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Information Sheet: Preliminary Plan for a Major Impact Project

The Preliminary Plan is the second, and most detailed step in the review process for a project that is classified as a Major Impact. An applicant is required, before an application is submitted, to arrange with the Community Development Department for a Pre-Application conference to discuss the plan.

PRELIMINARY PLAN PROVIDES DETAILED SOLUTIONS AND DESIGN. Preliminary Plan review requires the applicant to formulate detailed, designed/engineered solutions to the issues and concerns identified during Sketch Plan review, and to address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.

PRELIMINARY AND FINAL PLANS MAY BE COMBINED. The Preliminary Plan and Final Plan may be combined and processed together based upon consideration of the following factors: design, size, public concern, public facilities and services.

The application requirements, and the review process are described within the following two sections of the *Gunnison County Land Use Resolution*. When other sections of the *Resolution* are referenced, they must be addressed in a Preliminary Plan application.

SECTION 7-301: PRELIMINARY PLAN APPLICATION FOR MAJOR IMPACT PROJECTS

After the Board has approved a Sketch Plan application for a Major Impact project, the applicant may submit a Preliminary Plan application consistent with the requirements of this Section. The Preliminary Plan includes both a narrative describing elements of the proposed project, and the maps and layout plans that illustrate it.

- A. PHASING AND RELATIONSHIP TO APPROVED SKETCH PLAN.** A Preliminary Plan shall address all of the area presented in the approved Sketch Plan, shall be consistent with the approved Sketch Plan and shall specifically address and comply with the conditions stated in the Board's approval. If the Preliminary Plan represents a significant variation from the approved Sketch Plan, that variation shall be clearly and completely identified or described. The Preliminary Plan may address phases that are projected to be phases of the Final Plan, though all studies and engineering design shall address the entirety of the project.
- 1. SIGNIFICANT CHANGE REQUIRES REFILEING.** If the variation consists of a significant change in types of land use, design or location of uses, or is a significant increase in numbers of lots, structures, or types or intensity of land uses, from the approved Sketch Plan, the applicant may be required to file an amended Sketch Plan application that shall be reviewed anew, pursuant to Section 7-201: *Sketch Plan Application for Major Impact Projects*, and Section 7-202: *Sketch Plan Review Process for Major Impact Projects*.
- B. APPLICATION AND REVIEW FEES.** In order to compensate the County for the cost of reviewing and processing the Preliminary Plan, 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 Preliminary Plan submittal 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*.
- C. 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.

- D. SUBMITTAL OF DRAFT COPY.** The applicant shall submit one draft copy of the Preliminary Plan application 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 Preliminary Plan application 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 of copies of the complete plan that are required to be submitted.
- F. MAPS AND SITE PLAN SHEETS.** Maps shall be at a scale and sheet size to permit adequate review, but sheet size shall not exceed 24 inches by 36 inches. Each map or layout of the site plan shall be separate, and folded to a size to allow mailing or storage within a standard legal-sized folder; maps shall not be submitted in a rolled form. Elements required to be submitted in map or layout form may be combined on one or more sheets of the submittal, so long as all elements are legible. Maps and drawings shall identify the location of the proposed land use change by reference to permanent survey monuments with a tie to a section corner or quarter-section corner and shall include the following information:
- 1. MAP SCALE.** The Preliminary Plan shall include maps that shall be at a scale of 100 feet equal one inch or as otherwise approved by the Community Development Department, or required by this Section.
 - 2. TOTAL AREA PLAN ON ONE SHEET.** In the case of large development requiring more than two sheets at the required scale, the applicant shall also submit a total area plan showing the entire development on a single sheet at an appropriate scale.
- G. GENERAL INFORMATION IN NARRATIVE.** The Plan is required to include at least the following information, presented in the same order as it is listed in this Section, in a stapled or otherwise bound document, on consecutively-numbered pages and including a *Table of Contents*.
- 1. APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and also stating the same information for the agent.
 - a. APPLICANT OTHER THAN APPLICANT AT SKETCH PLAN APPROVAL.** If the applicant is not the same as the applicant who submitted the Sketch Plan, 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 required to be submitted.
 - 2. PROPERTY OWNER.** Name, address, telephone and fax numbers and e-mail address of the owner of the property and, if other than the applicant, a notarized letter from the owner consenting to the application.
 - a. OWNER OTHER THAN OWNER AT SKETCH PLAN APPROVAL.** If the property ownership has changed, either by fee simple sale or organization since the Sketch Plan was approved, that shall be noted and relevant documentation submitted.
 - 3. 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 (such as mileage from highway or County road, or other recognized landmarks) on which the land use change is proposed to be located. A copy of the recorded deed to the property should be included.
 - 4. DATE OF APPLICATION.** The date the application was prepared.
 - 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. PROJECT DESCRIPTION.** A detailed description of what the applicant wants to do on or to the property, 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. Estimated 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 as may be necessary to accomplish the project.
 - e. **IDENTIFICATION OF LOT USE IF PROJECT IS A 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.** Any phases that are proposed as part of the Preliminary Plan, or are projected to be proposed within a Final Plan for the development. If the Preliminary Plan is presented as separate phases, each phase may be separately reviewed and approved. Submittals for each phase of a Preliminary Plan and Plat, as applicable, and references within applicable protective covenants and Development Improvement Agreements, shall include the name of the development, and the applicable phase number.
7. **COMPLIANCE WITH EACH CONDITION OF SKETCH PLAN APPROVAL.** The Preliminary Plan shall list, and include complete responses to the conditions of the Board's approval of Sketch Plan. The language of each of the conditions shall be included, with reference to relevant submittals in the Preliminary Plan, including studies, maps, reports, engineering plans, architectural or other designs, agreements, and court actions that demonstrate the manner in which the conditions have been met.
- H. **ENGINEERED PLANS.** Detailed 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. **FLOOD HAZARD AREAS.** When a land use change is proposed on a parcel located within a floodplain hazard area as delineated on maps described in Section 11-103: D: *Official Maps* or the National Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (September 29, 1989, as amended) the narrative, map and design layout of the Preliminary Plan shall address and comply with the requirements of Section 11-103: *Development in Areas Subject to Flood Hazards*.
- J. **GEOLOGIC HAZARD AREAS.** When a land use change is proposed on a parcel located in a geologic hazard area as delineated on Geologic Hazard Maps prepared by the Colorado Geologic Survey the narrative, map and design layout of the Preliminary Plan shall address and comply with the requirements of Section 11-104: *Development in Areas Subject to Geologic Hazards* and at a minimum shall submit the following information:
- 1. **MAPS.** A map or maps having a scale of one inch equaling 50 feet or larger, with accurate topographic details, that portrays the geologic conditions of the area, with particular attention given to the applicable geologic hazard. As appropriate, subsurface geologic cross-sections shall also be used to portray specific physical characteristics, including depth.
 - 2. **GEOTECHNICAL REPORT.** A geotechnical report referencing maps and cross-sections that identify if the proposed development site is within a geologic hazard area, and if so, evaluates and predicts the impact of specific geologic conditions on the proposed land use change. The report shall also specify the measures that will be employed to mitigate these hazards, pursuant to Section 11-104: *Development in Areas Subject to Geologic Hazards*.
- a. **AVALANCHE HAZARD AREAS.** A Preliminary Plan application for development proposed in an avalanche hazard area shall also include the following information:
 - 1. **STRUCTURE CONFIGURATIONS.** Location of structures, type of structures, and structure configurations.
 - 2. **STRUCTURAL STABILITY.** Structural stability and strength.
 - 3. **RUNOUT ZONE.** The extent of the runout zone, and the estimated maximum impact pressure distribution within the runout zone.
 - 4. **AVALANCHE DATA.** Type of avalanche reaching various parts of the runout zone, the estimated avalanche frequency, the avalanche discharge, and the avalanche flow depth.

- b. **LANDSLIDE HAZARD AREAS.** A Preliminary Plan application for development proposed in a landslide hazard area shall also include the following information:
 - 1. **LANDSLIDE ANALYSIS.** Type of landslide and rate of movement; volume of material involved in the landslide; the mechanism(s) responsible for its initiation; and slope gradient.
 - 2. **STRUCTURE CONFIGURATIONS.** Location of structures, type of structures, and structure configurations.
- c. **ROCKFALL HAZARD AREAS.** A Preliminary Plan application for development proposed in a rockfall hazard area shall also include the following information:
 - 1. **DESCRIPTION OF ROCKFALL.** Detailed description of type of rockfall and specific rock types involved.
 - 2. **SLOPE AND ASPECT.** Slope, gradient, and aspect on-site, and adjacent to the site.
 - 3. **FREEZE/THAW.** Climate data regarding the freeze/thaw cycle.
 - 4. **JOINTING DATA.** Jointing data, with special consideration given to water percolation.
 - 5. **TALUS SLOPES.** Talus or colluvial slopes adjacent to the rockfall hazard zone.
- d. **ALLUVIAL FAN/MUDFLOW HAZARD AREAS.** A Preliminary Plan application for development proposed in an alluvial fan or mudflow hazard area shall also include the following information or data:
 - 1. **DRAINAGE BASIN STUDY.** Drainage basin study, including all stream channels upstream from the site.
 - 2. **SEDIMENT YIELD STUDY.** Sediment yield study, with data regarding surficial materials, vegetative cover, and topography, erosion potential of area upstream from the site, and volume and mass of potential mudflows on site.
 - 3. **STORM DATA.** Climate data, including precipitation data for the 10, 25, 100-year storms, and snowmelt runoff characteristics.
 - 4. **GEOLOGIC MAP.** Geologic map, with topographic overlay showing mudflow deposits.
- e. **POTENTIALLY UNSTABLE SLOPES.** A Preliminary Plan application for development proposed on a potentially unstable slope shall also include the following information:
 - 1. **PAST OCCURRENCES.** Past occurrences of landslides, mudflows, rockfalls, and surficial creep on the site and adjacent areas.
 - 2. **RATE OF MOVEMENT.** Rate of movement of the surficial materials.
- 3. **WILDFIRE HAZARD AND FIRE PROTECTION.** The narrative, map and layout design of the Preliminary Plan shall address and comply with the requirements of Section 11-105: *Development in Areas Subject to Wildfire Hazard* and Section 12-107: *Fire Protection*, and include measures to minimize the potential that the proposed uses will generate or increase wildfire
- 4. **WILDLIFE HABITAT.** The narrative, map and layout design of a Preliminary Plan application for development proposed on those lands described in Section 11-106: *Protection of Wildlife Habitat Areas* shall submit a Wildlife Habitat Analysis pursuant to that Section.
- 5. **WATER QUALITY INFORMATION.** The narrative, map and layout design of the Preliminary Plan shall address and comply with the requirements of Section 11-107: *Protection of Water Quality*, and shall, as applicable, depict locations of water bodies, and related widths of Restrictive Inner Buffers, and Variable Outer Buffers.
- 6. **DEVELOPMENT ON RIDGELINES.** If the proposed land use change is on property in which there are land formations visible from any ridgeline vantage as defined by this *Resolution*, and described pursuant to Section 11-108: *Standards for Development on Ridgelines*. The narrative, map and layout design of the Preliminary Plan shall address and comply with the requirements of that Section.
- 7. **DEVELOPMENTS IMPACTING AGRICULTURAL LANDS.** If the proposed land use change adjoins agricultural lands, involves land through which irrigation ditches flow, or over which there are general or exclusive easements for stock drives, the narrative, map and design layout of the Preliminary Plan shall address and comply with the requirements of Section 11-109: *Development That Affects Agricultural Lands*, and Section 15-103: *Right-to-Ranch Policy* and shall identify 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 DITCH.** 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.
8. **LANDS BEYOND SNOWPLOWED ACCESS.** If the proposed land use change is on property located where there previously has been no snowplowed access, the narrative, map and layout design of the Preliminary Plan shall address and comply with Section 11-110: *Development of Land Beyond Snowplowed Access*.
9. **DEVELOPMENT ON INHOLDINGS IN NATIONAL WILDERNESS.** If the proposed land use change is on property located on an inholding within a national Wilderness Area, the narrative, map and design layout of the Preliminary Plan shall address and comply with Section 11-111: *Development on Inholdings in the National Wilderness*.
10. **DEVELOPMENT ON PROPERTY ABOVE TIMBERLINE.** If the proposed land use change is on property located above timberline the narrative, map and design layout shall address and comply with Section 11-112: *Development on Property Above Timberline*.
11. **ROAD AND TRAILS SYSTEM PLAN.** An applicant for a Land Use Change Permit that involves road construction shall submit an engineered design and construction plan for the road system, prepared by a qualified professional engineer licensed in the State of Colorado and shall address and comply with Section 12-103: *Road System* and Section 12-104: *Public Trails*, and the *Gunnison County Standard Specifications for Road and Bridge Construction*. Pursuant to that Section and those *Specifications*, a Traffic Impact Study may also be required to be submitted. The plan shall include the following information:
- a. **ROAD LAYOUTS.** Road layouts with road names, widths, curves, radii, and other dimensions. Current and projected road and driveway locations shall be shown, including major access, small arterials, and driveway locations, as applicable. Horizontal and vertical ties to County roads shall be provided. Preliminary centerline locations of roads shall be staked on the ground.
 - b. **ENGINEER'S CERTIFICATION OF DRIVEWAY AVAILABILITY.** If driveways are required for the development, certification by a qualified professional engineer licensed in the State of Colorado (including design detail, where appropriate) that there is a driveway access for all lots and building areas within the development.
 - c. **ROAD CONSTRUCTION DETAIL.** Construction detail, including typical cross-sections, showing base, drainage structures, type of surface, slope of cuts and fills, and similar information sufficient to show the proposed roads will meet the standards of the *Gunnison County Standard Specifications for Road and Bridge Construction*, and will meet the needs of the development.
 - 1. **LOCATIONS AND DIMENSIONS OF ALL ELEMENTS.** The location and dimensions of all culverts, bridges, drainage ditches, channels, and drainage easements shall be shown.
 - 2. **CROSSINGS TO AVOID WETLANDS, IRRIGATION DITCHES DISRUPTION.** All crossings shall be engineered to avoid drainage of existing wetlands and not to impede the historic flows of irrigation ditches.
 - 3. **TRAIL CONSTRUCTION DETAILS.** Construction details shall also be provided for any proposed trails.
 - 4. **CENTERLINE PROFILES.** Centerline profiles of roads plotted with sufficient accuracy to demonstrate that road design will meet the applicable standards. All centerline profiles shall be drawn at a scale of 10 feet vertical and 100 feet horizontal to the inch, or five feet vertical and 50 feet horizontal to the inch.
 - 5. **PROPOSED FUNCTIONAL CLASSIFICATIONS.** Proposed functional classifications of all roads contemplated in the development, as defined in with the *Gunnison County Standard Specifications for Road and Bridge Construction*. Road surface and rights-of-way widths, grades, cul-de-sacs and turn-around, turnouts, anticipated traffic levels, and types of use shall be included.

6. **PARKING.** The total number of proposed off-road parking spaces shall be indicated, and their locations shall be shown, except that parking spaces associated with single-family residential lots need not be identified. The plan shall comply with the requirements of Section 13-110: *Off-Road Parking and Loading* and the minimum distances listed in Appendix Table 3: *Off-Road Parking Requirements*.
 7. **ACCESS AND OTHER EASEMENTS.** All known easements, recorded or historically used, including those for utilities, irrigation and drainage ditches, drainage swales, head-gates, roads and trails, egress/ingress, or other access affecting the property shall be shown on the plan.
 8. **VISUAL IMPACTS.** An analysis of potential visual impacts arising from road location, alignment and construction of the road, and how mitigation of those impacts will comply with the applicable requirements of Article 13: *Project Design Standards*.
 9. **SAFETY FACTORS.** A list of the safety factors that were considered as part of the road system design shall be provided.
 10. **DUST CONTROL PLAN.** A plan for dust abatement during and, as applicable, after construction.
 11. **ROAD CONSTRUCTION INSPECTION AND TESTING PLAN.** A plan for onsite inspections and testing by a qualified professional engineer licensed in the State of Colorado at appropriate checkpoints during construction, including provision of those reports to the Gunnison County Public Works Department to ensure compliance with the *Gunnison County Standard Specifications for Road and Bridge Construction*.
 12. **SOURCE OF MATERIAL/RECLAMATION PLAN.** Identification of a source of and estimates of cubic yards of material necessary for road (and, as applicable, driveway) construction, and routes of haulage. If the source is to be on-site, the applicant shall notify the Colorado Division of Minerals and Geology and request confirmation that no separate permit is required by that agency, and a copy of that notification shall be included in the Preliminary Plan submittal.
- 12. WATER SUPPLY PLAN.** The Preliminary Plan application shall contain evidence that provisions have been made for a water supply that is sufficient in terms of quantity, quality, and dependability to provide an adequate supply of water for the development proposed, and shall provide information necessary to meet the requirements of Section 12-105: *Water Supply*. The requirements of that Section, and of the State Engineer and the Colorado Department of Public Health and Environment, shall be used to evaluate the adequacy of the water source intended to serve the proposed development, including the following:
- a. **CENTRAL WATER SYSTEM REPORT.** When a central water system is proposed, the Preliminary Plan application shall address the feasibility of central water service to the entire area as planned for inclusion in the proposed development, and shall be prepared by a qualified professional engineer licensed in the State of Colorado. If a central water system is to be provided, the following information shall be submitted in written form:
 1. **ESTIMATED GALLONS PER DAY.** The estimated total number of gallons of water per day necessary to supply the development, based on the design criteria specified in Section 12-105: *Water Supply*, and including but not limited to the following:
 - (a.) **ESTIMATED AVERAGE DAILY DEMAND.** Estimated average daily demand of the entire service area and the proposed development. Demand calculations are to be based on 350 gallons per day (gpd), year-round, per residence.
 - (b.) **ESTIMATED MAXIMUM DAILY DEMAND.** Estimate maximum daily demand based on using three times the average daily demand.
 - (c.) **ESTIMATED PEAK HOUR DEMAND.** Estimate peak hour demand based on using six times the average daily demand.
 - (d.) **ESTIMATED AVERAGE DAILY DEMAND FOR COMMERCIAL/INDUSTRIAL USES.** The estimated average daily demand for commercial and industrial uses will be reviewed based on the anticipated demand of the proposed development. Appropriate multipliers may be used in calculating the amount, based on standards as may be required for a specific use by the Colorado Department of Public Health and Environment, or other applicable agency or industry standard.
 2. **HYDRAULIC ANALYSIS.** A hydraulic analysis to verify that distribution system pressures maintain a minimum working pressure of 40 pounds per square inch (psi), and a minimum 20 psi residual pressure

during fire flow demands.

3. **CAPACITY FOR COLLECTION, PURIFICATION AND DISTRIBUTION.** A detailed description, including plans, design features and specifications, including but not limited to piping size, necessary to show the ability of such system to collect, purify and distribute the required amount of water to the development in a manner that is consistent with the requirements and requirements of the *Colorado Primary Drinking Water Regulations* currently enforced by the Colorado Department of Public Health and Environment.
 4. **WATER STORAGE.** When water storage is required to maintain a consistent and dependable source of potable water, the applicant shall provide evidence that storage capacity is capable of providing the specified peak hour demands for periods of six hours or a maximum day demand plus the required fire flow demands.
- b. **POTABLE WATER DEMAND CRITERIA.** If the water is intended for human consumption, documentation of chemical and bacteriological tests demonstrating the potability of the water and its suitability for the proposed use.
 - c. **WATER SUFFICIENT FOR LANDSCAPING.** As may be required by Section 13-111: *Landscaping and Buffering*, or additionally as may be proposed in the application, each use shall have adequate water to sustain required landscaping and shall include:
 1. **IRRIGATION WATER CRITERIA.** The following shall be considered in calculating requirements for the use of irrigation in new development, and shall not apply to agricultural operations in existence as of the effective date of this *Resolution*:
 - (a.) **ESTIMATED ACREAGE.** Estimated acreage to be irrigated.
 - (b.) **ESTIMATED DEMAND.** Estimated irrigation demand based on information supplied by the Natural Resources Conservation Service. The information shall take into account the type of vegetation to be maintained, the soil characteristics, the historic yield, and the available water rights.
 - d. **FIRE PREVENTION AND FIRE SUPPRESSION.** Evidence that a water distribution system and storage system are capable of meeting fire flow requirements required by Section 12-105: *Water Supply*, and shall comply with the requirements of Section 11-105: *Development in Areas Subject to Wildfire Hazard*, and Section 12-107: *Fire Protection*.
 - e. **EVIDENCE FOR SURFACE WATER RIGHT.** If the supply of water is a surface water right, evidence shall include:
 1. **DIVERSION RECORDS.** The appropriate diversion records, if any, of the Division of Water Resources; and
 2. **ENGINEER'S REPORT.** A report by a qualified professional engineer licensed in the State of Colorado, geologist or hydrologist discussing the amount, reliability and seasonal variations in the source of water intended for use in the development; and
 3. **ATTORNEY'S LETTER.** A letter signed by an attorney licensed in Colorado identifying the surface water right intended for use within the proposed development and certifying that the water right is owned by the applicant and, where appropriate, is subject to transfer and sale from the applicant to owners of lots within the proposed development; and
 4. **COURT DECREES.** Copies of court decrees permitting the water right to be used for the purposes intended and required by the proposed development; or
 5. **BINDING AGREEMENTS.** Copies of binding agreements requiring a public or private water owner to supply water to the proposed development and evidence that the owner has uncommitted water supplies with which to comply with the agreements; or
 6. **APPLICATION FOR CHANGE IN WATER RIGHTS.** A copy of the application for a change in water rights and the plans of augmentation that have been filed in a court of competent jurisdiction and that, if granted, will give the applicant the legal right to use the intended source of water for the purposes required by the development.
 - f. **WELL TESTING RESULTS.** When a central well or wells are proposed for the water supply, a well shall be constructed on the proposed development site, and tested for its capability to provide a consistent and

dependable source of water, pursuant to the requirements of Section 12-105: *Water Supply*. Results of the test shall be submitted as part of the Preliminary Plan.

13. **SEWAGE DISPOSAL/WASTEWATER TREATMENT.** The Preliminary Plan application shall contain evidence that provisions have been made for wastewater treatment that will treat all effluent to be generated by all uses of the proposed land use change, and shall provide information necessary to meet the requirements of Section 12-106: *Sewage Disposal/Wastewater Treatment*. The requirements of that Section, and of the Colorado Department of Public Health and Environment, shall be used to evaluate the proposed sewage disposal/wastewater treatment system intended to serve the proposed development, including the following:
 - a. **WASTEWATER TREATMENT SYSTEM.** If a wastewater treatment system is to be provided the following information shall be submitted:
 1. **ESTIMATED DEMAND.** A detailed estimate of the total number of gallons of sewage per day to be treated.
 2. **SYSTEM DESCRIPTION.** A detailed description of the proposed wastewater treatment system prepared in a form adequate to fully inform the County of the ability of the system to collect, treat, and dispose of the sewage that would be generated by the development. The description shall include the location of the wastewater treatment plant and sewage collection lines; or
 3. **AGREEMENT WITH EXISTING SYSTEM PROVIDER.** The applicant may submit an agreement with the system provider of an existing wastewater treatment system authorizing service to the proposed development, accompanied by certification of a qualified professional engineer licensed in the State of Colorado that the existing service has the capacity to treat the sewage generated by the proposed development.
 4. **CONFIRMATION OF CAPACITY AND COMPLIANCE FROM CDPHE.** A statement from the Division Engineer of the Colorado Department of Public Health and Environment (CDPHE) that the system proposed to be used by the applicant is pursuant to permit requirements of that agency, and that CDPHE affirms as of the time of submittal of the Preliminary Plan that there is sufficient capacity for the system to serve the proposed development.
 5. **INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.** If lots within a development are proposed to use individual sewage disposal systems, the following information shall be submitted:
 - (a.) **SOIL PERCOLATION TESTS.** The results of soil percolation tests performed and signed by a qualified professional engineer licensed in the State of Colorado, or qualified professional geologist. The number of tests shall be as necessary to produce reliable results for the entire area proposed to be developed.
 - (b.) **GROUNDWATER LEVEL.** The maximum seasonal groundwater level, whether that level is caused by irrigation or natural causes.
14. **GENERAL SITE PLAN STANDARDS AND LOT MEASUREMENTS.** The narrative, map and design layout shall address and comply with the requirements of Section 13-103: *General Site Plan Standards and Lot Measurements*.
15. **SETBACKS FROM PROPERTY LINES AND ROAD RIGHTS-OF-WAY.** The narrative, map and design layout shall address and comply with the setback requirements of Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way*.
16. **STRUCTURAL DESIGN AND ELEVATIONS.** As applicable, renderings of preliminary architectural elevations of significant facades of proposed structures shall be submitted, and structural elevations shall be sufficiently detailed to illustrate architectural features of facades, roofs, decks, and other primary elements of the structures, pursuant to Section 13-105: *Residential Building Sizes and Lot Coverages*.
 - a. **EXCEPTION.** Elevations shall not be required for developments that propose single-family residences when the applicant will not be the developer of the residences.
17. **LANDSCAPING PLAN.** A detailed landscaping plan shall be submitted, pursuant to Section 13-111: *Landscaping and Buffering*.
18. **RECLAMATION AND NOXIOUS WEED CONTROL.** A Preliminary Plan application shall include an *Earthmoving Site Revegetation and Noxious Weed Control Plan*, as designed and/or approved by the Gunnison Basin Weed Specialist pursuant to Section 13-115: *Reclamation and Noxious Weed Control*. The Gunnison Basin Weed Specialist is an employee of the Gunnison County Public Works Department.

- 19. GRADING AND DRAINAGE PLANS.** The Preliminary Plan application narrative, map and design layout shall address proposed grading activity and on- and off-site drainage and comply with the requirements of Section 13-116: *Grading and Erosion Control*, and Section 13-117: *Drainage, Construction and Post-Construction Storm water Runoff*.
- 20. WATER IMPOUNDMENTS.** If water impoundments are proposed as part of the proposed development, the Preliminary Plan application narrative, map and design layout shall address locations and sizes of the impoundments, and the plans for water augmentation shall address such storage, pursuant to the requirements of the Colorado State Engineer, and relative to the land uses proposed in the Preliminary Plan that the stored water is intended to serve. As applicable, the submittal shall address and comply with the requirements of Section 13-118: *Water Impoundments*.
- 21. SCHOOLS, PARKS, AND COMMON AREAS.** The Preliminary Plan application shall identify those areas that will be set aside for schools, parks, or common areas and shall include a plan for the construction of parks and common areas. Maintenance shall be assured on a continual basis and costs shall be borne by the applicant or the property owners, or the homeowners' association. A statement shall be included if money will be paid in-lieu of, or in combination with, dedication of land for school purposes, and shall include the amount of money and description of how the amount is calculated.
- a. SCHOOL LAND REQUIREMENTS SHALL COMPLY WITH AGREEMENT.** When a separate intergovernmental agreement exists between Gunnison County and the school district within whose boundaries the development is located, the dedication of land, payment-in-lieu, or a combination of dedication and payment, shall comply with that agreement.
- 22. SOLID AND HAZARDOUS WASTES.** The Preliminary Plan application shall describe:
- a. DISPOSAL METHOD.** The method to be used by the development for the disposal of solid wastes; and
- b. HAZARDOUS SUBSTANCES.** Whether the development can reasonably be expected to produce hazardous substances or hazardous waste materials, as defined by Colorado law. Where applicable, a description and design detail shall be provided of methods to be used to eliminate any off-site health and safety hazards that could be caused by these substances and materials.
- K. PROTECTIVE COVENANTS OR RESTRICTIONS.** The Preliminary Plan application shall include a preliminary draft of protective covenants or deed restrictions that shall, at a minimum, address the following, as applicable to the specific project: and including:
- 1. CONDITIONS OF SKETCH PLAN APPROVAL.** As applicable, those items required by the conditions of Sketch Plan approval to be included within protective covenants, design guidelines, condominium or townhome declarations or deed restrictions.
- 2. RESPONSIBILITIES OF HOMEOWNERS' ASSOCIATION** 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.
- 3. COUNTY IS PARTY TO ENFORCEMENT OF PROTECTIVE COVENANTS IN A SUBDIVISION.** If the proposed development is a subdivision, language that allows and requires enforcement of the protective covenants by property owners if the development and that names Gunnison County as a party to enforcement.
- 4. COUNTY IS PARTY TO AMENDMENT OR TERMINATION.** If the proposed development is a subdivision, language that requires that amendment or termination of the protective covenants is subject to approval by Gunnison County.
- 5. DESIGN CRITERIA.** Design criteria that will govern construction within the proposed development, including:
- a. 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.
- b. 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.

- c. **ENERGY AND RESOURCE CONSERVATION.** Language advising lot owners that an application to Gunnison Count for a residential Building Permit must comply with all applicable building codes adopted and amended by Gunnison County, and with any applicable energy and resource conservation standards currently required by the County.
 6. **SOLID-FUEL-BURNING DEVICES.** If solid-fuel-burning devices are proposed to be used in the development, restrictions shall be listed ensuring compliance with Section 13-107: *Installation of Solid-fuel-burning Devices*.
 7. **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*.
 8. **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 Land Use Resolution*, and may require a Gunnison County Sign Permit, pursuant to Section 13-109: *Signs*.
 9. **RULES CONCERNING PARKING.** Language concerning limitations on parking within the development and/or outside the development by users of the development, pursuant to Section 13-110: *Off-Road Parking and Loading*.
 10. **LANDSCAPING AND BUFFERING.** Language addressing installation and maintenance of landscaping pursuant to Section 13-111: *Landscaping and Buffering*.
 11. **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*.
 12. **FENCING.** Language that includes requirements that comply with those specified by Section 13-113: *Fencing*. If there is to be a fence separating the proposed development from lands on which there are agricultural operations or are public lands, language shall be included acknowledging Colorado's "fence out" requirements, and placing responsibility for construction and maintenance of the fence with the property owners' or homeowners' association.
 13. **EXTERIOR LIGHTING.** Language that includes requirements that comply with those specified by Section 13-114: *Exterior Lighting*.
 14. **RECLAMATION AND NOXIOUS WEED CONTROL.** Language that includes requirements that comply with those specified by Section 13-115: *Reclamation and Noxious Weed Control*, particularly that any construction must secure a Gunnison County Reclamation Permit, which may involve control of noxious weeds, subject to approval by the Gunnison County Public Works Department, and/or approval by the Gunnison Basin Weed Specialist.
 15. **GRADING AND EROSION CONTROL.** Language that includes requirements that comply with those specified by Section 13-116: *Grading and Erosion Control*.
 16. **STANDARDS TO ENSURE COMPATIBLE USES.** As applicable, specific covenants or other restrictions designed to mitigate impacts to nearby residential or public use areas or adjacent land uses, pursuant to Section 13-119: *Standards to Ensure Compatible Uses*.
 17. **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*.
 18. **GEOTECHNICAL SITE-SPECIFIC STUDIES.** When a parcel is proposed for subdivision and analysis indicates 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.
 - a. **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.
- L. **COST ESTIMATES AND METHOD OF FINANCING.** The Preliminary Plan application shall include estimates by a qualified professional engineer licensed in the State of Colorado and/or contractors and suppliers of road construction costs and period of construction, materials, equipment, and labor costs, and proposed method of financing of roads and related facilities, the water supply and wastewater treatment systems, storm drainage

facilities, and other improvements as may be required of the developer by the County. The proposed method of financing these facilities shall be identified, with documentation attesting that financing will be available for the proposed development.

- M. 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 7-302: PRELIMINARY PLAN REVIEW PROCESS FOR MAJOR IMPACT PROJECTS

The following process (illustrated in the flowchart in Appendix Figure 7: *Preliminary Plan Review Process for Major Impact Projects*) shall apply to an application for review of a Preliminary Plan application for a Major Impact project.

- A. PRE-APPLICATION CONFERENCE.** Attendance at a Pre-Application Conference is mandatory before submittal of the Preliminary Plan application, pursuant to Section 3-108: *Pre-Application Conference*.
- B. SUBMITTAL OF DRAFT COPY.** The applicant shall submit one draft copy of the Preliminary Plan application to the Community Development Department pursuant to Section 7-301: *Preliminary Plan Application for Major Impact Projects*.
- 1. COMMUNITY DEVELOPMENT DEPARTMENT REVIEW.** The Community Development Department shall review the application pursuant to Section 3-110: *Community Development Department Review* and for its compliance with the conditions of the Board's approval of the Sketch Plan.
- C. 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 Preliminary Plan application 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 of copies of the complete plan that are required to be submitted. The Department shall, as applicable, forward the application and any relevant comments to the Planning Commission and/or Board.
- D. REVIEW AND COMMENT BY REVIEW AGENCIES.** The Community Development Department shall forward copies of the Preliminary Plan to the Planning Commission and to review agencies, organizations, or technical consultants deemed appropriate and necessary to complete the Preliminary Plan 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 copies of the Preliminary Plan application shall be requested to make recommendations within 21 days of mailing by the Community Development Department, unless an extension of not more than 30 days has been consented to by the applicant and the Board. The failure of any agency to respond within 21 days or within the period of extension shall not be deemed an approval of such plan by the agency.
- E. APPLICANT'S REVIEW OF AND RESPONSE TO AGENCY COMMENTS.** The applicant shall have the right to review the comments and recommendations received, and to submit additional information and to make changes in the development proposal to meet the objections or comments of the review agencies; provided, however, that if such a change is substantial or if it significantly alters the nature, character or extent of the development, such change shall be considered to be an amendment of the Preliminary Plan application and shall require another agency review period.
- F. WORK SESSIONS.** The Planning Commission shall conduct one or more work sessions to identify and consider any issues related to the Preliminary Plan. Both the Board and the Planning Commission may conduct additional work sessions during the Preliminary Plan review as they deem necessary to afford sufficient time to review the application materials and to identify and consider any issues related to the application.
- G. SITE VISIT.** The Board and/or Planning Commission shall conduct site visits of the proposed project site if they determine that such a site visit will provide information useful to their review of the proposal. If the Planning Commission chooses to conduct a site visit, it shall do so before taking action on a recommendation to the Board on the Preliminary Plan application. Review of the application may be delayed for a reasonable period if inclement weather or snow or mud conditions prohibit a productive site visit.
- H. DETERMINATION OF READINESS FOR HEARING.** The Planning Commission shall determine whether the Preliminary Plan application is complete, and sufficient to provide information for public review, and if it is, shall so notify the Board.

1. **PUBLIC HEARING.** The Planning Commission and Board shall jointly conduct a public hearing to consider the Preliminary Plan application.
 2. **SCHEDULING OF HEARING.** The Planning Commission shall identify a hearing date and time at which a public hearing, jointly conducted by the Board and the Planning Commission shall be scheduled. Notice of the date of the hearing and a complete copy of the Preliminary Plan application shall be forwarded to the Board, together with a copy of the Community Development Department's report.
 3. **HEARING NOTICE.** Public notice that the Board and Planning Commission will jointly conduct a public hearing to consider the Preliminary Plan application shall be accomplished pursuant to Section 3-112: *Notice of Public Hearing*, and shall meet the required period of notice for a Board public hearing, pursuant to Table 1: *Timing of Notice*.
 4. **CONDUCT OF HEARING.** The chairperson of the Planning Commission will preside over the hearing, which will be conducted pursuant to Section 3-113: *Conduct of a Public Hearing*.
- I. **PLANNING COMMISSION RECOMMENDATION.** 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 closure of the public hearing, the Planning Commission shall consider the relevant materials and testimony and the compliance of the Preliminary Plan application with the applicable standards of this *Resolution*, and recommend approval, approval with conditions, or denial of the application. The recommendation shall be in written form, and shall, at a minimum, include the following:
1. **COMPLIANCE WITH SKETCH PLAN APPROVAL CONDITIONS.** Whether the Preliminary Plan application has complied with the conditions imposed by the Board in the Sketch Plan approval. If the Planning Commission finds that the Preliminary Plan is not consistent with the approved Sketch Plan, then the applicant may be required to file an amended Sketch Plan application for reconsideration, pursuant to Section 7-202: *Sketch Plan Review Process for Major Impact Projects*.
 2. **CONSISTENCY WITH MAJOR IMPACT PROJECT REVIEW STANDARDS.** Whether the application is consistent with Section 7-102: *Standards of Approval for Major Impact projects*.
 3. **PHASING.** If the applicant has proposed, or the County has recommended that the project be developed in phases, a statement about the compliance of the proposed phasing with the requirements of this *Resolution*.
 4. **FINDINGS.** Findings based on consideration of the submitted plan, site observations, the Community Development Director's analysis, and testimony received.
 5. **RECOMMENDATION OF BOARD ACTION.** A recommendation that the Board should approve, approve with conditions, or deny the Preliminary Plan application.
 6. **CONDITIONS OF A RECOMMENDATION OF APPROVAL.** If the recommendation is for approval, or approval with conditions, the following shall also be addressed:
 - a. **IDENTIFICATION OF PLAN ELEMENTS THAT REQUIRE MODIFICATION.** Identification of elements that do not comply with this *Resolution*, and, as applicable, recommendations of modifications that must be included in a Final Plan submittal so that the proposed project will comply with the standards of this *Resolution*.
 - b. **CITING OF REQUIRED COMPLIANCE WITH OTHER PERMIT CONDITIONS.** Conditions shall include the applicant's timely and fully obtaining and complying with all applicable federal, state, municipal and other permits required for the project, and the conditions of those permits.
- J. **RECOMMENDATION FORWARDED TO BOARD.** Within 15 days of the Planning Commission's action on the recommendation, the Community Development Department shall forward the recommendation to the Board.
- K. **BOARD DECISION ON OPTIONAL BOARD PUBLIC HEARING.** The Board shall have the option of conducting another public hearing to consider the Preliminary Plan application and the Planning Commission's recommendation. Within 20 days of receipt of the Planning Commission's recommendation, the Board shall determine whether 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, and 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 Preliminary Plan application of the proposed land use change will be identified; or

3. **IDENTIFICATION OF NEW INFORMATION.** Whether it is reasonably probable that new information related to the Preliminary Plan of the proposed land use change will be provided.
- L. **BOARD PUBLIC HEARING.** If the Board chooses to conduct a public hearing, public notice shall be provided pursuant to Section 3-112: *Notice of Public Hearing*, and the hearing shall be conducted pursuant to Section 3-113: *Conduct of a Public Hearing*.
 1. **COST FOR PUBLIC HEARING NOTICE(S).** 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*.
- 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 approve, approve with conditions, or deny the Preliminary Plan. 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.
 1. **DELAY OF ACTION.** Before it takes action on the application, the Board may refer the Preliminary Plan 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.
 2. **OFFICIAL RECORD.** The Board's decision shall be entered into the official minutes of the meeting.
- N. **SIGNIFICANCE OF PRELIMINARY PLAN APPLICATION APPROVAL.** Approval of the Preliminary Plan application shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the land use change. Approval shall only constitute authorization for the applicant to submit a Final Plan, in accordance with the representations made by the applicant and in response to any conditions placed on the Preliminary Plan by the Board.
- O. **EXPIRATION.** The applicant shall be required to submit the Final Plan application within 12 months after the date of the approval of the Preliminary Plan. Failure to submit a complete Final Plan application within this time period shall render the Preliminary Plan approval null and void, and require the applicant to begin the Preliminary Plan review process again.
 1. **EXTENSION OF SUBMITTAL DEADLINE.** The Board may extend the deadline to submit a Final Plan application for good cause shown, provided the applicant requests the extension in writing no less than 30 days before the deadline, and provided the Board makes a finding that since approval of the Preliminary Plan there have been no substantial changes in circumstances of adjacent land uses, in the capability or willingness of proposed service providers to serve the development, or to the site of the proposed land use change. The Board may request a recommendation from the Planning Commission on the request for extension before taking action. In no case shall the deadline for submittal of a Final Plan application be extended for more than six months beyond the date of the 12-month expiration.