

ARTICLE 6: MINOR IMPACT PROJECTS

SECTION 6-101: PURPOSE

The purpose of this Article is to establish the review process, application submittal requirements, and review standards that apply to the review of Land Use Change Permit applications for developments classified as Minor Impact Projects.

- A. INITIAL CLASSIFICATION OF IMPACT AND REASONS FOR A HIGHER LEVEL OF REVIEW.** If the Community Development Department determines during review of an application, including a Building Permit, that the proposed use exceeds the classification criteria of a Minor Impact Project as listed within this Article, the criteria detailed in Section 3-111: B. 1: *Additional Criteria* shall be considered, the appropriate submittals shall be required, and the appropriate review process initiated.

SECTION 6-102: PROJECTS CLASSIFIED AS MINOR IMPACT PROJECTS

The following uses shall be classified and reviewed as Minor Impact Projects:

- A. 2-4 UNITS.** 2-4 units that are subdivision lots, duplex units, or multiple-family residences, except as allowed pursuant to Section 9-101: D. 2.: *Secondary Structures and Uses Classified as Minor Impact Projects*.
- B. PRIMARY RESIDENCE LARGER THAN 5,000 SQ. FT.** A primary residence larger than 5,000 sq. ft. The residence may include an attached garage, which shall be calculated in the total square footage allowed for the residence, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.
- C. AGGREGATE SQUARE FOOTAGE LARGER THAN 7,000 SQ. FT.** An aggregate square footage larger than 7,000 sq. ft. of residential living area (one single-family residence, and any combination of a primary single-family residence, an integrated secondary residence, a detached secondary residence) and a garage attached to a residence (excluding from the calculation horse/hay sheds less than 500 sq. ft., one 200 sq. ft. storage shed, and a private greenhouse) and accessory structures or secondary use structures on one parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.
- D. MULTIPLE FAMILY RESIDENCE LARGER THAN 10,000 SQ. FT.** A multiple family residence larger than 10,000 sq. ft. The multiple family residence may include an attached garage(s), which shall be calculated in the total square footage allowed for the residence, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.
- E. AGGREGATE SQUARE FOOTAGE LARGER THAN 12,500 SQ. FT. MULTIPLE FAMILY RESIDENCE(S).** An aggregate of 12,500 sq. ft. or larger of residential living area and/or accessory use structures and secondary structures on one parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.
- F. AGGREGATE SQUARE FOOTAGE GREATER THAN 45 PERCENT OF AREA.** An aggregate square footage of structures that exceeds 45 percent of the total area of one parcel, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.
- G. MORE THAN ONE SECONDARY RESIDENCE ON A LEGAL LOT OR TRACT.** More than one secondary residence on a legal lot or tract, except as allowed pursuant to Section 9-101: *Uses Secondary to a Primary Residence*.
- H. DEVELOPMENT REQUIRING DETAILED RIDGELINE VANTAGE VISIBILITY ANALYSIS.** Any development other than a Project classified as a Major Impact Project, and for which a detailed ridgeline vantage visibility analysis is required, pursuant to Section 11-108: F: *Impact Classification*.
- I. CLEARING OF MORE THAN 7,500 SQ. FT. OF LAND.** Clearing of more than 7,500 sq. ft. of land not related to activities permitted by a Building Permit, an ISDS Permit, or Access Permit, or an agricultural operation.
- J. NEW COMMERCIAL, INDUSTRIAL 10,000 SQ. FT., OR FIVE ACRES OR LESS.** A new commercial or industrial structure equal to or less than 10,000 sq. ft. or a new commercial or industrial use developed on five acres or less.
- K. 10,000-15,000 SQ. FT. EXPANSION OF COMMERCIAL OR INDUSTRIAL USE.** A 10,000–15,000 sq. ft. expansion of a commercial or industrial use, existing as of the effective date of this *Resolution*.

- L. **CONSTRUCTION MATERIALS OPERATION RELATED TO CONSTRUCTION OF PUBLIC ROAD.** Any sand, gravel, or quarry operation providing material for public road construction that will operate for less than two years.
- M. **GENERAL ROAD CUTTING OR CONSTRUCTION.** Road cutting or construction, except that cutting or construction and maintenance of a road that provides access solely for an agricultural operation shall not be classified as a Minor Impact Project, and shall not require review.
- N. **SUBDIVISION PLAT VACATION, AMENDMENT OR REPLAT.** Vacation, amendment or replat of a recorded subdivision plat.
- O. **TRANSMISSION LINES.** Upgrade of an existing utility transmission line(s) within an existing easement(s), but not including a Project for which a Land Use Change Permit has been granted in which the design, construction and impacts of the utility line were reviewed and approved.
- P. **BED AND BREAKFAST.** Bed and breakfast business, pursuant to Section 9-103: *Bed and Breakfast*.
- Q. **CHILD CARE CENTER.** A child care center, pursuant to Section 9-506: *Child Care Center*.
- U. **GROUP HOME.** A group home, pursuant to Section 9-507: *Group Home*.
- R. **WATER IMPOUNDMENT PROJECTS CLASSIFIED AS CLASS II DAMS.** New Projects or facilities, or expansion of existing Projects or facilities, that involve the design, construction and operation of a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class II dam, pursuant to Section 13-118: *Water Impoundments*.
- S. **EXPANSION OR EXTENSION OF SNOWPLOWING.** Expansion or extension of snowplowing, pursuant to Section 11-110: F: *Expansion or Extension of Snowplowing*.
- T. **COMMERCIAL WEDDING SITE.** The site on which weddings are regularly or frequently conducted as a commercial operation, irrespective of the number of people or vehicles generated by the wedding event.

SECTION 6-103: STANDARDS FOR APPROVAL OF MINOR IMPACT PROJECTS

A Land Use Change Permit for a Minor Impact Project shall comply with the following:

- A. **ALL APPLICABLE STANDARDS.** The proposed land use change shall comply with, and the burden shall be on the applicant to demonstrate through competent evidence that the proposed land use change complies with all applicable requirements of this *Resolution*; and
- B. **COMPATIBILITY WITH COMMUNITY CHARACTER.** The proposed land use change shall be compatible with, or an enhancement of, the character of existing land uses in the area, and shall not adversely impact the future development of the surrounding area; and
- C. **COMPLIANCE WITH SPECIFIC STANDARDS.** In addition, the following standards shall apply to individual types of Minor Impact Projects:
 - 1. **ADDITIONAL STANDARDS APPLICABLE TO VACATION, AMENDMENT OR REPLAT OF SUBDIVISION PLATS.** The Board may approve a Minor Impact application to vacate, amend or replat any recorded subdivision plat if all of the following additional standards are met:
 - a. **LEGAL PLAT OF RECORD.** The plat to be vacated, amended or replatted shall be a legal plat of record; when the plat is proposed to be vacated the applicant(s) shall be the owner of all the lands identified on the plat to be vacated.
 - b. **VACATION SHALL NOT DENY ACCESS.** Vacation, amendment or replatting of all or part of the plat shall not interfere with the use of, nor deny access by public thoroughfare to public land, adjoining properties, utility service, or other improvements. In granting a vacation, the Board may reserve easements for access, and for the installation or maintenance of utilities, ditches, and similar improvements.
 - c. **NOT DAMAGE ANY LOT OWNER.** The plat vacation, amendment or replat shall not result in damage to any individual lot owner.

SECTION 6-104: MINOR IMPACT APPLICATION

- A. **NOTIFICATION TO COUNTY IF FEDERAL PERMITS REQUIRED FOR PROJECT.** When an EA or EIS or other state or federal action or permit is required, and that requirement is known by the applicant, the applicant shall notify the County of that requirement when the application is first submitted for review.

- B. AREA AND PHASING OF DEVELOPMENT.** The Minor Impact Project application shall relate to all of the area proposed for immediate or future development, including all contiguous land under ownership by the applicant. If phasing is proposed by the applicant or determined by the County to be appropriate, the general concept of that phasing shall be addressed.
- C. APPLICATION AND REVIEW FEES.** In order to compensate the County for the cost of reviewing and processing the submittals, each applicant shall pay the required fee, as shown in a schedule of fees issued by the Community Development Department that is adopted and amended from time to time by the Board. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be incurred by the County in reviewing and processing the application.
- 1. COST FOR PUBLIC HEARING NOTICE(S).** In addition to the application fee, the applicant shall be billed and shall be responsible for paying for the actual cost of publication of all applicable public hearing notices as required pursuant to Section 3-112: *Notice of Public Hearing*.
- D. COPY OF PROPERTY TAX CERTIFICATE.** One copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the land use change is proposed have been paid up to the year in which approval is under consideration.
- E. GENERAL APPLICATION FORM FOR MINOR IMPACT PROJECTS.** The Community Development Department shall provide and the applicant shall complete an application form appropriate for the specific Minor Impact Project. The Application includes both a narrative describing elements of the proposed project, and maps and layout plans than illustrate it. Unless waived by the Community Development Department, at a minimum, the application shall include:
- 1. APPLICANT.** The name, address, telephone and fax numbers, and email address for the applicant and the applicant's representative, if applicable,
- a. APPLICANT IS NOT THE OWNER.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submittal. Consent of the owner for submittal shall imply consent by the owner for the County to complete the review process pursuant to this *Resolution*.
- b. APPLICANT IS NOT THE SOLE OWNER.** If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.
- 2. PROPERTY OWNER.** Name, address, telephone and fax numbers and email address of the owner of the property and, if other than the applicant, a notarized letter from the owner consenting to the application must be submitted.
- a. STATUS OF PARCEL AS A LEGAL LOT.** If the parcel on which the land use change is proposed is smaller than 35 acres, the Department may also request the applicant to supply information sufficient to document that the subject was legally created..
- b. PROPERTY LOCATION.** The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the land use change is proposed to be located. A copy of the recorded deed to the property should be included.
- c. DATE OF APPLICATION.** The date on which the application was prepared.
- 3. IDENTIFICATION OF PRESENT LAND USE AND PREVIOUSLY-APPROVED USES.** Identification of present land use, locations, and sizes of structures that exist on the subject property, Land Use Change Permits or other permitted activities that were previously approved for the parcel on which this land use change is proposed.
- 4. CHARACTERISTICS and CURRENT CONDITION OF LAND.** List physical characteristics and conditions of the land, including streams, irrigation ditches, ponds, soils, roads, vegetation, any work that has been done to clear the property, etc.
- 5. LIST OF ADJACENT LANDOWNERS.** As applicable, a listing of all landowners and land uses that are adjacent to the boundaries of the entire parcel on which the Project is proposed, including all properties that are separated from the parcel by a roadway or would be adjacent to the property except for the existence of the roadway. When the parcel is located adjacent to a municipality, a platted townsite or platted recorded subdivision, all owners of surface property rights within 500 feet of each boundary of the entire parcel shall

be included in the listing. The source for the best-available information to identify those landowners is the Gunnison County Assessor's Office.

6. **MINERAL RESOURCES.** Indication of mineral resources that are known, or reasonably believed to be located in the property proposed for the land use change, whether the area has been the site of underground or surface mining activity, and whether an original patent has been issued to the property under federal mining law. If reasonably available, a list of the owners or lessees of underlying mineral estates is to be included.
7. **PROPOSED PROJECT DESCRIPTION.** A description of what the applicant wants to do on or to the property, including the following:
 - a. **USES AND ACTIVITIES, NUMBERS OF UNITS, OR SIZES OF USES.** Proposed uses or activities, division of land, adjustment of boundaries, expansion of existing uses, construction, materials to be stockpiled, indoor and outdoor storage areas. Numbers of units or lots. Estimated square footage or acreage of commercial, industrial or other uses. The proposed number of residential and/or other units and estimated square footage of structures may be expressed as a range, provided the top end of the range is no more than 20 percent higher than the bottom end of the range.
 - b. **DESCRIPTION OF OFF-SITE RESOURCES.** Description of off-site resources such as gravel and haul routes as may be necessary to accomplish the project.
 - c. **SEASONS AND HOURS OF OPERATION.** As applicable, the seasons of the year in which the activity is proposed to be conducted, and the intended hours of operation.
 - d. **PHASES.** Any phases that may be proposed within a Final Plan for the development.
8. **INFRASTRUCTURE ELEMENTS.** As applicable, the elements of all infrastructure that will be required as part of the development, pursuant to the individual sections of Article 12: *Development Infrastructure Standards* including:
 - a. **ROAD SYSTEM.** If the development is to include a road or roads, location and design, pursuant to Section 12-103: *Road System* and the *Gunnison County Specifications for Road and Bridge Construction Standards*.
 - b. **TRAILS.** If the parcel on which the development is proposed is land over which there is a public trail, the application must comply with Section 12-104: *Trails*. Applicants also are encouraged to include public trails and other amenities for non-motorized travel in an application to link existing adjacent public trails or trails easements, and should provide information pursuant to that section if they are interested in providing such trails.
 - c. **SEWAGE DISPOSAL/WASTEWATER TREATMENT.** If applicable, how wastewater will be disposed of, pursuant to the requirements of Section 12-106: *Sewage Disposal/Wastewater Treatment*.
 - d. **WATER SUPPLY.** Adequate evidence, which may be a final court decree, deed or other written document demonstrating ownership and/or right to use water in the amounts, manner and location(s) proposed to supply the development, pursuant to Section 12-105: *Water Supply*.
 1. **TIE ON TO EXISTING CENTRAL SYSTEM.** If the Project will tie onto an existing central water supply system, the name of the municipality, district or other existing system that will provide the service. A copy of a notarized letter of intent to provide, signed agreement or contract between the applicant and the supplier indicating that it has the capacity and is willing to provide the amount of water that will be provided by the service provider, and any conditions of providing tap-on and service.
 2. **PROVISION OF NEW CENTRAL SYSTEM.** If the Project includes the construction and operation of a new central water supply system, copies of approved current well permits, court decrees, decreed plan of water augmentation, or other deeded water rights. A description of the proposed system, including treatment options, proposed plans for operation and maintenance, and information about how water will be provided for fire suppression.
 3. **INDIVIDUAL WELL OR SPRING SYSTEM.** If an individual well or piped spring is proposed as the supply, a list of, and provision of copies of approved current well permits, court decrees, plans of water augmentation, or other deeded water rights. If the source of the supply is not located on the property proposed for development, the site of the source shall be indicated on

the submitted vicinity map, and as applicable, copies of existing easements for location, access to and maintenance of pipelines and related facilities.

4. **WATER AUGMENTATION PLAN.** If the Colorado Division of Water Resources requires that a plan of water augmentation be approved for the Project, a copy of the application for the augmentation, as submitted to the Division.
 9. **FIRE PROTECTION.** An applicant for a land use change classified as a Minor Impact Project that is located in a specific fire protection district must contact the district before submitting the application, for the purpose of being informed of the District's design and construction standards that will apply to the application. Section 12-107: *Fire Protection*.
 10. **MINING AND CONSTRUCTION ACTIVITIES.** As applicable, information pursuant to the individual sections of Division 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials*.
 11. **COMMERCIAL AND INDUSTRIAL USES.** As applicable, information pursuant to the individual sections of Division 9-300: *Commercial and Industrial Uses*.
- E. **PROJECT DESIGN.** As applicable, all elements of the Project design, pursuant to the individual sections of Article 13: *Project Design Standards*; the staff will advise the applicant which of these requirements apply to a specific application:
1. **SECTION 13-103:** *General Site Plan Standards and Lot Measurements.*
 2. **SECTION 13-104:** *Setbacks from Property Lines and Road Rights-of-Way.*
 3. **SECTION 13-105:** *Residential Building Sizes and Lot Coverages.*
 4. **SECTION 13-107:** *Installation of Solid-Fuel-Burning Devices.*
 5. **SECTION 13-108:** *Open Space and Recreation Areas.*
 6. **SECTION 13-109:** *Signs.*
 7. **SECTION 13-110:** *Off-Road Parking and Loading.*
 8. **SECTION 13-111:** *Landscaping and Buffering.*
 9. **SECTION 13-112:** *Snow Storage.*
 10. **SECTION 13-113:** *Fencing.*
 11. **SECTION 13-114:** *Exterior Lighting.*
 12. **SECTION 13-115:** *Reclamation and Noxious Weed Control.*
 13. **SECTION 13-116:** *Grading and Erosion Control.*
 14. **SECTION 13-117:** *Drainage, Construction and Post-Construction Storm Water Runoff.*
 15. **SECTION 13-118:** *Water Impoundments.*
 16. **SECTION 13-119:** *Standards to Ensure Compatible Uses.*
- F. **ADDITIONAL SUBMITTALS BASED UPON INFORMATION AVAILABLE ON MAPS USED BY THE COUNTY.** If a land use change is proposed on a parcel located within any of the following areas delineated pursuant to Section 1-112: *Use of Maps* or in areas otherwise addressed by the following, additional submittals may be required to be submitted; the Community Development Department will provide assistance to the applicant to determine the specific information that must be submitted:
1. **LOCATION OF SITE WITHIN FLOODPLAIN HAZARD AREA.** As applicable, an application proposing a land use change on a parcel located within a floodplain hazard area, pursuant to Section 11-103: *Development in Areas Subject to Flood Hazards*.
 2. **LOCATION OF SITE WITHIN GEOLOGIC HAZARD AREA.** As applicable, an application proposing a land use change on a parcel located in a geologic hazard area may be required to submit a geotechnical report that evaluates and predicts the impact of specific geologic conditions on the proposed land use change and measures to mitigate these hazards, pursuant to Section 11-104: *Development in Areas Subject to Geologic Hazards*.
 3. **LOCATION OF SITE WITHIN WILDFIRE HAZARD AREA.** As applicable, an application proposing a land use change on a parcel located within a wildfire hazard area, pursuant to Section 11-105: *Development in Areas Subject to Wildfire Hazards*.
 4. **LOCATION OF SITE WITHIN AREA POTENTIALLY AFFECTED BY WETLANDS AND WETLANDS PERMITTING.** As applicable, an application proposing a land use change on a parcel located in an area in which there are wetlands, pursuant to Section 11-107: *Protection of Water Quality*.
 5. **LOCATION OF SITE VISIBLE FROM RIDGELINE VANTAGE.** As applicable, an application proposing a land use change that is visible from a ridgeline vantage, pursuant to Section 11-108: *Standards for Development on Ridgelines*.

- 6. DEVELOPMENTS IMPACTING AGRICULTURAL LANDS.** If a proposed Project adjoins agricultural lands, involves land through which irrigation ditches flow, or over which there are general or exclusive easements for stock drives, the application shall address the requirements of Section 11-109: *Development That Affects Agricultural Lands*, and Section 15-103: *Right-to-Ranch Policy* which shall identify, in written and/or graphic form, the following:
- a. AGRICULTURAL LAND OWNER.** The location(s) and name(s) of owner(s) of any agricultural land(s) adjoining or possibly impacted by the proposed land use change.
 - b. AGRICULTURAL DITCHES.** The location(s), name(s), name(s) of owner(s), size(s), and decreed capacity(ies) of any agricultural ditch crossing or adjoining the development property, as available from the Colorado Division of Water Resources, or ditch commissioner's records.
 - c. EASEMENTS.** The location of historical easements used to gain access to headgates, ditches, and fences for maintenance or operations.
 - d. LIVESTOCK DRIVES AND FENCELINES.** Historic or recorded stock drive easements crossing or adjoining the development property, including the location of any existing fences along property lines, and the location of new fences or other obstacles proposed to be built across any such stock drive.
- 7. DEVELOPMENT ON LAND BEYOND SNOWPLOWED ACCESS.** As applicable, an application that proposes development at a location that currently receives no snowplowing services for access, pursuant to Section 11-110: *Development of Land Beyond Snowplowed Access*.
- 8. DEVELOPMENT ON LAND ON AN INHOLDING WITHIN NATIONAL WILDERNESS.** As applicable, an application that proposes development on an inholding within a National Wilderness Area, pursuant to Section 11-111: *Development on Inholdings in the National Wilderness*.
- 9. DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE.** As applicable, an application that proposes development on a parcel located above timberline, pursuant to Section 11-112: *Development on Property Above Timberline*.
- G. MAPS AND SITE PLANS.** Maps and site plans submitted with any application shall be at a scale and sheet size that can be easily viewed. A minimum scale of 1" = 100' is preferred. Sheet size shall not exceed 24 inches by 36 inches. In the case of map sets containing multiple sheets, there shall be an index sheet stating the contents of each sheet. In the case of a large development site that requires more than two sheets to depict the entire land area at an appropriate scale, the applicant shall also submit a total area plan showing the entire development on a single sheet at an appropriate scale.
- 1. VICINITY MAP.** A vicinity map, at a minimum, shall include the following (as illustrated in Appendix Figure 2: *Vicinity Map Example*):
 - a. PROPERTY LOCATION AND NEARBY PARCEL SIZES AND LAND USES.** Location of the property on a United States Geological Survey quadrangle map or on a recorded plat if the proposed development is within an approved subdivision, with the location highlighted so that it is easy to see, and that clearly shows sizes of parcels and land uses within a half-mile of the proposed Project.
 - b. ROADS.** All U.S. and state highways and nearest County or Forest Service, Bureau of Land Management, and/or subdivision/private roads that traverse and/or provide access to this proposed Project.
 - c. EASEMENTS.** Easements recorded or historically used that provide access to or across, or other use of, the property.
 - d. BOUNDARIES OF DISTRICTS, MUNICIPALITIES OR SUBDIVISIONS.** Locations of special district boundaries, municipalities or residential subdivisions within a half mile of the property.
 - e. PROXIMITY OF MINING OR PROCESSING ACTIVITY.** Any parcel located within 1,000 feet of the property proposed for land use change on which there exists an operation involving mineral exploration or extraction or construction materials processing.
 - 2. SITE PLAN.** A site plan, which at a minimum shall include the following (as illustrated in Appendix Figure 1: *Site Plan Example*):
 - a. ALL PROPERTY PROPOSED FOR DEVELOPMENT.** Include all land proposed for immediate and anticipated for future development. This can be a simple, hand-drawn layout, but it must be legible, clearly marked, drawn to scale, and signed and dated by the person who drew it.
 - b. PHASING.** Any proposed phases of the development, and their timing.

- c. **TOTAL ACREAGE OWNED.** Total acreage and location of all contiguous property owned by the applicant.
 - d. **TOTAL ACREAGE IN PROPOSED LAND USE CHANGE PERMIT AREA.** Total acreage of the site on which the applicant wants to obtain approval for the Land Use Change Permit.
 - e. **ADJACENT LOT SIZES.** Lot size(s) of properties adjacent to and in the impact area of the site proposed for the land use change.
 - f. **ADJACENT LAND OWNERS.** Names and actual land uses of adjacent landowners (including federal, State of Colorado and other publicly owned lands), to the site (in addition to the separate narrative listing). This includes properties that may be across a road, stream or river from the applicant's property.
 - g. **UTILITY LOCATIONS IN AREA.** Location of all existing utilities on the property (septic tanks, wells, electric, gas, telephone or cable lines) that will serve the property.
 - h. **TOPOGRAPHIC FEATURES.** Streams, lakes, ponds, wetlands, contour lines and elevations, any prominent ridgelines, and any other significant visual resource areas on the property.
 - i. **LIVESTOCK DRIVES AND FENCELINES.** Historic or recorded stock drive easements crossing or adjoining the development property, including the location of any existing fences along property lines, and the location of new fences or other obstacles proposed to be built across any such stock drive.
 - j. **IRRIGATION DITCHES.** The location(s), name(s), name(s) of owner(s), size(s), and decreed capacity(ies) of any irrigation ditch crossing or adjoining the development property, as available from the Colorado Division of Water Resources, or ditch commissioner's records.
 - k. **DRAINAGE.** Drainage patterns, on and adjacent to the Project property.
 - l. **TRAILS.** Pursuant to Section 12-104: *Public Trails*, as applicable, the application shall show existing public trails that cross the subject property, and any trails the applicant may be proposing to include as an element of the proposed land use change.
 - m. **ROADS, DRIVEWAYS AND PARKING.** Roads, driveways and parking areas, both existing and proposed. Driveway access locations are subject to review and approval by the Public Works Department. If roads are an element of the Project design, they shall be designed pursuant to, and Section 12-103: *Road System*.
 - n. **EXISTING STRUCTURES.** Locations and sizes of existing structures.
 - o. **PROPOSED STRUCTURES.** Locations and sizes of proposed structures.
 - p. **BOUNDARIES.** Boundaries and related measurements.
- H. PROTECTIVE COVENANTS, CONDOMINIUM OR TOWNHOME DECLARATIONS, OR DEED RESTRICTIONS.** Any existing, or a draft of proposed, protective covenants, a condominium declaration or deed restrictions that will be imposed on the development..
- I. ADDITIONAL SUBMITTALS BASED ON EVIDENCE OF REASONABLE PROBABILITY OF CUMULATIVE IMPACTS.** If, in the course of the Minor Impact Project review, evidence is submitted or gathered indicating that there is a reasonable probability that the proposed land use change will contribute to cumulative impacts within the impact area, the Community Development Department or the Planning Commission shall require that additional information, including but not limited to studies of specific issues, be submitted.
- J. LOCATION OF SITE WITHIN SPECIAL GEOGRAPHIC AREA OR DISTRICT.** As applicable, an application proposing a land use change on a parcel located within a designated Special Area or special district may be required to comply with regulations of that Area or district.
- K. ADDITIONAL INFORMATION.** Such additional information reasonably required by the Community Development Department as necessary to determine the impact classification, or to otherwise aid in the evaluation of the development pursuant to the applicable requirements of this *Resolution*.

SECTION 6-105: SUBMITTAL FOR FINAL ACTION FOR MINOR IMPACT PROJECT

- A. COPIES OF INFORMATION NECESSARY FOR ACTION BY RECOMMENDING AND DECISION-MAKING BODIES.** If the Planning Commission, after a work session(s) and the applicable required public hearing, directs the staff to prepare a Recommendation or Decision document for approval of a Minor Impact Project, the Community Development Department shall determine the number of copies of a plan submitted for final action (including protective

covenants, blue line copies of a plat, or final plan layout as applicable) necessary for review and action by the County, and advise the applicant of that number.

- B. CONDOMINIUM AND TOWNHOME DEVELOPMENTS.** A Minor Impact Project that is a plan for condominium or townhome development shall require a Final Plan approval for the layout, infrastructure and amenities for the Project. Building Permits may then be issued for construction of individual buildings. A Final Plat shall be submitted after the buildings are constructed, that is reviewed and recorded pursuant to Article 5: *Administrative Review Projects That Require Land Use Change Permits*.
- C. FEES.** To compensate the County for the cost of reviewing and processing applications for Land Use Change Permits, each applicant shall pay the Final Plan fee as shown in a schedule of fees charged for permits issued by the Community Development Department, adopted and amended from time to time by the Board. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be incurred by the County in reviewing and processing the application.
- 1. IMPACT FEES.** As applicable, payment in full of any impact fees.
- D. SUBMITTAL OF DRAFT COPY.** The applicant shall submit one draft copy of the plan for final action to the Community Development Department.
- E. TOTAL NUMBER OF COPIES REQUIRED.** Once the Community Development Department has determined the submittal to be complete, it shall determine the number of copies of the plan for final action that are necessary for review and action by the Planning Commission and/or Board, and other review agencies or County departments, and shall notify the applicant of the number required to be submitted. The Department shall, as applicable, forward the plan for final action and any relevant comments to the Planning Commission and/or Board.
- F. NARRATIVE.** The plan for final action shall include the following, presented in the same order as it is listed here, in a stapled or otherwise bound document, on consecutively-numbered pages:
- 1. APPLICANT OTHER THAN APPLICANT WHEN APPLICATION ORIGINALLY SUBMITTED.** If the applicant is not the same as the applicant who submitted the initial application, that fact shall be noted, and a notarized letter of consent from the current property owner for the current applicant to proceed with the review shall be submitted.
- 2. PROPERTY OWNER OTHER THAN OWNER WHEN APPLICATION ORIGINALLY SUBMITTED..** If the property owner is not the same as the owner who submitted the initial application, that fact shall be noted, and a notarized letter of consent from the current property owner for the current applicant to proceed with the review shall be submitted.
- a. APPLICANT IS NOT THE SOLE OWNER.** If the applicant is not the sole owner of the land, and the ownership of the property has changed since the initial application, the applicant shall submit a notarized letter(s) signed by all other owners, and/or by an association or corporation representing the owners, consenting to, or joining in, the application.
- 3. PROJECT DESCRIPTION.** A detailed description of the uses and activities for which final approval is requested, including:
- a. USES AND ACTIVITIES.** Proposed uses or activities, division of land, adjustment of boundaries, expansion of existing uses, and construction, stockpiled materials, indoor and outdoor storage areas.
- b. NUMBERS OF UNITS OR OTHER SIZES OF USES.** Numbers of units or lots. The square footage or acreage of commercial, industrial or other uses.
- c. DESCRIPTION OF STRUCTURES.** Description of structures to be constructed, their estimated size(s) and appearance.
- d. DESCRIPTION OF OFF-SITE RESOURCES.** Description of off-site resources, hazardous activities and haul routes.
- e. IDENTIFICATION OF LOT USE WITHIN SUBDIVISION.** If subdivision of the property is proposed, the uses proposed for all resulting lots.
- f. SEASONS AND HOURS OF OPERATION.** As applicable, the seasons of the year in which the activity is proposed to be conducted, and the intended hours of operation.
- g. PHASES.** Phases of the plan, if applicable.

4. **DOCUMENTATION OF CONVEYANCE OF LAND OR EASEMENT.** As applicable, a copy of warranty deed(s) to, or easement agreement(s) with, the appropriate entity conveying or providing easement to the County or other entity, for any land set aside for road rights-of-way, public trails, or other public use.
5. **PROTECTIVE COVENANTS AND DESIGN GUIDELINES, CONDOMINIUM OR TOWNHOME DECLARATIONS, OR DEED RESTRICTIONS.** Protective covenants, design guidelines, condominium or townhome declaration or similar restrictions that will be imposed on the development.. The protective covenants shall be the final recordable form and, at a minimum, shall address:
 - a. **CONDITIONS OF LAND USE CHANGE PERMIT.** As applicable, those items required as conditions of the Land Use Change Permit approval to be included within protective covenants, design guidelines, condominium or townhome declarations or deed restrictions.
 - b. **RESPONSIBILITIES OF HOMEOWNERS' ASSOCIATION.** As applicable, responsibilities of property owners or homeowners' association to collect dues, maintain common areas, improve infrastructure common to the development, maintenance of a decreed water augmentation plan and the augmented water supply, treatment of wastewater and/or water, and to oversee the maintenance of the general appearance of the development.
 - c. **COUNTY IS PARTY TO AMENDMENT OR TERMINATION.** Language that requires that amendment or termination of the protective covenants or restriction is subject to approval by Gunnison County.
 - d. **DESIGN CRITERIA.** Design criteria that will govern development within the subdivision, including:
 1. **BUILDING SCALE AND LOCATION.** Language defining building heights, compatibility with terrain, and sizes of all structures that will be allowed by the protective covenants. The requirements of Section 11-108: *Standards for Development on Ridgelines*, Section 13-103: *General Site Plan Standards and Lot Measurements*, Section 13-105: *Residential Building Sizes and Lot Coverages* shall guide the drafting of the covenant language.
 2. **ARCHITECTURAL STYLE AND EXTERIOR APPEARANCE.** Language describing the architectural style that will be required of all structures in the proposed development, and the types and colors of exterior materials to be used, including siding, roofing.
 - e. **DOMESTIC ANIMAL CONTROL.** Language limiting the maximum number of domestic animals allowed on a lot or within the development, and requiring that they be confined on site by kenneling, leashing or other similar means. Language that includes requirements that comply with those specified by Section 11-106: F.6: *Domestic Animal Controls*, Section 11-109: D: *Domestic Animal Controls*, and Section 9-508: *Keeping of Livestock Not On an Agricultural Operation*.
 - f. **EXTERIOR LIGHTING.** Language that includes requirements that comply with those specified by Section 13-114: *Exterior Lighting*.
 - g. **FENCING.** Language that includes requirements that comply with those specified by Section 13-113: *Fencing*. If there is proposed to be a fence separating the proposed development from lands on which there are agricultural operations or are public lands, language shall be required acknowledging Colorado's "fence out" requirements, and placing responsibility for construction and maintenance of the fence with the property owners or homeowners' association.
 - h. **RECLAMATION AND NOXIOUS WEED CONTROL.** Language that includes requirements that comply with those specified by Section 13-115: *Reclamation and Noxious Weed Control*.
 - i. **USE AND MAINTENANCE OF OPEN SPACE AREAS.** As applicable, language shall be included that lists uses allowed on, and requires maintenance of common open space areas by the homeowners association, or other appropriate entity. Pursuant to Section 13-108: *Open Space and Recreation Areas*.
 - j. **SIGNS.** Language shall be included that informs property owners or other land users within the proposed development that installation of signs requires compliance with the Gunnison County regulations and may require a Gunnison County Sign Permit.
 - k. **RULES CONCERNING PARKING.** Language concerning limitations on parking pursuant to Section 13-110: *Off-road Parking and Loading*.
 - l. **LANDSCAPING AND BUFFERING.** Language addressing installation and maintenance of landscaping on individual lots and common areas pursuant to Section 13-111: *Landscaping and Buffering*.

- m. **PROVISION FOR SNOW REMOVAL AND SNOW STORAGE.** Language identifying responsibility of a property owners' or homeowners' association or other entity to remove snow from interior roads and parking areas, and other applicable requirements pursuant to Section 13-112: *Snow Storage*.
- n. **STANDARDS TO ENSURE COMPATIBLE USES.** As applicable, specific covenants or other restrictions designed to mitigate impacts to nearby residential or public use areas or neighborhood land uses, pursuant to Section 13-119: *Standards to Ensure Compatible Uses*.
- o. **SOLID-FUEL-BURNING DEVICES.** If solid-fuel-burning devices are to be used in the proposed development, restrictions shall be listed ensuring compliance with Section 13-107: *Installation of Solid-fuel-burning Devices*.
- p. **GEOTECHNICAL SITE-SPECIFIC STUDIES.** When a parcel is proposed for subdivision and analysis has indicated it is located within a geologic hazard area, language shall be included that identifies the specific hazard in which the development, or identified portions of the development, are located, and refers by title, name of preparer, and date of preparation to the geotechnical analysis of the site.
 - 1. **COPY OF GEOTECHNICAL STUDY TO BE ATTACHED.** A copy of the geotechnical study(ies) shall be required to be attached as an exhibit to the protective covenants or deed restriction.
- q. **DOCUMENTATION ESTABLISHING ADMINISTRATIVE ASSOCIATION.** If the development is a subdivision, condominium or townhome development, proof of the establishment of any applicable homeowners' or property owners' association, district, architectural control committee or other group that will administer or enforce protective covenants, declarations or deed restrictions. If proof of establishment is not submitted with the plan for final action, establishment shall be guaranteed through provisions in the Development Improvement Agreement, and all relevant documentation creating the organization shall be submitted to the Community Development Department.
- r. **FINAL COST ESTIMATES.** As applicable, documentation from contractors, materials providers, engineers or other professionals, certifying final estimates for roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements required by the County for final approval.
- s. **COPY OF PROPERTY TAX CERTIFICATE.** Copy of certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel on which the land use change is proposed have been paid up to the year in which approval is under consideration. If the copy provided in the Minor Impact application is current, no additional copy need be provided.
- t. **INFORMATION TO ASSESSOR'S OFFICE.** If the development is a subdivision, condominium or townhome development, a copy of a notarized signed statement from the developer agreeing to provide the Gunnison County Assessor's Office with the following information before November 30 of each year shall be submitted:
 - 1. **PARCELS SOLD.** A description of all lots or parcels sold within the development.
 - 2. **PURCHASER INFORMATION.** Name and address of each purchaser.
 - 3. **PURCHASE PRICE.** Purchase price of each parcel sold.
- G. **LAYOUT AND DESIGN.** The application shall include a rendering of the final layout and design plan of the Project that shall include:
 - 1. **SURVEY.** A scale survey of the boundaries of the land parcel, showing all planned, recorded and apparent rights-of-way and all easements including ditches, utility lines, roads, and paths or trails; a description of all monuments found and set marking the boundaries of the property; and a description of all control monuments used and all dimensions necessary to establish the boundaries in the field. All section, quarter-section, township and range lines that cross the development shall be identified.
 - 2. **SCALE.** Scale shall be 100 feet to the inch, except building plans and townhome or condominium plans may be at a larger scale if appropriate.
 - 3. **SHEET SIZE.** Sheet size shall be 24 inches by 36 inches. When a large development requires more than two sheets at the required scale, the applicant shall also submit a total area plan showing the entire development at a scale that is clearly legible.
 - 4. **LOCATIONAL INFORMATION.** Each sheet shall contain a scale (written and graphic), north arrow and a heading containing the name and location of the development by reference to a quarter-section, township and range, and a reference to a U.S. Mineral survey where applicable.

- 5. SUBDIVISION PLAT.** If the development is a subdivision, the final layout shall be presented as a recordable Plat, and include the required language pursuant to Section 6-105: L: *Specifications for Subdivision Plats*.
- H. ENGINEERED PLANS.** Final engineering design plans and descriptions for roads, bridges, drainage facilities, water supply and wastewater treatment systems, landscaping and other improvements proposed to be installed by the developer, or required by the County; such plans shall be designed and stamped by a qualified professional engineer licensed in the State of Colorado. Engineering plans may be bound separately when size or bulk makes it advisable. Two folded copies of each of the plans shall be provided that can be stored in legal-sized folders, and shall not be submitted in rolled form.
- I. UTILITY LOCATION PLANS.** As applicable, final utility location plans approved by all utility companies identified as providing service to the development.
- J. WATER SUPPLY.** Documentation of a final court decree, deed or other written evidence demonstrating ownership and/or right to use water in the amounts, manner and location(s) for the uses and activities included in the development.
- 1. WATER AUGMENTATION PLAN.** If the Division of Water Resources required that a plan of water augmentation be designed, submitted and approved, a copy of the decree(s) for the plan shall be submitted. The plan shall accurately portray the number and types of uses described in the applicant's Final Plan application submittal, including phases, if applicable.
- K. SPECIFICATIONS FOR SUBDIVISION PLATS.** Subdivision plats intended for recording shall be prepared by a surveyor registered in the State of Colorado, clearly and legibly drawn on indelible material so that legible prints can be made from it. The Plat recorded in the Office of the Clerk and Recorder of Gunnison County shall be a nonerasable copy of the original. Sheet size shall be 24" x 36". The scale of the final plat shall be sufficiently large to show clearly the details of the plan (preferably 1" = 100').
- 1. PUBLIC AREAS.** All public or common areas shall be identified.
- 2. NON-DUPLICATING ROAD NAMES.** All roads shall be named. Road names shall not duplicate those of any existing named road within the unincorporated county or any incorporated municipality, to avoid confusion and duplication.
- 3. ACCESS AND OTHER EASEMENTS.** Planned and existing, recorded or apparent easements shall be shown, including 25-foot easements from each irrigation ditch bank pursuant to Section 11-109: G. 2.: *Irrigation Ditch Easements*, watercourses, public utilities, drains, sewers, snow storage areas, roads and paths or trails crossing the property, the closing or changing of which might affect the rights of others or result in damage to the property of the owner.
- 4. BLOCKS AND LOTS.** All blocks and lots or spaces shall be consecutively numbered.
- 5. REFERENCE TO PROTECTIVE COVENANTS.** If protective covenants are included as an element of the development, they shall be filed with the plat and the plat shall contain the correct recording references.
- 6. CURVE DATA.** All curve data, in a chart that includes radii, internal angles, and lengths of all arcs and points of curvature.
- 7. REQUIRED PLAT LANGUAGE.** The following plat language:
- a. FLOODPLAIN WARNING AND DISCLAIMER.** If the subject property is located within an identified floodplain, language shall be included on the plat pursuant to Section 11-103: F. 1. *Warning and Disclaimer of Floodplain Hazards Affecting Use and Occupancy of This Property*.
- b. GEOLOGIC HAZARDS WARNING AND DISCLAIMER.** If the subject property is located within an identified geologic hazard area, language shall be included on the plat pursuant to Section 11-104: F. 5: *Warning and Disclaimer of Geologic Hazards Affecting Use and Occupancy of This Property*.
- c. WILDFIRE HAZARD AREA WARNING AND DISCLAIMER.** If the subject property is located within an area designated as a wildfire hazard area, language shall be included on the plat pursuant to Section 11-106: G: *Warning and Disclaimer of Wildfire Hazards Affecting Use and Occupancy of This Property*.
- d. COMPLIANCE WITH COUNTY APPROVAL DOCUMENTS.** A Plat presented for approval shall contain one of the following statements, as applicable:
- 1. COMPLIANCE WITH BOARD RESOLUTION.**

The property described on this plat is subject to all the requirements, terms and conditions of the Board of County Commissioners' Resolution No. _____, recorded at Reception No. _____ of the Records of the Clerk and Recorder of Gunnison County.

2. COMPLIANCE WITH APPLICABLE CERTIFICATE OF APPROVAL.

COMPLIANCE WITH CERTIFICATE OF APPROVAL

The property described on this plat is subject to all the requirements, terms and conditions of Certificate of Approval No. _____, recorded at Reception No. _____ of the Records of the Clerk and Recorder of Gunnison County.

e. GENERAL NOTES. Pursuant to Section 11-110: H: *Protective Covenants or Deed Restrictions and Plat Language*, the following paragraphs shall be included within a section of General Notes on a Final Plat:

- 1. CONFINEMENT OF DOMESTIC ANIMALS.** Language directing that domestic animals must be controlled by kenneling, leash, fencing or other physical constraint and that any expense of enforcement of the domestic animal control restrictions by the County shall be at the expense of the responsible association or individual.
- 2. AWARENESS OF COLORADO "FENCE-OUT" REQUIREMENTS.** Language referencing C.R.S. 35-46-101 *et seq*; clearly stating that a property owner is required to construct and maintain fencing in order to keep livestock off his/her property.
- 3. IRRIGATION DITCH MAINTENANCE.** Language notifying individual lot owners that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and leave natural debris on the bank.

f. ATTORNEY'S OPINION. The following opinion by the applicant's attorney:

ATTORNEY'S OPINION

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated and subdivided. Such title is vested in _____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows : _____ (list same or indicate none). Dated this _____ day of _____, A.D. 20____.

Attorney-at-Law

g. DEDICATION. A Final Plat presented for approval shall contain one of the following statements concerning dedication, which shall be followed by the Notary Statement set forth in (3) below:

1. DEDICATION LANGUAGE.

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of land being platted and/or subdivided and include area in acres to two (2) decimal places) in Gunnison County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof (printed name of the owner) has (have) subscribed (his, her, their) name(s) this _____ day of _____, A.D. 20____.

*By _____
Owner(s), Mortgagee(s) and Lien holder(s)*

2. DEDICATION/ALTERNATIVE LANGUAGE.

DEDICATION

(I, We), _____(printed name of owner(s), mortgagee(s) and lien holder(s))_____, being the owner(s), mortgagee(s) and lien holder(s) of the land described as follows: (insert legal description of land being platted and/or subdivided and include area in acres to two (2) decimal places) in Gunnison

County, Colorado, under the name of (complete name of development in capital letters), have laid out, platted and/or subdivided the same as shown on this plat and do hereby permanently dedicate and convey to the owners of lots, tracts or parcels within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby permanently dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof (printed name of the owner(s)) has (have) subscribed his, her, their name(s) this ____ day of ____, A.D. 20__.

By _____
Owner(s), Mortgagee(s) and Lien holder(s)

3. NOTARIAL.

State of Colorado)
) ss.
County of Gunnison)

The foregoing instrument was acknowledged before me this ____ day of ____, A.D. 20____, by (printed name of owner(s): if by natural persons here, insert name; if by person acting in a representative official capacity, insert capacity; if by officers of a corporation, then insert the title of said officers and the name of the corporation).

My commission expires: _____

My address is: _____

Witness my hand and official seal:

_____ (seal)

Notary Public

h. PLANNING COMMISSION APPROVAL

GUNNISON COUNTY PLANNING COMMISSION APPROVAL

The Planning Commission of Gunnison County, Colorado, hereby recommends ____ approval of this plat of the above subdivision, such recommendation being made at a meeting of said Commission held on this ____ day of ____, A.D. 20____.

Chairperson, Gunnison County Planning Commission

i. BOARD OF COUNTY COMMISSIONERS' APPROVAL. As is consistent with the selected paragraph of dedication, any Final Plat submitted for approval shall contain one of the following statements of approval as appropriate:

1. BOARD APPROVAL LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this ____ day of ____, A.D. 20____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance or snow removal purposes. Maintenance of, or snow removal from, the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or ordinances in effect at that time.

Chairperson, Gunnison County Board of Commissioners

Attest:

Gunnison County Clerk and Recorder

2. BOARD APPROVAL: FIRST ALTERNATIVE LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this ____ day of ____, A.D. 20____, and the private dedication of roads and common areas is approved on the condition that such

roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

Chairperson, Gunnison County Board of Commissioners

Attest:

Gunnison County Clerk and Recorder

3. BOARD APPROVAL: SECOND ALTERNATIVE LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this ____ day of ____, A.D. 20____, as a seasonal use development only and not as a development served by a road opened or to be opened on a year-round basis. The roads and other public areas are hereby accepted provided, however, such acceptance shall not in any way be considered as an acceptance for maintenance purposes. Maintenance of, or snow removal from the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or ordinances in effect at that time.

Chairperson, Gunnison County Board of Commissioners

Attest:

Gunnison County Clerk and Recorder

4. BOARD APPROVAL: THIRD ALTERNATIVE LANGUAGE:

BOARD OF COUNTY COMMISSIONERS' APPROVAL

The within plat of (name of development in capital letters) is approved this ____ day of ____, A.D. 20____ as a seasonal use development only and not as a development served by a road opened or to be opened on a year-round basis. The private dedication of roads and common areas is approved on the condition that such roads and common areas shall be maintained and snowplowed, by and at the expense of the lot owners and not by Gunnison County or any other public agency.

Chairperson, Gunnison County Board of Commissioners

Attest:

Gunnison County Clerk and Recorder

5. GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE. (To be placed in the lower right-hand corner of cover sheet.)

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this ____ day of ____, A.D. 20____, Reception Number _____, Time _____, Date _____.

Gunnison County Clerk and Recorder

6. SURVEYOR'S STATEMENT. A statement, followed by the land surveyor's signature and seal, certifying that the survey was performed by him or under his direct responsibility and supervision and explaining how bearings, if used, were determined.

SECTION 6-106: MINOR IMPACT REVIEW PROCESS

The following review process (illustrated in the flowchart in Appendix Figure 5: *General Review Process for Minor Impact Projects*) shall apply to applications for Minor Impact Projects:

- A. PRE-APPLICATION CONFERENCE.** The applicant may choose to participate in a Pre-Application Conference before submitting a permit application for a land use change classified as a Minor Impact Project, pursuant to Section 3-108: *Pre-Application Conference*.

- B. SUBMITTAL OF DRAFT COPY.** The Community Development Department shall provide and the applicant shall complete an application that contains those materials specified in Section 6-104: *Minor Impact Application*. The applicant shall submit one draft copy of the application to the Community Development Department.
- C. COMMUNITY DEVELOPMENT DEPARTMENT REVIEW.** Review of the application shall be accomplished as specified in Section 3-110: *Community Development Department Application Review* and shall identify additional submittals that must be submitted by the applicant. If the property is located adjacent to agricultural operations, the Department shall provide a copy of the Right-to-Ranch policy, and a copy of the County's *Code of the West*, pursuant to Article 15: *Right-to-Ranch Policy*.
- D. TOTAL NUMBER OF COPIES REQUIRED.** Once the Community Development Department has determined the submittal to be complete, the applicant shall submit one hard copy and one digital copy of the application to the Department. The Department shall, as applicable, forward the application and any relevant comments to the Planning Commission and/or Board.
- E. REQUEST FOR REVIEW BY OTHER AGENCIES OR DEPARTMENTS.** The Community Development Department may request the professional analysis and recommendations of review agencies, organizations, or technical consultants deemed appropriate and necessary to complete the review, including other County offices and departments; municipal, state, or federal agencies having an interest in or authority over all or part of the proposal; utility companies; the applicable school district and special service districts serving the proposed development; and engineers, designers, and legal consultants.
- 1. REVIEW AND COMMENT BY REVIEW AGENCIES.** The review agencies that are sent a copy of the application shall be requested to make comments within 21 days of mailing by the Community Development Department, unless an extension of not more than 30 days has been requested by the agency before the 21st day. The Department may grant such a reasonable extension if it determines that good cause for the delay has been shown. The failure of any agency to respond within 21 days or within the period of extension shall not be deemed an approval of the application by the agency.
 - 2. REVIEW OF AGENCY/DEPARTMENT COMMENTS BY APPLICANT.** The applicant shall have the right to review the comments and recommendations received from the review agencies. The applicant may submit additional information and make changes in the development proposal to respond to the comments of the review agencies; provided, however, that if those changes are substantial or if they significantly alter the nature, character or extent of the application, the Community Development Department may, after the changes, refer the application again to some or all review agencies, to obtain additional comments, and may reasonably extend the period of their review accordingly.
- F. WORK SESSION(S).** After the Community Development Department has determined the application to be complete, the Planning Commission shall conduct a work session or sessions to identify and consider any issues related to the application.
- G. SITE VISIT(S).** The Board and/or Planning Commission may conduct site visits of the proposed Project site if either body determines that the visit will provide information useful to its review of the proposal. Review of the application may be delayed for a reasonable period if inclement weather, or snow or mud conditions delay or prohibit a site visit.
- H. PUBLIC HEARING.** The Planning Commission shall conduct a public hearing to consider the application. The public hearing shall be conducted pursuant to Section 3-113: *Conduct of Public Hearing*.
- 1. JOINT PUBLIC HEARING FOR SUBDIVISION.** If the Minor Impact application involves an activity that meets the definition of a subdivision, the Board and Planning Commission shall jointly conduct the public hearing, and the notice shall so indicate; the timing of public notice shall comply with the notice required for Board hearings pursuant to Section 3-112: *Notice of Public Hearing*.
- I. SUBMITTAL OF INFORMATION NECESSARY FOR FINAL ACTION.** If the Planning Commission, after the public hearing, directs the staff to prepare a recommendation of approval or a decision document, the applicant shall submit the required information pursuant to Section 6-105: *Submittal for Final Action for a Minor Impact Project*.
- J. PLANNING COMMISSION ACTION.** It is the goal but not the requirement (as scheduling may be affected by limited access, inclement weather, or other unforeseen circumstances) of this *Resolution*, that within 60 days following the close of the public hearing, the Planning Commission shall endeavor to complete its review of the application, considering the relevant materials, testimony and compliance of the application with the applicable standards of this *Resolution*, and shall render either a Recommendation if the application is for a subdivision, or a Decision if the application is a Minor Impact Project that is not a subdivision, condominium or townhome, or water impoundment Project classified as a Class II dam.

1. **DECISION ON APPLICATION THAT IS NOT FOR A SUBDIVISION, CONDOMINIUM OR TOWNHOME DEVELOPMENT, OR WATER IMPOUNDMENT PROJECT CLASSIFIED AS A CLASS II DAM.** If the application is not for approval of a subdivision, condominium or townhome development or a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class II dam, pursuant to Section 13-118: *Water Impoundments*, the Commission shall render a decision, to approve, approve with conditions, or to deny the application. The Decision shall include a summarized description of the Project, the Commission's findings and if the decision is to approve the application, a determination that a development improvement agreement is appropriate and improvements for which surety should be required.
 - a. **APPEAL.** A decision by the Planning Commission on an application for a Minor Impact Project may be appealed by referral to the Board, pursuant to Section 8-103: *Appeals*.
 2. **RECOMMENDATION ON SUBDIVISION, CONDOMINIUM OR TOWNHOME DEVELOPMENT, OR WATER IMPOUNDMENT PROJECT CLASSIFIED AS A CLASS II DAM.** If the application is for approval of a subdivision, or condominium or townhome Project for which a plat is required or a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class II dam, the Commission shall complete a recommendation to the Board of Commissioners, recommending approval, approval with conditions, or denial, and include a summarized description of the Project, the Commission's findings and if for approval, a determination that a Development Improvement Agreement is appropriate and the improvements for which surety should be required.
- K. DRAFT DEVELOPMENT IMPROVEMENT AGREEMENT** Pursuant to Section 16-118: *Development Improvement Agreement Required*, when public or private improvements are a required component of a Land Use Change Permit, the applicant shall provide a copy of documentation of the certified final cost estimates to the County Attorney's office which will draft a Development Improvement Agreement that references specific amenities of the Project that were required by the Minor Impact approval, and the method of funding to ensure their completion. The Development Improvement Agreement shall specifically identify such requirements referencing plans, drawings and schedules for completion and shall be substantially in the form referenced in Section 16-118: *Development Improvement Agreement Required*.
- L. BOARD DECISION ON OPTIONAL BOARD PUBLIC HEARING ON SUBDIVISION, CONDOMINIUM OR TOWNHOME DEVELOPMENT, OR WATER IMPOUNDMENT PROJECT CLASSIFIED AS CLASS II DAM.** If the application is for a subdivision or condominium or townhome development or a water impoundment that includes a dam classified by the Colorado Division of Water Resources as a Class II dam, the Board shall have the option of conducting a public hearing to consider the application and the Planning Commission's recommendation. Within 20 days of receipt of the Planning Commission's recommendation, the Board shall determine whether or not to conduct a public hearing. A decision to conduct or not to conduct such a hearing shall be based on the Board's determination of whether it is in the public interest to do so, considering among other factors the following:
1. **LEVEL OF PUBLIC INTEREST.** There has or has not been substantial public interest in the proposal; or
 2. **IDENTIFICATION OF NEW ISSUES.** Whether it is reasonably probable that new issues related to the application of the proposed land use change will be identified; or
 3. **IDENTIFICATION OF NEW INFORMATION.** Whether it is probable that new information related to the application will be provided.
 4. **BOARD PUBLIC HEARING.** If the Board chooses to conduct a public hearing, the following shall apply:
 - a. **HEARING NOTICE.** Public notice that the Board will conduct a public hearing to consider the Preliminary Plan shall be pursuant to Section 3-112: *Notice of Public Hearing*.
 - b. **CONDUCT OF HEARING.** The Board hearing shall be conducted pursuant to Section 3-113: *Conduct of a Public Hearing*.
- M. BOARD ACTION.** Within 35 days after receipt of the Planning Commission recommendation if the Board did not conduct another public hearing, or within 35 days after closure of the hearing if the Board conducted another public hearing, the Board shall act within approve, approve with conditions, refer the application back to the Planning Commission for additional review, or deny the application. The Board's decision shall be entered into the official minutes of the meeting and shall contain the necessary findings of fact and reasons to support the decision. If the Board does not make separate findings of fact, it shall be presumed to have adopted the findings and recommendations of the Planning Commission. If the application is referred back to the Planning Commission for additional review, the Board shall, within 60 days after receipt of the Planning Commission's additional recommendation, approve, approve with conditions, or deny the application.

1. **ADDITIONAL PLANNING COMMISSION REVIEW.** Before it takes action on the application, the Board may refer the application back to the Planning Commission for further consideration and recommendations if at least one of the following circumstances is present:
 - a. **NEW INFORMATION SUBMITTED.** There has been information submitted that was not available for consideration by the Commission before its recommendation; or
 - b. **INSUFFICIENT EVALUATION.** There are substantive issues or requirements of this *Resolution* that were not sufficiently evaluated in the Commission's recommendations; or
 - c. **SUBSTANTIVE ALTERATION.** There has been a substantive alteration to the plan subsequent to the Commission's recommendation; or
 - d. **NEED FOR CLARIFICATION.** There is an element of the Planning Commission's recommendation that requires clarification.
- N. **RECORDATION OF CERTIFICATE.** Within 30 days following approval of the Minor Impact Project application, the Community Development Director shall record a *Certificate of Minor Impact Project Approval* in the Office of the Gunnison County Clerk and Recorder's Office. The Certificate shall summarize the specific Project, the legal description of the subject property, include reference to the approval by the relevant decision-making body, the date on which the approval occurred, and shall include as an attached exhibit a copy of any resolution or other decision document memorializing the approval.
- O. **RECORDATION OF SUBDIVISION PLAT.** If the Land Use Change Permit approval is for a subdivision plat, within 120 days of the execution of the Development Improvements Agreement the County shall file, or shall oversee the filing of, the plat in the Office of the County Clerk and Recorder. Approved protective covenants shall be recorded in the Office of the Clerk and Recorder at the same time the plat to which they relate is filed in that office.
- P. **INSUBSTANTIAL CHANGES AND AMENDMENTS.** Insubstantial changes to an approved Minor Impact Project may be authorized by the Community Development Director without an additional public hearing.
 1. **LIMITS ON INSUBSTANTIAL CHANGES.** Insubstantial changes shall be limited to technical or engineering considerations that arise during final design or during actual construction, or similar minor modifications to features of the Project that are necessary to address technical constraints or unanticipated consequences.
 2. **ACTIVITIES NOT CONSIDERED INSUBSTANTIAL CHANGES.** Activities that shall not be considered insubstantial changes and may not be authorized by the Community Development Director include changes to the overall character of the Project, changes that substantially increase the Project's trip generation or the demand for public facilities, and changes that are inconsistent with a condition or representation of the Project's original approval. Such activities shall be considered amendments of the plan and may only be authorized by the applicant's submitting a new application and repeating the review process for a Minor Impact Project.