

SECTION 2 - WAIVERS

A. Intent and Purpose

To allow relief from regulations that are not based upon or required by state or federal law. (orig. 7-12-05)

B. Applicability

1. Upon written request by the applicant, the Planning Director may waive a Submittal Requirement. (orig. 7-12-05)
2. Upon written request by the applicant, the Planning Director may grant a waiver of a Land Development Regulation requirement. (orig. 7-12-05)
3. If the Planning Director denies a request for a waiver of a Land Development Regulation requirement, the applicant may appeal that denial to the Board of County Commissioners. (orig. 7-12-05)
4. Eligibility Criteria
 - a. The following Eligibility Criteria shall be considered for waivers of Submittal Requirements: (orig. 7-12-05)
 - (1) The applicant can demonstrate that the information would not materially aid in reviewing the application. (orig. 7-12-05)
 - (2) The applicant can demonstrate that the document is not required by Colorado Revised Statutes Title 30, Article 28, Section 133, Paragraph 3. (orig. 7-12-05)
 - (3) The applicant can demonstrate that accurate information is available from a similar document submitted for the subject property's previous application. (orig. 7-12-05)
 - b. The following Eligibility Criteria shall be considered for waivers of Land Development Regulation requirements: (orig. 7-12-05)
 - (1) The applicant can demonstrate that alternate solutions or designs will not be detrimental to or contrary to the Purpose of this Regulation and will be in harmony with the general purpose and intent of the provision for which a waiver is sought. (am. 7-12-05)
 - (2) The applicant can demonstrate that strict compliance with such provision would be impossible, impractical or undesirable. (am. 7-12-05)
 - (3) The applicant submits a statement by a registered engineer, which certifies that granting the waiver will not create any unreasonable hazards or unsafe conditions if required by the Planning Director or the Board of County Commissioners. (am. 7-12-05)

C. Procedure

1. Requests for Waivers from the Planning Director must be submitted at least 35 calendar days prior to the Board of County Commissioners public hearing for the application. (orig. 7-12-05)
2. The Planning Director may approve or deny a waiver request, or may direct staff to present the waiver request to the Board of County Commissioners for decision at public hearing. (orig. 5-20-08)

3. An appeal of the Planning Director's determination must be made at least 21 calendar days prior to the Board of County Commissioners public hearing. (orig. 7-12-05)
4. The Board of County Commissioners shall hear the appeal at the public hearing and may continue the request to such additional public hearings as may be necessary to receive additional information, complete testimony, obtain staff response or render a decision. (am. 7-12-05)
5. The Planning Director may require the applicant to send notification of the waiver request to adjacent property owners and registered associations pursuant to the Community Notification Section. Adjacent property owners and registered associations shall have ten (10) days to respond in writing. (orig. 7-12-05)
6. If a request is made to grant a waiver of a Land Development Regulation requirement while the subject property is not in a platting process, the Planning Director shall determine the submittal requirements, necessary referrals, and review timeframes. (orig. 7-12-05)