

ATTACHMENT E
Amendment Provisions

(Draft For Discussion with Applicant)

The County acknowledges the possibility that the site plan elements of the Project or CUP conditions may be amended or modified at the Applicant's request throughout the life of the Project in order to achieve a number of public purposes, including: incorporation of new information; incorporation of new energy technologies; changes in underlying assumptions or circumstances; changes in financing assumptions; and the encouragement of modifications which provide comparable benefit or functional equivalence with no significant reduction of public benefits or increased cost of development. This section provides a framework for defining amendments and the process necessary to review proposed amendments.

Three categories or levels of amendments have been identified: 1) authorized amendments, 2) administrative minor amendments and 3) major amendments. In regard to amendments that concern road, stormwater, utility and other Public Works standards, the Public Works Director, or his/her designee, shall have the authority to review and render decisions on Authorized Amendments and Administrative Minor Amendments provided below. The CDS Director, or his/her designee, shall have the authority to review and render decisions on all other Authorized Amendments and Administrative Minor Amendments as provided below. The Board of Adjustment (BOA), shall have the authority to review and render decisions on specified Administrative Minor Amendments as provided below. The BOA and Board of County Commissioners shall have the authority to review and render decisions on Major Amendments.

1) Authorized Amendments – By County Staff.

Authorized amendments are set forth below. No additional review for authorized amendments, provided the amendment proposed is consistent with the standards set forth below. If the amendment is not consistent with the standards set forth below, the request may be considered as an administrative minor amendment or major amendment as provided in the following sections, 2) , 3) and 4).

- a) The proposal does not add to the site or approved structures by more than a 10 percent increase in square footage.
- b) The proposal does not increase the overall impervious surface on the site by more than __ percent.
- c) ***(Place holder - to be completed during Development Approval review process)***
- d) Any additions or expansions approved through a series of minor amendments that cumulatively exceed the requirements of this section shall be reviewed as an administrative minor modification or major modification.
- e) Other *de minimus* amendments requested by the Applicant, which the City determines to be reasonably consistent with the CUP which do not result in significantly greater impacts than those contemplated in the approval.

2) Administrative Minor Amendments – By County Staff or BOA.

Administrative Minor Amendments are set forth below. The County may approve, or approve with conditions, the requested administrative minor amendments upon determining that it is consistent with the standards as set forth below, otherwise it shall be denied. The decision shall be provided in writing, following a 15-day notice and comment period to property owners within ____ feet of the perimeter of the Project. The County shall maintain a cumulative list of all approved administrative minor modifications.

Decision by County Staff

- a) ***(Place holder - to be completed during review process)***
- b) ***(Place holder - to be completed during review process)***

Decision by BOA

- a) ***(Place holder - to be completed during review process)***
- b) ***(Place holder - to be completed during review process)***

3) Major Amendments – By BOA and BOCC.

Proposed major amendments shall be reviewed using the same procedures and requirements for the original CUP and Development Agreement. For vesting purposes a major amendment is considered to be a new application. However, the change in vesting shall only apply to that aspect of the Project or Project Area being proposed for a major amendment.

A proposed change shall be considered a Major Amendment when it is not an authorized amendment or administrative minor amendment. In addition, the following shall be considered a major amendment:

- a) ***(Place holder - to be completed during review process)***
- b) ***(Place holder - to be completed during review process)***