

Huerfano County
 Land Use Department
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**HUERFANO COUNTY
 COMMON PROCEDURES
 SECTION 8.00**



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8.01 USE OF THE COMMON PROCEDURES

This Section describes the procedures that shall be employed for reviewing and acting upon certain significant requested and proposed changes in land use in unincorporated Huerfano County not provided for elsewhere in The County’s Land Use Regulations. Such changes include the following actions:

1. Rezoning of land.
2. PUD and Non-PUD subdivisions of land.
3. Development of non-subdivision PUDs.
4. Any Public hearing procedure.

8.02 TYPES OF REVIEW PROCEDURES

The three types of review procedures are:

1. Pre-Application Conference.
2. Simultaneous review procedure.
3. Sequential review procedure.

8.02.01 Pre-Application Conferences

Even when not specifically required by the provisions of Huerfano County’s Land-Use Regulations, all persons contemplating development in the County that may require a land use permit are strongly urged to initially arrange a Pre-Application Conference with the Huerfano County Planning Commission to discuss the nature of the proposed development. The purpose of this Pre-Application Conference is to provide potential applications with information required, submittal fees, forms, submittal requirements, processing procedures, and time frames.

8.02.02 Simultaneous Review Procedure

The simultaneous review procedure shall be employed in all land development application processing cases, except when as provided for in Section 8.02.03, The Sequential Review Procedure, the Planning Commission determines that the sequential review process shall be used.

8.02.03 Sequential Review Procedure

The sequential review procedure shall be employed when an applicant requests multiple land use changes requiring more than one stage of review, and the multiple reviews are conducted sequentially rather than concurrently in order to allow for, a) adequate opportunity for staff review and preparation of documents, b) Planning Commission, Board of Adjustment, and/or Board of County Commissioners review of documents and testimony, and c) independent decision-making on each of the proposed actions. The sequential review process may be initiated by the Planning Commission, at its discretion, upon a majority vote.

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The sequential review process shall be employed upon a determination by the Planning Commission that the proposed land use changes are of sufficiently large scale, with potentially far-reaching and/or intense on- and off-site impacts on the environment, the economy, the natural resources or the social structure of Huerfano County to warrant a sequential review procedure.

8.03 STAGES OF THE REVIEW PROCESS

The three stages of the review process are:

1. The initial submission
2. The preliminary submission
3. The final submission

Each of these stages of the review process is described below.

8.03.01 The Initial Submission Stage

The initial submission stage of review is the first review stage, and it is to be used for the following activities:

1. Sketch plan processing for non- PUD subdivisions, unless exempted from sketch plan review, in accordance with Section 3.07 of these regulations.
2. PUD subdivision sketch plans.
3. Re-zonings.

8.03.02 The Preliminary Submission Stage

The preliminary submission stage of review is the review processing and decision-making phase, and it is to be used for the following activities:

1. Preliminary plan PUD and non-PUD subdivision applications.
2. Non-subdivision PUD plan applications.

8.03.03 The Final Submission Stage

The final submission stage is the final stage of review, and it is to be used for the following activities:

1. Final plat non-PUD subdivision applications.
2. Final plat PUD subdivision applications.

8.03.04 Public Hearing Requirements

All applications requiring processing under the Common Procedures shall be subject to a public hearing before the Planning Commission, as specified herein.

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No joint or other form of public hearing regarding approval at any stage of a subdivision application shall be continued, however, for more than Forty (40) days without the written consent of the applicant, and any continuation shall be to a date certain.

8.04 REVIEW PROCEDURES AND REQUIREMENTS

The following procedures and requirements shall be followed by all applicants, by the Planning Commission and by the Board of County Commissioners in reviewing and taking action upon applications for land developments authorized by and encompassed within these regulations, unless the Board of County Commissioners determines, either upon written petition by an applicant or upon the recommendation of the Planning Commission, to employ alternate review procedures and requirements. Applicants so requesting a change in review of procedures and requirements shall state in writing why the proposed change(s) are desired, and the Board of County Commissioners, in acting upon a request for a change in procedures or requirements, shall state in the minutes of the meeting at which it takes action, the action taken and the reasons for such action.

8.04.01 Procedures and Requirements for Initial and Preliminary Submission

1. Persons proposing land use changes to be reviewed and/or acted upon at the initial submission stage of review shall submit the required application forms, application fees and submittal materials to the Planning Commission.
2. Upon receipt of these materials, they shall be reviewed by the County Planner, who shall determine whether the materials submitted meet the appropriate submittal requirements for the type(s) of proposal(s) to be reviewed, whether the required number of copies have been submitted, and whether the materials are sufficiently clear, neat and orderly. Within Two (2) weeks of receipt of the submittal materials, the County Planner shall determine whether they are complete and adequate. Incomplete or inadequate materials shall be returned to an applicant for appropriate modifications.
3. When the County Planner determines, upon review, that an application is complete, the applicant shall be so informed, and the completed initial submittal(s) shall be scheduled for review by the Planning Commission.
4. The Planning Commission shall determine which, if any, of the following referral agencies shall review the initial and /or preliminary submission:
 - a) School district(s) in which the land encompassed by the proposed subdivision is located.
 - b) Each county, other than Huerfano County, and municipality within a three (3) mile radius of any portion of the proposed land-use.
 - c) All applicable local and state improvement and special districts, ditch companies and utilities.
 - d) Colorado State Forest Service, when applicable.
 - e) Huerfano-Las Animas Area Council of Governments.

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- f) Upper Huerfano Soil Conservation District.
- g) Colorado Department of Public Health and the Environment and/or such county, district or regional health departments as may exist.
- h) State Engineer/Colorado Division of Water Resources.
- i) Other referral agencies and potentially affected parties that the Planning Commission determines to be appropriate.
- j) Water Conservation Agency.
- k) Fire Protection District.
- l) Huerfano County Economic Development.
- m) Parks and Wildlife.
- n) Tourism Board.

Referral agencies reviewing initial and / or preliminary submission stage materials shall have Thirty (30) days from the date of mailing of the materials to respond in writing to the Planning Commission with their comments. The failure of any referral agency or potentially affected party to respond within Thirty (30) days for the purposes of the hearing on the preliminary plan shall be deemed a de facto approval of such plan.

- 5. Not more than Thirty (30) days after the referral agency response deadline, the Planning Commission shall schedule a public hearing in accordance with section 8.05 of these Common Procedures.
- 6. In reviewing and acting upon the proposed land use actions, the Planning Commission shall make recommendations to approve, conditionally approve or deny the application to the Board of County Commissioners. Furthermore, the Planning Commission may, in its discretion, recommend that the Board of County Commissioners enter into a Memorandum of Understanding with the applicant addressing any critical matters, environmental or otherwise.
- 7. Not more than Twenty-One (21) days after said recommendation, the Board of County Commissioners shall schedule the application for action at a regular public meeting.
- 8. Approval of the initial and /or preliminary submission by the Board of County Commissioners shall not constitute nor presume acceptance or approval of any required or other subsequent submissions, and the Board may, at its discretion, require the fulfillment of such conditions as it sees fit to impose in a conditional approval, as a precondition for consideration by the Planning Commission or the Board of any subsequent submissions.

8.04.02 Procedures and Requirements for the Final Submission

- 1. Persons proposing land use changes to be reviewed and / or acted upon at the final submission stage of review shall submit the required application forms, application fees and submittal materials to the County Planner.

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2. Upon receipt of these materials, the County Planner shall determine that any and all modifications, amendments and special conditions imposed at the initial and /or preliminary submission stage have been complied with.
3. When the County Planner determines, upon review, that an application is complete, the applicant shall be so informed and the completed submittal(s) shall be scheduled for review by the Planning Commission, and notification to the general public may be published in the local newspaper.
4. The Planning Commission shall review the final application determining which, if any, additional referral agencies should be contacted. If the Planning Commission deems an additional public hearing is necessary, it will be scheduled in accordance with Section 8.05 of these regulations.
5. Following any action determined necessary to gain the information to make a recommendation, the Planning Commission shall make recommendations to approve, conditionally approve or deny the application to the Board of County Commissioners.
6. Within Ninety (90) days after approval, the applicant shall record the final plats and all attendant covenants, easements, deeds and related documents, upon payment of the required recording fees, in the office of the Huerfano County Clerk and Recorder.

8.05 JOINT PUBLIC HEARING PROCEDURES

The following process shall be followed for all land use regulations that do not specifically outline a public hearing process.

Unless Colorado law or specific county regulations allow for a shorter period of publication at least Thirty (30) days prior to a public hearing scheduled before the Planning Commission or the Board of County Commissioners to consider a land use application, a notice of public hearing shall be published in a legal publication in Huerfano County. Publication of said notice(s) shall follow a form prescribed by the County, and publication of the notice is the responsibility of the applicant. In compliance with Huerfano County Resolution 78-33, applicants shall be billed directly by the newspaper publisher and shall submit proof of publication of the notice and proof of payment to the County Hearing Officer before said hearing may take place.

In addition, the applicant shall also post notice on the concerned property at least Fifteen (15) days prior to a public hearing scheduled before the Planning Commission or the Board of County Commissioners. Such notice shall follow a form prescribed by the County and shall consist of at least one sign facing each adjacent public right-of-way.

The applicant shall also mail a written notice of said hearing(s) by registered mail, return receipt requested, at least Fifteen (15) days prior to a hearing date to owners of record of all property adjacent to the subject property. The notice shall include a vicinity map, a short narrative describing the current zoning, the proposed rezoning and the nature of the proposed land use change, along with an announcement of the date, time and location of the scheduled hearing.