

DESIGN REVIEW PROCESS GUIDE

Clear Creek County Planning Department
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VISION

It is the vision of *Clear Creek County* to create a viable and economically sustainable community where residential and commercial development can co-exist.

These Development Review Regulations were crafted to ensure that developers are responsive to both the surrounding mountain environment and the changing needs of the community as a whole.

These regulations are not designed to hinder quality or creative development, but to encourage cohesiveness and respect for the unique character of the County and the beauty of its Rocky Mountain setting and the diversity of its people.

This guide will provide developers with an understanding of how to accomplish this vision of cohesiveness through the use of building form, elements, and materials that are derived directly and indirectly from the mountain environment and the application of technology that is responsive to the needs and climate of the County.

PURPOSE

The general purpose of these regulations is to ensure that commercial, industrial, and multi-family residential development is responsive to both the surrounding mountain environment and the changing needs of the community as a whole. Such development shall accomplish this through the use of building form, elements, and materials that are derived directly and indirectly from the mountain environment and the application of technology that is responsive to the needs and climate of the county.

APPLICABILITY FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT

1. Square Footage

These regulations shall apply to new development and improvements to existing development in commercial and industrial zoning districts as outlined in the table below. The values shown below represent total square footage of all proposed and existing structures on the parcel(s) which the development is or will be located.

<u>Zoning District</u>	<u>No Review</u>	<u>Design Review</u>	<u>Development Review</u>
Commercial - Neighborhood (C-N)	under 2,000	2,000 - 5,000	above 5,000
Commercial - Retail/Office (C-RO)	under 5,000	5,000 - 10,000	above 10,000
Commercial - Tourism/Recreation (C-TR)	under 5,000	5,000 - 10,000	above 10,000
Commercial - Outdoor/Recreation (C-OR)	under 5,000	5,000 - 10,000	above 10,000
Commercial - Light Manufacturing C - LM)	under 5,000	5,000 - 10,000	above 10,000
Commercial - Warehouse/Manufacturing C - WM)	under 5,000	5,000 - 10,000	above 10,000
Obsolete Commercial One (C-1)	under 2,000	2,000 - 5,000	above 5,000
Obsolete Residential - Commercial (R-C)	under 2,000	2,000 - 5,000	above 5,000
Industrial	under 7,500	7,500 - 15,000	above 15,000

2. Vehicle Trips

These regulations shall apply to new development and improvements to existing development in all commercial and industrial zoning districts as outlined in the table below. The value shown below represents the number of vehicle trips likely to be generated per day (ADT = average daily traffic) as determined by the Clear Creek County Roadway Design and Construction Manual, the Institute of Transportation Engineers' Trip Generation publication, or a transportation engineer or transportation planner who is a member of the Institute of Transportation Engineers' professional society.

<u>Zoning District</u>	<u>No Review</u>	<u>Design Review</u>	<u>Development Review</u>
All Commercial and Industrial Zoning Districts	under 100 ADT	100 - 200 ADT	above 200 ADT

OR, Development Review shall apply if the projected ADT from the proposed development increases the design capacity classification for the roadway(s) from which the proposed development will gain access, as per the Clear Creek County Roadway Design and Construction Manual, as adopted by the Board of County Commissioners.

3. Site Disturbance

These regulations shall apply to new development and improvements to existing development in all commercial and industrial zoning districts. The values shown below represent the total square footage of surface disturbance that the proposal will impose on the property.

<u>Zoning District</u>	<u>No Review</u>	<u>Design Review</u>	<u>Development Review</u>
All Commercial and Industrial Zoning Districts	under 1 acre	1 - 2 acres	above 2 acres

4. Revisions and Modifications

Action on changes to approved Development Review Site Plans shall be taken by the review authority responsible for action on the original review through the process identified in these regulations. However, if approval was made by the Planning Commission, the revisions shall be taken by the Board of County

Commissioners. However, if the Planning Director determines changes to be minor in nature, they may be approved by the Planning Director. Changes shall be considered minor if they meet the following criteria:

- a. Does not increase the amount of square footage, site disturbance, or unit count by more than 5% of the total approved in the original Development Review Site Plan.
- b. Complies with zoning regulations including use regulations and development regulations and standards.
- c. Does not change the location of uses, or the layout of streets, trails, or pathways except for minor adjustments within areas approved for development or within approved rights-of-way.
- d. Does not include the addition of a drive-through in which the patron's automobile is accommodated from which the occupants may receive a service or in which products purchased from the establishment may be consumed.
- e. Is not a detriment to public health, safety, and welfare.

APPLICABILITY FOR MULTI-FAMILY DEVELOPMENT

1. Number of Units

These regulations shall apply to new multi-family development and improvements to existing multi-family development as outlined in the table below. The values shown below represent the total number of all proposed and existing residential units on the parcel(s) which the development is or will be located.

	<u>No Review</u>	<u>Design Review</u>	<u>Development Review</u>
Multi-Family Units	10 or less	11 - 25	above 25

2. Revisions and Modifications

Action on changes to approved Development Review Site Plans shall be taken by the review authority responsible for action on the original review through the process identified in these regulations. However, if the Planning Director determines changes to be minor in nature, they may be approved by the Planning Director. Changes shall be considered minor if they meet the following criteria:

- a. Does not increase the amount of square footage, site disturbance, or unit count by more than 5% of the total approved in the original Development Review Site Plan.
- b. Complies with zoning regulations including use regulations and development regulations and standards.
- c. Does not change the location of uses, or the layout of streets, trails, or pathways except for minor adjustments within areas approved for development or within approved rights-of-way.
- d. Is not a detriment to public health, safety, and welfare.

CONCURRENT PROCESSES

If a rezoning or other land use process is required for the proposed development, the Design or Development Review process may be done concurrently with that process.

DESIGN REVIEW

1. Approval Authority

The Planning Director has the authority to decide on an application for Design Review. The applicant or affected party may appeal the decision of the Planning Director to the Planning Commission.

2. Submittal Requirements

In addition to the submittal requirements listed below, the Planning Department may request other materials or information as deemed necessary to adequately review the application. Additionally, for good cause shown, the Planning Department may waive submittal requirements listed below which, in judgement of the Planning Department, are not pertinent to the application.

- a. Application Form as provided by the Planning Department.
- b. The appropriate fee(s), as established by the Board.

- c. Proof of Ownership - deeds or other proof of ownership for the subject property(s).
- d. Legal description.
- e. Landowner Authority - a notarized letter of authority from the landowner permitting a representative to process the application, if applicant is other than the owner(s) of record.
- f. A narrative addressing impacts identified by the Planning Department's analysis of site characteristics. Said narrative shall address the following:
 - (I) Constraints on development based on the analysis and findings
 - (ii) Measures taken to avoid or mitigate identified impacts
- g. Water Supply Plan - evidence that a sufficient legal water supply is available as follows:
 - (I) When the subject property(s) is located within an existing water or special district, a letter of commitment to serve the proposed development stating the amount of water available for use.
 - (ii) When the subject property(s) is proposing that a water or special district will be formed, an outline of how the district shall be structured in compliance with Colorado revised statutes, and the proposed district's water rights.
 - (iii) If an individual well is proposed, a copy of the State approved permit.
- h. Sewage Disposal System Report - evidence of the physical and legal capability to provide sanitation as follows:
 - (I) When the subject property(s) is located within an existing sanitation district, a letter of commitment to serve the proposed development stating the capacity to serve.
 - (ii) When the subject property(s) is proposing that a sanitation or special district will be formed, an outline of how the district shall be structured in compliance with applicable regulations.
 - (iii) Where individual sewage disposal systems are proposed, evidence prepared by a Colorado licensed Professional Engineer that the sewage treatment system and leach field will be in compliance with the applicable County Individual Sewage Disposal System or state regulations.
- I. Vicinity Map - submitted on a 8 ½" x 11" sheet of paper, that indicates the location of the subject property(s) in relation to the general context of the County.
- j. Location Map - submitted on a 8 ½" x 11" sheet of paper or another size approved by the Planning Department, that indicates the location of the subject property(s) in relation to roads, streams, utilities, adjacent parcels and other features.
- k. Site Characteristics Analysis - an analysis of site features and environmental and wildlife impacts as depicted on the Site Characteristics Analysis Maps, provided by the Planning Department, and an on-site investigation addressing the following:
 - (I) Wildlife habitats including breeding grounds, nesting areas, migration routes, and wintering areas. Rare and endangered species habitat protection shall be addressed, if applicable.
 - (ii) Geologic hazard areas and conditions, indicating all potential areas of unstable slopes, snow avalanches, explosive natural gases, debris flows, land slides, rockfalls, etc..

- (iii) Wildfire hazard areas.
 - (iv) 100-year floodplain, all existing watercourses, wetlands, streams and lakes.
 - (v) Significant natural or man-made features, including major peaks, rock outcroppings, notable stands of vegetation, mine shafts/tailings, etc..
 - (vi) Slope analysis.
 - (vii) Constraints on development based on the analysis and findings.
 - (viii) Proposed mitigation measures.
- l. Traffic Analysis - a narrative and supporting data addressing the following:
- (I) Existing and proposed access to the subject property(s) from local, State, and Federal road systems/exit interchanges.
 - (ii) The average daily traffic (ADT) likely to be generated.
 - (iii) Impacts from increased traffic resulting from the proposed development, including but not limited to, level of service, congestion, noise, dust, odors, and traffic hazards.
 - (iv) The analysis shall also address measures taken to avoid or mitigate identified impacts.
- m. Scaled Site Plan - The Drawing shall, at a minimum, depict the following:
- (I) Title block, a written and graphic scale, and north arrow designated at true north.
 - (ii) Boundaries of the subject property(s).
 - (iii) Boundaries of adjacent parcels or portions of those boundaries that are in immediate proximity of the subject property(s).
 - (iv) Proposed topography including locations of ridgelines, and viewsheds as viewed from offsite.
 - (v) All existing and proposed roads, driveways, parking spaces, easements, buildings, structures, structural screening elements (e.g., fences/walls), rights-of-way, streams, utilities, signage/outside advertising, exterior lighting, other features, and site modifications.
 - (vi) Existing and proposed wells, water supply systems, water impoundments, diversion of streams/waterways, and wastewater treatment systems.
- n. Grading and Drainage Plan, and/or a Stormwater Management Plan and Report - demonstrating compliance with the County's Best Management Practices (BMP's). The Landscaping Plan may be prepared as part of this submittal requirement if desired.
- o. Existing and Proposed Buildings - a narrative describing the following elements of all existing and proposed buildings:
- (I) The total square footage.
 - (ii) The total square footage of the footprint(s).
 - (iii) Height, roof pitch, and snow load capacity.

- (iv) Types of building and roof materials and color (sample of color chips and/or photographs should be provided).
- p. Scaled Elevation Drawings - depicting the north, south, east, and west views of all proposed buildings.
- q. Existing and Proposed Structural Screening (e.g., fencing, walls) - a narrative and associated drawings describing the following elements of all existing and proposed structural screening:
 - (I) The total length and height.
 - (ii) Type of building materials, design, and color (sample of color chips and/or photographs should be provided).
- r. Existing and Proposed Outdoor Signage/Advertising and Lighting - a narrative and supporting documentation/drawings describing the following elements:
 - (I) Height, building material, and color (sample of color chips and/or photographs should be provided) of signage/outside advertising.
 - (ii) Scaled elevation drawings depicting the front and back views of all signage/outside advertising.
 - (iii) Type of outdoor lighting to be used and hours lighting will be on.
- s. Landscaping Plan - a plan that is sufficient to offer an adequate visual barrier of the proposed development from public roads and adjacent properties that indicates the following:
 - (I) Existing vegetation on site.
 - (ii) Proposed plant species, size, quantity, and location of plants.
 - (iii) Type of irrigation system and source of water, if applicable.
 - (iv) Structural elements (e.g., landscape edging) - type, location, design, height, building material, and color.

The Landscaping Plan may be prepared as part of the Grading/Drainage Plan or Stormwater Management Plan submittal requirement if desired.

3. Preapplication Conference

Prior to submittal of an application, the applicant shall meet with the Planning Department to determine if design review is applicable and to review the procedure and submittal requirements. The applicant should bring applicable documentation for review.

4. Submittal Process

- a. After a site visit has been conducted, the Planning Department will determine any additional submittal requirements needed (other than the general requirements), and will provide them in writing to the applicant.
- b. The applicant shall submit one (1) copy of the submittal to the Planning Department.
- c. The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal shall not be processed.

- d. Once the submittal is determined complete (by the Planning Department), staff will notify the applicant of the number of copies and content of the submittal required to be provided for distribution.
- e. The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The notification will inform them of the case and that Design Review cases will automatically grant vested property rights upon approval from the Board. The applicable agencies shall be determined on a case by case basis.
- f. Referral agencies shall be given twenty-one (21) calendar days prior to the Planning Director's final **decision to comment**.
- g. The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the Planning Director's final decision to notify the public of the proposal and the vested property rights to be considered.
- h. At least fourteen (14) calendar days prior to the Planning Director's final decision, the applicant shall post and maintain a notice on the parcel(s) under consideration. The notice(s) shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.
- i. The Planning Department will prepare a draft Administrative Decision, including findings of fact and conditions/stipulations for approval, based upon the submittal documentation, site characteristics analysis, and comments received.
- j. The Planning Director shall evaluate the submittals, referral comments, public testimony, and draft Administrative Decision and shall approve, approve with conditions, or deny the application.
- k. The Planning Department will notify the applicant of any modifications or requirements needed to finalize the design review site plan or other final documents prior to the Planning Director's final approval and recording with the County Clerk and Recorder.
- l. In the event the Planning Director approves the proposal, no more than 14 days after approval, the Planning Department will publish a notice in a newspaper of general circulation in Clear Creek County describing generally the type and intensity of use approved, the specific parcel or parcels or property affected, and stating that vested property rights have been created.
- m. The final design review site plan approved by the decision-making body shall be the basis for the site plan and drawings to be submitted with an application for a building permit.
- n. Appeals may be filed by any affected party and must be submitted in writing to the Planning Department within fourteen (14) calendar days following recording of the Planning Director's decision. The appeal shall state with specificity (1) the grounds on which the objector asserts to be an "affected party" and (2) the issue to which objection is made. The appeal will be heard by the Board of County Commissioners in a public hearing.
 - (I) The Board of County Commissioners (BOCC) shall first determine, during the public hearing, whether the objector is an affected party. Affected parties may include the Planning Commission and Board of County Commissioners.
 - (ii) The BOCC shall hear, and make a decision on only the specific objection(s) timely filed, and not on the entire case.
 - (iii) One (1) public hearing shall be scheduled to hear all objections regardless of the number of objections filed. The procedures of Subsection (F)(4)(I - k) hereof apply.

STANDARDS FOR APPROVAL

Prior to approval by the County for Design or Development Review, the proposed development shall meet applicable standards outlined below.

1. Demonstration that the proposed development, at full buildout, has a sufficient legal water supply.
2. Demonstration that the proposed development has provided adequate evidence of the physical and legal capability to provide sanitation.
3. Avoidance of or mitigation to significant adverse impact on wildlife habitat, including breeding grounds, nesting areas, migration routes, and wintering areas as determined by the Colorado Division of Wildlife and/or current County or state regulations. Rare and endangered species habitat protection shall also be addressed as determined by the U.S. Fish and Wildlife Service and/or by current County or state regulations.
4. Avoidance of or mitigation from geologic hazard areas and conditions, including all potential areas of unstable slopes, snow avalanches, explosive natural gases, debris flows, land slides, rockfalls, etc. as determined by the Colorado Geologic Survey, and/or by current County regulations.
5. Avoidance of or mitigation to 100-year floodplain as determined by the County's Floodplain Regulations, all existing watercourses, wetlands as determined by the U.S. Army Corps. of Engineers and/or County regulations, streams, and lakes.
6. Demonstration that the proposed development incorporates and utilizes to the extent practical, natural assets present on the site such as existing tree stands, watercourses, prominent peaks/ridgelines, and rock outcroppings.
7. Will maintain the quality of peripheral or downstream surface or subsurface water resources, if applicable.
8. No significant alteration to existing drainage patterns or cause runoff or erosion that will have a significant adverse impact on the area.
9. Must meet the standards of the County adopted Best Management Practices (BMP's) for control of stormwater runoff.
10. Must, or will, meet all applicable County zoning, building, fire, and health codes, rules and regulations.
11. The location of existing or proposed structures and uses on the property will not impose an undue burden on public services and infrastructure. Public services include road maintenance, fire, sheriff, ambulance service, electrical service, telephone service, natural gas service if applicable, public school service, and other public services as determined by the County.
12. The change in traffic patterns and potential increase in trip generation from the proposed development will not result in excessive congestion or traffic hazards as determined by the Board of County Commissioners after review by the Road and Bridge Department, or the Colorado Department of Transportation, depending on which entity provides maintenance.
13. Exterior building design materials used in constructing buildings or structures in commercial centers shall complement the county's mountain environment or historic mining heritage. Natural materials should be used such as wood siding, native stone, masonry, or glass. Materials that complement the County's historic mining heritage are also encouraged. Variations in roof lines and in building facades are encouraged. Architectural designs shall complement and coordinate with one another, and shall create interest through varied roof lines, treatment of building facades, and use of covered walkways and entrances.
14. The outdoor signage/advertising and lighting narrative shall demonstrate compliance with the lighting standards set forth in Section 5 (16) for commercial development, or in Section 2 (14) for residential development, and shall demonstrate compliance with the signage standards set forth in Section 10, all of the Clear Creek County Zoning Regulations.

15. The Landscaping Plan shall demonstrate water conservation by requiring xeriscaping concepts. The use of native species should be maximized so that native species continue to dominate the County's mountain environment. Plant species that the County has determined are invasive, noxious, or otherwise a nuisance are prohibited. The impacts of site development shall be mitigated with landscape designs that will buffer or screen the development from abutting properties and from public rights-of-way. Buffering and screening features shall complement the existing natural character and context of the site and blend with the setting. The Landscaping Plan shall demonstrate the long term health and success of required landscaping through appropriate maintenance practices, including replacing landscaping that may have perished and keeping irrigation systems operable.

PERFORMANCE GUARANTEE

1. Before a Certificate of Occupancy is provided or final inspection is conducted, the decision-making body may, in its discretion, require the applicant to file a performance guarantee of financial security deemed adequate by and made payable to the County.
2. The purpose of this performance guarantee shall be to assure that the applicant shall faithfully perform all conditions as specified in the approval of the application.
3. Any requirement for a performance guarantee shall be specified in the written decision of the County in a resolution.

I. ANNUAL REVIEW

The Board of County Commissioners may require the applicant to periodically submit a report via the Planning Director, detailing all past activities conducted by the applicant pursuant to the Development Review approval by the Board, including a satisfactory showing that the applicant/property owner has complied with all conditions of the Development Review approval and applicable regulations. The applicant/property owner need not inform the County of activities such as operational changes, which are not the subject of a Development Review approval.

The Planning Director shall review the report within thirty (30) days from the date of submittal thereof. If the Planning Director determines, based upon its review, that the applicant/property owner is likely to have violated the provisions of the Development Review or applicable regulations, the County may issue a notice of violation to the applicant/property owner.

Upon notice to the Planning Director of the fulfillment of all conditions of the approval of the Development Review, and the Planning Director's concurrence therein, the Planning Director may terminate any annual review requirements.

J. EARLY DETERMINATION OF "SIGNIFICANT"

1. Approval Authority
The Board of County Commissioners has the authority to decide on an application for early determination of "Significant" after a recommendation by the Planning Commission.
2. Purpose
This process is required when a residential development in conformance with the Multi-Family Units (R-3) zoning district is being proposed with a commercial development as a use permitted in the obsolete Commercial One (C-1) zoning district (Section 22(B)(D)(23) .
3. Submittal Requirements
 - a. Location Map that indicates the location of the proposed development in relation to roads, streams, utilities, adjacent parcels, and other features.
 - b. Preliminary project description and economic impact report that outlines the following:
 - (i) Need for the project
 - (ii) Total square footage or area of the parcel

- (iii) Number of residential units proposed, total footprint are, and total square footage
- (iv) The commercial development proposed, total footprint area, and total square footage
- (v) Projected tax revenue generated by the residential development
- (vi) Projected tax revenue generated by the commercial development
- (vii) List of services provided by the proposed development
- (viii) Proposed job generation of the commercial development
- (ix) Proposed job generation of the residential development

c. Cost/Benefit Analysis, with proposed mitigation methods of identified costs.

4. Review Process

- a. After receipt of a complete application (as determined by the Planning Department), the Planning department shall publish notice of the Planning Commission and Board of County Commissioners' public hearings on said application, and the hearings will be scheduled for the next available Planning Commission and BOCC hearing dates. Notice shall be published in a newspaper of general circulation in the County, not less than fourteen (14) days before the date set for the hearing..
- b. The Planning Commission shall provide a recommendation to the Board of County Commissioners that the proposed development does or does not meet the intent of "significant" within fifteen (15) working days of the date that the proposal is first heard by the Planning Commission.
- c. The Board of County Commissioners shall approve or deny the proposed development as meeting the intent of "significant" within fourteen (14) calender days of the date that the proposal is first heard by the Board of County Commissioners.

5. Criteria for Evaluation

The following are the criteria that the County will evaluate to assure that the proposed commercial development is "significant" to the County. To determine a proposed commercial development as "significant" does not necessarily mean it shall be significant relative to the residential component of the development, rather, it may be evaluated independently from the residential component.

- a. Tax Revenue Generated
- b. Total Square Footage
- c. Costs versus Benefits
- d. Job Generation
- e. Sales Tax Generation
- f. Services Provided
- g. Other elements applicable to a particular proposal

VESTED PROPERTY RIGHTS

If an application for Design or Development Review is approved, the County will process the vested property rights for the approved site plan.

What are "vested property rights"? - In accordance with Colorado statutes, the County retains the power to change zoning/subdivision regulations and other land use regulations from time to time. In short, Colorado law holds that the landowner or developer has the right to complete an approved development under the rules that are in place at the time of the approved plat and that the County cannot enforce any newly adopted land use regulations on the approved plat during the vesting period.

DESIGN REVIEW APPLICATION

Application Fee is \$600

An additional \$130 fee will be required to process and create vested property rights

Total Application Fee: \$730

CLEAR CREEK COUNTY PLANNING DEPARTMENT
Post Office Box 2000
Georgetown, CO 80444
303/679-2436

OWNER(S) _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

EMAIL ADDRESS _____

HOME PHONE _____ WORK PHONE _____

APPLICANT(S) _____

MAILING ADDRESS _____

EMAIL ADDRESS _____

CITY _____ STATE _____ ZIP _____

HOME PHONE _____ WORK PHONE _____

LEGAL DESCRIPTION OF PROPERTY _____

1/4 Section & Section-Township-Range or Subdivision-Lot & Block

ADDRESS OF PROPERTY _____ PARCEL # _____

TOTAL ACREAGE _____ CURRENT ZONING _____

DESCRIBE REASON FOR REQUEST _____

I (we) do hereby certify that the information contained in or presented in connection with this application is true and accurate to the best of my (our) knowledge and belief. I (we) do hereby further agree to abide by the agreements, conditions and stipulations that are a part of this request.

I (we) understand that the Planning Department staff will need to go onto my (our) property in order to process this request.

OWNER(S) _____ DATE _____

OWNER(S) _____ DATE _____

APPLICANT(S) _____ DATE _____