site-specific development plan any vested rights created by approval of the site-specific development plan, immediately and automatically dissolves and divests upon such determination.

C. Duration. Vested rights confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan for a period of three years. This vesting period is not extended by any amendments to a site specific development plan unless expressly authorized in writing by the Board of County Commissioners.

1. **Longer Vesting Period.** The Board of County Commissioners may, as a legislative act subject to referendum, enter into a Development Agreement with a landowner that provides that rights vest for a period exceeding three years where it is warranted in light of all relevant circumstances, including the size and phasing of the development, economic cycles, and market conditions.
2. **Subsequent Review and Approval.** Following approval or

Section 3.7.C.2

conditional approval of a site specific development plan, nothing in *Section 3.7* shall exempt the site specific development plan from subsequent reviews and approvals by Teller County to ensure compliance with the terms and conditions of the original approval, if such reviews and approvals are not inconsistent with the terms and conditions of the original approval.

D. Exceptions. A vested property right, once established pursuant to *Section 3.7*, precludes any zoning or land use action by Teller County or pursuant to an initiated measure for a period of three years from the date of approval of the site specific development plan, or longer if so approved under *Section 3.7.C.1*, that would alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay the development or use of the property subject to and consistent with the terms and conditions of the site specific development plan, except:

1. **Landowner Consent.** With the consent of the affected landowner;
2. **Hazards.** Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of the approval of the site specific development plan, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or
3. **Just Compensation Paid to Landowner.** To the extent that the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner after approval by Teller County, including costs incurred in preparing the site for development consistent with the site specific development plan, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultants' fees, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.

E. Referendum and Judicial Review. All approvals of site specific development plans, whether or not such approval so specifically states, are subject to all rights of referendum and judicial review as may be provided by Colorado statutes or law.

**Section 3.8
EXTINGUISHMENT OF APPROVALS**

Section 3.8

If an approval of a development permit application, or satisfaction of any condition, is limited in time by these Regulations or by the terms of its approval thereunder and has not been extended pursuant to the applicable procedures in these Regulations for that type of development permit application, the Board of County Commissioners **may** initiate a hearing to determine whether to confirm extinguishment of the applicable approval.

Section 3.8.A

- A. **Establishment of Hearing Date.** The Board of County Commissioners or County Administrator shall direct the Planning Director to notify the Permittee by certified mail at least 30 days in advance that a hearing has been scheduled before the Board to ascertain whether the applicable approval should be confirmed as extinguished.
- B. **Hearing.** At the hearing the County shall be represented by the Planning Director or his or her designee, and the Permittee shall be entitled to be represented in person or by representative. All evidence shall be presented at the hearing and shall be considered sworn testimony, and the parties involved are permitted to cross-examine witnesses. The sworn testimony and evidence shall solely pertain to the Standards of *Section 3.8.D* below.
- C. **Findings.** The findings and decision of the Board of County Commissioners shall be based on the evidence submitted and the standards in *Section 3.8.D Standards*. The Board's findings of fact and decision shall be in writing and adopted by Resolution of the Board, and shall detail the basis of the conclusions from the record of the hearing.
- D. **Standards.** Approval of a development permit application, or satisfaction of any conditions, limited in time by these Regulations or by the terms of its approval, and for which an extension has not been granted, may be voided and extinguished unless the Permittee can demonstrate by competent substantial evidence any and all of the following:
1. **Beyond Permittee's Control.** Failure to proceed with the development of the development permit application, or satisfaction of any condition, was beyond the Permittee's control;
 2. **Not Speculative.** The development is not speculative in nature;
 3. **In Compliance.** The development complies with the now current Land Use Regulations and the purposes, goals, objectives and policies of all applicable legislatively adopted Teller County master plan(s) or map(s);
 4. **Reasonable Likelihood.** There is reasonable likelihood that the next application step in the development process will be submitted, or the development itself will be initiated, in the next two years.
- E. **Preliminary Plan for PUD Extinguished.** If the Board of County Commissioners extinguishes the Preliminary Plan for a PUD, the County shall concurrently initiate an application to amend the Official Zone District Map to reinstate the zone district classification of the land that was in effect prior to the time that the Preliminary Plan for PUD was originally approved, or a comparable zone district. The Board of County Commissioners shall consider the requirements of CRS §24-67-106 prior to ordering any PUD Plan extinguished, and shall make any finding required by law prior to extinguishing the PUD Plan. Should the Board find that extinguishment of the Plan is contrary to the terms of its approval, vested rights, or the law, the Plan shall not be extinguished.

Section 3.9

**Section 3.9
RIGHT-TO-FARM-AND-RANCH POLICY**

Whenever an development permit application for subdivision, or other application resulting in additional development or a change in the boundaries of a property, is to be submitted to Teller County for consideration, Staff shall provide the Applicant with a copy of Resolution 08-12-99(47) of the Board of County Commissioners concerning the Teller County Right-to-Farm-and-Ranch Policy with the development permit Application Form. Any plat resulting from the approval of such development permit application shall contain a plat note referring to Resolution 08-12-99(47) and the Right-to-Farm-and-Ranch Policy attached thereto. Further, the Applicant is required to provide a copy of the Resolution, together with the entire text of the Teller County Right-to-Farm-and-Ranch Policy to initial purchasers of such property. The plat note shall read substantially as follows:

This development is subject to the Teller County Right-to-Farm-and-Ranch Policy, adopted as Resolution 08-12-99(47) by the Board of County Commissioners of Teller County on August 12, 1999, as it may be amended from time to time.

TABLE 3-1 SUMMARY OF APPLICATION REVIEW⁽¹⁾

| Application Type | Pre-Submittal Meeting Required ⁽²⁾ | Reviews (R), Makes Decision (DM), Hears Appeal (A) | | | | Public Notice Requirements ✓ - Applies * - See Below | | | |
|--|--|--|---------------------|---------------------|---------------------|---|-------------------------|--------|---|
| | | Staff | Planning Commission | Board of Adjustment | BOCC ⁽³⁾ | Published | Mailed (APO / Minerals) | Posted | |
| Amend Text of LUR | YES | R | R | | DM | ✓ | no | no | Published 10 days prior to first Planning Commission hearing; published 14 days prior to first BOCC hearing |
| Rezoning | YES | R | R | | DM | ✓ | ✓ | ✓ | posted and mailed 30 days & published 10 days prior to first Planning Commission hearing; published 14 days before first BOCC hearing |
| Building Permit | NO | R | | A | | no | no | no | None required |
| Major Building Site Plan Review | YES | DM | | A | | no | no | no | None required |
| Floodplain Development Permit Variance | YES | R | | DM | | ✓ | ✓ | ✓ | * |
| Modification of Infrastructure Standards | To be requested with related development permit application & reviewed with that application | | R | | DM | Notice per related development permit application | | | |

TABLE 3-1 SUMMARY OF APPLICATION REVIEW⁽¹⁾

| Application Type | Pre-Submittal Meeting Required ⁽²⁾ | Reviews (R), Makes Decision (DM), Hears Appeal (A) | | | | Public Notice Requirements ✓ - Applies * - See Below | | | |
|---|---|--|---------------------|---------------------|---------------------|--|-------------------------|--------|---|
| | | Staff | Planning Commission | Board of Adjustment | BOCC ⁽³⁾ | Published | Mailed (APO / Minerals) | Posted | |
| Sign Exemption | YES | R | R | | DM | ✓ | ✓ | ✓ | * |
| Sign (Off-Premise) Permit | NO | R | R | | DM | ✓ | ✓ | ✓ | * |
| Vacation of Interior Lot Line (<i>Section 9.10.D</i>) | NO | DM | | A | | Vacation decision to be published on next available Planning Commission Agenda | | | |
| Vacation of Plats/Blocks (<i>Section 9.10.B</i>) | YES | R | | | DM | Vacation decision to be published in on next available Planning Commission Agenda | | | |
| Vacation of Public Roadways and/or Easements | YES | R | R | | DM | ✓ | ✓ | ✓ | * |
| Zoning Variance | YES | R | | DM | | ✓ | ✓ | ✓ | * |
| Administrative Review Permit | NO | DM | | A | | ✓ | ✓ | ✓ | Posted, mailed, & published 10 days prior to final determination of the Planning Director |
| Conditional Use Permit | YES | R | DM | A | | ✓ | ✓ | ✓ | * |
| Special Use Permit | YES | R | R | | DM | ✓ | ✓ | ✓ | * |

TABLE 3-1 SUMMARY OF APPLICATION REVIEW⁽¹⁾

| Application Type | Pre-Submittal Meeting Required ⁽²⁾ | Reviews (R), Makes Decision (DM), Hears Appeal (A) | | | | Public Notice Requirements ✓ - Applies * - See Below | | | |
|----------------------------------|---|--|---------------------|---------------------|---------------------|---|-------------------------|--------|---|
| | | Staff | Planning Commission | Board of Adjustment | BOCC ⁽³⁾ | Published | Mailed (APO / Minerals) | Posted | |
| Location & Extent ⁽⁴⁾ | YES | R | DM | | | ✓ | some | ✓ | Posted, mailed, & published 10 days prior to first hearing |
| “New Communities” (1041) Permit | YES | R | DM | A | | ✓ | ✓ | ✓ | * |
| HP Zone Development | YES | R | DM | A | | ✓ | ✓ | ✓ | * |
| NP Zone Development | YES | R | DM | A | | ✓ | ✓ | ✓ | * |
| PUD Sketch Plan | YES | R | R | | DM | ✓ | ✓ | ✓ | * |
| PUD Preliminary Plan | YES | R | R | | DM | ✓ | ✓ | ✓ | * |
| PUD Amendment | YES | R | R | | DM | ✓ | ✓ | ✓ | * |
| Special Exemption Plat | YES | R | | | DM | ✓ | ✓ | ✓ | * |
| Unplatted Boundary Adjustment | YES | R | | | DM | ✓ | ✓ | ✓ | Posted & mailed 30 days & published 14 days prior to first hearing; |
| Legal Lot Determination | NO | DM | | A | | no | no | no | None required |

TABLE 3-1 SUMMARY OF APPLICATION REVIEW⁽¹⁾

| Application Type | Pre-Submittal Meeting Required ⁽²⁾ | Reviews (R), Makes Decision (DM), Hears Appeal (A) | | | | Public Notice Requirements ✓ - Applies * - See Below | | | |
|---|---|--|---------------------|---------------------|---------------------|---|-------------------------|--------|---|
| | | Staff | Planning Commission | Board of Adjustment | BOCC ⁽³⁾ | Published | Mailed (APO / Minerals) | Posted | |
| CCIOA Subdivision | YES | R | | | DM | ✓ | no | no | Published 14 days prior to first hearing; |
| Minor Subdivision | YES | R | | | DM | ✓ | ✓ | ✓ | Posted & mailed 30 days & published 14 days prior to first hearing; |
| Subdivision Sketch Plan | YES | R | R | | DM | ✓ | ✓ | ✓ | * |
| Subdivision Preliminary Plan | YES | R | R | | DM | ✓ | ✓ | ✓ | * |
| Final Plat | YES | R | R | | DM | ✓ | ✓ | ✓ | * |
| Amended Final Plat | YES | R | R | | DM | ✓ | ✓ | ✓ | * |
| Technical Corrections Plat | NO | R | | | DM | ✓ | no | no | Published 14 days prior to first hearing; |
| Rural Land Protection Subdivision Exemption | YES | R | | | DM | ✓ | ✓ | ✓ | Posted & mailed 30 days & published 14 days prior to first hearing; |

TABLE 3-1 SUMMARY OF APPLICATION REVIEW⁽¹⁾

| Application Type | Pre-Submittal Meeting Required ⁽²⁾ | Reviews (R), Makes Decision (DM), Hears Appeal (A) | | | | Public Notice Requirements ✓ - Applies * - See Below | | | |
|---|---|--|---------------------|---------------------|---------------------|---|-------------------------|--------|--|
| | | Staff | Planning Commission | Board of Adjustment | BOCC ⁽³⁾ | Published | Mailed (APO / Minerals) | Posted | |
| Appeal to Board of Adjustment | NO | R | | DM | | ✓ | no | no | Written notice to Applicant & appellant within 10 days of perfected Appeal; published 10 days prior to first hearing |
| * 30 days posted and mailed and 10 days published prior to FIRST hearing. Separate published notice required for hearings of the Board of County Commissioners, if any. | | | | | | | | | |

NOTES:

1. Prior to the initial level of formal review, Applicant shall have obtained any required pre-approvals and met any required pre-conditions. Subsequent approvals may be required prior to start of construction or occupancy, depending on application type. **Decisions of the Board of County Commissioners and the Board of Adjustment can ONLY be appealed to District Court.** THIS TABLE IS A SUMMARY ONLY. FOR THE SPECIFIC APPLICATION REVIEW REQUIREMENTS REFER TO THE TEXT OF THESE LAND USE REGULATIONS.
2. Within 10 days of any required Pre-Submittal Meeting, the Planning Director shall advise the Applicant in writing of the need for any specific additional information brought forth in the meeting that is pertinent to completion of the application. No application shall be scheduled for a public hearing until such time as all copies of a complete and sufficient application needed for distribution to review agencies and the hearing body or bodies have been received.
3. When the Planning Commission makes recommendation to the Board of County Commissioners, the Board of County Commissioners' public hearing is normally held two to six weeks AFTER Planning Commission review is complete and its recommendation final.
4. Location and Extent determinations may only be appealed to the body having Appeal authority pursuant to Colorado Revised Statutes.

TABLE 3-2 SUMMARY OF COMMON REFERRAL AGENCIES

Teller County

- Assessor
- Attorney
- Building Department
- Code Enforcement
- Emergency Services
- Engineer
- Environmental Health*
- Parks Advisory Board
- Road and Bridge (TC DOT)
- Sheriff
- Surveyor
- Historic Preservation Advisory Board

State of Colorado

- Department of Public Health and Environment (air quality, water quality)*
- Department of Transportation (CDOT)
- Division of Wildlife
- Forest Service*
- Geological Survey*
- Office of the State Engineer (Division of Water Resources)*
- Water Conservation Board

United States

- Bureau of Land Management (BLM)
- Forest Service (Pike National Forest)
- National Park Service (Florissant Fossil Beds)
- USDA Natural Resources Conservation Service \ Teller-Park Conservation District*
- U.S. Army Corps of Engineers

Service Providers

- Cable provider*
- Electric provider*
- Gas provider*
- Fire District or Fire Department

- Local utility, improvement district, service district, or ditch company*
- School District*
- Telephone provider*
- Water and/or Sewer District, Association, or other provider*

Other

- 911
- Homeowner's associations
- Local planning groups
- Municipalities and/or counties within two miles of application site*
- Pikes Peak Regional Council of Governments
- Ute Pass Historical Society
- Coalition for the Upper South Platte

* Required by Colorado Revised Statutes for all subdivisions.