

RESOLUTION NO. R-013-130

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION ADOPTING AMENDMENTS TO SECTIONS 15, 21, 25 AND 27 OF THE
DOUGLAS COUNTY ZONING RESOLUTION

WHEREAS, the Planning Services Division has prepared amendments to Sections 15, PD – Planned Development; 21, Use By Special Review; 25, Rezoning; and 27, Site Improvement Plan, of the Douglas County Zoning Resolution (“Amendments”), which are attached hereto and incorporated herein as Exhibit A (Project No. DR2013-005); and

WHEREAS, said Amendments were reviewed and recommended for approval by the Planning Commission on October 21, 2013; and

WHEREAS, the Board of County Commissioners considered said Amendments and at a public hearing held on November 12, 2013 and

WHEREAS, the Board desires to reflect its approval of said Amendments by the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Douglas, State of Colorado, that Sections 15, PD – Planned Development; 21, Use By Special Review; 25, Rezoning; and 27, Site Improvement Plan, of the Douglas County Zoning Resolution, are hereby amended to read as provided on said Exhibit A; and

FURTHER RESOLVED, that said Amendments shall be effective as of November 12, 2013.

PASSED AND ADOPTED this 12 day of November, 2013, in Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

BY: Jill E. Repella
Jill E. Repella, Chair

ATTEST: Melissa Pelletier
Melissa Pelletier
Deputy Clerk to the Board



SECTION 15 PD - PLANNED DEVELOPMENT DISTRICT

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1501 Intent

To encourage innovative and creative design and to facilitate a mix of use in the development of a balanced community including residential, business, commercial, recreational, open space and other selected secondary uses, in accordance with Section 24-67-101, et. seq., C.R.S. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district should be designed to:

- ensure that provision is made for ample open space;
- ensure that environmentally and visually sensitive areas are preserved;
- promote layout, design and construction of residential development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area;
- provide or be located in proximity to employment and activity centers such as shopping, recreational, and community centers, health care facilities, and public transit;
- ensure the adequacy of public facilities to accommodate population growth;
- promote balanced developments of mixed housing types;
- encourage the provision of dwellings with a range of affordability; and
- otherwise implement the stated purpose and intent of this Resolution and the Douglas County Comprehensive Master Plan.

Development in this district is permitted only in accordance with a development plan prepared and approved in accordance with the provisions herein.

The PD zone district is characterized by neighborhoods balanced in terms of scale and identity and as a complete community with adequate schools, parks, employment opportunities, convenience retail; health services and public transit. Pedestrian, bicycle and automobile circulation should include connections between neighborhoods, community facilities, employment centers, and shopping centers.

1502 General Requirements

Planned Developments may be controlled by one or more owners and shall be developed under unified control or by a unified plan. The owners, successors, heirs, or assigns shall be bound by the approved development plan, including any amendments thereto approved by the Planning Director or Board of County Commissioners.

1502.01 In order to provide uniform administrative procedures and quality development standards, Planned Developments shall conform to the following sections of this Resolution, as amended:

- Sections: 1 - Administrative Provisions
2 - General Requirements and Exceptions
15 - PD – Planned Development District

- 18 - Floodplain - Overlay District
- 18A - Water Supply - Overlay District
- 19 - Centennial Airport Review Area - Overlay District
- 19A - Parker IGA - Overlay District
- 19B - Castle Rock - Overlay District
- 20 - Nonconforming Uses and Buildings
- 21 - Use By Special Review
- 22 - Temporary Structures
- 23 - Home Occupations
- 24 - Animals
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- 29 - Sign Standards
- 30 - Lighting
- 31 - Clearing, Grading, and Land Disturbance
- 32 - Location and Extent
- 36 - Definitions

Development plans may include more restrictive regulations than that which is included in the above listed sections, but standards shall not be established that fall below these minimum standards.

Additionally, development plans may include regulations for signs, parking and definitions which are not addressed by this Resolution.

- 1502.02 Mineral extraction operations processed as Planned Developments shall meet all requirements and criteria listed in the Uses Permitted By Special Review Section of this Resolution.
- 1502.03 A portion of the gross site area shall be dedicated to Douglas County for public use, or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.
- 1502.04 All public utility distribution lines shall be placed underground.
- 1502.05 All uses proposed in the Planned Development shall be served by a central water and sanitation facility, unless this Zoning Resolution permits the proposed uses to be served by an individual well and an individual septic system.

1503 Approval Criteria For Planned Development Rezoning (Amended 8/22/07)

The following criteria shall be considered by the Planning Commission and Board in the review of planned development rezoning applications:

- 1503.01 whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan;
- 1503.02 whether the application is in compliance with all applicable statutory provisions;
- 1503.03 whether there has been a substantial change in the character of the neighborhood, since the land was last zoned;
- 1503.04 whether the general impact of the rezoning would adversely impact the provision of public facilities and services;
- 1503.05 whether the proposed rezoning is compatible with the surrounding land uses;
- 1503.06 whether the subject land is suitable for the intended use and is compatible with the natural environment;
- 1503.07 whether the intended land use would create traffic congestion or burden the existing road network;
- 1503.08 whether the proposed development plan complies with the general requirements in 1502 herein;
- 1503.09 whether the planned development provides for unified development control under a unified plan; and
- 1503.10 whether the subject land contains a water supply sufficient in terms of quantity, dependability and quality as determined in conformance with Section 18A, Water Supply - Overlay District, herein.

For proposed residential uses, the determination of compliance with the criteria set forth in Subsections 1503.04 and 1503.07 herein shall be consistent with the procedures and criteria established in the Concurrency Management Resolution.

1504 Prerequisite (Amended 8/11/04)

Prior to submittal of a planned development rezoning application, the applicant shall meet with staff to review the proposal and discuss the procedures and submittal requirements.

- 1504.01 The applicant shall contact the Planning Division and schedule a presubmittal meeting which may include the Engineering staff and other referral agencies, as deemed necessary. The applicant shall provide the following:

- 1504.01.1 a schematic plan illustrating the location and relationship of proposed uses by planning area, including access, street network, trails, parks, open space, connections to neighborhoods;
- 1504.01.2 preliminary evidence of the availability of services, including schools, fire and sheriff protection, parks, utilities such as water, sanitary sewer, electricity, and gas; and
- 1504.01.3 a description of the site regarding natural and man-made hazards, soils, vegetation, water features, drainages, and wildlife movement areas.
- 1504.02 The staff shall comment on the proposed planned development design; compliance with the intent of the planned development provisions, and the Comprehensive Master Plan, and explain the rezoning process. Additional review may be required at the discretion of the Director due to the size and/or complexity of the proposal.
- 1504.03 A staff comment summary shall be provided to the applicant, and to the Planning Technician for inclusion in the project file.

1505 Rezoning Submittal Process (Amended 8/11/09)

The rezoning application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. The submittal is processed as follows:

- 1505.01 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 1505.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.
- 1505.03 The applicant shall also provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as

requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.

- 1505.04 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. *(Amended 11/12/13)*

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all referral agencies - regulatory received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of any and/or all referral agencies – advisory. *(Amended 11/12/13)*

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by referral agencies – regulatory.

- 1505.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 1511 herein.

- 1505.06 The Planning Commission shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the rezoning request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

- 1505.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 1511 herein.

- 1505.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the rezoning by the Board.
- 1505.09 The Board shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the rezoning request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 1505.10 Upon approval, the development plan shall be recorded in accordance with Section 1510 herein.
- 1505.11 If denied by the Board, a resubmittal of a rezoning request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed rezoning. *(Amended 4/10/12)*
- 1506 General Submittal Requirements *(Amended 8/22/07)*
- 1506.01 A completed application form *(available from the Planning Office)*
- 1506.02 Application Fee *(fee schedule available from the Planning Office)*
- 1506.03 Proof of ownership, which may be updated or current title insurance policy or title commitment no more than thirty days old from the date of application.
- 1506.04 A notarized letter of authorization from the landowner permitting a representative to process the application, as necessary.
- 1506.05 Project Summary *(per 1507 herein)*
- 1506.06 Plan Exhibit *(per 1508 herein)*
- Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 1506.07 Development Plan *(per 1509 herein)*

Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.

1506.08 A copy of the staff comments from the presubmittal review and any additional information, as requested by staff.

1506.09 Evidence of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein.

1507 Project Summary

The following information shall be submitted in written narrative form, unless waived by the Director:

1507.01 The name and address of:

- landowner/applicant
- representative, if applicable
- mineral rights owner
- water rights owner

1507.02 General project concept

1507.03 Proposed development staging and time frame

1507.04 Relationship to the existing and adjacent land uses

1507.05 Changes in the character of the neighborhood, since the land was last zoned, to substantiate a rezoning

1507.06 Impacts on county services

1507.07 A traffic study prepared in accordance with the Douglas County Roadway Design and Construction Standards or as required by the Planning and Engineering Divisions

1507.08 Evidence of the physical and legal capability to provide sanitation

1507.09 Type or method of fire protection

1507.10 An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards

1507.11 Impacts on existing flora and fauna

1507.12 Compliance with the:

- Douglas County Comprehensive Master Plan
- Denver Regional Council of Government's Metro Vision 2020 Plan
- 1041 Regulations regarding New Communities

1507.13 A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas

1507.14 Any other required information as applicable when other applications are processed in conjunction with the land-use application

1507.15 Comparison Analysis

Provide a chart on 8 1/2" X 11" paper comparing the proposed development plan to the zone district requirements of the Zoning Resolution.

	<u>Proposed</u>	<u>County</u>
e.g.: MULTIFAMILY		
Maximum height	35'	50'
Front Setback	15'	25'
e.g.: COMMERCIAL – Uses By Right		
Retail Commercial	yes	yes
Car sales/service	yes	yes
Bungee Jumping	yes	no

1508 Plan Exhibit

1508.01 The plan shall be submitted on 24" X 36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director. A margin, at least 1" on all sides, shall be provided on each sheet and left entirely blank.

1508.02 The name of the proposed planned development shall be placed at the top of each sheet along the long dimension of the sheet. Names shall not duplicate existing planned developments or subdivisions. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County shall be included under the name followed by the total acreage, number of residential units, or square footage of business, commercial, or industrial. For example:

<p>MEADOWBROOK PLANNED DEVELOPMENT A part of the S/2 of Section 9, Township 6 South, Range 67 West of the 6th P.M., Douglas County, CO 475 acres – 230 dwellings – ZR__-_____</p>
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1508.03 A written metes and bounds legal description of the land.

- 1508.04 Two vicinity maps that depict the area to be rezoned and the area which surrounds this site within a 2 mile radius. One vicinity map shall be superimposed on the Douglas County Zoning Map, and the other vicinity map shall be superimposed on the Douglas County Subdivision map, maintaining the same scale.
- 1508.05 A block in the lower right-hand corner, or along the right-hand margin, which includes the following:
- the preparation date
 - a north arrow designated as true north
 - a written and graphic scale
 - the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit
 - the number of the sheet and the total number of sheets
- 1508.06 Indicate existing zoning of the land on the plan exhibit and the existing zoning and land uses of the adjacent land.
- 1508.07 Delineate, to scale, the existing easements or rights-of-way on the site, their use and titleholder or right holder.
- 1508.08 Show all existing structures on the site, their uses and whether they are to remain on the site.
- 1508.09 Show public access to the site and internal circulation, not limited to vehicular.
- 1508.10 Delineate right-of-way dimensions, name and surface materials for all points of access on or adjacent to the site.
- 1508.11 Show topography at 10' contour intervals including high and low spot elevations; shadow areas of 20% or greater slope, - the staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- 1508.12 Graphically define all natural and man-made watercourses, retention areas, streams and lakes, and any known 100-year floodplains affecting the site.
- 1508.13 Show all adjacent land owned by the applicant, the current or intended use of such land; land not part of the rezoning request shall be noted as such.
- 1508.14 Note any unique features on the site, historical landforms, views, etc.

1509 Development Plan (Amended 8/22/07)

The development plan shall be prepared on 24" X 36" sheets. A margin, at least 1" on all sides, shall be provided on each sheet, and left entirely blank. The name of the planned development shall be centered on the upper portion of each sheet and the sheet number in the lower right hand corner of each sheet. Textual information shall be placed in columns 5-8 inches in width. Type style shall be sans serif (*without a fine line finishing off the main strokes of a letter*) at a minimum size of 12 pt. For processing purposes, the textual information may be prepared on 8 1/2" X 11" paper.

1509.01 Sheet 1

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet.

- 1509.01.1 The following wording shall be placed verbatim in columns, 5-8 inches in width, beginning in the upper left hand column:

GENERAL PROVISIONS**Authority**

This Development Plan is authorized by Section 15 – Planned Development District of the Douglas County Zoning Resolution adopted pursuant to the Colorado Planned Unit Development Act of 1972, as amended.

Applicability

The provisions of this Development Plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this Development Plan, as amended and approved by the Community Development Director or Board of County Commissioners.

Adoption

The adoption of this Development Plan shall evidence the findings and decision of the Douglas County Board of Commissioners that this Development Plan for (*name of development*) is in general conformity with the Douglas County Comprehensive Master Plan; is authorized by the provision of Section 15 of the Douglas County Zoning Resolution; and that such Section 15 and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended.

Relationship to County Regulations

The provisions of this Development Plan shall prevail and govern the development of (*name of development*), provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of the Douglas County Zoning Resolution, as amended, or any other applicable resolutions or regulations of Douglas County, shall be applicable.

Enforcement

To further the mutual interest of the residents, occupants, and owners of the Planned Development and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land and the location of common open space shall run in favor of Douglas County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law.

Conflict

Where there is more than one provision within the Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Director of Community Development.

Maximum Level of Development

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction (*plus approved density transfers, if any*). The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements, land carrying capacity, or other requirements of the Board of County Commissioners.

Project Tracking

At the time of subdivision final plat, the applicant shall provide a summary of the development, to date, along with the final plat submittal to the Planning Division, in order to assure maximum development limits are not exceeded.

- 1509.01.2 The statement of commitments shall follow the above in the identical format, with the following heading:

“STATEMENT OF COMMITMENTS”

The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:

- (1) *Dedication: Public dedication for parks, schools, libraries, roads, drainage, etc., either in specific acreage dedication (referenced by symbol) or specific cash-in-lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. A provision for on-demand dedication for regional parks and trails and school sites should be stated. The applicant shall provide title insurance for County-dedicated land. In all cases, dedicated land shall be conveyed to Douglas County and the County may further convey the land to the appropriate agency.*
- (2) *On- or off-site improvements: Provision shall be made for the construction of, or payment of fees for, county or off-site improvements through bonding or the imposition of pro rata fees.*
- (3) *Wildlife preservation plan*
- (4) *Wetlands/riparian preservation plan*
- (5) *Project phasing restrictions*
- (6) *Fire protection*
- (7) *Payment of taxes on land to be dedicated for public use*
- (8) *Other commitments imposed by the Board*

Parks/Trails/Open Space Commitments Matrix

Area	Plan preparation and approval	Construction Timing	Construction Responsibility	Maintenance Responsibility	Ownership
Park A					
Park B					
Trail					

(Amended 3/28/01)

- 1509.01.3 For applications where the applicant proposes creation of a New Special District to provide water service as described in Section 18A, Water Supply – Overlay District, of this Resolution, the statement of commitments shall include a commitment to submit evidence of the creation of the New Special District and of execution of all intergovernmental agreements necessary for water service, prior to submittal of the first sketch plan, minor development final plat, or site improvement plan.

1509.01.4 OWNERSHIP CERTIFICATION

Name of Landowner _____

(Landowner's Signature - notarized)

I/we _____, (one of the following: qualified title insurance company, title company, title attorney, or attorney at law), duly qualified, insured or licensed by the State of Colorado, do hereby certify that I/we have examined the title of all lands depicted and described hereon and that title to such land is owned in fee simple by _____ at the time of this application.

(Notarized Signature) _____ (date) _____

Name of Authorized Official _____

Name of Company: _____ OR

(Signature) (Registration No.) _____

Name of Attorney _____ (date) _____

1509.01.5 COUNTY CERTIFICATION

This rezoning request to Planned Development has been reviewed and found to be complete and in accordance with the (Board Resolution or Motion Number and Date) approving the Planned Development and all applicable Douglas County Regulations.

(Signature) _____ (date) _____

Chairman, Board of County Commissioners

(Signature) _____ (date) _____

Director, Community Development

1509.01.6 CLERK AND RECORDER CERTIFICATION

I hereby certify that this Plan was filed in my office on this (day) of (month), 20__, A.D. at ____ o'clock a.m./p.m., and was recorded per Reception No. _____.

Douglas County Clerk and Recorder

1509.01.7 INDEX

i.e.: Sheet 1 General Provisions/Requirements
Sheet 2 Development Standards
Sheet 3 Development Plan

1509.02 Sheet 2

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet. Beginning in the upper left-hand column of the sheet, state the following for each planning area category, e.g., single family:

1509.02.1 Principal Uses

1509.02.2 Uses Permitted by Special Review

1509.02.3 Accessory Uses/Structures

1509.02.4 Standards for Principal and Accessory Uses:

- (1) minimum lot area
- (2) minimum front, side and rear setbacks. Include a graphic representation or footprint of all typical residential structures other than single family detached, i.e., zero lot line, patio, etc. In order to provide for sufficient parking in all residential development where the garage door directly faces and is accessed by a public street, a minimum setback of 20 feet shall be required from the garage to the edge of the sidewalk nearest the garage, or, where sidewalks are not required, from the garage to the edge of the pavement
- (3) maximum building heights

1509.02.5 other standards or requirements provided in 1502.01 herein

1509.02.6 complete legal description - the staff planner may allow this to be provided on a separate sheet, if lengthy

1509.03 Sheet 3

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet. This sheet shall graphically depict the site and include the following:

1509.03.1 A block in the lower right-hand corner, or along the right-hand margin, which includes the following:

- North Arrow
- Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Director or staff planner
- Date of Preparation

- 1509.03.2 Two vicinity maps that depict the relationship to the surrounding area within a 2 mile radius.
- One vicinity map shall be superimposed on a current Douglas County Subdivision Map,
 - The other shall be superimposed on a current Douglas County Zoning Map, maintaining the same scale.
- 1509.03.3 Dimensions, bearings, and control points along all exterior property lines
- 1509.03.4 Topography at 10' contour intervals, including high and low spot elevations; shadow areas of 20% or greater slope - the staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- 1509.03.5 Access
- (1) Arterials and collectors - In all cases, access shall be depicted to all planning areas, include right-of-way dimensions and surface width. *(Refer to the Douglas County Roadway Design and Construction Standards, the Douglas County Storm Drainage Design and Technical Criteria manual, and the Subdivision Resolution Design Guidelines).*
 - (2) Trails
 - (3) Existing Easements - The staff planner may allow them to be provided on a separate plan
- 1509.03.6 100-year floodplains - Depending upon the extent of floodplain area, the Director may permit this information to be provided on a separate sheet.
- 1509.03.7 Land Dedication
- Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park dedication shall be determined at the time of platting.
 - All other land dedication including school, library, fire station, or sheriff substations as needed or required.
- 1509.03.8 Planning Areas
- All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.

- For each planning area shown on the development plan or within a separate table, indicate the following:
 - acreage
 - number of dwelling units
 - land use designation
 - residential density
 - nonresidential square footage

NOTE: *The number of dwellings indicated in the planning areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PD. The density range for each planning area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PD. The actual number of dwellings approved by the Board may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Board.*

1509.03.9 Land Use Table

A separate land-use table, which indicates the total land use for the planned development, shall be prepared as follows:

Partial Example:					
<u>SYMBOL</u>	<u>LAND USE</u>	<u>GROSS DENISTY</u>	<u>UNITS</u>	<u>ACRES</u>	<u>%</u>
SF	Single Family	3	120	40.0	26%
MF	Multi Family	9	765	35.0	23%
DP	Dedicated Parks	-	-	42.5	28%
	SUBTOTAL	8.38	985	117.5	77%
C	Commercial	566,280 sq. ft.		25.0	17%
I	Industrial	217,800 sq. ft.		9.0	6%
	SUBTOTAL	784,080 sq. ft.		34.0	23%

1510 Recordation of Development Plan

- 1510.01 Upon approval by the Board, the applicant shall have 6 months to submit 2 sets of the approved amended Development Plan on 24" X 36" tapeless, spliceless and creaseless original film mylar, 3 millimeters thick, using only permanent black ink that will adhere to drafting films (*no ball point, transfer type or stickybacks*); or an acceptable "fix-line" photographic reproduction or computer generated reproduction (*emulsion up*) of the original drawings, ready for recordation, including the recordation fees, to the staff planner. In addition, the applicant shall submit one 11" X 17" mylar reduction (*as specified above*) of the Development Plan to the Planning Division.

If the documents are not submitted within said time period, the PD zoning and development plan will be void and of no force or effect.

- 1510.02 Within 30 days of receipt of the development plan, the staff planner shall review the documents for compliance with the Board approval, obtain the County Official's signatures and submit to the Clerk and Recorder's Office for recordation.
- 1510.03 The Director may grant no more than one extension of time, of not more than 6 months, upon a written request by the applicant prior to the expiration of the 6-month period. An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, listing any changes in the character of the neighborhood, any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the plan. Additional review of the plan may occur resulting in additional conditions, as applicable. Further extensions may be granted by the Board at a public meeting, upon written request by the applicant or staff. *(Amended 4/10/12)*
- 1510.04 If the request for an extension of time for recordation of the plan is denied by the Director, the applicant may appeal the denial in writing to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

1511 Public Notice Requirements - Rezoning

The applicant shall be responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission and the Board of County Commissioners for their respective public hearings. *(Amended 3/28/01)*

1511.01 WRITTEN NOTICE *(Amended 6/14/06)*

At least 15 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.

At least 7 days prior to the public hearing, the applicant shall submit the following to the Planning Office:

- alphabetical list of the abutting landowners;

- map showing the site and the location of the abutting landowners;
- copy of the notice sent to the landowners; and
- certificate of mailing

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this ____ day of _____, 20____, and addressed as follows:</p> <p>(list of addresses)</p> <p>_____</p> <p>(signature of person completing the mailing)</p>

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing.

1511.02 POSTED NOTICE *(Amended 3/28/01)*

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least four feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3' x 4'. Letter size shall be a minimum of three inches high. Such notice shall read:

<p>NOTICE OF PUBLIC HEARING BEFORE THE <i>(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)</i></p>
<p>This land shall be considered for a change in zoning from <i>(zone district)</i> to PD – Planned Development. The public hearing is <i>(date)</i>, in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO at <i>(time)</i>. For more information call Douglas County Planning at 303-660-7460.</p> <p>File No./Name: _____</p>

**NOTICE OF PUBLIC HEARING BEFORE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for a change in zoning from (zone district) to PD – Planned Development. The subject property is located approximately (distance and direction from nearest major intersection). For more information call Douglas County Planning at 303-660-7460.

File No./Name: _____

1512 Amendments to the Development Plan

The Director shall determine whether an amendment request shall be considered an administrative amendment or a major amendment based on the criteria established herein.

Requests for a decrease of the setback, minimum lot size, or increase of the maximum building height for individual lots within the Planned Development shall be processed as a variance in accordance with Section 26 of this Resolution.

1513 Administrative Amendment - Process Eligibility Criteria (Amended 8/11/04)

An amendment request may be considered as an administrative amendment if it meets the following criteria, as determined by the Director:

- 1513.01 **Setbacks** - A decrease of the required setback when such decrease is no more than a 35% change to the originally approved setback. (e.g., a 35% decrease of a 10' setback is 3.5' resulting in a new setback of 6.5'.)
- 1513.02 **Minimum Lot Size** - A decrease of the minimum lot size when such decrease is no more than a 35% change to the originally approved minimum lot size. (e.g., a 35% decrease of a 7,200 sq. ft. lot is 2,520 sq. ft. resulting in a new minimum lot size of 4,680 sq. ft.)
- 1513.03 **Maximum Building Height** - An increase of the maximum building height when such increase is no more than a 35% change to the originally approved maximum building height.
- 1513.04 **Increased Number of Dwelling Units** - An increase of the number of dwelling units in a planning area of 20% or less provided:
- the change is compatible with the density range of the affected planning area of the development plan,
 - the service providers are able to serve the additional units, and
 - the proposed increase meets the overall intent of the development plan.

- 1513.05 Text Changes - Changes to the text when such changes do not alter the intent of the planned development or the commitments.
- 1513.06 Street Alignment - The Director upon review by the County Engineer shall determine whether a minor shift in the alignment of an arterial or collector shall require no amendment or an administrative amendment.
- 1513.07 Planning Area Boundary - Whenever a planning area boundary abuts an arterial or collector as shown on the development plan, the planning area boundary is the abutting right-of-way. Whenever a planning area boundary abuts either another planning area or open space, the planning area boundary is as shown on the development plan. A planning area boundary may be changed as noted below:
- 1513.07.1 the total acreage of the planning area(s) is increased by no more than 20%
- 1513.07.2 such change does not alter the intent of the planned development
- 1513.07.3 the total acreage of affected open space area(s) is not decreased; open space area(s) proposed to be reconfigured is of equal or higher value. Such factors as location, accessibility, slope and views shall be considered
- 1513.07.4 the proposed change to the planning area boundary does not include an inclusion or exclusion of land to the planned development
- 1513.08 Planning Area Relocation - One or more planning areas may be relocated within the boundaries of the planned development provided the relocation meets the overall intent and approval criteria, and impacts to residential areas either within or abutting the planned development are minimal, as determined by the Director.
- 1514 Administrative Amendment - Submittal Process (Amended 12/13/11)
- 1514.01 The submittal shall be reviewed for completeness and the applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
- 1514.02 Once the submittal is determined complete, staff will notify the applicant of the number of copies of the amendment required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The staff shall mail the packets.

- 1514.03 The applicant shall also provide stamped letter sized envelopes addressed to affected parties, including, but not limited to, recognized HOAs and other entities as requested by staff dependent upon the scope of the proposed amendment. Staff shall mail a courtesy notice of an application in process and applicable contact information to the affected parties, along with a copy to the applicant.
- 1514.04 The Director shall determine whether the applicant must provide public notice. When public notice is required, the applicant shall provide notice as set forth in this section.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Director. *(Amended 3/28/01)*

- 1514.04.1 At least 15 days prior to the Director's decision, the applicant shall mail, by first-class, a written notice of the proposed amendment to each homeowners' association within and abutting the planned development, and shall submit a certificate of mailing to Douglas County Planning 7 days prior to the date of the Director's decision. The notice shall read substantially the same as the published notice also required by this section. The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this ____ day of _____, 20____, and addressed as follows:</p> <p><i>(list of addresses)</i></p> <p>_____</p> <p><i>(signature of person completing the mailing)</i></p>
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In the event the applicant fails to mail a notice to a homeowners' association or otherwise fails to comply with the written notice required in this section, the homeowners' association that did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the Director's decision. *(Amended 3/28/01)*

- 1514.04.2 At least 15 days prior to the Director's decision, the applicant shall:
- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and

- provide a publisher's affidavit of said published notice 7 days prior to the Director's decision, to the Planning Division. The notice shall read:

NOTICE OF PROPOSED ADMINISTRATIVE AMENDMENT TO
(Name of Development Plan)

On (date) action will be taken on an administrative amendment to (name specific element and general location proposed for amendment, e.g., increase building heights by 10% in planning area C-2 located at the northeast corner of . . .). Address all comments to Douglas County Planning, 100 Third Street, Castle Rock, CO 80104.

(Amended 3/28/01)

- 1514.05 The referral agencies shall comment within 21 days of receiving a complete submittal. Within 30 days of receipt of all referral comments, the Director shall approve, or deny the request.
- 1514.06 Approval Criteria - The following criteria shall be considered by the Director for approval of an administrative amendment:
- 1514.06.1 whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development;
- 1514.06.2 whether the amendment is consistent with the efficient development and preservation of the entire planned development;
- 1514.06.3 whether the amendment will adversely affect the enjoyment of the adjacent land or the public interest; and
- 1514.06.4 whether the amendment's sole purpose is to confer a special benefit upon an individual.
- 1514.07 An appeal of the Director's decision regarding an administrative amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution. (Amended 4/10/12)
- 1514.08 Within 30 days of receiving approval, the applicant shall submit the amended development plan to the Planning Division for recordation as follows:

1514.08.1 COUNTY CERTIFICATION

An administrative amendment is signed by the Director. The signature block shall read:

ADMINISTRATIVE AMENDMENT OF THE *(name of PD)* DEVELOPMENT PLAN AMENDING *(specify element i.e., boundary of Planning Area 43)* AS DEPICTED HEREON PURSUANT TO SECTION *(specific section of the Development Plan)*.

APPROVED THIS ____ DAY OF _____, 20____, BY THE DIRECTOR OF COMMUNITY DEVELOPMENT. THIS AMENDMENT NO. ____ AFFECTS ONLY *(i.e., Planning Area 43)* AS DESCRIBED IN FILE NO. _____.

 Director, Community Development

1514.08.2 CLERK AND RECORDER CERTIFICATION

State of Colorado)
) ss.
 County of Douglas)

I hereby certify that this Plan was filed in my office on this *(day)* of *(month)*, 20____, A.D. at _____ o'clock a.m./p.m., and was recorded per Reception No. _____.

 Douglas County Clerk and Recorder

1514.08.3 Two copies of the approved amended Development Plan shall be submitted on 24" X 36" tapeless, spliceless and creaseless original mylar using only permanent black ink.

1514.08.4 If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

1514.09 Within 30 days of submittal of the amended development plan to the Planning Division, the staff planner shall review the documents for compliance with the Director's approval, obtain county officials' signatures, as necessary, and submit the document to the Clerk and Recorder's Office for recordation. The Director may grant no more than one extension of time, of not more than 6 months, upon a written request by the applicant prior to the expiration of the 30-day period. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff. *(Amended 4/10/12)*

1514.10 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, and any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the amendment. Additional review of the plan may occur resulting in additional conditions, as applicable.

1514.11 If the request for an extension of time for recordation of the amended plan is denied by the Director, the applicant may appeal the denial, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

1515 Administrative Amendment - Submittal Requirements *(Amended 8/11/04)*

1515.01 Completed land use application

1515.02 Application fee *(available from the Planning Office)*

1515.03 Proof of ownership which includes an updated or current title insurance policy or title commitment no more than 30 days old.

1515.04 A notarized letter of authorization from the landowner permitting a representative to process the application.

1515.05 A written explanation justifying the request as an administrative amendment.

1515.06 Three copies of the appropriate portions of the Development Plan retitled with all amendments, including major amendments, numbered consecutively. For example:

<p>MEADOWBROOK PLANNED DEVELOPMENT, 1ST AMENDMENT An administrative amendment to (specific element or planning area)</p>
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1515.07 The applicant may be required to submit a subdivision application in accordance with the Douglas County Subdivision Resolution concurrent with the administrative amendment application if the proposed change impacts platted land.

1516 Major Amendment - Process Eligibility Criteria *(Amended 8/11/04)*

An amendment request shall be considered a major amendment if it meets one or more of the following criteria:

1516.01 Setbacks - decrease of the required setback when such decrease is greater than a 35% change to the originally approved setback.

- 1516.02 Minimum Lot Size - A decrease of the minimum lot size which is greater than 35% of the minimum lot size originally approved.
- 1516.03 Maximum Building Height - An increase of the maximum building height when such increase is greater than a 35% change to the originally approved maximum building height.
- 1516.04 Increased Number of Dwelling Units - An increase of the number of dwelling units in a planning area greater than 20%.
- 1516.05 Text Changes - Substantial changes to the development standards or commitments.
- 1516.06 Street Alignment - A significant shift in the alignment of an arterial or collector, as determined by the Director.
- 1516.07 Planning Area Boundary - Whenever a planning area boundary abuts an arterial or collector as shown on the development plan, the planning area boundary is the abutting right-of-way. Whenever a planning area boundary abuts either another planning area or open space, the planning area boundary is as shown on the development plan. This planning area boundary may be changed when:
- 1516.07.1 the total acreage of the planning area is increased by more than 20%
 - 1516.07.2 the open space area is proposed to be decreased. Such factors as location, accessibility, slope and views shall be considered
 - 1516.07.3 park and school land dedication have been approved by the County Parks and Open Space Division and the School District.
- 1516.08 Planned Development Boundary - Any proposed increase or decrease to the perimeter boundaries that results in a change in the overall size or acreage of the Planned Development shall be subject to the rezoning process unless the land to be added is already zoned planned development.
- 1516.09 Land Use - Any change in the allowed land-use categories, including changes in densities, such as from single-family to multi-family residential.
- 1517 Major Amendment - Submittal Process *(Amended 12/13/11)*
- 1517.01 The submittal shall be reviewed for completeness and the applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.

- 1517.02 Once the submittal is determined complete, staff will notify the applicant of the number of copies of the amendment required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The staff shall mail the packets.
- 1517.03 The applicant shall also provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.
- 1517.04 The referral agencies shall comment within 21 calendar days of the date referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. *(Amended 11/12/13)*
- 1517.05 The staff planner will review the referral comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant of the hearing date and time, and prepare a staff report.
- 1517.06 The applicant is responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings. *(Amended 3/28/01)*

1517.06.1 WRITTEN NOTICE *(Amended 6/14/06)*

At least 15 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.

At least 7 days prior to the public hearing, the applicant shall submit the following to the Planning Office:

- alphabetical list of the abutting landowners;
- map showing the site and the location of the abutting landowners;
- copy of the notice sent to the landowners; and
- certificate of mailing

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING
<p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this _____ day of _____, 200 ____, and addressed as follows:</p> <p><i>(list of addresses)</i></p> <p>_____</p> <p><i>(signature of person completing the mailing)</i></p>

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing.

1517.06.2 POSTED NOTICE *(Amended 3/28/01)*

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3' X 4'. Letter size shall be a minimum of 3 inches high. Said notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)

This land shall be considered for a major amendment to the (name) Development Plan. The public hearing is (date) in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO at (time). For more information call Douglas County Planning at 303-660-7460.
File No./Name: _____

Further requirements include:

- (1) An affidavit of sign posting shall be submitted for the file in the Planning Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)
(sign lettering must be legible in photo)

I, (print name of applicant/representative/person posting sign), attest that the above sign was posted on (date), abutting (name of street).

(signature) _____ File No./Name _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me ____ day of _____, 20__ by
as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

- (2) The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

1517.06.3 PUBLISHED NOTICE (Amended 3/28/01)

At least 14 days prior to the Planning Commission and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published at least in part in Douglas County; and

- provide a publisher's affidavit of said published notice 7 days prior to the public hearing, to the Planning Division. The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)

A public hearing will be held on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, to consider a major amendment to the *(name)* Development Plan. The proposed amendment is to *(name specific element and general location proposed for amendment, e.g., increase building heights by 10% in planning area C-2 located at the northeast corner of...)*. For more information call Douglas County Planning at 303-660-7460.

File No./Name: _____

- 1517.07 The Planning Commission shall evaluate the application, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with conditions, table for further study, or deny the amendment request. The Planning Commission's comments shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.
- 1517.08 Following the recommendation by the Planning Commission, the staff planner will schedule a public hearing with the Board, and notify the applicant of the hearing date and time. The applicant shall be responsible for public notice, in accordance with Section 1517.05, herein.
- 1517.09 The Board shall evaluate the major amendment, referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, conditionally approve, table for further study, remand to the Planning Commission or deny the amendment. The Board's comments shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.
- 1517.10 Approval Criteria - The following criteria shall be considered by the Board for approval of the major amendment:
- 1517.10.1 Whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development.
- 1517.10.2 Whether the amendment is consistent with the intent, efficient development and preservation of the entire planned development.

1517.10.3 Whether the amendment will adversely affect the public interest or enjoyment of the adjacent land.

1517.10.4 Whether the amendments sole purpose is to confer a special benefit upon an individual. (Amended 6/14/06)

1517.10.5 For applications proposing an increase in the intensity of allowed land-uses, including changes in densities, whether the amendment is consistent with the water supply standards in Section 18A, Water Supply Overlay District, of this Resolution.

1517.11 Within 30 days of receiving approval, the applicant shall submit the amended development plan to the Planning Division for recordation as follows:

1517.11.1 Two copies of the approved amended Development Plan shall be submitted on 24" X 36" tapeless, spliceless and creaseless original paper using only permanent black ink.

1517.11.2 COUNTY CERTIFICATION

THIS MAJOR AMENDMENT OF THE *(name of PD)* DEVELOPMENT PLAN AMENDING THE *(specific element, e.g., the setbacks for Planning Area 62)* AS DEPICTED HEREON PURSUANT TO *(specific section of Development Plan)* HAS BEEN APPROVED BY BOARD RESOLUTION NO. _____ ON *(month/day/year)*.

THIS AMENDMENT NO. _____ AFFECTS ONLY *(e.g., Planning Area 62)* AS DESCRIBED IN FILE NO. _____.

(Signature)
Chair, Board of Douglas County Commissioners _____
(Date)

(Signature)
Director of Community Development _____
(Date)

1517.11.3 CLERK AND RECORDER CERTIFICATION

I hereby certify that this Plan was filed in my office on this *(day)* of *(month)*, 20____, A.D. at _____ o'clock a.m./p.m., and was recorded per Reception No. _____.

Douglas County Clerk and Recorder

1517.11.4 If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

1517.12 Within 30 days the staff planner shall review the documents for compliance with the Board's approval, obtain County Officials'

signatures, as necessary, and submit the document to the Clerk and Recorder for recordation.

1517.13 The Director may grant no more than one extension of time, of not more than 6 months, upon a written request by the applicant prior to the expiration of the 30-day period. An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, and any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the amendment. Additional review of the plan may occur resulting in additional conditions, as applicable. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff. *(Amended 4/10/12)*

1517.14 If the request for an extension of time for recordation of the amended plan is denied by the Director, the applicant may appeal the denial, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

1518 Major Amendment - Submittal Requirements *(Amended 8/11/04)*

1518.01 Completed land use application *(available from the Planning Office)*

1518.02 Application fee *(fee schedule available from the Planning Office)*

1518.03 Proof of ownership, which includes an updated, or current title insurance policy or title commitment no more than thirty days old.

1518.04 A notarized letter or authorization from the landowner permitting a representative to process the application.

1518.05 A written explanation of the request.

1518.06 Three copies of the appropriate portions of the Development Plan retitled with all amendments including administrative amendments, numbered consecutively. For example:

<p>MEADOWBROOK PLANNED DEVELOPMENT, (i.e., 1st) Amendment A major amendment to (specific element and/or planning area)</p>
--

1518.07 The applicant may be required to submit a subdivision application in accordance with the Douglas County Subdivision Resolution concurrent with the major amendment application showing the acreage affected and compliance with the provisions herein.

1519 Withdrawal Of An Application

The applicant may withdraw an application at any time during the process upon submittal of a written request to the Planning Division.

1520 Inactive Files

Files that become inactive, whereby the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than six (6) months, shall become void and the resubmittal of a new application and fees shall be required to pursue the request. The Director may grant no more than two (2) extensions of time, of no more than six (6) months each, upon a written request by the applicant. After five (5) months, the staff planner shall notify the applicant, in writing, that the application will become void within 30 days. After 30 days, provided that the applicant has not submitted the required additional information or requested a hearing date, the staff planner shall notify the applicant, in writing, that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. *(Amended 4/10/12)*

1521 – 1523 (Reserved)**1524 Concurrency Management Resolution****1524.01 Purpose and Intent**

- 1524.01.1 To ensure that public facilities needed to support new development meet or exceed the adopted level-of-service standards established by the Douglas County Comprehensive Master Plan and this Resolution (*see Appendices A and B hereto*);
- 1524.01.2 To ensure that no residential rezonings are approved which would cause a reduction in the levels of service for any public facilities below the adopted level-of-service established in the Douglas County Master Comprehensive Plan and this Resolution;
- 1524.01.3 To ensure that adequate public facilities needed to support new residential development are available concurrent with the impacts of such development;
- 1524.01.4 To establish uniform procedures for the review of residential rezoning applications subject to the concurrency management standards and requirements;
- 1524.01.5 To facilitate implementation of goals and policies set forth in the Douglas County Comprehensive Master Plan relating to adequacy of public facilities, level-of-service standards and concurrency; and

1524.01.6 To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

1524.02 Applicability

1524.02.1 This Section 1524 shall not apply to any use, development, project, or activity that does not result in a new residential dwelling unit.

1524.02.2 The provisions of this Section 1524 shall apply to all applications for development approval requesting a residential use, or those portions of applications for development approval requesting a residential use, within the unincorporated area of Douglas County, Colorado. It is the intent of this Section 1524 that no Development Order shall be granted, approved or issued, unless accompanied by a Concurrency Data Form that has received a positive concurrency determination, or a positive concurrency determination subject to conditions.

1524.02.3 No application for development approval requesting a residential use shall be approved unless it has received a positive concurrency determination as set out in Section 1524.04.5(1)(a), or a positive concurrency determination subject to conditions, as set out in Section 1524.04.5(1)(c).

1524.02.4 Exemptions

Exemptions from this Section 1524 Concurrency Management may be granted by the Director for developments as defined in 1) and 2) below:

- (1) all residential development within the Primary Urbanization Area (PUA) as depicted on the Comprehensive Master Plan Land Use Map, designed to foster development patterns indicative of innovative and sound planning principles, such as, but not limited to the following: transportation network connectivity, shortened local trip paths, improved transit access, varied housing options that serve different populations and needs, energy-efficient housing, emphasis on proximity to services through the development of elements such as town center or community focal points, or other elements which promote efficient use of existing infrastructure and enhance opportunities to improve/create community development and identity. *These projects will be considered on a case-by-case basis. A full concurrency review shall be required for projects not meeting the requirements of this paragraph.*
- (2) rezoning of existing nonresidential zoned land to a residential zoning in compliance with the Douglas County

Comprehensive Master Plan where such rezoning improves special district viability with minimal environmental impacts, or provides other overall benefit to the County, as determined by the Director. *These projects will be considered on a case-by-case basis. A full concurrency review shall be required for projects not meeting the requirements of this paragraph.*

An appeal of the Director's decision regarding the waiver request may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

1524.02.5 Vested Rights

- (1) Nothing in this Concurrency Management Resolution shall limit or modify the rights of an applicant to complete any development authorized by an approved Site Specific Development Plan for a period extending 3 years following the approval thereof or the expiration date set forth in the Site Specific Development Plan.
- (2) If a developer has, by his actions in reliance on prior regulations, obtained vested rights that by law would have prevented Douglas County from changing those regulations in a manner adverse to his interests, nothing in this Concurrency Management Resolution authorizes Douglas County or any official thereof to abridge those rights.

1524.02.6 The determination of concurrency shall not affect the otherwise operable and applicable provisions of the Douglas County Zoning Resolution or the Douglas County Subdivision Resolution, all of which shall be operative and remain in full force and effect without limitation.

1524.02.7 A Concurrency Data Form shall not be required for proposed residential development in municipalities in Douglas County unless the municipality and the County have mutually executed an intergovernmental agreement providing for the County to undertake this function on behalf of the municipality.

1524.03 General Provisions - Monitoring

1524.03.1 Concurrency Information Database

The Department shall develop, maintain, and update a Concurrency Information Data Base which shall provide support to County officials and departments responsible for concurrency review, monitoring and planning for public facilities. At a minimum, the data base shall contain the following information:

- (1) existing dwelling units and nonresidential development;
- (2) committed development, including committed development within incorporated municipalities in the County.

1524.03.2 Annual Review

The Director shall, not less frequently than annually, prepare and submit to the Board an annual Concurrency Management Report. The report shall include:

- (1) growth trends and projections;
- (2) proposed changes to the boundaries of impact areas for any public facility;
- (3) proposed changes to existing or adopted level-of-service standards;
- (4) proposed changes in concurrency analysis methodologies;
- (5) recommendations on amendments to the Concurrency Management Resolution, if appropriate; and
- (6) other data, analysis or recommendations as the Director may deem appropriate, or as may be requested by the Board.

1524.03.3 Effect of Annual Review

The Annual Review may, in whole or in part, form the basis for recommendations to the Board or Board actions to repeal, amend or modify this Section 1524. Other data, reports, analyses and documents relevant to such decisions as may be available may also be used.

1524.03.4 Amendments

Nothing herein precludes the Board or limits its discretion to amend this Section at such other times as may be deemed necessary or desirable.

1524.04 Procedures for the Processing of Concurrency Data Form

1524.04.1 Submittal Requirements

All applications for development approval shall be accompanied by a Concurrency Data Form which includes sufficient information to allow the County to determine the impact of the proposed residential development on public facilities pursuant to the concurrency determination procedures. The Concurrency Data Form shall be a form prepared by the Department. The information required shall include, but shall not be limited to:

- (1) the total number, type of dwelling units, and gross density of proposed residential development;
- (2) the location of the proposed residential development;
- (3) an identification of the public facilities impacted by the proposed residential development; and
- (4) any other appropriate information as may be required by the County consistent with the provisions of Appendix A herein.

1524.04.2 Fee for Review of Concurrency Data Form

Each application for development approval shall be accompanied by the required Concurrency review fees, as may be established by the Board.

1524.05 Procedures for Concurrency Review and Recommendation by Department

1524.05.1 Department Review

The Department (*acting by and through the staff planner*) shall determine whether the information on the Concurrency Data Form complies with the submittal requirements set forth in Subsection 1524.04.1 herein and Appendix A. If the Concurrency Data Form is incomplete or the submittal requirements have not been complied with, the Department shall so notify the applicant, specifying the deficiencies. If the Concurrency Data Form is complete and the submittal requirements have been complied with, the Department and applicable agencies shall evaluate the proposed residential development for compliance with the adopted levels of service and shall submit a Concurrency Recommendation pursuant to Subsection 1524.05.2 herein.

1524.05.2 Department Recommendation

If the Department concludes that each public facility will be available concurrent with the impacts of the proposed residential development at the adopted levels of service, the Department shall make a positive Concurrency Recommendation in its staff report. If the Department determines that any public facility will not be available concurrent with the impacts of the proposed residential development at the adopted levels of service based upon existing public facilities, the Department shall make a negative Concurrency Recommendation in the staff report or, a positive Concurrency Recommendation with appropriate conditions consistent with the criteria set forth in Subsections 1524.10.2 and 1524.07.3 of this section. If the Department recommends that the application be conditionally approved, the staff report shall recommend conditions or stipulations that may address the density of the proposed

residential development, the timing and phasing of the proposed residential development, the provision of public facilities by the applicant or any other reasonable conditions to ensure that all public facilities will be adequate and available concurrent with the impacts of the proposed residential development. The staff report shall, at a minimum, include the following, based upon staff and referral agency concurrency management recommendations:

- (1) the number of residential dwelling units proposed by the applicant, by type, and the resulting number of Equivalent Residential Units (ERU's) for each public facility;
- (2) the timing and phasing of the proposed residential development, if applicable;
- (3) the specific public facilities impacted by the proposed residential development;
- (4) the extent of the impact of the proposed residential development in the applicable impact areas;
- (5) the capacity of existing public facilities in the impact areas which will be impacted by the proposed residential development, based on adopted level-of-service;
- (6) the demand on existing public facilities in the impact areas from all existing and approved development;
- (7) the availability of existing capacity to accommodate the proposed residential development; and
- (8) if existing capacity is not available, planned capacity and the year in which such planned capacity is projected to be available to serve the proposed residential development.

1524.06 Withdrawal of Concurrency Data Form

The applicant may withdraw the Concurrency Data Form at any time by submitting a written request to the Director. Withdrawal may result in the forfeiture of some or all fees paid by the applicant for the processing of the Concurrency Data Form.

1524.07 Concurrency Determination by Board - Criteria

A proposed residential rezoning and a residential use by special review which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The concurrency review shall compare the capacity of public facilities to the maximum projected demand which may result from the proposed residential rezoning or residential use by special review based upon the maximum potential density of the affected area pursuant to the residential rezoning or residential use by special review. Nothing herein shall authorize a residential rezoning or the issuance of a residential use by special review that would otherwise be inconsistent with the Douglas County Comprehensive Master Plan or the Douglas County Comprehensive Master Plan Land Use Map.

Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Order, the Board may determine:

- 1524.07.1 a positive Concurrency Determination
- 1524.07.2 a negative Concurrency Determination
- 1524.07.3 a positive Concurrency Determination subject to one or more of the following conditions:

- (1) deferral of further requests for subdivision until all public facilities are available and adequate if public facilities in the impact area are not adequate to meet the adopted levels-of-service for the residential development proposal, consistent with the requirements of Subsection 1524.10.02 herein
- (2) reduction of the density or intensity of the proposed residential development, including phasing of development, to a level consistent with the available capacity of public facilities
- (3) provision by the applicant of the public facilities necessary to provide capacity to accommodate the proposed residential development at the adopted levels-of-service and at the time that the impact of the proposed residential development will occur.

1524.08 Effect of Positive Concurrency Determination

- 1524.08.1 A Concurrency Determination for a Development Order shall be deemed to indicate that public facilities are available as determined in Section 1524.10.02 herein at the time of issuance of the Concurrency Determination.
- 1524.08.2 The Concurrency Determination shall expire and become null and void upon the expiration of the Development Order to which it is attached or the time frame for submitting a subsequent application for approval, unless an application for a subsequent Development Order is submitted within the time frames set forth in the Douglas County Zoning Resolution. If no expiration date is provided in the Douglas County Zoning Resolution, in the conditions of the Concurrency Determination or in the conditions of permit approval, the Concurrency Determination shall expire within 2 years after approval of the Development Order.
- 1524.08.3 A Concurrency Determination shall not be deemed as evidence supporting a request for a Douglas County Comprehensive Master Plan Land Use Map amendment from the Nonurban Area to the Planned Urbanization Areas or to the Separated Urbanization

Areas, nor shall it affect the need for the applicant for a rezoning to meet all other requirements as set forth in this Resolution.

1524.08.4 Advancement of capacity for public facilities needed to avoid a deterioration in the adopted levels of service shall not be accepted by the Board unless the proposed public facility is a planned capital improvement or appropriate conditions are included to ensure that the applicant will obtain all necessary approvals for such planned capital improvement from any governmental agency having jurisdiction over such planned capital improvement prior to or concurrent with the issuance of a final residential subdivision plat or, if subdivision approval is not required, a building permit. If such planned capital improvement requires the approval of a governmental agency, such approval shall authorize the full capacity upon which the Concurrency Determination was rendered. The commitment to construction of public facilities prior to plat recordation shall be included as a condition of the Concurrency Determination and shall contain, at a minimum, the following:

- (1) for planned capital improvements, a finding that the planned capital improvement is included within the capital improvements program of the applicable service provider;
- (2) an estimate of the total funding needed to construct the planned capital improvement and a description of the cost participation associated therewith;
- (3) a schedule for commencement and completion of construction of the planned capital improvement with specific target dates for multi-phase or large-scale capital improvement projects;
- (4) a statement, based on analysis, that the planned capital improvement is consistent with the Douglas County Comprehensive Master Plan; and
- (5) at the option of the County, and only if the planned capital improvement will provide capacity exceeding the demand generated by the proposed residential development, reimbursement to the applicant for the pro rata cost of the excess capacity.

1524.09 Expiration of Concurrency Determination

1524.09.1 A Concurrency Determination issued pursuant to Subsection 1524.07 of this section shall be deemed to expire when the Development Order to which it is attached expires, lapses or is waived or revoked, or if the applicant has not complied with conditions attached to its issuance.

1524.09.2 If a Concurrency Determination attached to a rezoning expires, the County may initiate proceedings to rezone the property to the

previous zoning or to another zoning in accordance with Section 25 Rezoning, herein, including notice for, and hearings before, the Planning Commission and the Board of County Commissioners.

1524.10 Methodology and Criteria for Determining Availability and Adequacy of Public Facilities

1524.10.1 Level-of-Service Standards

Compliance with level-of-service standards shall be measured in accordance with the standards set forth in Appendices A and B hereto, as the same may be amended from time to time, and which are incorporated by reference as if set forth in its entirety herein.

1524.10.2 Availability of Public Facilities

Public facilities shall be deemed to be available within the applicable impact area if they meet the following standards:

- (1) **Water/Wastewater Facilities and Fire Protection Facilities**
 - (a) the public facilities are currently in place or will be in place when the Development Order is granted; or
 - (b) provision of the public facilities are a condition of the Development Order and are guaranteed to be provided at or before the approval of a final plat or issuance of a building permit for proposed residential development on the subject property; or
 - (c) the public facilities are under construction and will be available at the time that the impacts of the proposed residential development will occur; or
 - (d) the public facilities are guaranteed by an enforceable development agreement which ensures that the public facilities will be in place at the time that the impacts of the proposed residential development will occur.
- (2) **Regional Parks and Public Schools**
 - (a) one of the criteria set forth in Subsection 1524.10.2(1) is met, or
 - (b) the public facilities are the subject of a written agreement or an enforceable development agreement which provides for the commencement of construction of the required Regional Parks or Public Schools, or
 - (c) the public facilities are planned capital improvements.
- (3) **Streets**
 - (a) one of the criteria set forth in Subsections 1524.10.2(1) or 1524.10.2(2), above, is met, or
 - (b) proposed residential development is located in a traffic impact area in which the streets or intersections needed to achieve the adopted level of service are included in the

capital improvements program, and the Board makes the following specific findings:

- (i) the streets identified in this subsection are financially feasible; and
- (ii) the capital improvements program provides for the construction of public facilities or improvements to streets within the traffic impact area that are necessary to maintain the adopted level-of-service standards; and
- (iii) the capital improvements program contains a financially feasible funding system based on currently available revenue sources which are adequate to fund the streets required to serve the development authorized by the Development Order; and
- (iv) the applicable provisions of the capital improvements program show (1) the estimated date of the commencement of construction and (2) the estimated date of project completion for needed streets; and
- (v) the concurrency information data base includes sufficient data to ensure that proposed residential developments approved subject to this subsection do not cause a reduction of the level of service below the adopted level of service.

1524.10.3 Adequacy of Public Facilities

Public facilities shall be deemed to be adequate if it is demonstrated that they have available capacity to accommodate the demand generated by the proposed residential development in accordance with the following calculation methodology, unless otherwise indicated herein:

- (1) Calculate capacity for each public facility within an impact area by adding together:
 - (a) the capacity of water facilities, wastewater facilities, and fire protection facilities consistent with Subsection 1524.10.2(1) herein;
 - (b) the capacity of public schools and regional parks consistent with Subsection 1524.10.2(2) herein; and
 - (c) the capacity of streets consistent with Subsection 1524.10.2(3) herein.
- (2) Calculate available capacity by subtracting from the capacity the sum of:
 - (a) the existing demand for each public facility; and
 - (b) the demand for each public facility created by the anticipated completion of committed development; and

- (c) the demand for each public facility created by the anticipated completion of the proposed residential development under consideration for concurrency determination.

1524.10.4 Public Facilities Affecting Areas Outside of Unincorporated Area of County

- (1) General. Availability and adequacy of streets shall be determined only with respect to streets located within the unincorporated area of Douglas County. If part of the applicable traffic impact area lies in an adjacent county or in a municipality within Douglas County, absent an intergovernmental agreement with the county or municipality, availability and adequacy may be determined only with respect to that portion of the streets located within the unincorporated area of the County.
- (2) Intergovernmental Agreement. If the County has entered into an intergovernmental agreement with an adjacent county or with a municipality in Douglas County to evaluate public facilities in such areas, an applicant will be subject to the evaluation of the level-of-service standard for the facility as adopted by the adjacent county or municipality. Prior to the determination of concurrency, Douglas County shall require that the adjacent county or municipality certify that issuance of a Development Order for the proposed residential development will not cause a reduction in the level-of-service standards in Douglas County with respect to those public facilities lying within the adjacent county or the municipality.
- (3) Available capacity for fire protection facilities, water facilities, wastewater facilities and public schools shall include municipally based demand and municipally based facilities.

1524.11 Administrative Rules and Regulations

The Board may adopt, by resolution, any necessary rules, regulations, administrative guidelines, forms, worksheets and processes to efficiently and fairly administer and implement this section.

1524.12 Conflict

To the extent of any conflict between other County resolutions or regulations and this section, the more restrictive is deemed to be controlling. This section is not intended to amend or repeal any existing County resolution or regulation.

1524.13 Severability

It is declared to be the intent of the Board that if any provision of this section is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this section.

SECTION 21 USE BY SPECIAL REVIEW

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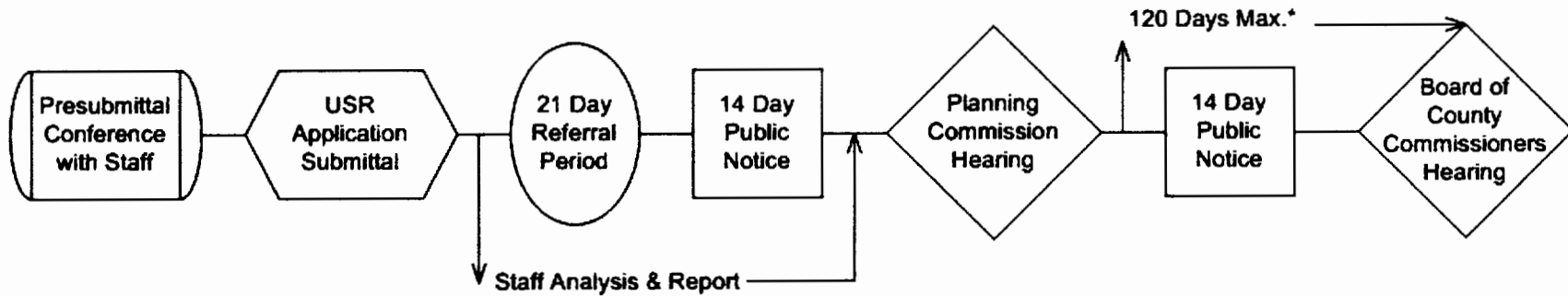
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USE BY SPECIAL REVIEW APPLICATION PROCEDURE



Public Notice: Publish notice in newspaper, post sign on site, and notify abutting landowners by certified mail.

***The hearing with the Board of County Commissioners must be held within 120 days after the final Planning Commission hearing.**

(Amended 11/12/13)

2101 Intent

To provide for uses in specific zoning districts that shall require a public notice and hearing and the approval of the Board of County Commissioners subject to such conditions and safeguards as may be imposed by the Board.

2102 Approval Standards (Amended 8/22/07)

A Special Use shall be approved only if the Board of County Commissioners finds that the proposed special use:

- 2102.01 complies with the minimum zoning requirements of the zoning district in which the special use is to be located, as set forth in this Resolution;
- 2102.02 complies with the requirements of this Section 21;
- 2102.03 complies with the Douglas County Subdivision Resolution;
- 2102.04 will be in harmony and compatible with the character of the surrounding areas and neighborhood;
- 2102.05 will be consistent with the Douglas County Comprehensive Master Plan, as amended;
- 2102.06 will not result in an over-intensive use of land;
- 2102.07 will not have a material adverse effect on community capital improvement programs;
- 2102.08 will not require a level of community facilities and services greater than that which is available;
- 2102.09 will not cause significant air, water, or noise pollution;
- 2102.10 will be adequately landscaped, buffered, and screened;
- 2102.11 will have a sufficient water supply in terms of quantity, dependability and quality as determined in conformance with the standards set forth in Section 18A, Water Supply - Overlay District, herein; and
- 2102.12 will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

2103 Length of Approval

A special use shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The use by special review may transfer with the sale of the land.

2104 Annual Review

Each special use is subject to yearly review, or as often as the Board deems appropriate to ensure compliance with the approval standards and conditions of approval.

2105 Amendment of Approved Special Use (Amended 6/22/05)

An amendment of the approved use by special review may be approved administratively by the Director, when the change does not substantially increase the intensity of the use or impacts to the neighborhood, in accordance with the approval standards in section 2102, herein. The applicant shall submit the fee, an explanation of the amendment and the resulting impacts, and an amended site plan, as required, to the Planning Division.

An appeal of the Director's decision regarding such amendment may be appealed to the Board of Adjustment in accordance with Section 26A. (Amended 4/10/12)

The Director may require the submittal of a new use by special review application when a substantial change to the approved use by special review is proposed. The applicant may appeal the decision of the Director to the Board of Adjustment.

2106 General Provisions (Amended 2/24/09)

- 2106.01 The Board may establish lesser setbacks than those required in this Section, and heights greater than those allowed in the underlying zone district, if the Board determines that adequate buffering is or will be provided to mitigate such concerns as noise, visual, dust, or other social or environmental impacts. The burden of proof is on the applicant to demonstrate such adequate mitigation measures.
- 2106.02 Outdoor storage areas shall be concealed by a solid wall or fence of an appropriate height unless otherwise provided for herein.
- 2106.03 A use by special review may be permitted on nonconforming parcels when such use is permitted, as a use by special review, in the zoning district to which the parcel conforms in size.
- 2106.04 Municipalities or special districts shall be required to seek approval of a use by special review when the proposed use is located within the unincorporated area of the County.
- 2106.05 Proposed multifamily residential uses shall be reviewed under the provisions of Concurrency Management, Section 2512 of this Resolution.

2107 Special Uses (Amended 04/06/10)

The provisions and uses outlined in this Section shall not apply to the PD - Planned Development district. The Development Plan for a specific planned development shall set forth the permitted uses by special review and the associated restrictions. The following uses are listed as uses by special review within the zoning districts of this Resolution:

- 2107.01 Animals - nondomestic, exotic: A-1 and LRR zoning districts provided that:
- a security fence surrounds the enclosures to prevent the animals from leaving the premises; and
 - the applicant shall contact the Denver Zoo Curator and State Division of Wildlife to determine the enclosure size needed and any special conditions for species on the site. Each enclosure shall have adequate water and drainage.
- 2107.02 Batch plant - concrete, asphalt or mortar: LI zoning district
- 2107.03 Bed and Breakfast: A-1, LRR, RR, and ER zoning districts
- 2107.04 Campground: A-1 zoning district provided that all uses and structures are located at least 100 feet from all property lines
- 2107.05 Cemetery: A-1 zoning district
- 2107.06 Chemical/hazardous material storage, transfer, or disposal facility: GI zoning, provided such use complies with all State and federal regulations and is located at least 500 feet from all lot lines (Amended 3/28/01)
- 2107.07 Church with a seating capacity, in the main worship area, greater than 350: A-1, LRR, RR, ER, SR, MF and MH zoning districts, provided that such uses are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.08 Cultural facility: A-1 and LRR zoning districts
- 2107.09 Day-care center, preschool, or day-care home - large: A-1, LRR, RR, ER, SR, MF, and MH zoning districts provided that such uses shall be situated on a lot of not less than 10,000 square feet and that a solid fence or wall 6 feet in height shall completely enclose the yard used for playground purposes
- 2107.10 Dude ranch: A-1 zoning district
- 2107.11 Entertainment event: A-1 zoning district

2107.12 Feed yard - confinement center: A-1 zoning district, provided that such use is located at least 500 feet from all property lines, and that such use is approved by Tri-County Health Department

2107.13 Firing range - outdoor: A-1 and GI zoning districts provided that the use is located at least 100 feet from all property lines, an indoor range may be permitted as an accessory use to an outdoor range in the A-1 zoning district

2107.14 Greenhouse: A-1 zoning district

The following may be restricted based upon compatibility with the surrounding land uses:

- Location, size, height and use of structures
- Number of vehicle trips
- Lighting and hours of operation
- Location and type of materials stored outside
- Retail sale of items
- Parking area setbacks

2107.15 Group Residential Facility: A-1, LRR, MF, MH, B, C, and LI zoning districts provided that the Group Residential Facility does not include more than 1 registered sex offender over the age of 18 (*Amended 5/14/03*)

All requests shall be submitted to the Placement Alternative Commission (PAC) as a referral.

2107.16 Group Home for registered sex offenders: A-1, B, C, LI zoning districts, provided the facility is located a minimum of 1,500 feet from a school, park, playground, child-care facility, youth camp

All requests shall be submitted to the Placement Alternative Commission (PAC) as a referral. (*Amended 9/12/00*)

2107.17 Heliport: B/C/LI/GI zoning districts:

- The FAA shall be notified regarding approval of airspace
- A management plan shall be submitted with the application that addresses the following:
 - type and use of aircraft for which the facility is intended;
 - number of planes to be stationed on the site;
 - frequency of flights and diagram of flight patterns; and
 - hours of operation.

2107.18 Home occupation: A-1 zoning district where the number of nonresident employees exceeds 2, or more than 1500 sq. ft. of an accessory structure is required - No outside storage shall be allowed.

2107.19 Horse boarding or training facility: A-1, LRR, RR, and ER zoning districts where the number of boarded horses exceeds the maximum number of horses permitted by right or by administrative review, or the number of lessons for non-owned horses, or riders not related to the landowner or lessee, exceeds 14 per week

The applicant shall demonstrate a minimum water supply of 20 gallons per horse per day. The applicant must obtain the necessary well permits from the State Division of Water Resources.

2107.20 Horse rental stable: A-1 and LRR zoning districts provided that all uses are located at least 100 feet from all lot lines

2107.21 Hunting/fishing club: A-1 zoning district; hunting clubs shall be located on a minimum of 160 acres

2107.22 Jail/correctional facility: GI zoning district - Security for the facility may include barb, electric, or concertina wire when located a minimum of 6' 6" in height measured from the ground level outside the fence.

2107.23 Junk, scrap metal, or auto wrecking yard: GI zoning district provided all such uses are completely concealed by a solid wall or fence at least 6 feet in height

2107.24 Kennel: A-1 and LRR zoning districts provided that all uses are located at least 100 feet from all lot lines

2107.25 Landfill - public or private: A-1 and GI zoning districts provided that such use is approved by the Tri-County District Health Department and is located 500 feet from all lot lines or 1,000 feet from any existing residential land use whichever is greater

Prior to applying for special use review, the applicant must first receive a recommendation of approval for the certificate of designation from the Colorado Department of Health. Any proposal must be in compliance with the Douglas County Comprehensive Master Plan, as amended.

2107.26 Landing Field, Private: A private, non-commercial landing field or helipad for fixed or rotary wing craft is permitted as an accessory use in the A-1 and GI zoning districts provided:

- Minimum lot/parcel area: 35 acres.
- Minimum setback for landing area: 200' from the sides of the landing strip, and 400' from the ends.

- The landing field shall be for the exclusive use of the landowner and guests.
- Any commercial use, flight training, ground school, or sales, are prohibited.
- Aircraft noise may not exceed 78 db(A) for more than 5 minutes in a 1-hour period.
- The FAA shall be notified regarding approval of airspace.
- The landing strip shall be oriented such that aircraft landing and takeoff do not pass directly over dwellings, schools, churches, or other places of public assembly.
- Minimum setback from existing residences (except landowner's): 1/2 mile from either end of the runway.
- A management plan shall be submitted with the application that addresses the following:
 - type and use of aircraft for which the facility is intended;
 - number of planes to be stationed on the site;
 - frequency of flights and diagram of flight patterns; and
 - hours of operation.

2107.27 Medical Marijuana Facility: GI zone district provided:

2107.27.1 Minimum Separation Distances for a Medical Marijuana Facility:

The distance between any Medical Marijuana Facility and any school, park, or existing residence shall be measured in a straight line, without regard to intervening structures, objects, or political boundaries, from the nearest portion of the building or structure used as part of the premises for the Medical Marijuana Facility to the nearest property line of the premises of any school, park, or existing residence.

A Medical Marijuana Facility lawfully operating is not rendered in violation of this Resolution by the subsequent location of any school, park, or residence within the separation distance specified below.

- The distance between any Medical Marijuana Facility and any middle school or high school, whether public or private, shall be a minimum of 10,560 feet (two (2) miles).
- The distance between any Medical Marijuana Facility and any elementary school, whether public or private, shall be a minimum of 5,280 feet (one (1) mile).
- The distance between any Medical Marijuana Facility and any park or existing residence shall be a minimum of 500 feet.
- A Medical Marijuana Facility shall not be located abutting another Medical Marijuana Facility.

2107.27.2 Site Development Requirements for a Medical Marijuana Facility in addition to the requirements contained in Section 27:

- Any and all cultivation, processing, storage, display, sales, or other distribution of marijuana and associated products, accessories, and paraphernalia shall occur within an enclosed building and shall not be visible from the exterior of the building.
- The facility shall not open any earlier than 8:00 a.m. and shall close no later than 7:00 p.m. the same day.
- The facility shall be monitored and secured twenty-four (24) hours per day including, at a minimum the following security measures:
 - (1) Installation and use of security cameras to monitor all areas of the facility where persons may gain or attempt to gain access to marijuana or cash at the facility.
 - (2) Recordings from security cameras shall be maintained for a minimum of seventy-two (72) hours in a secure off-site location.
 - (3) Installation and use of an alarm system monitored by a private company that is in compliance with the Douglas County Alarm Ordinance.
 - (4) Installation and use of a safe for overnight storage of any processed marijuana, and cash on the premises, with the safe being incorporated into the building structure or securely attached thereto.
 - (5) If metal bars and/or gates are used as a security measure, they shall not be installed on the exterior of the building.
- The facility shall have signage posted in a conspicuous location with the following warnings:
 - (1) All marijuana sold or otherwise distributed is intended solely for medical use. Sale or distribution for any other purpose is a criminal violation.
 - (2) The use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and it is illegal under state law to drive a motor vehicle or operate machinery when under the influence or impaired by marijuana.
 - (3) Possession and distribution of marijuana is a violation of federal law.
- The facility shall be equipped with a proper ventilation system so that odors are filtered and do not materially interfere with adjoining businesses. If the facility is in a multi-tenant building it

shall be equipped with a separate heating, ventilation, and air conditioning system.

- Cultivation and/or growing of marijuana is only permitted as an Accessory Use onsite as part of the facility.
- Douglas County shall be provided with a copy of any license, permit, registration, or any other form of approval required by the Colorado Department of Public Health and Environment, the State, or any local agency to operate a facility.

2107.27.3 Prohibitions for a Medical Marijuana Facility:

- Marijuana shall not be consumed on or within the premises.
- Food preparation is not permitted on or within the premises.
- The facility shall not be equipped with a drive-up/through element.
- Sale or consumption of alcohol is not permitted on or within the premises.
- Medical Marijuana Facility shall be operated from a fixed location and shall not be operated from a moveable, mobile, or transitory location.
- Medical Marijuana Facility is not permitted as a Home Occupation.

2107.28 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and GI zoning districts.

The use is judged by the twelve criteria for approval of a use by special review, and the goals and policies of the Douglas County Comprehensive Master Plan, as amended and its Mineral Extraction element, and may be approved with conditions derived from the extraction plan submittals listed herein.

Exemptions from these regulations may be approved by the Director of Community Development in accordance with an approved grading permit, for any one of the following:

- 2107.28.1 Earthwork performed within public rights-of-way**
- 2107.28.2 Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat**
- 2107.28.3 Earthwork performed as part of construction per an approved building permit**
- 2107.28.4 Borrow site**

- 2107.29 Oil or gas drilling operation: A-1 zoning district provided such use is located a minimum of 100 feet from any lot line
- 2107.30 Propane distribution/storage: GI zoning district
- 2107.31 Recreation facility - community: A-1, LRR, RR, ER, SR, MF, and MH, zoning districts provided all structures are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.32 Recycle/trash transfer facility: LI zoning district provided all recycling or trash transfer activities are conducted within an enclosed structure.
(Amended 5/31/00)
- 2107.33 Residence:
- Caretaker - LRR zoning district - 1 per lot
 - Mobile home - 1 per parcel/lot in the A-1, and LRR zoning districts for the use of the owner/lessee/caretaker provided that a minimum of 75% of the occupant's income is derived from the agricultural operation of the land on which the mobile home is located
 - Multifamily - B and C zoning districts in conjunction with business uses, *i.e., stores, offices*
 - Employee/management housing - single- or multifamily units - GI zoning district
 - Single-family, attached, or multifamily - LI zone district
- 2107.34 Religious retreat: A-1 zoning district.
- 2107.35 Satellite earth station: A-1 zone district, and in LI and GI zoning districts when the equipment exceeds the height limitation or the minimum health standards. *(Amended 4/24/02)*
- 2107.35.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the satellite earth station shall be included with the application. The report shall include the following:
(Amended 7/10/02)
- (1) Discussion of proposed number, height, and types of satellite dishes to be accommodated
 - (2) Description of output frequency, number of channels and power output per channel for each proposed antenna (if applicable)
 - (3) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
 - (4) A five-year plan for the use and estimated life of the proposed telecommunication facility

- (5) A narrative from the applicant identifying technologically feasible locations (search ring or rings) for the proposed facility, and justifying the proposed location to the satisfaction of the County
 - (6) A copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
 - (7) Statement that the proposed facility will be in compliance with all FAA regulations and applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended
- 2107.36 Sawmill - portable: A-1 and LRR zoning district, provided that such use is located at least 100 feet from all lot lines. A portable sawmill is permitted only as accessory to a principal use.
- 2107.37 Septic waste and domestic sludge application: A-1 and LRR district, with the approval of the Colorado Department of Health, when any of the following apply:
- 2107.37.1 Liquid dewatered or semi-dewatered sludge, as defined by the Colorado Department of Health Domestic Sewage Sludge regulations, would be applied on the soil surface or would be incorporated into the soil at a depth which does not completely cover the sludge. Dried sludge is not subject to this provision.
 - 2107.37.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.
 - 2107.37.3 More than 50,000 gallons of liquid sludge, or 200 cubic yards of any sludge, not defined or transported as a liquid, would be applied to the site in any 24-hour period.
 - 2107.37.4 Permanent structures or facilities for further processing, treating or dewatering sludge would be constructed or associated with the site and the application of sludge material.
- 2107.38 Telecommunication facility: A-1 zone district; and in LI and GI zoning districts when the equipment exceeds the height limitation or the minimum health standards. *(Amended 4/24/02)*
- 2107.38.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the telecommunication facility shall be included with the application. The report shall include the following: *(Amended 7/10/02)*

- (1) Description of the height, design and elevation of the proposed support tower with a cross section view and description, and a statement as to whether the tower will be structurally designed to accommodate future antennas
- (2) Description of height for all potential mounting positions for antennas. If the support tower is designed for collocation, the minimum separation distances should be shown and noted as possible future antenna locations
- (3) Discussion of proposed number, height, and types of antennas to be accommodated through this application
- (4) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
- (5) A description of the use and estimated life of the proposed telecommunication facility including additional development and coverage anticipated to meet projected service needs
- (6) A narrative from the applicant identifying and justifying technologically feasible locations (search ring or rings) for the proposed service, and demonstrating to the satisfaction of the County, that the proposed service cannot be accommodated on an existing or approved support tower located within a five mile radius
- (7) The results of the RF drive test, certified as currently in calibration and traceable to National Institute of Standards and Technology, if it was undertaken to verify technologically feasible locations
- (8) Copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (9) Statement that the proposed facility will be in compliance with all FAA regulations as demonstrated by the response to the "Notice of Proposed Construction or Alteration" or equivalent, unless certified by a qualified, licensed engineer that FAA review and approval is not required
- (10) Statement that the proposed facility will be in compliance with applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended
- (11) When required, a letter of intent, in a form approved by the County, committing the support tower owner, and successors or assigns, to allow collocation of the facility under market terms, rates, and conditions
- (12) A Visual Impact Assessment (VIA) demonstrating that the proposed location is in compliance with the criteria contained in Subsection 2107.37.3

- (13) The County may require that an independent, outside consultant be retained, at the applicant's expense, to perform evaluations pertaining to compliance with regulations, standards and requirements stipulated
 - (14) The Director may waive or modify one or more of the aforementioned information requirements based on design, size, or overall impact of the proposed facility
- 2107.38.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution. *(Amended 7/10/02)*
- 2107.38.3 In addition to the approval standards stipulated in Subsection 2102, proposed telecommunication facilities shall be located and designed in accordance with the following criteria. *(Amended 4/24/02)*
- (1) Proposed telecommunication antennas shall be located on existing support towers where feasible and where the visual impacts are minimal.
 - (2) The facility shall be sited to minimize impact on the environment and wildlife in the region.
 - (3) The facility shall be sited to fade into the predominant backdrop of the vicinity by complementing other features and forms in the backdrop landscape.
 - (4) All elements of the facility shall be designed and constructed to result in minimal visual impact. Elements shall be constructed of non-reflective materials that are typical in style and color to area buildings, structures or the backdrop landscape.
 - (5) All elements of the facility, including but not limited to the accessory equipment, shall be camouflaged or screened from viewer groups as identified in the VIA. Where proposed, fencing shall be designed to minimize visual impacts.
 - (6) Access to the facility shall be designed to minimize land disturbance, (including cut and fill), and visual impacts.
 - (7) The height of any tower or structure shall be no greater than the distance to the nearest lot line or lease area, except engineered structures which shall be in compliance with the zone district setback.
- 2107.38.4 The property owner shall be responsible for removing all elements of the telecommunication facility including, but not limited to, antennas, buildings, accessory equipment, driveways and fencing if the facility becomes technologically obsolete or ceases to perform its intended function for a period of 180 consecutive days. This removal shall be completed within 90 days of the end of such 180-day period. The site shall be restored to replicate the existing surrounding vegetation. *(Amended 4/24/02)*

2107.39 Utility - Major Facility: In all zoning districts, except GI, provided that the setback requirements of the zoning district in which the facility is proposed to be located are met, or such additional setbacks or requirements as the Board determines necessary. Maximum heights and lot area shall be determined through the use by special review process specific to each site.

Final action by the Board must be rendered within 90 days after the submittal date for a Utility Major Facility of a public utility providing electric or natural gas service, unless the provider and the County reach agreement on an amended time period. [*§29-20-108 C.R.S. (Amended 4/24/02)*]

Wastewater Facility: Site approval is required by the Colorado Department of Public Health and Environment.

Water Storage/Treatment Facility and/or Appurtenance(s), except for Major Reservoirs, located within the following areas are exempt from the requirement for a Use By Special Review (USR) application:

- Municipal Planning Areas (MPAs) designated by Douglas County Comprehensive Master Plan;
- Separated Urban Areas (SUAs) designated by the Douglas County Comprehensive Master Plan;
- Primary Urban Area (PUA), designated by the Douglas County Comprehensive Master Plan;
- Potential Town Urban Service Area as depicted in the Castle Rock and Douglas County Intergovernmental Agreement;
- Urban Service Area as depicted in the Town of Parker and Douglas County Intergovernmental Agreement;
- Facilities approved as part of a special district's service plan, which are located and serve property within the boundaries of such special district described in its service plan and any subsequent inclusion orders. (*Amended 4/12/06*)

2107.40 Veterinary clinic or hospital: A-1, LRR, and RR zoning districts, provided that such uses are located 100 feet from all lot lines

2107.41 Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zoning districts as follows:

2107.41.1 In addition to the plan exhibit required in Section 2113, herein, the plan exhibit shall include the following:

- Location of all above ground utility lines
- Location of trees or other vegetation on site, described by size and type

- 2107.41.2 The maximum tower height shall be 120 feet. The minimum distance for any portion of the rotor or blades from the ground beneath the system shall be 30 feet.
- 2107.41.3 The supporting tower shall be set back from all property lines and overhead utility lines at least the height of the tower, except engineered structures which shall be in compliance with the zone district setback.
- 2107.41.4 Climbing access to the structure shall be limited either by means of a 6 foot high fence around the tower base with a locking gate, or by limiting tower climbing apparatus to no lower than 12 feet above the ground.

2107.42 Zoo: C zoning district.

2108 Prerequisite

The applicant shall meet with the Planning Division informally to discuss the request and to determine the submittal requirements, dependent upon the size and nature of the proposal.

2109 Submittal Process (Amended 8/11/09)

The use by special review application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. The submittal is processed as follows:

- 2109.01 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 2109.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.

2109.03 The applicant shall also provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.

2109.04 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. For projects that are critical to public safety, referral agencies shall comment within 10 days of receiving a referral packet. *(Amended 11/12/13)*

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all referral agencies - regulatory received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of any and/or all referral agencies - advisory. *(Amended 11/12/13)*

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by referral agencies - regulatory.

2109.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.

2109.06 The Planning Commission shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the use by special review request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

2109.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board.

The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.

- 2109.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the use by special review by the Board.
- 2109.09 The Board shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the use by special review request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.10 If denied by the Board, a resubmittal of a use by special review request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed use by special review. *(Amended 4/10/12)*
- 2109.11 For applications that propose a water supply from a New Special District that will enter into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, the applicant shall submit evidence of creation of the New Special District, evidence of execution of the intergovernmental agreement by both parties, and evidence of inclusion of the property into the New Special District prior to approval of the site improvement plan.
- 2109.12 For applications that propose a water supply from an Existing District or from a New Special District that has entered into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Existing or Extraterritorial District, and/or that the water credits to serve the development have been purchased from the Existing or Extraterritorial District, prior to approval of the site improvement plan.

2110 Withdrawal of an Application

A request to withdraw an application shall be submitted, in writing, to the Planning Division, staff planner. Withdrawal of the application shall preclude reactivation. The submittal of a new application and processing fee shall be required in order to pursue the proposed use by special review.

2111 Submittal Requirements (Amended 8/22/07)

- 2111.01 Completed land-use application (*available from the Planning Office*)
- 2111.02 Application fee (*available from the Planning Office*)
- 2111.03 Proof of ownership that includes an updated or current title insurance policy or title commitment no more than thirty days old from the date of application
- 2111.04 A notarized letter of authorization from the landowner permitting a representative to process the application
- 2111.05 Narrative (*per 2112, herein, and 2115 for extractive uses*)
- 2111.06 Plan Exhibit (*per 2114, herein, and 2116 for extractive uses*)
Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 2111.07 Site Improvement Plan (*per Section 27 of this Resolution*)
Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 2111.08 Management/Operational Plan (*per Section 2113, and 2117 for extractive uses*)
- 2111.09 Evidence of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein

2112 Narrative (Amended 6/22/05)

The applicant shall submit a written description, on 8.5" X 11" paper, of the following:

- 2112.01 General project concepts
- 2112.02 Zoning of the land and compliance with the zoning requirements
- 2112.03 Define overall impacts of the proposed use on the adjoining lands

- 2112.04 Compliance with the Douglas County Comprehensive Master Plan, as amended
- 2112.05 Compliance with appropriate agencies and necessary permits
- 2112.06 Proof of water availability
- 2112.07 Method of wastewater treatment
- 2112.08 Type or method of fire protection
- 2112.09 Impacts on existing flora and fauna
- 2112.10 Impacts on air and water quality
- 2112.11 Impacts on peace and quiet of neighborhood
- 2112.12 Provision of buffering, including additional landscaping
- 2112.13 Impacts on County services
- 2112.14 Legal Description
- 2112.15 Name and address of the owner, the developer if different than the owner, and the person preparing the plan exhibit and site improvement plan.

2113 Management Plan

An operational/management plan shall be provided that addresses all aspects of the day-to-day operation of the use by special review. The degree of detail will depend upon the specific use. The following items shall be included in the plan.

- 2113.01 Number of clients/boarders/parishioners/animals
- 2113.02 Hours of operation - indicate whether the use is seasonal and the number of days of the week
- 2113.03 Number of employees
- 2113.04 Required outside storage/parking/loading areas
- 2113.05 Permit requirements from other state, federal or local agencies
- 2113.06 Method of providing fire protection

2114 Plan Exhibit

A site improvement plan shall be prepared in accordance with Section 27 Site Improvement Plan of this Resolution.

2115 Extractive Land Use - Narrative

A narrative that addresses all items listed in Section 2111, herein, and the following:

- 2115.01 a discussion of the quantity and quality of the deposit and its relationship to the supply and demand information contained in the Douglas County Master Plan for Mineral Extraction
- 2115.02 a discussion of the positive and negative impacts of the operation

2116 Extractive Land Use - Plan Exhibit *(Amended 6/22/05)*

A plan exhibit prepared in accordance with Section 2114, herein, and shows the following:

- 2116.01 The relationship of the mine site to other uses/structures in the area
- 2116.02 The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles
- 2116.03 The limits of the mine site and the extent of areas to be disturbed
- 2116.04 The location and dimension of buffers against noise and visual impact to be left in place or created
- 2116.05 Identified aquifer recharge areas, wetland areas, lakes, rivers
- 2116.06 Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife
- 2116.07 Areas identified, through independent assessment, as having historic, archaeologic, or paleontologic resources
- 2116.08 All Douglas County Comprehensive Master Plan designations

2117 Extractive Land Use - Operational Plan

An operational plan shall be submitted that at a minimum addresses the following:

- 2117.01 Start and end dates and the hours of operation

- 2117.02 A program for initial air-quality measurements and an ongoing monitoring program, including dust from equipment and stockpiles
- 2117.03 A program for initial water quality and quantity measurements, including well tests in the area, and an ongoing water-quality monitoring program
- 2117.04 Sources and quantities of water needed on site
- 2117.05 A drainage and erosion control plan in compliance with the Douglas County Storm Drainage Design and Technical Criteria manual
- 2117.06 A program for initial noise measurement, an ongoing noise monitoring program, and a noise abatement program
- 2117.07 Proposed methods and timing of site restoration and their relationship to visual and air-quality impacts
- 2117.08 A phasing plan that:
- 2117.08.1 designates areas to be disturbed and the proposed timing or extraction for each area;
 - 2117.08.2 illustrates the timing of site restoration for each area including revegetation, contouring, and grading;
 - 2117.08.3 limits the total land area to be disturbed at any one time; and
 - 2117.08.4 links the availability of adequate transportation facilities to the scope of the operation, specifically identifies off-site infrastructural improvements required for the project, and specifies the time frame for construction in relation to phases of on-site operation.
- 2117.09 A transportation plan that:
- 2117.09.1 designates transportation routes (*existing or proposed*) that avoid residential areas and limit the use of local roads;
 - 2117.09.2 gives traffic counts and the projected level of service along haul routes, at bridges and culverts, and at key intersections both at the start and at peak operation;
 - 2117.09.3 specifies the hours when material will be transported off site;
 - 2117.09.4 lists the improvements necessary for the transportation system to accommodate expected traffic;
 - 2117.09.5 addresses the construction of needed transportation improvements; and

2117.09.6 lists the actions to be taken at the staging area to allow only safe, clean, and covered trucks onto the transportation system.

2117.10 A blasting plan that:

2117.10.1 identifies noise and vibration-sensitive uses/structures/activities in the area;

2117.10.2 includes a pre-blast inspection program for identified structures;

2117.10.3 includes a program for initial seismic and noise monitoring during the first blast;

2117.10.4 incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and

2117.10.5 specifies the times and the atmospheric conditions when blasting is permitted.

2117.11 An end-state, land-use plan that shows:

2117.11.1 areas to be returned to a natural state;

2117.11.2 areas to be restored for wildlife habitat, *if applicable*;

2117.11.3 areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;

2117.11.4 the site's final topography;

2117.11.5 proposed post-mining land uses, consistent with the zoning of the land; and

2117.11.6 site restoration phases.

2117.12 A site evaluation including:

2117.12.1 wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;

2117.12.2 independent assessment of the historic, archaeologic, or paleontologic value of the site;

2117.12.3 drainage studies as required by the Public Works Department, including an erosion and sedimentation control plan, a Phase I drainage report at initial submittal, and a Phase III drainage report prior to each phase;

- 2117.12.4 a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
- 2117.12.5 a visual analysis that documents the visibility throughout the life of the operation; identifies visually sensitive areas and the expected impact at those locations; and lists visual impact mitigation measures; and
- 2117.12.6 a copy of all information submitted to the Division of Minerals and Geology, Colorado Department of Natural Resources.

2118 Public Notice Requirements

The applicant shall be responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings. *(Amended 3/28/01)*

2118.01 WRITTEN NOTICE *(Amended 3/28/01)*

At least 14 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same, as the published notice also required by this section.

At least 7 days prior to the hearing, the applicant shall provide the following to the Planning Division:

- alphabetical list of the landowners;
- map showing their relationship to the site;
- copy of the notice sent to the landowners; and
- certificate of mailing.

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this ____ day of _____, 20____, and addressed as follows:

(list of addresses)

(signature of person completing the mailing)

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing.

2118.02 PUBLISHED NOTICE *(Amended 3/28/01)*

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least 1 publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Division at least 7 days prior to the hearing. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for approval of a use by special review for a *(name the specific use, i.e., church)* in the _____ zone district. The subject land is located approximately *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460
File No./Name: _____

2118.03 POSTED NOTICE *(Amended 3/28/01)*

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land for which the use is requested. The notice shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less

than 3'X4'. Letter size shall be a minimum of 3 inches high. Such notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)

This land shall be considered for a Use by Special Review for a *(insert specific use)* in the _____ zone district. The public hearing is *(date)*, in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, at *(time)*. For more information call Douglas County Planning, 303-660-7460.
 File No./Name: _____

2118.03.1 An affidavit of sign posting shall be submitted by the applicant for the file in the Planning Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)
(sign lettering must be legible in photo)

I, *(applicant/representative/person posting sign)*, attest that the above sign was posted on *(date)* abutting *(name of street)*.

(signature) File No./Name: _____

STATE OF COLORADO)
) ss.
 COUNTY OF _____)

Acknowledged before me this ___ day of _____, 20__ by _____
 as _____.

My commission expires: _____

Witness my hand and official seal

 Notary Public

2118.03.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board, withdrawal, or closure of the file by the Community Development Department.

2119 Termination of Use

2119.01 Construction pursuant to approval of a use by special review shall be commenced within 3 years from the date of approval, unless otherwise specified by the Board, or the approval shall terminate. The Director may grant an extension of time, for good cause shown, upon a written request by the applicant.

2119.02 A use by special review shall terminate when the use of the land changes or when the time period established by the Board through the approval process expires, whichever occurs first. The owner may notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.

2119.03 The termination notice is appealable, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. If a written appeal is not timely submitted, the termination becomes final and a new use by special review application, hearing and approval shall be necessary to continue to use the land in a manner that requires approval of a use by special review. *(Amended 4/10/12)*

2120 Inactive Files

Files that become inactive, because the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than 6 months, shall become void and the resubmittal of a new application and fees shall be required to pursue the special use request. After 5 months of inactivity, staff shall notify the applicant in writing that the application will become void within 30 days. If the applicant fails to submit the required additional information or request a hearing date within 30 days, staff shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. The Director may grant an extension of time, of no more than 6 months, upon a written request by the applicant.

2121 Post Denial Application

If denied by the Board, a resubmittal of the same or substantially same use by special review application shall not be accepted within 1 year from the date of denial by the Board, or in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the Board showing that there has been a substantial change in physical conditions or circumstances, the Board may reconsider the use by special review. A new application and processing fee shall be required.

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SECTION 25 REZONING

-Section Contents-

GENERAL PROVISIONS

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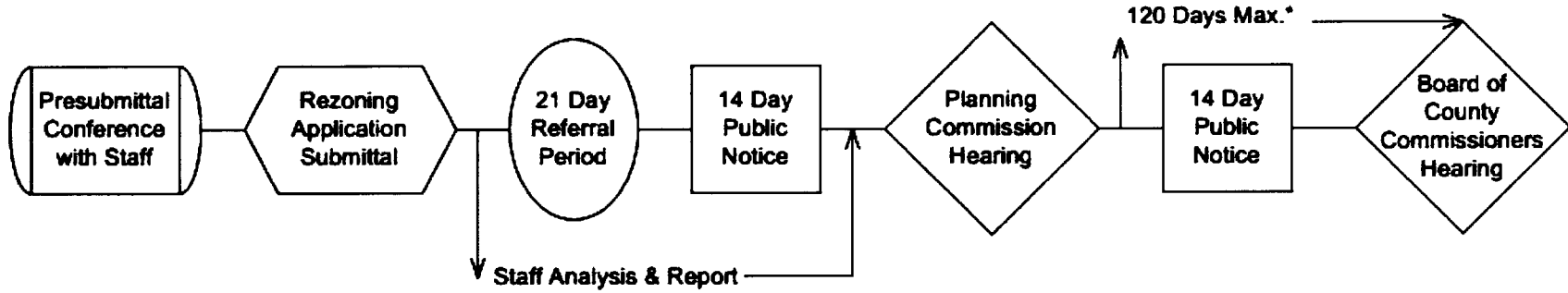
REZONING APPLICATION

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REZONING PROCEDURE



Public Notice: Publish notice in newspaper, post sign on site, and notify abutting landowners by certified mail.

***The hearing with the Board of County Commissioners must be held within 120 days after the final Planning Commission hearing.**

(Amended 11/12/13)

2501 Intent

To provide a process to amend the Official Zone District Map with regard to the area of any zoning district. During this process, factors such as providing a sufficient water supply, lessening road congestion; ensuring the adequacy of public facilities to accommodate population growth; reducing the waste of excessive amounts of roads; promoting energy conservation; securing safety from fire, flood and other dangers; providing adequate light and air; classifying land uses and distributing land use and development; protecting the tax base; securing economy in governmental expenditures; fostering agriculture and other industries; and protecting both urban and nonurban development shall be considered.

2502 Standards for Approval (Amended 2/24/09)

The following criteria shall be considered by the Planning Commission and Board in the review of all rezoning applications:

- 2502.01 Whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan;
- 2502.02 Whether the application is in compliance with all applicable statutory provisions;
- 2502.03 Whether there has been a substantial change in the character of the neighborhood, since the land was last zoned;
- 2502.04 Whether the rezoning would adversely impact the provision of public facilities and services;
- 2502.05 Whether the subject land contains a water supply for the intended use that is sufficient in terms of quantity, dependability and quality as determined in accordance with the standards set forth in Section 18A, Water Supply - Overlay District, herein;
- 2502.06 Whether the proposed rezoning is compatible with the surrounding land uses;
- 2502.07 Whether the subject land is suitable for the intended use.

For proposed residential uses, the determination of compliance with the criteria set forth in Subsections 2502.04 and 2502.07 herein shall be consistent with the procedures and criteria established in the Concurrency Management Resolution, described in Section 2512 herein.

2503 Prerequisite (Amended 8/22/07)

Prior to submittal of a rezoning application, the applicant shall meet with staff to review the proposal and discuss the procedures and submittal requirements.

- 2503.01 The applicant shall contact the Planning Division and schedule a presubmittal meeting which may include the Engineering staff and other referral agencies, as deemed necessary. The applicant shall provide the following:
- 2503.01.1 narrative describing the proposed change and how it addresses the approval criteria;
 - 2503.01.2 a schematic plan illustrating property location, adjacent uses, access, street network, and neighborhood connections;
 - 2503.01.3 preliminary evidence of the availability of services, including schools, fire and sheriff protection, parks, utilities such as water, sanitary sewer, electricity, and gas;
 - 2503.01.4 a description of the site regarding natural and man-made hazards, soils, vegetation, water features, drainages, and wildlife movement areas; and
 - 2503.01.5 evidence of the availability of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District.
- 2503.02 The staff shall comment on the proposal, compliance with the approval criteria and Comprehensive Master Plan, and explain the rezoning process. Additional review may be required at the discretion of the Director due to the size and/or complexity of the proposal.
- 2503.03 A staff comment summary shall be provided to the applicant, and a copy shall be included in the project file.

2504 Submittal Process (Amended 8/11/09)

The rezoning application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. The submittal is processed as follows:

- 2504.01 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 2504.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses

of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.

2504.03 The applicant shall also provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.

2504.04 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. *(Amended 11/12/13)*

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all referral agencies - regulatory received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of any and/or all referral agencies - advisory. *(Amended 11/12/13)*

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by referral agencies - regulatory.

2504.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 2508 herein.

2504.06 The Planning Commission shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the rezoning request. The Planning Commission's decision shall

- be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2504.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 2508 herein.
- 2504.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the rezoning by the Board.
- 2504.09 The Board shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the rezoning request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2504.10 Upon approval, a resolution shall be adopted by the Board which includes the full legal description of the land rezoned, and which shall be recorded in the Office of the Clerk and Recorder.
- 2504.11 If denied by the Board, a resubmittal of a rezoning request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed rezoning. *(Amended 4/10/12)*
- 2505 General Submittal Requirements *(Amended 8/22/07)*
- 2505.01 Completed Land-Use Application Form *(available from the Planning Office)*
- 2505.02 Application Fee *(fee schedule available from the Planning Office)*
- 2505.03 Proof of ownership that may be an updated or current title insurance policy or title commitment no more than thirty days old from the date of application.

2505.04 A notarized letter of authorization from the landowner permitting a representative to process the application, as necessary.

2505.05 Project Summary (*per 2506 herein*)

2505.06 Plan Exhibit (*3 copies of the plan per 2507 herein*)

Plan reductions (11"X17") will be required for public hearing packets for the Planning Commission and the Board.

2505.07 Concurrency Data Form (*per Concurrency Management Resolution*) for rezonings that cause a net increase in the number of dwelling units.

In order to avoid duplication, any required information for residential uses relating to public facilities and services may be included in the Project Summary, or Concurrency Data Form. Such information shall be in addition to other information that may be required pursuant to the Concurrency Management Resolution.

2505.08 Evidence of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein.

2505.09 Referral packets

Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled.

2505.10 Notification of abutting landowners

The applicant shall provide stamped envelopes addressed to the abutting landowners and other landowners as requested by staff.

2505.11 A copy of the formal staff analysis from the presubmittal meeting and additional information, as requested by staff.

2506 Project Summary (*Amended 10/13/04*)

The following information shall be submitted in written narrative form, unless waived by the Director:

2506.01 General project concept

2506.02 The name and address of:

- landowner/applicant
- representative/applicant
- mineral rights owner
- water rights owner

- 2506.03 Purpose of this request
- 2506.04 Proposed development staging and time frame
- 2506.05 How it relates to the existing land uses, and abutting land uses
- 2506.06 Impacts on county services
- 2506.07 A traffic study prepared in accordance with the Douglas County Roadway Design and Construction Standards or as needed by the Planning/Engineering Divisions.
- 2506.08 Evidence of the physical and legal capability to provide sanitation
- 2506.09 Type or method of fire protection
- 2506.10 An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or man-made hazards
- 2506.11 Impacts on existing flora and fauna
- 2506.12 Compliance with the:
- Douglas County Comprehensive Master Plan
 - Denver Regional Council of Government's Metro Vision 2020 Plan
 - 1041 Regulations regarding New Communities
- 2506.13 Phase I Drainage and Water Quality Study
- 2506.14 A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.
- 2506.15 Changes in the character of the neighborhood, since the land was last zoned, to substantiate a rezoning
- 2506.16 Any other required information as applicable when other applications are processed in conjunction with the land-use application.

2507 Plan Exhibit

- 2507.01 Prepare the plan on 24"X36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director that allows for a maximum clarity of the proposal with the name of the proposal placed at the top of the sheet along the long term dimension of each sheet.
- 2507.02 The legal description of the land being shown on the plan exhibit.

- 2507.03 A vicinity map that depicts the area to be rezoned and the area which surrounds this site within a 1-mile radius superimposed on the Douglas County Zoning Map maintaining the same scale.
- 2507.04 A block in the lower right-hand corner which includes the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.
- 2507.05 Indicate existing zoning of the land on the plan exhibit and the existing zoning and land uses of the abutting land.
- 2507.06 Delineated to scale, the existing easements on the site, their use and titleholder or rightholder to that easement.
- 2507.07 Show all existing structures on the site, their uses and whether they are to remain on the site.
- 2507.08 Show public access to the site and internal circulation, not limited to vehicular.
- 2507.09 Delineate right-of-way dimensions, name and surface materials for all points of access on or adjacent to the site.
- 2507.10 Show topography at 10' contour intervals, delineate areas of 20% or greater slope; the staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- 2507.11 Graphically define all natural and manmade water courses, retention areas, streams and lakes, and any known 100-year floodplains affecting the site.
- 2507.12 Show all adjacent land owned by the applicant, the current or intended use of such land; land not part of the rezoning request shall be noted as such.
- 2507.13 Note any unique features on the site, historical landforms, views, etc.

2508 Public Notice Requirements - Rezoning

The applicant shall be responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings. (Amended 3/28/01)

2508.01 WRITTEN NOTICE (Amended 3/28/01)

At least 14 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.

At least 7 days prior to the public hearing, the applicant shall submit the following to the Planning Office:

- alphabetical list of the abutting landowners;
- map showing the site and the location of the abutting landowners;
- copy of the notice sent to the landowners; and
- certificate of mailing

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING
I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this _____ day of _____, 20____, and addressed as follows:
(list of addresses)
_____ (signature of person completing the mailing)

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing.

2508.02 PUBLISHED NOTICE (Amended 3/28/01)

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and

- provide a publisher's affidavit of said published notice to the Planning Division at least 7 days prior to the public hearing.

The Board may direct that the notice be published in one or more additional newspapers of general circulation in Douglas County. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for a change in zoning from (zone district) to (zone district). The subject property is located approximately (distance and direction from nearest major intersection). For more information call Douglas County Planning at 303-660-7460.

File No./Name: _____

2508.03 POSTED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least four feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3'x4'. Letter size shall be a minimum of three inches high. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

This land shall be considered for a change in zoning from (zone district) to (zone district). The public hearing is (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO. For more information call Douglas County Planning at 303-660-7460.

File No./Name: _____

Further requirements include:

An affidavit of sign posting shall be submitted for the file in the Planning Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

2511 County Initiated Rezoning

The Douglas County Planning Commission or the Board of County Commissioners may, at any time, direct the Planning Division to initiate rezoning for any parcel of land within the unincorporated area of Douglas County. When rezoning is initiated by the Planning Commission or Board, the owners of record and contract purchaser, when applicable, shall be notified by certified mail of the intended zoning change. All procedures as to posting, publishing and hearing shall be adhered to.

2512 Concurrency Management Resolution**2512.01 Purpose and Intent**

- 2512.01.1 To ensure that public facilities needed to support new development meet or exceed the adopted level-of-service standards established by the Douglas County Comprehensive Master Plan and this Resolution (*see Appendices A and B hereto*);
- 2512.01.2 To ensure that no residential rezoning are approved which would cause a reduction in the levels of service for any public facilities below the adopted level-of-service established in the Douglas County Comprehensive Master Plan and this Resolution;
- 2512.01.3 To ensure that adequate public facilities needed to support new residential development are available with the impacts of such development;
- 2512.01.4 To establish uniform procedures for the review of residential rezoning applications subject to the concurrency management standards and requirements;
- 2512.01.5 To facilitate implementation of goals and policies set forth in the Douglas County Comprehensive Master Plan relating to adequacy of public facilities, level-of-service standards and concurrency; and
- 2512.01.6 To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

2512.02 Applicability

- 2512.02.1 This Section 2512 applies only to a use, development, project, or activity that results in additional zoned residential dwelling units. Specific exemption criteria related to creation of additional dwelling units are set forth in Section 2512.02.4 herein.
- 2512.02.2 The provisions of this Section 2512 shall apply to all applications for development approval requesting a residential use, or those portions of applications for development approval requesting a

residential use, within the unincorporated area of Douglas County, Colorado. It is the intent of this Section 2512 that no development Order shall be granted, approved or issued, unless accompanied by a Concurrency Data Form which has received a positive concurrency determination, or a positive concurrency determination subject to conditions.

2512.02.3 No application for development approval requesting a residential use shall be approved unless it has received a positive concurrency determination as set out in Section 2512.07.1, or a positive concurrency determination subject to conditions, as set out in Section 2512.07.3.

2512.02.4 Exemptions

Exemptions from this Section 2512 Concurrency Management System may be granted by the Director for developments as defined in (1) through (4) below:

- (1) No more than 4 additional residential dwelling units in the LRR - Large Rural Residential zone district.
- (2) No more than 2 additional residential dwelling units in RR - Rural Residential or ER - Estate Residential zoning districts.
- (3) All residential development within the Primary Urbanization Area (PUA) as depicted on the Comprehensive Master Plan Land Use Map, designed to foster development patterns indicative or innovative and sound planning principles, such as, but not limited to the following: transportation network connectivity, shortened local trip paths, improved transit access, varied housing options that serve different populations and needs, energy-efficient housing, emphasis on proximity to services through the development of elements such as town center or community focal points, or other elements which promote efficient use of existing infrastructure and enhance opportunities to improve/create community development and identity. *These projects will be considered on a case-by-case basis. A full concurrency review shall be required for projects not meeting the requirements of this paragraph.*
- (4) Rezoning of existing nonresidential zoned land to a residential zoning in compliance with the Douglas County Comprehensive Master Plan where such rezoning improves special district viability with minima environmental impacts, or provides other overall benefit to the County, as determined by the Director. *These projects will be considered on a case-by-case basis. A full concurrency review shall be required for projects not meeting the requirements of this paragraph.*

If it is determined that the applicant is using the waiver process to circumvent the concurrency review process required by rezoning, e.g., the submittal of adjoining multiple 2 - 4 lot developments, the applicant shall be required to comply with the concurrency management review process.

An appeal of the Director's decision regarding the waiver request may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

2512.02.5 Vested Rights

- (1) Nothing in this Concurrency Management Resolution shall limit or modify the rights of an applicant to complete any development authorized by an approved Site Specific Development Plan for a period extending 3 years following the approval thereof or the expiration date set forth in the Site Development Plan.
- (2) If a developer has, by his actions in reliance on prior regulations, obtained vested rights that by law would have prevented Douglas County from changing those regulations in a manner adverse to his interests, nothing in this Concurrency Management Resolution authorizes Douglas County or any official thereof to abridge those rights.

2512.02.6 The determination of concurrency shall not affect the otherwise operable and applicable provisions of the Douglas County Zoning Resolution or the Douglas County Subdivision Resolution, all of which shall be operative and remain in full force and effect without limitation.

2512.02.7 A Concurrency Data Form shall not be required for proposed residential development in municipalities in Douglas County unless the municipality and the County have mutually executed an intergovernmental agreement providing for the County to undertake this function on behalf of the municipality.

2512.03 General Provisions – Monitoring

2512.03.1 The Department shall develop, maintain, and update a Concurrency Information Data Base which shall provide support to County officials and departments responsible for concurrency review, monitoring and planning for public facilities. At a minimum, the data base shall contain the following information:

- (1) existing dwelling units and nonresidential development;
- (2) committed development, including committed developments within incorporated municipalities in Douglas County.

2512.03.2 Annual Review

The Director shall, not less frequently than annually, prepare and submit to the Board an annual Concurrency Management Report. The report shall include:

- (1) growth trends and projections;
- (2) proposed changes to the boundaries of impact areas for any public facility;
- (3) proposed changes to existing or adopted level-of-service standards;
- (4) proposed changes in concurrency analysis methodologies;
- (5) recommendations on amendments to the Concurrency Management Resolution; if appropriate; and
- (6) other data, analysis or recommendations as the Director may deem appropriate, or as may be requested by the Board.

2512.03.3 Effect of Annual Review

The Annual Review may, in whole or in part, from the basis for recommendations to the Board or Board actions to repeal, amend or modify this Section 2514. Other data, reports, analyses and documents relevant to such decisions as may be available may also be used.

2512.03.4 Amendments

Nothing herein precludes the Board or limits its discretion to amend this section at such other times as may be deemed necessary or desirable.

2512.04 Procedures for the Processing of Concurrency Data Form**2512.04.1 Submittal Requirements**

All applications for development approval shall be accompanied by a Concurrency Data Form which includes sufficient information to allow the County to determine the impact of the proposed residential development on public facilities pursuant to the concurrency determination procedures. The Concurrency Data Form shall be a form prepared by the Department. The information shall include, but shall not be limited to:

- (1) the total number, type of dwelling units, and gross density of proposed residential development;
- (2) the location of the proposed residential development;
- (3) an identification of the public facilities impacted by the proposed residential development; and

- (4) any other appropriate information as may be required by the County consistent with the provisions of Appendix A herein.

2512.04.2 Fee for Review of Concurrency Data Form

Each application for development approval shall be accompanied by the required Concurrency review fees, as may be established by the Board.

2512.05 Procedures for Concurrency Review and Recommendation by Department

2512.05.1 Department Review

The Department (*acting by and through the staff planner*) shall determine whether the information on the Concurrency Data Form complies with the submittal requirements set forth in Subsection 2514.04.1 herein and Appendix A. If the Concurrency Data Form is incomplete or the submittal requirements have not been complied with, the Department shall so notify the applicant, specifying the deficiencies. If the Concurrency Data Form is complete and the submittal requirements have been complied with, the Department and applicable agencies shall evaluate the proposed residential development for compliance with the adopted levels of service and shall submit a Concurrency Recommendation pursuant to Subsection 2512.05.2 herein.

2512.05.2 Department Recommendation

If the Department concludes that each public facility will be available concurrent with the impacts of the proposed residential development at the adopted levels of service, the Department shall make a positive Concurrency Recommendation in its staff report. If the Department determines that any public facility will not be available concurrent with the impacts of the proposed residential development at the adopted levels of service based upon existing public facilities, the Department shall make a negative Concurrency Recommendation in the staff report or, a positive Concurrency Recommendation with appropriate conditions consistent with the criteria set forth in Subsections 2514.10.2 and 2514.07.3 of this section. If the Department recommends that the application be conditionally approved, the staff report shall recommend conditions or stipulations that may address the density of the proposed residential development, the timing and phasing of the proposed residential development, the provision of public facilities by the applicant or any other reasonable conditions to ensure that all public facilities will be adequate and available concurrent with the impacts of the proposed residential development. The staff report

shall, at a minimum, include the following, based upon staff and referral agency concurrency management recommendations:

- (1) the number of residential dwelling units proposed by the applicant, by type, and the resulting number of Equivalent Residential Units (ERU's) for each public facility;
- (2) the timing and phasing of the proposed residential development, if applicable;
- (3) the specific public facilities impacted by the proposed residential development;
- (4) the extent of the impact of the proposed residential development in the applicable impact areas;
- (5) the capacity of existing public facilities in the impact areas which will be impacted by the proposed residential development, based on adopted level-of-service;
- (6) the demand on existing public facilities in the impact areas from all existing and approved development;
- (7) the availability of existing capacity to accommodate the proposed residential development; and
- (8) if existing capacity is not available, planned capacity and the year in which such planned capacity is projected to be available and to serve the proposed residential development.

2512.06 Withdrawal of Concurrency Data Form

The applicant may withdraw the Concurrency Data Form at any time by submitting a written request to the Director. Withdrawal may result in the forfeiture of some or all fees paid by the applicant for the processing of the Concurrency Data Form.

2512.07 Concurrency Determination by Board - Criteria

A proposed residential rezoning and a residential review by special review which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The concurrency review shall compare the capacity of public facilities to the maximum projected demand which may result from the proposed residential rezoning or residential use by special review based upon the maximum potential density of the affected area pursuant to the residential rezoning or residential use by special review. Nothing herein shall authorize a residential rezoning or the issuance of a residential use by special review that would otherwise be inconsistent with the Douglas County Comprehensive Master Plan or the Douglas County Comprehensive Master Plan Land Use Map.

Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Order, the Board may determine:

- 2512.07.1 A positive Concurrency Determination
- 2512.07.2 A negative Concurrency Determination
- 2512.07.3 A positive Concurrency Determination subject to one or more of the following conditions:
- (1) Deferral of further requests for subdivision until all facilities are available and adequate, if public facilities in the impact area not adequate to meet the adopted levels-of-service for the residential development proposal, consistent with the requirements of Subsection 2512.10.2 herein.
 - (2) Reduction of the density or intensity of the proposed residential development, including phasing of development, to a level consistent with the available capacity of public facilities.
 - (3) Provision by the applicant of the public facilities necessary to provide capacity to accommodate the proposed residential development at the adopted levels-of-service and at the time that the impact of the proposed residential development will occur.

2512.08 Effect of Positive Concurrency Determination

- 2512.08.1 A Positive Concurrency Determination for a Development Order shall be deemed to indicate that public facilities are available as determined in Section 2512.10.2 herein at the time of issuance of the Concurrency Determination.
- 2512.08.2 The Concurrency Determination shall expire and become null and void upon the expiration of the Development Order to which it is attached or the time frame for submitting a subsequent application for approval, unless an application for a subsequent Development Order is submitted within the time frames set forth in the Douglas County Zoning Resolution. If no expiration date is provided in the Douglas County Zoning Resolution, in the conditions of the Concurrency Determination or in the conditions of permit approval, the Concurrency Determination shall expire within 2 years after approval of the Development Order.
- 2512.08.3 A Concurrency Determination shall not be deemed as evidence supporting a request for a Douglas County Comprehensive Master Plan Land Use Map amendment from the Nonurban Area to the Planned Urbanization Areas or to the Separated Urbanization Areas, nor shall it affect the need for the applicant for a rezoning to meet all other requirements as set forth in this Resolution.

2512.08.04 Advancement of capacity for public facilities needed to avoid a deterioration in the adopted levels of service shall not be accepted by the Board unless the proposed public facilities is guaranteed by a Subdivision Improvements Agreement (SIA), or is a planned capital improvement, or appropriate conditions are included to ensure that the applicant will obtain all necessary approvals for such planned capital improvements from any governmental agency having jurisdiction over such planned capital improvement prior to or concurrent with the issuance of a final residential subdivision plat or, if subdivision approval is not required, a building permit. If such planned capital improvement requires the approval of a governmental agency, such approval shall authorize the full capacity upon which the Concurrency Determination was rendered. The commitment for construction of public facilities prior to plat recordation shall be included as a condition of the Concurrency Determination and shall contain, at a minimum, the following:

- (1) for planned capital improvements, a finding that the planned capital improvement is included within the capital improvements program of the applicable service provider;
- (2) an estimate of the total funding needed to construct the planned capital improvement and a description of the cost participation associated therewith;
- (3) a schedule for commencement and completion of construction of the planned capital improvement with specific target dates for multi-phase or large-scale capital improvement projects;
- (4) a statement, based on analysis, that the planned capital improvement is consistent with the Douglas County Comprehensive Master Plan; and
- (5) at the option of the County, and only if the planned capital improvement will provide capacity exceeding the demand generated by the proposed residential development, reimbursement to the applicant for the pro rata cost of the excess capacity.

2512.09 Expiration of Concurrency Determination

2512.09.1 A Concurrency Determination issued pursuant to Subsection 2512.07 of this section shall be deemed to expire when the Development Order to which it is attached expires, lapses or is waived or revoked, or if the applicant has not complied with conditions attached to its issuance.

2512.09.2 If a Concurrency Determination attached to a rezoning expires, the County may initiate proceedings to rezone the property.

2512.10 Methodology and Criteria for Determining Availability and Adequacy of Public Facilities**2512.10.1 Level-of-Service Standards**

Compliance with level-of-service standards shall be measured in accordance with the standards set forth in Appendices A and B hereto, as the same way may be amended from time to time, and which are incorporated by reference as if set forth in its entirety herein.

2512.10.2 Availability of Public Facilities

Public facilities shall be deemed to be available within the applicable impact area if they meet the following standards:

- (1) **Water Facilities, wastewater Facilities, and Fire Protection Facilities**
 - (a) The public facilities are currently in place or will be in place when the Development Order is granted; or
 - (b) provision of the public facilities are a condition of the Development Order and are guaranteed to be provided at or before the approval of final plat or issuance of a building permit for proposed residential development on the subject property; or
 - (c) the public facilities are under construction and will be available at the time that the impacts of the proposed residential development will occur; or
 - (d) the public facilities are guaranteed by an enforceable development agreement which ensures that the public facilities will be in place at the time that the impacts of the proposed residential development will occur.
- (2) **Regional Parks and Public Schools**
 - (a) one of the criteria set forth in Subsection 2512.10.2 (1) is met, or
 - (b) the public facilities are the subject of a written agreement or an enforceable development agreement which provides for the commencement of construction, or
 - (c) the public facilities are planned capital improvements.
- (3) **Streets**
 - (a) one of the criteria set forth in Subsections 2512.10.2 (1) or 2512.10.2 (2), above, is met, or
 - (b) proposed residential development is located in a traffic impact area in which the streets or intersections needed to achieve the adopted level of service are included in the capital improvements program, and the board makes the following specific findings:

- (i) the streets identified in this subsection are financially feasible; and
- (ii) the capital improvements program provides for the construction of public facilities or improvements to streets within the traffic impact area that are necessary to maintain the adopted level-of-service standards; and
- (iii) the capital improvements program contains a financially feasible funding system based on currently available revenue sources which are adequate to fund the streets required to serve the development authorized by the Development Order; and
- (iv) the applicable provisions of the capital improvements program show (1) the estimated date of the commencement of construction and (2) the estimated date of project completion for needed streets; and
- (v) the concurrency information data base includes sufficient data to ensure that proposed residential developments approved subject to this subsection do not cause a reduction of the level of service below the adopted level of service.

2512.10.3 Adequacy of Public Facilities

Public facilities shall be deemed to be adequate if it is demonstrated that they have available capacity to accommodate the demand generated by the proposed residential development in accordance with the following calculation methodology, unless otherwise indicated herein:

- (1) Calculate capacity for each public facility within an impact area by adding:
 - (a) the capacity of water facilities, wastewater facilities, and fire protection facilities consistent with the Subsection 2512.10.2 (1) herein;
 - (b) the capacity of public schools and regional parks consistent with Subsection 2512.10.2 (2) herein; and
 - (c) the capacity of streets consistent with Subsection 2512.10.2 (3) herein.
- (2) Calculate available capacity by subtracting from the capacity the sum of:
 - (a) the existing demand for each public facility; and
 - (b) the demand created for each public facility by the anticipated completion of committed development; and
 - (c) the demand for each public facility created by the anticipated completion of the proposed residential development under consideration for concurrency determination.

2512.10.4 Public Facilities Affecting Areas Outside of Unincorporated Area of County

- (1) **General.** Availability and adequacy of streets shall be determined only with respect to streets located within the unincorporated area of Douglas County. If part of the applicable traffic impact area lies in an adjacent county or in a municipality within Douglas county, absent an intergovernmental agreement with the county or municipality, availability and adequacy may be determined only with respect to that portion of the streets located within the unincorporated area of the County.
- (2) **Intergovernmental Agreement (IGA).** If the County has entered into an IGA with an adjacent county or with a municipality in Douglas County to evaluate public facilities in such areas, an applicant will be subject to the evaluation of the level-of-service standard for the facility as adopted by the adjacent county or municipality. Prior to the determination of concurrency, Douglas County shall require that the adjacent municipality certify that issuance of a Development
- (3) **Order for the proposed residential development will not cause a reduction in the level-of-service standards in Douglas County with respect to those public facilities lying within the adjacent county or the municipality.**
- (4) **Available capacity for fire protection facilities, water facilities, wastewater facilities and public schools shall include municipally based demand and municipally based facilities.**

2512.11 Administrative Rules and Regulations

The Board may adopt, by resolution, any necessary rules, regulations, administrative guidelines, forms, worksheets and processes to efficiently and fairly administer and implement this section.

2512.12 Conflict

To the extent of any conflict between other County resolutions or regulations and this section, the more restrictive is deemed to be controlling. This section is not intended to amend or repeal any existing County resolution or regulation.

2512.13 Severability

It is declared to be the intent of the Board that if any provision of this section is for any reason finally held invalid or unconstitutional by a court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this section.

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SECTION 27 SITE IMPROVEMENT PLAN

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2701 Intent (Amended 04/13/10)

The Site Improvement Plan (SIP) process is required to ensure development will be consistent with the Comprehensive Master Plan, Subdivision Resolution, and Zoning Resolution, and all applicable federal, State, and local standards.

The process encourages sustainable design through water conservation, passive energy benefits through appropriate site design, and supports multimodal transportation options and the use of alternative energy sources, when appropriate.

2702 Applicability (Amended 12/07/10)

A SIP shall be required for any use or change in use for any multifamily dwelling; mobile home park; business, commercial, or industrial development; any Use by Special Review; a library; a Utility-Major Facility; a Utility-Service Facility; or for similar uses contained within a Planned Development (PD), including single family attached dwellings. Proposed changes to an approved SIP shall be processed as either a Revision or Modification to an Approved SIP, as described herein. Building permits shall not be issued for any development that does not have an approved SIP or is not in conformance with the approved SIP.

Personal Wireless Communication Sites – SIPs specific to personal wireless communication sites shall be subject to the Personal Wireless Communication Facility Design Standards section herein. The format and required process will be detailed at the required presubmittal meeting.

Meridian – Review of proposed improvements within the boundaries of the Meridian International Business Center PD shall follow the specified requirements and procedures of the Meridian International Business Center PD.

Major Electrical or Natural Gas Facilities – The final action on a SIP for the location, construction, or improvement of major electrical or natural gas facilities must occur within ninety (90) days after the submittal date, unless the provider and the County reach agreement on an amended time period. [§29-20-108, C.R.S.]. Major electrical or natural gas facilities include:

- Electrical generating facilities
- Substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity
- Transmission lines operated at or above a voltage of 69,000 volts
- Structures and equipment associated with such electrical generating facilities, substations, or transmission lines
- Structures and equipment utilized for the local distribution of natural gas service; such as compressors, gas mains, and gas laterals

2703 Approval Standards (Amended 12/07/10)

2703.01 The SIP shall be consistent with the following:

- Douglas County Comprehensive Master Plan
- Douglas County Subdivision Resolution
- Douglas County Zoning Resolution
- Planned Development, as applicable
- Douglas County Roadway Design & Construction Standards Manual
- Douglas County Storm Drainage Design & Technical Criteria Manual
- Douglas County Grading, Erosion and Sediment Control (GESD) Manual

2703.02 All required easements shall be submitted for review prior to approval of the SIP.

2703.03 All SIPs and any revisions or modifications shall comply with this Resolution.

2703.04 Use and development of the site shall conform to the approved SIP.

2703.05 The Requirements for Release of Certificate of Occupancy (CO) or Requirements for Release of Final Inspections form, as applicable, shall be executed and submitted to the staff planner.

2703.06 A Site Improvement Plan Improvements Agreement (SIPIA) shall be required to identify the costs of improvements necessary to implement the SIP.

2703.07 When a SIP is proposed for an unplatted parcel of land determined to be legal by Douglas County, the applicant shall demonstrate that the parcel has a sufficient water supply in terms of quantity, quality, and dependability in conformance with the applicable standards set forth in Section 1804A and Section 2705.09, herein.

2704 Process (Amended 12/07/10)

2704.01 Prior to submittal of the SIP, a presubmittal meeting shall be required with staff to discuss the procedures and submittal requirements.

2704.02 Within fifteen (15) calendar days of the date that the application is date-stamped and accepted, staff shall review the application and notify the applicant if the plan contents are complete for review by staff and other agencies, and therefore ready to begin the referral process.

2704.03 Once the submittal is determined complete, staff shall notify the applicant in writing of the number of copies of the submittal information required for

distribution to referral agencies. Staff shall identify in the written notice which referral agencies are regulatory agencies and which referral agencies are advisory agencies. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution of referral packets is preferred. Otherwise, referral packets shall be provided to the staff planner by the applicant in unsealed manila envelopes, without postage and a return address, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies. The following shall be included in the packets:

- Copy of the completed land use application form
- Project narrative (*Section 2705.08*)
- Site plan (*Section 2707*)
- Landscape plan (*Section 2708*)
- Grading and drainage plan (*Section 2709*)
- Building elevations (*Section 2710*)
- Lighting plan (*Section 2711*)
- Other reports, studies, and fees as required

2704.04 The applicant shall provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.

2704.05 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency comments received will be accepted for informational purposes only and provided to the applicant.
(*Amended 11/12/13*)

2704.05.1 The staff planner may reduce the referral period upon concurrence by Engineering Services. In the event the referral period is reduced, it is the applicant's responsibility to obtain comments from the agencies within the reduced time frame.

2704.05.2 Additional referral periods may be required based upon the extent of design changes initiated through the initial referral period. The length of each additional referral period shall be determined by the staff planner.

2704.05.3 All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments

of all regulatory agencies received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide a written response to timely comments of any and all advisory agencies. *(Amended 11/12/13)*

2704.06 Subsequent to the referral period(s), the applicant shall submit the revised SIP to satisfactorily address the issues raised during the referral period(s). The resubmittal shall include:

- Revised plan set
- A written response to County and agency referral comments
- Updated reports and studies, as necessary
- Draft SIPIA and related exhibits, as required *(template available from Engineering Services)*

2704.06.1 Within ten (10) calendar days of receipt by staff of the revised SIP plan set and the applicant's written response to the referral comments, the staff planner shall contact the applicant, in writing, as to the status of its resubmittal.

If the resubmittal meets approval standards, the SIP shall be considered for approval or approval with conditions, and the staff planner shall request a final plan set.

If the resubmittal does not meet approval standards, staff shall provide written comments, detailing the deficiencies. External agencies may be contacted for additional comment, and its concerns may be included in the written comments. Additional time to receive external agency comments may be necessary.

2704.06.2 Based on compliance with the approval standards, the SIP shall be considered for approval, approval with conditions, denial, or closure.

2704.07 The final plan set shall consist of one (1) rolled set with original, notarized signatures. The Requirements for Release of CO or Requirements for Release of Final Inspections form, as applicable, shall be executed and submitted to the staff planner prior to SIP approval. The SIPIA shall be fully executed by the owner and County prior to SIP approval. A SIP shall be approved by the Director (or designee) based on staff recommendations.

2704.08 If the SIP is denied, written findings shall be provided by staff to the applicant within seven (7) calendar days of the denial.

- 2704.09** The final status of a SIP shall be set forth via the Notice of Action - Final Status using the following process:
- 2704.09.1** The date considered to be the final action on the SIP shall be the date on the Notice of Action - Final Status.
 - 2704.09.2** Should a discrepancy exist between the dates on the SIP and Notice of Action - Final Status, the date of the Notice of Action - Final Status shall control.
 - 2704.09.3** The Notice of Action - Final Status shall be mailed to the applicant, the abutting landowners who received courtesy notices, and any homeowner's associations (HOAs) that received courtesy notices, as described herein. The Notice of Action - Final Status shall be mailed via first class mail, within three (3) calendar days of final determination.
- 2704.10** A Notice of Action - Final Status of a SIP may be appealed to the Board of Adjustment. An appeal shall be submitted in writing to the Director within thirty (30) calendar days from the date on the Notice of Action - Final Status.
- 2704.10.1** Upon failure to request an appeal, the decision is final.
 - 2704.10.2** If a SIP is denied, any new SIP shall require submittal of a new application and processing fee.
- 2704.11** SIPs that are inactive due to the applicant's failure to submit requested materials for a period of four (4) months shall be closed, and the resubmittal of a new application and fees shall be required.
- 2704.11.1** After three (3) months of inactivity, staff shall notify the applicant in writing that the application shall be closed within thirty (30) calendar days. If the applicant fails to submit all of the required materials within the thirty (30) calendar days, staff shall notify the applicant, in writing, that the SIP application is closed.
 - 2704.11.2** The Director may grant time extensions to the inactive period of a SIP, not to exceed a total of twelve (12) months, upon written request by the applicant, prior to closure of the SIP.
- 2704.12** The SIP shall be effective for a period of three (3) years from the date of approval. Building permits shall not be issued for a SIP with an approval date of more than three (3) years old, unless an extension was granted.
- 2704.12.1** The Director may grant time extensions to the effective period of a SIP, not to exceed a total of three (3) years, upon written request by the applicant, prior to the expiration of the SIP. As necessary, the

Director may include conditions with the time extension in order to ensure the SIP remains in compliance with approval standards. Site construction drawings that have expired shall be re-approved by Engineering Services.

2704.12.2 For detailed multi-phased SIPs, building permits shall not be issued based on an approval date more than three (3) years from the date of phase I approval, unless extended or otherwise stated on the SIP.

2704.13 Where a SIP brings an existing use into compliance with applicable regulations, or is designed to correct a Notice of Violation, all improvements shall be completed within six (6) months of the Notice of Action - Final Status, unless otherwise agreed to in writing by the owner and the County.

2705 Submittal Requirements (Amended 12/07/10)

The applicant shall be required to submit the following information to Planning Services. Incomplete applications shall not be accepted for processing.

- 2705.01 A completed SIP submittal checklist.
- 2705.02 A completed land use application form.
- 2705.03 Proof of ownership consisting of a current title insurance policy or title commitment no more than thirty (30) calendar days old from the date of the application, or other documentation acceptable to staff.
- 2705.04 A notarized letter of authorization from the landowner permitting a representative to process the application, unless the landowner and applicant are the same.
- 2705.05 A boundary survey of the site certified by a professional land surveyor, if the land is unplatted.
- 2705.06 Planning and Engineering Services fees. Building Services fees are collected when construction plans are submitted to Building Services.
- 2705.07 Stamped, addressed envelopes for staff to prepare courtesy notices to the following:
- All abutting landowners with addresses shown in the records of the Douglas County Assessor Office, having a common border with, or separated from such a common border by a right-of-way, alley, or easement
 - All owners using a shared access easement that is proposed for the SIP access

- All County recognized HOAs within one (1) mile of the SIP site, unless the project is in the nonurban area, per the Comprehensive Master Plan, where courtesy notices shall be sent to all recognized HOAs within a two (2) mile radius

2705.08 A narrative description of the project, addressing the following:

2705.08.1 Name and address of the landowner, the developer or representative, and the person or firm preparing the SIP, if different than the owner.

2705.08.2 The subdivision name, filing number, (planning area number when located in a Planned Development), and lot and block number; or street address and section, township, range if not in a subdivision.

2705.08.3 Zoning of the site and the zoning and current uses of adjacent land.

2705.08.4 Source of water and sanitation facilities. If the water source has irrigation limitations, describe the manner in which landscape irrigation is to be accomplished. If irrigation water is from an offsite source, provide the following:

- Name, address, and phone number of water provider
- Source of water
- Contractual details (i.e. delivery frequency, length of contract)

2705.08.5 Describe overall impacts of the proposed development to adjacent land.

2705.08.6 Describe how the development complies with the Comprehensive Master Plan and intent of this section.

2705.08.7 Describe the proposed development schedule and phases of development for all proposed construction.

2705.09 Evidence of a sufficient water supply if located on an unplatted parcel of land determined to be legal by Douglas County. The demonstration of a sufficient water supply for the proposed SIP shall be in accordance with the standards set forth in the applicable water supply zone as depicted on the Water Supply Overlay Map, Figure 18A, herein, and as follows:

2705.09.1 A SIP proposed within the Pike/Rampart - Water Supply Zone shall comply with the water supply standards of Section 1806A, herein. If the SIP is proposing a water supply from an Existing District or New Special District, the water supply documentation standards shall comply with the standards of Section 1805A.01.4 and 1805A.02.4, respectively.

- 2705.09.2 A SIP proposed within the Margin A - Water Supply Zone shall comply with the water supply standards of Section 1807A, herein. If the SIP is proposing a water supply from an Existing District or New Special District, the water supply documentation standards shall comply with the standards of Section 1805A.01.4 and 1805A.02.4, respectively.
- 2705.09.3 A SIP proposed within the Margin B - Water Supply Zone shall comply with the water supply standards of Section 1808A, herein. If the SIP is proposing a water supply from an Existing District or New Special District, the water supply documentation standards shall comply with the standards of Section 1805A.01.4 and 1805A.02.4, respectively.
- 2705.09.4 A SIP proposed within the Central Basin - Water Supply Zone shall comply with the water supply standards of Section 1809A, herein. If the SIP is proposing a water supply from an Existing District or New Special District, the water supply documentation standards shall comply with the standards of Section 1805A.01.4 and 1805A.02.4, respectively.
- 2705.09.5 A SIP proposed within any water supply zone, which has no water supply demand, except as may be temporarily necessary to establish required landscaping, shall not be required to demonstrate compliance with Section 18A, Water Supply - Overlay District, herein.

2705.10 Two (2) copies of the SIP plan set, to include the following:

- Site plan (*Section 2707*)
- Landscape plan (*Section 2708*)
- Grading and drainage plan (*Section 2709*)
- Building elevations (*Section 2710*)
- Lighting plan (*Section 2711*)

Copies of the following development reports, unless waived by Engineering Services:

- Engineered site construction drawings – two (2) copies
- Traffic study
- Phase III Drainage Report and plan
- GESD report and plan
- Utility drawing(s)
- For unplatted land, a boundary survey of the site certified by a professional land surveyor
- Offsite improvement plans, as required

- 2705.11 A colors and materials sample sheet with color photos of each material, the manufacturer's name, product number, and specifications.
- 2705.12 Detailed technical studies may be required, based upon the scale and impact of the project. These studies may include, but are not limited to, the following: soil, traffic, drainage, water, noise, wildlife, environmental, lighting, shadow, photo-simulations, or a material sample board. The County may require that an independent outside consultant be retained, at the applicant's expense, to perform such studies or review such studies when performed by the applicant.

2706 General Plan Requirements (Amended 12/07/10)

The SIP shall be a detailed and accurate depiction of the proposed built environment. The final engineered site and architectural drawings shall be consistent with the SIP. The following information shall be required, unless otherwise noted, on all plans (except the engineered site construction and utility plans). All plans shall be prepared to generally accepted professional standards.

- 2706.01 Provide the name and legal description of the proposed development, site acreage, and project file number. The business name does not appear in the title. The name of the proposed SIP is based upon the legal description when subdivided or the street address as follows:

Subdivided land:

SPRUCE SUMMIT, Filing No. 3, Lot 14 NW¼ Section 11, Township 8 South, Range 67 West 5 acres Site Improvement Plan – SP2010-002

Within a PD:

SPRUCE SUMMIT, Filing No. 3, Lot 14 NW¼ Section 11, Township 8 South, Range 67 West Planning Area 63 – 5 acres Site Improvement Plan – SP2010-002

When unplatted:

(STREET ADDRESS – Address available from County Addressing Specialist) NW¼ Section 11, Township 8 South, Range 67 West 5 acres Site Improvement Plan – SP2010-002

For USR with SIP:

SPRUCE SUMMIT, Filing No. 3, Lot 14 NW¼ Section 11, Township 8 South, Range 67 West Permit Area – 1 acre Total Area – 5 acres USR – Site Improvement Plan – US2010-002

- 2706.02 Utilize a sheet size of 24"x36". Provide an information block which includes the date of preparation and revision(s); a north arrow; the scale

used, including a graphic scale; sheet title, i.e., site plan, landscape plan, grading and drainage plan; business name; and preparer's name, address, and phone number.

- 2706.03 Provide a composite plan showing the entire project area, including a key sheet diagram, when more than one (1) sheet is required to delineate the project area.
- 2706.04 Include the individual sheet number and total number of sheets, i.e., 1 of 3. For plans containing multiple sheets, include a sheet index.
- 2706.05 For the purpose of scanning, provide a margin line of at least 0.5" drawn completely around the sheet.
- 2706.06 For subdivided land, label all boundary lines with bearings, distances, and curve data as shown on the final plat.
- 2706.07 For unsubdivided land, label all boundary lines with bearings, distances, and curve data as shown on the certified boundary survey prepared by, or under the supervision of, a registered Professional Land Surveyor licensed with the State of Colorado. Include a written metes and bounds legal description of the site's boundary.
- 2706.08 Provide either a corporate/limited liability corporation (LLC) or individual approval certificate on the first sheet of the plan set.

Corporate / Limited Liability Corporation Approval Certificate:

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

_____	_____
Engineering Services	Date
_____	_____
Planning Services	Date

- Building permits pursuant to this Site Improvement Plan (SIP) shall NOT be issued after three (3) years from the date of SIP approval (phase I), as noted on the Notice of Action - Final Status, unless an extension was granted. Failure to obtain a building permit in the three (3) year period after approval of phase 1 shall cause the unbuilt portion of this SIP to be null and void.
- Acceptance of site construction drawings by Douglas County Engineering Services shall be required (as applicable) prior to issuance of building permits. Acceptance of site construction drawings expires three (3) years after the date of signature.
- Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with the Sign Standards section of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved SIP and the Douglas County Zoning Resolution.

(print corporation/LLC name)

By: _____ (Signature)
 Title: _____
 Date: _____

ATTEST: (if corp.)

Secretary/Treasurer

STATE OF COLORADO)
) ss.
 COUNTY OF _____)

Acknowledged before me this _____ day of _____, 20__, by _____ as
 _____ and _____ as
 _____ of _____, a _____ corporation/LLC.

My commission expires: _____

Witness my hand and official seal.

Notary Public

Individual Approval Certificate:

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Services Date

Planning Services Date

- Building permits pursuant to this Site Improvement Plan (SIP) shall **NOT** be issued after three (3) years from the date of SIP approval (phase I), as noted on the Notice of Action - Final Status, unless an extension was granted. Failure to obtain a building permit in the three (3) year period after approval of phase 1 shall cause the unbuilt portion of this SIP to be null and void.
- Acceptance of site construction drawings by Douglas County Engineering Services shall be required (as applicable) prior to issuance of building permits. Acceptance of site construction drawings expires three (3) years after the date of signature.
- Signs shown hereon are **NOT** approved. All signs require approval of a sign permit in accordance with the Sign Standards section of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein hereby agree(s) on behalf of himself/herself (themselves), their heirs and assigns to develop and maintain the property described hereon in accordance with this approved SIP and in compliance with the Douglas County Zoning Resolution.

(signature of owner(s))

Acknowledged before me this _____ day of _____, 20____, by _____.

My commission expires: _____

Witness my hand and official seal.

Notary Public

- 2706.09 For multiple sheet plans, provide the following abbreviated approval certificate on all subsequent sheets of the plan set:

Approval Certificate	
Engineering	_____
	Initials/Date
Planning	_____
	Initials/Date
Owner	_____
	Initials/Date
Lessee (if applicable)	_____
	Initials/Date

- 2706.10 Locate, dimension, and indicate the use of all easements (existing and proposed) on or adjacent to the site. Include the reception number for all existing easements.
- 2706.11 Do not show existing or proposed utility lines on the site plan. Provide an engineered utility drawing, separate from the SIP plan set, to Engineering Services, utility providers, and the special district or water and sanitation district, as applicable.
- 2706.12 Indicate and dimension the location of all individual septic disposal system leach fields (existing and proposed), and indicate a replacement field location.
- 2706.13 Place the following statement on the SIP for all development within the Centennial Airport Review Area:

Owner waives, remises, and releases any right or cause of action it may now have or which it may have in the future against the County of Douglas, its officers, employees, and agents related to or resulting from the passage of aircraft in the airspace above the property that is the subject of this Site Improvement Plan.

- 2706.14 For sites located within the Runway Safety Zone or Fan Safety Zone, as defined in this Resolution, an aviation easement in a form established by the Board, signed by the landowner, and recorded in the Office of the County Clerk and Recorder, as well as a note on the SIP indicating the book and page of the recorded easement, shall be required.
- 2706.15 Delineate all drainageways affecting the site and any 100-year floodplain on or adjacent to the site.

2706.16 For a SIP that is designed in detail for the first phase only, with additional phases shown conceptually:

- Show phase lines
- Add the following note to each sheet of the SIP in proximity to each approval certificate:

For all future phases, the applicant shall submit a revised Site Improvement Plan of the phase for which a permit is requested. The revised SIP shall be approved prior to issuance of a building permit.

2707 Site Plan (Amended 04/13/10)

The site plan shall be prepared as follows:

- 2707.01 Prepare the SIP at a scale that allows maximum clarity of the proposal.
- 2707.02 Include a legible vicinity map at an appropriate scale.
- 2707.03 Provide a site data chart on the SIP based on the following example:

ITEM	SQUARE FOOTAGE	% OF GROSS SITE*
Gross Site Area	20,000	100
• Building Footprint	8,000	40
• Parking and Roads (including planted interior parking islands)	800	4
HARDSCAPE TOTAL	8,800	44
• Planted Area (If applicable, include parking lot islands used for stormwater detention and water quality ponds)	4,000	20
	6,200	31
	1,000	5
• Existing Vegetation	0	0
• Trails and Walks	11,200	56
• Porous Pavement		
LANDSCAPE TOTAL		
ITEM	DESCRIPTION	
Building Size: 2 stories	16,000 sq. ft. TOTAL	
Parking:		
• Required	64 spaces (1/250 sq. ft.)	
• Provided	67 spaces	

*NOTE: When a portion of a site's natural vegetation is proposed as landscape area, as permitted herein, these totals may not add up to 100 percent.

2707.04 Label and show dimensions of all existing and proposed structures. Delineate existing buildings in detail. Show setback lines, points of ingress and egress, the building's dimensions from lot lines, and indicate any structures to be removed.

2707.05 Identify all adjoining land uses and zoning.

- 2707.06 Show the location of all trash enclosures. Trash enclosures are encouraged to be integrated into the mechanical or service area of structures. Locate trash enclosures away from site entries and roadways. Screen and buffer trash areas. Provide a dimensioned elevation drawing of the proposed enclosure specifying materials and colors.
- 2707.07 Locate and dimension all required off-street parking and loading areas, identify all required handicap spaces, and note the total number of parking spaces provided per row of parking, in accordance with the Planned Development or Parking Standards section.
- 2707.08 Locate and dimension all public and private streets, walks and trails, rights-of-way, curb cuts, and points of access on, or adjacent to, the proposed site. Label surface materials and location of traffic directional arrows, signage, and markings.
- 2707.09 Show the location and dimensions of all existing and proposed signs, if known. Signs and their locations shown on the SIP are not approved by the SIP review process. Final approval of signs and their location require the issuance of a sign permit, in accordance with the Sign Standards section herein.
- 2707.10 Show location of all fire hydrants. If none exist on site, note the distance and direction of the closest hydrant adjacent to the site within 500'.

2708 Landscape Plan (Amended 04/13/10)

A sustainable landscape plan is a component of a complete SIP application. The intent is to conserve water, reduce runoff, enhance water quality, buffer development from adjoining sites or streets, and ensure compatibility with adjacent development. Landscape enhances the site by moderating temperature and humidity, and mitigating noise and wind.

2708.01 Landscape Materials and Irrigation

Environment-appropriate, water-conserving plant materials are required, except as permitted herein, to conserve natural, cultural, and fiscal resources. Efficient irrigation of landscape materials promotes growth and plant health, resulting in the appropriate use of water resources, enhancement of the built environment, and reduced maintenance costs.

- 2708.01.1 The minimum area to be landscaped with live plant material shall be fifteen (15) percent of the gross site area, unless offsite landscaping is supported; the site is located within a Planned Development wherein additional landscaping has been provided; or the Director waives the requirement due to compatible land uses, severe site constraints, or other extraordinary circumstance. For SIP

applications pursuant to a Use by Special Review, the gross site area may be determined to be the permit area.

- (1) A landscape buffer shall be required when adjacent to residential uses, and shall count toward a maximum fifty (50) percent of the minimum fifteen (15) percent landscape requirement.
- (2) Based on adjacent uses, views, and potential impacts, a landscape buffer shall be required between the following:
 - Residential use and adjacent nonresidential parking
 - Parking facility located adjacent to a street
 - Outside storage and adjacent uses

Options for buffering may include all or some of the following:

- Layered vegetation with a four (4') foot effective height or greater
 - Berms and plantings with a four (4') foot effective height or greater
 - Solid fences or decorative walls
 - Deciduous and coniferous trees and large shrubs
 - Combinations of these options
- (3) Restoration, conservation, and preservation of undeveloped portions of a site with natural vegetation that provides buffering, screening, or valuable wildlife habitat or movement corridors shall count towards the minimum fifteen (15) percent landscape requirement.
 - (4) Based upon the scale and impact of a project, additional landscape materials may be required in the public right-of-way. A license agreement with Douglas County may be required to allow the owner to install and maintain the landscaping within the public right-of-way.

2708.01.2 High-water-use plants, as defined by the Colorado Nursery and Greenhouse Association, are discouraged but may be a maximum of 1.5 percent of the gross site area. For multifamily projects, a maximum of five (5) percent of the gross site area may include high-water-use plants to accommodate recreational areas. Areas of high-water-use plants shall be depicted on the landscape plan with a callout to identify the square footage of each high-water-use planted area.

- 2708.01.3 The required quantity and size of plant materials shall be based upon the proposed use, design, adjacent uses, and overall impact and scale of the project.
- 2708.01.4 Where screening is required, it shall be provided through a combination of plants, berms, and walls.
- 2708.01.5 The following shall be the acceptable minimum plant size:

PLANT TYPE	MINIMUM SIZE
Deciduous <ul style="list-style-type: none"> • Canopy Tree • Ornamental Tree 	2.0" minimum caliper ^{1,2} 1.5" caliper ¹
Coniferous Tree	6' minimum height ²
Shrubs	5 gallon container Minimum 24" height at installation Multiple canes for deciduous shrubs
Vines	1 gallon container
Groundcover	5 gallon if horizontal shrubs (maturity less than 24") 1 gallon if perennials Space to provide 80% ground coverage in 2-3 yrs.
Mulch	Minimum 4" depth for all plant groupings and trees ³

¹ Measure caliper using Diameter at Breast Height (DBH).

² Larger sizes may be required where buffering or compatibility issues exist, in accordance with Section 2708.01.1(4) herein.

³ Impermeable sheet plastic shall not be permitted under mulched areas.

- 2708.01.6 Sources of irrigation water and types of irrigation shall be noted on the landscape plan. Automatic irrigation systems shall be required unless the only water available is from an offsite source. In the event the site is served by a well that prohibits outdoor usage, hand watering may be required. The applicant shall be required to obtain an offsite water source and provide acceptable documentation of such source (i.e., pre-paid weekly contract).

2708.02 Landscape Plan Requirements

Prior to the issuance of a CO or certificate of final inspection, the onsite landscaping shall be consistent with the approved SIP. The landscape plan shall be prepared as follows:

- 2708.02.1 Identify planted areas by name, size, and quantity of material to be used. Identify and describe hardscape materials.
- 2708.02.2 Depict plant materials at approximately three-fourths mature size.
- 2708.02.3 Identify walkways, pedestrian-oriented areas, and landscape elements such as fences, walls, border edge treatments, signs, bike racks, trash enclosures, street furniture, and recreational facilities, as applicable.

- 2708.02.4 Depict the location of all pole-mounted, wall-mounted, and ground-mounted light fixtures.
- 2708.02.5 Show the contour lines depicting final grades as solid lines (screening acceptable).
- 2708.02.6 Label all streets, rights-of-way, and points of access on or adjacent to the proposed site.
- 2708.02.7 Show sight distance triangles at all intersections in accordance with the Douglas County Roadway Design and Construction Standards.
- 2708.02.7.1 Any landscaping within the County right-of-way shall comply with the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 2708.02.7.2 Trench drains are required for irrigated landscaping along public streets, in accordance with the Douglas County Roadway Design and Construction Standards.
- 2708.02.8 Screen transformers, ground-mounted HVAC units, utility pedestals, and similar features, and place the following note on the landscape plan:

If any transformers, ground-mounted HVAC units, utility pedestals, and similar features are not shown on the SIP, additional landscaping and screening may be required based upon field conditions during the site inspection prior to issuance of the certificate of occupancy, or final inspection, as applicable.

- 2708.02.9 Provide a landscape legend similar to the example below:

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HIGH-WATER-USE
WC	6	Catalpa Erubescens	Western Catalpa	2.5" caliper	No
BS	7	Pinus Ponderosa	Ponderosa Pine	8' height	No
AWS	10	Spirea bumalda	Anthony Waterer	5 gallon	No
	300 ft ²	---	Pole Peeling Mulch	4" depth	NA

NOTE: In the event of a discrepancy between the plan graphic and the landscape legend, the plant material quantity as determined by the plan graphic shall take precedence.

- 2708.02.10 Place the following maintenance statement on the plan:

Landscaping shall be planted and maintained by the owner, successor, and/or assigns. Should any plant material die, it shall be replaced with similar plant material within one planting season.

2708.03 Parking Lot Islands

- 2708.03.1 All parking areas in excess of forty (40) spaces shall contain landscape islands typically located interior to the perimeter of the parking area. The ratio of required parking lot islands shall be as follows:

Number of Parking Spaces	Ratio of Parking Lot Islands
40 – 120	1 per 20 parking spaces
120 – 500	1 per 15 parking spaces
500+	1 per 10 parking spaces

- 2708.03.2 Each parking lot island shall be a minimum two (2) parking spaces in size and contain some combination of trees, shrubs, and groundcover. High-water-use plants are prohibited in parking lot islands.
- 2708.03.3 Islands may be aggregated to meet site specific needs for screening, buffering, water conservation, or water quality. The required islands need not be physically located at each interval noted (*i.e.*, 20, 15, or 10 spaces). Generally, all required islands shall be located internal to the parking area.

2709 Grading and Drainage Plan (Amended 04/13/10)

The grading and drainage plan shall be prepared at the same scale as the landscape plan. Please note that this plan is separate and distinct from the GESC plan required by Engineering Services. The grading and drainage plan shall be prepared as follows:

- 2709.01 Label proposed and existing buildings, structures, fences, walls, walks, trails, parking and loading areas, and streets. Proposed retaining walls shall be no greater than four (4') feet in height, unless necessary due to site specific constraints. Walls in excess of four (4') feet in height, as measured from the bottom of the foundation, require a structural design and building permit. If multiple parallel retaining walls are proposed, a minimum five (5') feet wide horizontal separation should be required between the faces of adjacent walls. Design this separation to accommodate plants that will screen and buffer the vertical planes of the walls.
- 2709.02 Retaining walls in excess of thirty (30") inches in height (as measured from the lowest ground surface adjacent to the wall) used in conjunction with detention areas or ponds, or located adjacent to a pedestrian access or walking surface, shall require permanent barriers, consistent with building code height requirements, for the purpose of protecting the public from potential hazards.
- 2709.03 Development sites are required to balance earthwork quantities onsite in accordance with the GESC Manual.

2709.04 Show existing contour lines as dashed lines (screening acceptable), and proposed contour lines as solid lines. The contour interval shall be no more than two (2') feet unless otherwise approved by the staff planner.

2709.04.1 Distinguish existing grades greater than a 4:1 slope (25 percent).

2709.04.2 Proposed grades shall be no steeper than a 3:1 slope (33.3 percent).

2709.05 Label low and high points.

2709.06 Show flow direction arrows.

2709.07 Show and label the required drainage easements with detention, water quality facilities, and storm sewer infrastructure.

2709.08 Label the top of wall and bottom of wall elevations at twenty (20') foot intervals along all retaining walls.

2710 Building Elevations *(Amended 12/07/10)*

The building elevations shall be prepared as follows:

2710.01 Prepare elevations at a scale that allows for maximum clarity of the proposal.

2710.02 Label and dimension all building features.

2710.03 Label all building materials and finishes with the manufacturers' colors and numbers to correspond with the colors and materials sample sheet.

2710.04 Identify the location of all wall-mounted light fixtures.

2710.05 When applicable, depict the roof plane, behind the wall, as dashed lines.

2710.06 When applicable, depict all ground-, wall-, and roof-mounted mechanical equipment, HVAC, emergency generators, and other accessories (including satellite TV, electronic data dishes and antennae) behind the wall, as dashed lines. All ground-, wall-, and roof-mounted mechanical equipment, HVAC, emergency generators, and other accessories shall be screened. The screening of rooftop equipment shall not be required to exceed the maximum elevation of the rooftop equipment.

2710.07 Provide the following note on elevation sheets:

The building elevations shown and approved hereon are intended to demonstrate how all HVAC shall be screened according to Douglas County Zoning Resolution requirements. It is the applicant's responsibility to ensure that screening occurs in the field as demonstrated by these plans, regardless of curb requirements, mechanical plan changes, or other circumstances. Failure to provide screening may result in delay of final inspections and/or issuance of a certificate of occupancy.

2711 Lighting Plan (Amended 04/13/10)

All fixtures and lamping shall be consistent with the requirements of the Lighting Standards section herein. The following lighting information is required to be included on the lighting plan, unless the applicant clearly provides the information on another sheet of the SIP plan set:

2711.01 Provide a luminaire schedule similar to the following example:

Luminaire Schedule						
QTY	Lamp Type	Mounting Height	Lumens	LLF	Color	Description
10	21W CF	10'	1650	1.00	Bronze	Visa Lighting OW1342 1FS21
5	400W MH	24'	36000	1.00	Bronze	Visionaire American Series AME-2 T5400 M 6 BOA
4	150W MH	12'	13000	1.00	Dk Bronze	Gardco 101WT 150MH Quad BRP

* NOTE: A Light Loss Factor (LLF) of 1.0 shall be utilized.

2711.02 Include a copy of the manufacturers catalog sheet, product number and Illuminating Engineering Society of North America type description.**2711.03 Include the following note on the plan set:**

Prior to issuance of a certificate of occupancy or conducting final inspections, Douglas County shall conduct an evening site visit to ensure: illumination levels generated by the lighting meet all County criteria as well as those indicated on the approved Site Improvement Plan; do not create disability glare on adjacent properties; and that all fixtures are full cutoff as defined by the Illuminating Engineering Society of North America. In the event lighting levels do not meet these criteria, remedial action may include re-lamping with lower wattage bulbs, relocating fixtures, shielding fixtures, removing fixtures, or replacing fixtures. It shall be the responsibility of the applicant to ensure all site lighting complies with Lighting Standards section of the Douglas County Zoning Resolution prior to requesting issuance of a certificate of occupancy and/or final inspections.

2712 Post Approval SIP Procedures and Requirements (Amended 04/13/10)**2712.01 Prior to the issuance of a CO, the applicant shall submit as-built plans to Engineering Services for any required detention pond and water quality facilities, as well as an Engineer's certification stating that the detention pond and water quality facilities have been constructed in accordance with the approved drainage report and plan.**

After approval of the SIP and issuance of a building permit, a CO may be issued if the construction of all buildings is completed and all parking, drainage improvements, and landscaping elements are installed in accordance with the approved SIP, as determined by a site inspection performed by County staff. Submit final easement documents to Engineering Services for acceptance prior to issuance of a CO. The applicant shall perform the tasks required by the Requirements for Release of CO prior to scheduling any final site inspections.

- 2712.01.1 Occupancy of the site shall not be permitted until the site is clean, safe, and free of all construction debris, as determined by Douglas County.
- 2712.01.2 If adverse weather immediately preceding the CO request prevents the installation of parking, drainage, or landscaping elements, a temporary certificate of occupancy (TCO) may be issued (for nonresidential projects) after the applicant provides an irrevocable letter of credit, or other acceptable security as allowed by the SIPIA. Bonds are not acceptable.
- (1) The security shall be equal to 115 percent of the cost of the unfinished work, in accordance with the cost estimates contained in the SIPIA, and shall be submitted prior to the issuance of a TCO. The security shall be held by Douglas County and released, as set forth in the SIPIA, when the work is deemed complete by Douglas County.
 - (2) When a TCO is issued, based on security as provided for herein, prior to the completion of all site improvements, the time for the completion of site improvements shall not exceed six (6) months.
 - (3) Failure by the applicant to complete the work or to request a time extension shall result in a forfeiture of the security and shall cause Douglas County to initiate the construction of such improvements, as detailed in the SIPIA. The Director may grant a one time extension of not more than six (6) months upon receipt of a written request accompanied by an extension of the financial security.
- 2712.02 When a CO is not required, the following shall apply regarding approvals and security:
- 2712.02.1 When a building addition or modification is proposed, all building improvements and all site improvements such as drainage, parking, landscaping, and lighting shall be fully completed prior to final building inspections. The applicant shall perform the tasks required

by the Requirements for Release of Final Inspections form prior to scheduling any final site inspections.

2712.02.2 If the scale, impact, or phasing of the proposed development warrants, a letter of credit equal to 115 percent of the estimated cost of improvements may be required at the time of SIP approval to ensure the required improvements are completed.

2712.02.3 The security shall be held by Douglas County and released, as set forth in the SIPIA, when all site improvements identified on the SIP, are deemed completed by Douglas County.

2713 Revision to an Approved SIP (Amended 12/07/10)

Proposed changes to an approved SIP shall be reviewed for scale and impact to determine whether the changes will be processed as a revision or modification to an approved SIP.

2713.01 Applicability

A revision shall be for the purpose of additional review and referral based on the scale and impacts of the proposed changes. In general, a revision impacts grading, drainage, parking, access, building footprint, or landscaping. These impacts typically require the entire site be brought into conformance with the current Zoning Resolution.

2713.02 Approval Standards

Approval of a revision to an approved SIP shall be in accordance with Section 2703 and applicable provisions contained herein.

2713.03 Process

A revision shall follow the full SIP process as described herein, however, the referral period for a revision shall be twenty-one (21) calendar days.

2713.04 Submittal Requirements

The applicant shall be required to submit the following information to Planning Services. Incomplete applications shall not be accepted for processing.

- Completed land use application and fee
- New plan sets, as necessary, to depict the proposed revision
- Development reports in accordance with Section 2705.10
- Detailed technical studies in accordance with Section 2705.12, if applicable
- Current title commitment or insurance policy (Section 2705.03)

- Notarized letter of authorization from the property owner, if applicable (*Section 2705.04*)
- Stamped addressed envelopes for courtesy notices (*Section 2705.07*)
- A written narrative explanation of the revision (*Section 2705.08*)
- Letter from HOA and architectural control committee, if applicable

2713.05 The legal description for a revision to the SIP shall be consistent with the originally approved SIP, except as otherwise provided for below.

For Revisions:

SPRUCE SUMMIT, Filing No. 3, Lot 14 – 1st Revision NW¼ Section 11, Township 8 South, Range 67 West 5 acres SP2010-002 (Revision to SP2003-049)
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For Revision on Lot with Amended Legal Description:

SPRUCE SUMMIT, Filing No. 3, 1st Amendment , Lot 14-A – 1st Revision NW¼ Section 11, Township 8 South, Range 67 West 5 acres SP2010-002 (Revision to SP2003-049)
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For Revision to Use by Special Review:

SPRUCE SUMMIT, Filing No. 3, Lot 14 – 1st Amendment NW¼ Section 11, Township 8 South, Range 67 West Permit Area – 1 acre Total Area – 5 acres USR – Site Improvement Plan US2010-002 (Amendment to US2003-049)

2714 **Modification to an Approved SIP** (*Amended 12/07/10*)

Proposed changes to an approved SIP shall be reviewed for scale and impact to determine whether the changes will be processed as a revision or modification to an approved SIP.

2714.01 **Applicability**

A modification shall be for the purpose of minor changes to the approved SIP. In general, a modification shall not increase the building footprint, impervious surface, or affect fire access.

2714.02 **Approval Standards**

Approval of a modification to an approved SIP shall be in accordance with Section 2703 and applicable provisions contained herein.

2714.03 **Process**

- 2714.03.1 Prior to submittal of a modification to an approved SIP, a presubmittal meeting shall be required with staff to discuss the procedures and submittal requirements.

2714.03.2 Staff shall have up to seven (7) calendar days from the date that the application is date-stamped and accepted, for internal review of a modification.

If the submittal meets approval standards, the modification will be considered for approval, and the staff planner shall prepare a Modification Affidavit for approval.

If the submittal does not meet approval standards, staff shall provide the applicant with written comments, detailing the deficiencies.

2714.03.3 Based on compliance with the approval standards, the modification will be considered for approval, approval with conditions, denial, or closure.

2714.03.4 In place of the final plan set, the applicant may provide a legible redlined copy of the approved SIP, detailing the modification. The Requirements for Release of Final Inspections form, as applicable, shall be executed and submitted to the staff planner prior to approval of a modification. A Modification Affidavit shall be approved by the Director (or designee) based on staff recommendations. The proposed changes may require Building permits.

2714.03.5 If the SIP is denied, written findings shall be provided by staff to the applicant within seven (7) calendar days of the denial.

2714.04 Submittal Requirements

The applicant shall be required to submit the following information to Planning Services. Incomplete applications shall not be accepted for processing.

- Completed land use application and fee
- A redlined copy of the approved SIP, and other exhibits as necessary, to depict the proposed modification
- Notarized letter of authorization from the property owner, if applicable (*Section 2705.04*)
- A brief written narrative explanation of the modification
- Letter from HOA and architectural control committee, if applicable.