
EARLY ASSISTANCE MEETING

1.1. PURPOSE

The purpose of this procedure is to establish a basic framework and consistent format for requesting, scheduling, and conducting an Early Assistance (EA) Meeting.

1.2. DESCRIPTION

The Early Assistance Meeting process is the process that staff utilizes to provide detailed project-specific information, develop customized submittal matrixes, reduce procedural duplication, and help customers make decisions to ensure efficient processing of their land use application and to increase the likelihood of approval of their proposed action prior to submitting an application.

Early Assistance Meetings may generally be conducted in person, by telephone, or by video conferencing with a PCD Planner or with a PCD Planner and a MDT depending on the complexity of the request and the familiarity of the customer with the El Paso County development review procedures.

Early Assistance Meetings are similar to the Ad Hoc Assistance and Meetings, but involve more complex application types (such as Type C or D Applications) or an application involving a complex issue, conformity, zoning compliance, or other type of technical issue and typically require PCD staff research prior to the meeting. These can generally be defined in three categories:

- PCD Planner/MDT – Enforcement Actions
- PCD Planner/MDT – Type A or B Applications (Unusual Conditions or Issues)
- PCD Planner/MDT – Type C or D Development Applications

1.3. APPLICABILITY

The Early Assistance Meeting is an opportunity for the applicant to discuss their proposed development action with the PCD Planner and MDT, as applicable. Proper assistance and analysis concerning application submittals is provided at the EA Meeting which helps ensure the following: complete and accurate information for the customer; improved customer knowledge and understanding of the requirements and conditions for making a successful application; increased timeliness and an understanding of anticipated schedules for both the customer and the County; and prioritization of actions to be taken to streamline the process for all parties involved. Improved communication, process, and application planning will help shorten the permitting and/or application process and accelerate the application review process.

1.4. PROCESS

1.4.1. Application Processing

(A) Application Submitted

A complete Early Assistance Application along with the required supporting materials is submitted by the applicant to the PCD as a self-initiated minor application via EDARP. The PCD Planning Division Manager, or designee, reviews and triages the EA Application for completeness. If the PCD Planning Division Manager, or designee, determines that the EA Application is complete, then the PCD Planning Division Manager, or designee, accepts the application, creates a file number, and send a request for payment to the application through

EDARP. If the EA Application is determined to be incomplete, then the application is returned by EDARP to the applicant following review and triage by the PCD Planning Division Manager, after which the applicant is responsible for revising the application prior to resubmittal to EDARP. Upon resubmittal, the PCD Planning Division Manager, or designee, re-reviews and re-triages the application to determine completeness. Multiple resubmittals and re-reviews may be necessary in order to ensure a complete EA Application.

Once the early assistance fee is paid online or in person by scheduling an appointment with the PCD front counter staff, the PCD Planning Division Manager assigns the Early Assistance Application to a PCD Planner. The PCD Planner may elect to refer the EA Application to the PCD Engineering Division Manager, or designee, for review and assignment if the nature of the EA Application indicates the need for review by a PCD Engineer. The PCD Engineering Division Manager, or designee, will then assign a PCD Engineer as a member of the MDT.

(B) Application Referral and Early Assistance Meeting

The PCD Planner is responsible for scheduling all EA Meetings. EA Meetings may include participation from:

- PCD Engineering Division;
- County Attorney's Office (OCA);
- El Paso County Public Health; and
- Other agencies as determined necessary by the PCD Planner.

The meeting is held and the associated meeting documentation is provided to the applicant.

(C) Meeting Documentation and Closeout

A copy of the planning checklist, engineering checklist, meeting audio/recording and any meeting notes are prepared and provided to the applicant through EDARP. Copies of all meeting materials become part of the Early Assistance Meeting file.

1.4.2. Categories of Early Assistance

(A) PCD Planner/Technical Staff/MDT – Enforcement Action

Enforcement actions are generally resolved by elimination of the violation. In some cases, however, the alleged violator may wish to pursue resolution of a violation through the land use application review process, thereby obtaining approval for the activity or structure. The PCD Code Enforcement Officer is not authorized to offer alternatives other than resolution through the elimination of the violation. An alleged violator seeking to resolve a violation through available administrative or code remedies is required to submit an Early Assistance Meeting Application and associated fee and attend the Early Assistance Meeting. Upon being assigned an Early Assistance Application for an alleged violation, the assigned PCD Planner shall immediately notify the assigned Code Enforcement Officer who may choose to suspend the enforcement action until an Early

Assistance Meeting can be scheduled with the alleged violator. The alleged violator shall be required to appear at the first available meeting time following receipt of the Early Assistance Application, unless otherwise authorized by the PCD Director to attend an Early Assistance meeting at a later date.

Code Enforcement Officers may, at the sole discretion of the PCD Director, attend Early Assistance meetings involving a violation for the purpose of presenting the nature, extent, and history of the violation. Alternative methods of resolving the violation, including the advantages and disadvantages of each alternative, should be considered and discussed at the meeting. Following the completion of the discussion, the alleged violator shall indicate which approach they would like to pursue to remedy the violation and such decision shall be documented by the Code Enforcement Officer in the enforcement case file and by the PCD Planner in the EA file.

If the alleged violator is authorized to pursue an administrative remedy, the PCD Planner shall begin the process of preparing the Submittal Matrix through EDARP. The review agencies, specific required and optional (or recommended) submittal items, and number of copies of each submittal item to be sent to the respective review agencies shall be identified in the Submittal Matrix. In the case of a violation, the applicant shall agree to a submittal of a complete development application, as determined by the PCD Planner, to initiate resolution of the violation within 30 days or a within an alternative timeframe as determined by the PCD Director. Copies of the descriptions of each submittal item and the necessary forms and procedures the applicant will need to initiate and complete the application review process will be compiled either at the Early Assistance meeting or within a reasonable time following the meeting. The PCD planner will forward the materials including the customized Submittal Matrix to the alleged violator via EDARP, email, mail, or coordinate with the alleged violator or his or her authorized representative to pick up the materials in person.

The customized Submittal Matrix along with a list of all items provided to the alleged violator and notes of the meeting or a copy of the audio recording of the meeting shall be filed in the Early Assistance application file. The Code Enforcement Officer shall document the applicant's decision for resolving the violation in the enforcement file including a reference to the Early Assistance Application file and suspend any further action concerning the violation in abeyance until the alleged violator either fails to submit a complete and formal land use application, including all associated supporting documents, necessary to remedy the violation in accordance with the identified schedule, or the violator fails to respond to requests for additional information within 14 days of the request date following formal application submittal, or the alleged violator fails to secure the required approval. The Code Enforcement Officer may reinstate enforcement activities without notice to the alleged violator but only upon documented failure by the alleged violator to comply with set submittal requirements and timelines or upon denial of the application intended to resolve the violation. The PCD Planner shall be responsible for keeping the Code

Enforcement Officer informed of all progress concerning the land use application related to the alternative remedy.

If the alleged violator decides not to pursue the alternative remedy, the Code Enforcement Officer shall immediately reinstate enforcement action against the alleged violator without notice to the alleged violator. The PCD Planner shall make a note in the Early Assistance Application file of the applicant's decision and document all discussions with the alleged violator that occurred at the Early Assistance Meeting and any discussions that occurred following the date of the EA Meeting.

(B) PCD Planner/MDT – Type A or B Applications (Unusual Conditions or Issues)

On occasion, a Type A or B Application cannot be processed due to a condition or issue associated with the property which conflicts with a provision of the LDC or with the original land use approval. An Early Assistance Meeting may be necessary where the issue is sufficiently complex and/or where the method for resolving the issue is not immediately apparent prior to issuing approval of the Type A or B Application. The decision as to whether to require an Early Assistance Meeting to discuss Type A or B Applications shall be made by the PCD Director.

(C) PCD Planner/MDT – Type C or D Applications

Type C and D Applications are more complex than typical counter-based Type A and B Applications. Therefore, Type C and D Applications require the assignment of a PCD Planner and, in many cases, the involvement of the MDT, including a PCD Engineer, or other County staff. Early Assistance for Type C Applications is generally defined as an “optional” service and may not require involvement of the MDT. The PCD Director shall have the authority and discretion to require an Early Assistance Meeting for Type C Applications if such application will require significant review by PCD staff or if the nature of the application has the potential for creating unusual or complex issues. An Early Assistance Meeting is always required prior to initiating a Type D Application.

The more novice the applicant, the more likely it is that Early Assistance may be desired by the applicant or that it may be required by the PCD Director in order to help ensure a successful formal application submission. Novice customers are likely to have little or no knowledge of how to manage the multitude of issues commonly associated with Type C or D Applications and professional customers may not have the certifications or resources necessary to perform such analyses independently.

1.4.3. Methods of Conducting Early Assistance Meetings

(A) PCD Planner Only (in person telephone, virtual)

In some instances, a customer and their staff or consultants may be familiar with the El Paso County application and development review processes, the proposed project is a continuation or the next phase of a prior application, or the application is relatively simple. In such instances, the PCD Director has the authority and

discretion to determine that a formal meeting is not necessary. If a formal Early Assistance Meeting is required, then the PCD Planner may choose to route the Early Assistance Application to applicable MDT members and necessary outside agencies based upon the information provided in the Early Assistance Application or upon other issues identified through the PCD Planner's review of the Application. The purpose of sending referrals to other MDT members and/or outside agencies is to obtain additional information or comments including additional permitting (e.g., other application types that must be processed) and submittal requirements.

Project review timelines discussed at the Early Assistance Meeting are tailored based upon several factors including, but not limited to, staffing, workload, project size and/or complexity, and quality and completeness of the application and associated supporting documents. Upon receipt of comments and suggestions from the MDT, the PCD Planner will summarize all comments, create project(s) on EDARP and send a submittal request to the applicant via EDARP, and compile the respective application forms and procedures that the customer will need to initiate and complete the formal application submittal and review process. The PCD Planner will forward all materials to the applicant via EDARP.

In unique cases in which the proposed application is anticipated to be fairly simple or where it is apparent from previously approved applications for a multi-phase project what submittals will be required, the PCD Planner may, upon approval by the PCD Director, prepare the EDARP project without referral to other MDT members and/or outside agencies. In such cases, the PCD Planner shall review all prior approvals to determine if there are any conditions that must be satisfied prior to or in association with the next application phase.

All submittal and application materials associated with the Early Assistance Meeting shall be filed by the PCD Planner in the Early Assistance application file on EDARP.

(B) PCD Planner and Staff/MDT

Upon receipt of an Early Assistance Application, the PCD Planner shall determine who should be present at the Early Assistance Meeting, coordinate a date and time for an internal MDT (non-applicant attended) meeting and an applicant meeting. A copy of the Early Assistance application materials prepared by the applicant will be transmitted electronically by EDARP to the meeting participants upon scheduling the meeting.

At the applicant meeting, the PCD Planner shall chair the meeting and begin by announcing the designated Early Assistance Application file name and PCD file number and shall briefly describe the subject property and proposed project to the meeting participants. Following the announcement of the meeting by the PCD Planner and subsequent introductions by all attendees of the meeting, the applicant shall provide a brief overview of the proposed application and briefly answer questions presented by the meeting participants. Following the applicant's brief overview of the proposed application and brief response to

questions, the PCD Planner may call upon the other MDT members or other attendees to present the regulatory, application, and review requirements associated with the proposed application in the context of each attendee's respective discipline. The PCD planner, or a designated PCD staff member, shall be responsible for taking notes during the meeting and shall document all discussions. An audio/video recording of the meeting may also be taken and will be uploaded online via EDARP so that the applicant may have access.

Once a detailed understanding of the project has been obtained, the PCD Planner shall describe, in coordination with the meeting participants, the applicable application and/or permitting processes associated with the respective proposal. Where there is more than one approach to obtaining the needed approvals, the PCD Planner shall lead a discussion of the advantages and disadvantages of each approach along with the relative chances of successfully obtaining approval for the activity based upon the various options.

Once the applicant has selected an approach, the PCD Planner shall begin the process of preparing the customized Application on EDARP. The review agencies, specifically required and recommended submittal items (e.g., reports, plans, etc.), and the number of copies of each item for distribution to the review agencies shall be identified in the Matrix. The PCD Planner will forward the materials including the Application and customized Submittal Matrix to the customer via EDARP or in certain instances may need to send them to the customer via email, mail, or by contacting the customer to pick up the materials in person.

The customized Submittal Matrix along with a list of all items provided to the applicant and notes of the meeting or a copy of the audio recording shall be filed by the PCD Planner in the Early Assistance application file.

1.5. FORM OF ACTION

The information provided in association with the Early Assistance Meeting is documented in the Early Assistance application file. The information is complete and in effect as of the day that the Application and customized Submittal Matrix are provided to the applicant. While the customized Submittal Matrix represents the best assessment of the proposed application based upon the information exchanged at the Early Assistance Meeting, such Matrix is not binding upon PCD, El Paso County, or any of the participating review agencies. Subsequent review of the proposed application and associated supporting documents may render the need for the applicant or a participating review agency or MDT member to provide additional technical information prior to forwarding the application to the applicable decision-making body. The provision of such additional technical information may also be requested by the decision-making body or referral agencies prior to making a final decision on the proposed application or on an associated permit or other require documentation. The applicant may request that the additional information requested be allowed to be submitted in an alternative form as deemed appropriate by the PCD Director. The customized Submittal Matrix shall control the acceptance or refusal, processing, and referral of the formal application submittal.

The information gathered during an Early Assistance Meeting and the customized Submittal Matrix are only considered valid for one (1) calendar year from the date of the Early Assistance

Meeting or until a change to the LDC, Procedures Manual, or development in the surrounding area otherwise invalidate any commitments, whichever comes first.

1.6. RESOURCE

1.6.1. Applicable Statues and Regulations

LDC Section: 2.1.2