

preceding the Planning Commission meeting at which such application is to be reviewed. If a complete application, including all required submittal materials, is not received by the Director by such date and time, the application shall not be scheduled for the Planning Commission meeting.

5.2 For good cause shown, the Director may shorten or lengthen the normal fifty (50) day review schedule for the initial review of any development permit application. If the normal review schedule is altered for a particular application, the Director shall notify the applicant of the revised review schedule which will apply to the applicant's development permit application.

5.3 The initial submission of a development permit application shall be processed by the staff substantially in accordance with the applicable chart set forth in Rule 6.

5.4 The second and each subsequent development permit application which is submitted for the same project shall be processed by the staff in accordance with the applicable chart set forth in Rule 6. However, the review schedule for such applications may be shortened by the Director to a time period less than fifty (50) days if Director determines that a shorter review schedule is appropriate for such application taking into consideration all relevant factors, including, without limitation: (i) the nature and complexity of the project which is the subject of the application; (ii) the nature and extent of the previous Planning Commission comments concerning the project which is the subject of the application; and (iii) the nature and extent of any revisions to the application and related submittal materials requested by the Planning Commission at any prior hearing(s) on the application. If the normal review schedule is altered for a particular application, the Director shall notify the applicant of the revised review schedule which will apply to the applicant's project application.

5.5 Applicants should be aware that the establishment of a review schedule for a development permit application does not necessarily mean that the application will be heard by the Planning Commission on day "zero" of the chart which is contained in Rule 6. Development permit applications are scheduled for presentation to the Planning Commission based on the availability of adequate time on the Planning Commission's agenda. A completed development permit application will be scheduled for presentation to the Planning Commission at the first available Planning Commission meeting. A scheduled hearing may be continued (postponed) by the Director if for good cause as described in the Planning Commission's Rules of Procedure.

5.6 This Rule applies to development permit applications submitted under both the Development Code and the Subdivision Standards.

6. Chart of Critical Dates and Events for Class A and B Applications Under the Development Code and Class A and B Applications Under the Subdivision Standards:

The following chart describes the events and deadlines that would typically apply to the processing of Class A and Class B development permit application under the Development Code, and Class A and Class B subdivision permit application under the Subdivision Standards. The chart reflects events and deadlines that would generally apply each time an application is to be reviewed by the Planning Commission. However, applicants should note that the review

schedule for an application may be shortened for the second and each subsequent submittal of the same development permit application (see Rule 5.4).

50M	<ul style="list-style-type: none"> • Applicant submits application (by 9:00 A.M.)* • Staff checks application for completeness; staff advises applicant that application is complete and has been accepted for processing • Staff schedules application for Planning Commission meeting • Staff routes application to referral agencies
49T	Staff reviews application/plans
48W	Staff reviews application/plans
47Th	Staff reviews application/plans
46F	Staff reviews application/plans
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43M	Staff reviews application/plans and writes comments
42T	Staff reviews application/plans and write comments
41W	Staff reviews application/plans and write comments
40Th	Staff reviews application/plans and write comments
39F	Staff reviews application/plans and write comments
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36M	Staff meets with applicant to review comments
35T	Applicant makes revisions to application
34W	Applicant makes revisions to application
33Th	Applicant makes revisions to application

32F	Applicant makes revisions to application
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29M	<ul style="list-style-type: none"> • Applicant's revisions due • Route to referral agencies • Staff reviews applicant's revisions
28T	Staff reviews applicant's revisions
27W	Staff reviews applicant's revisions
26 TH	Staff reviews applicant's revisions
25F	<ul style="list-style-type: none"> • Staff reviews applicant's revisions • <u>Comments</u> of refer<u>ral</u> agencies due
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22M	Staff prepares draft staff report
21T	Staff prepares draft staff report
20W	Staff prepares draft staff report
19Th	Staff prepares draft staff report
18F	Staff prepares draft staff report
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15M	Staff prepares draft staff report
14T	Staff prepares draft staff report
13W	Staff prepares draft staff report

12Th	<ul style="list-style-type: none"> • Staff prepares draft staff report
11F	<ul style="list-style-type: none"> • Staff prepares draft staff report • Public Notice for Planning Commission meeting (mailings sent, property posted and information to newspaper)
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8M	Staff prepares draft staff report
7Tu	Staff reviews their own draft staff report
6W	Draft staff report due by 9 am
5Th	<ul style="list-style-type: none"> • Copy of draft staff report provided to applicant after having been reviewed by the key members of the staff • Revise draft staff report; staff reviews/accepts applicant comments on draft staff report
4F	<ul style="list-style-type: none"> • Final staff report complete • Agenda packets printed and distributed
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1M	
0T	Planning Commission meeting

MANDATORY STEPS

POTENTIAL ADDITIONAL STEPS

T.C. CONSENT CALENDAR:

After the Planning Commission has made a decision on the application, the application shall be forwarded to the Town Council for its review and final action. If the Town Council does not call up the Planning Commission's action, the Planning Commission's decision on

the application is final.

T.C. CALL UP VOTE:

The Town Council may vote to call up the action of the Planning Commission and hold its own de novo hearing on the application.

T.C. HEARING:

If the Planning Commission decision on a Class A or Class B development permit application is called up by the Town Council, the Council must hold its call up hearing at the Council's next regular meeting after the call up is made, and a decision must be made within 60 days from the date of the call up. For Class A and B subdivision applications, the Council's call up hearing must be held within 30 days from the date of the call up, and a decision must be made within 60 days from the date of the call up. The decision of the Council shall be final.

DEVELOPMENT PERMIT ISSUANCE:

Within 22 days of approval of an application by the Town Council, the Town shall issue a development permit for the project.

7. Chart of Class C Subdivision Permit Process. The following chart describes the events and deadlines that would typically apply to the processing of a Class C Development Permit application under the Subdivision Chapter of the Development Code:

MANDATORY STEPS

ADDITIONAL STEPS-IF APPEALED

PRE-APPLICATION CONFERENCE:

The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of the Development Code Subdivision Standards, and to identify those policies which are relevant to the project.

APPLICATION:

The application can be filed at any time, but will not be scheduled for the next Planning Commission meeting unless filed by 9 A.M. 20 days prior to the Planning Commission meeting.

PUBLIC NOTICE:

Public notice shall be sent out at least 11 days prior to the Director's decision date.

DECISION:

The Director shall make a decision within 21 days of receipt of a complete application. The decision may be to approve, approve with conditions, or deny the application and decision forwarded to the Planning Commission for information only.

APPEAL:

The applicant may appeal the decision of the Director within 5 days of the decision. If appealed, the application shall then be processed as a Class B Subdivision and follow the Class B Subdivision process. If not appealed, the decision of the Director is final.

DEVELOPMENT PERMIT ISSUANCE:

Within 20 days of approval of an application by the Director or Town Council, the Town shall issue a development permit for the project.

Because the review for Class C Subdivision Permit applications are staff level, the staff report concerning such application may not have a written staff report.

8. **Chart of Class C Development Permit Process.** The following chart describes the events and deadlines that would typically apply to the processing of a Class C Development Permit application under the Development Code:

MANDATORY STEPS

POTENTIAL ADDITIONAL STEPS

PRE-APPLICATION CONFERENCE:

The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of the Development Code, and to identify those policies which are relevant to the project.

APPLICATION:

The application can be filed at any time, but will not be scheduled for the next Planning Commission meeting unless filed by 9 A.M. 22 days prior to the Planning Commission meeting.

DECISION:

The Director shall make a decision within 22 days of receipt of a complete application. The decision may be to approve, approve with conditions, or deny the application.

P.C. CONSENT CALENDAR:

The Director shall forward the decision on the application to the Planning Commission at its next regularly scheduled meeting. If not called up by the Planning Commission, the Director's decision shall stand.

P.C. CALL UP & HEARING:

If the decision of the Director is called up by the Planning Commission, the Commission shall then review the project in greater detail, and make the final decision. The Planning Commission may review the application at the meeting in which it was presented, or may continue it for up to 21 days.

T.C. CONSENT CALENDAR:

After the Planning Commission has finished with the application (either by taking no action or calling the Director's decision up and making the decision on the application itself), the application shall be forwarded to the Town Council for its review and final action. If the Town Council does not call up the Planning Commission's action, the Planning Commission's decision on the application is final.

T.C. CALL UP VOTE:

The Town Council may vote to call up the action of the Planning Commission and hold its own de novo hearing on the application.

T.C. HEARING:

If the Planning Commission or Director's decision on a Class C development permit application is called up by the Town Council, the Council must hold its call up hearing at its next regular meeting after the call up is made, and a decision on the application must be made within 45 days from the date of the call up. The decision of the Council shall be final.

DEVELOPMENT PERMIT ISSUANCE:

Within 21 days of approval of an application by the Town Council, the Town shall issue a development permit for the project.

Because of the shortened review schedule for Class C Development Permit applications, the staff report concerning such application may not be provided to the applicant until the Friday preceding the Planning Commission or Town Council hearing at which the application will be discussed.

9. Chart of Class D Major Development Permit Process. The following chart describes the events and deadlines that would typically apply to the processing of a Class D Major Development Permit application under the Development Code:

MANDATORY STEPS

ADDITIONAL STEPS-IF APPEALED

PRE-APPLICATION CONFERENCE:

The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of the Development Code, and to identify those policies which are relevant to the project.

APPLICATION:

The application can be filed at any time.

DECISION:

The Director shall make a decision within 22 days of receipt of a complete application. The decision may be to approve, approve with conditions, or deny the application. The Director shall indicate the decision on the application and return it to the applicant.

APPEAL:

The applicant may appeal the decision of the Director within 5 days of the decision. If appealed, the applicant shall pay the appropriate fee and the application shall then be processed as a Class C. If not appealed, the decision of the Director is final.

P.C. APPEAL HEARING

If the decision of the Director is appealed, it automatically is treated as a Class C application and is reviewed by the Planning Commission using the Class C process (see chart in Rule 8).

DEVELOPMENT PERMIT ISSUANCE:

Within 7 days of approval of an application by the Director, the Town shall issue a development permit for the project.

10. **Chart of Class D Minor Development Permit Process.** The following chart describes the events and deadlines that would typically apply to the processing of a Class D Minor Development Permit application under the Development Code:

MANDATORY STEPS

ADDITIONAL STEPS – IF APPEALED

PRE-APPLICATION CONFERENCE:

A pre-application conference may be required by staff for some applications. The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of the Development Code, and to identify those policies which are relevant to the project.

APPLICATION:

The application can be filed at any time.

DECISION:

The Director shall make a decision within 7 days of receipt of a complete application. The decision may be to approve, approve with conditions, or deny the application. The Director shall indicate the decision on the application and return it to the applicant.

APPEAL:

The applicant may appeal the decision of the Director within 5 days of the decision. If appealed, the applicant shall pay the appropriate fee and the application shall then be processed as a Class C. If not appealed, the decision of the Director is final.

P.C. APPEAL HEARING

If the decision of the Director is appealed, it automatically is treated as a Class C application and is reviewed by the Planning Commission using the Class C process (see chart in Rule 8).

Because Class D Minor Development Permit applications are processed by staff only, there is no staff report prepared with respect to such applications.

11. Chart of Development Agreement Process. The following chart describes the events and deadlines that would typically apply to the processing of a Development Agreement application under Chapter 9, Title 9 of the Town Code:

MANDATORY STEPS

POTENTIAL ADDITIONAL STEPS

PRE-APPLICATION CONFERENCE:

The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of the Development Code, and to identify those policies which are relevant to the application.

APPLICATION:

The application can be filed at any time.

WORK SESSION:

The application will be scheduled for a work session a minimum of 30 days after a complete submittal and no later than 60 days.

FIRST READING:

Town Council shall hold a first reading, if supported at work session.

PUBLIC NOTICE:

Public notice shall be sent out at least 11 days prior to the second reading at the Town Council meeting.

SECOND READING:

Town Council shall hold a second reading, if supported at first reading. If approved on second reading, the ordinance becomes effective approximately 36 days after final Council approval.

12. **Conflict Between Charts and Text of Ordinances.** The charts set forth above are presented as a brief summary of the applicable procedures which are to be followed under the Development Code or the Subdivision Standards. The charts are only a summary of the applicable process and there may be other additional steps required or taken for a particular application. If there is any conflict between a chart and the text of either the Development Code or the Subdivision Standards, the text of the ordinance shall control.

Peter Grosshuesch, Director
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Town of Breckenridge, Colorado