

RESOLUTION NO. R-015-064

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

A RESOLUTION ADOPTING AMENDMENTS TO DOUGLAS COUNTY SUBDIVISION
RESOLUTION ARTICLE 3 – SKETCH PLAN, ARTICLE 4 – PRELIMINARY PLAN,
ARTICLE 5 – FINAL PLAT, ARTICLE 5A – COMBINED PRELIMINARY PLAN AND
FINAL PLAT, ARTICLE 6 – MINOR DEVELOPMENT – SINGLE FAMILY RESIDENTIAL,
ARTICLE 6A – MINOR DEVELOPMENT – NONRESIDENTIAL & MULTIFAMILY AND
DOUGLAS COUNTY ZONING RESOLUTION SECTION 15 – PLANNED
DEVELOPMENT, SECTION 21 – USE BY SPECIAL REVIEW, SECTION 25 – REZONING
("AMENDMENTS")

WHEREAS, the Planning Services Division has prepared Amendments to the Douglas County Subdivision Resolution and the Douglas County Zoning Resolution, which are attached hereto and incorporated herein as Exhibit A (Project No. DR2012-009); and

WHEREAS, said Amendments were reviewed and recommended for approval by the Planning Commission on May 4, 2015; and

WHEREAS, the Board of County Commissioners considered said Amendments at a public hearing held on May 26, 2015; 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 the Douglas County Subdivision Resolution and 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 May 26, 2015.

PASSED AND ADOPTED this 26th day of May, 2015, in Douglas County, Colorado.

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

BY: 
Jill E. Repetta, Chair

ATTEST: 
Melissa Pelletier
Deputy Clerk to the Board



Ref: #2015034239, Date: 5/26/2015 4:42 PM,
Pages: 1 of 1,
Douglas County, CO. Merlin Klotz, Clerk and Recorder

Re-Recorded to reflect addition of Ex. A

ARTICLE 3 SKETCH PLAN

301 Intent

To examine the feasibility of a subdivision of land including review of the schematic design, ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, source of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, and conformance with the Douglas County Master Plan.

302 Prerequisite

Prior to submittal of the sketch plan, the applicant shall meet with staff to discuss the procedures and submittal requirements. The presubmittal meeting may be waived by the Director.

302.01 The applicant shall contact the development review manager and schedule a presubmittal meeting which may include the Engineering staff and other referral agencies, as deemed necessary, *e.g. Division of Wildlife*. The applicant shall provide the following:

302.01.1 a schematic plan depicting the lot layout, access, street network, trails, parks, open space, connections to neighborhoods;

302.01.2 an analysis of the availability of services, including at a minimum schools, fire and sheriff protection, parks, water and sanitation; and

302.01.3 a description of the site regarding natural and man-made hazards, soils, vegetation, water features, drainages, wildlife movement areas.

302.02 The staff shall provide comments regarding the proposed subdivision design; compliance with the subdivision and zoning regulations and the Master Plan; and explain the subdivision process.

302.03 A written meeting summary shall be provided to the applicant, and to the Planning Technician for inclusion in the sketch plan file.

303 Approval Criteria (Amended 8/12/98)

A sketch plan may be approved upon the finding by the Board that:

303.01 the sketch plan is in conformance with the goals, objectives, and policies of the Douglas County Master Plan.

303.02 the sketch plan is in conformance with the design elements established in Section 304, herein.

- 303.03 the application is in conformance with Section 18A, Water Supply - Overlay District, of the *Douglas County Zoning Resolution*;
- 303.04 the subdivider has demonstrated provision of a sewage disposal system;
- 303.05 the subdivider has demonstrated provision of services to meet the needs of the proposed subdivision including, streets, police/fire protection, schools, recreation facilities, and utility service facilities;
- 303.06 the soil is suitable for the proposed subdivision;
- 303.07 the subdivision design protects the natural resources/unique landforms;
- 303.08 bonus lots meet the criteria set forth in the *Douglas County Zoning Resolution* regarding site design standards and density bonus approval standards of the associated zone district; and
- 303.09 the proposed subdivision will not interfere with the extraction of any known commercial mining deposit. [Sec. 34-1-302(1), C.R.S.]

304 Design Elements

The following shall be considered in reviewing the subdivision design:

- 304.01 lots shall meet the minimum lot size of the zone district with the ability of structures placed on the lot to meet the district setbacks, and provide off-street parking;
- 304.02 geologic hazards or other hazardous conditions shall be mitigated or eliminated;
- 304.03 lot layout shall provide protection from wind, noise, and traffic; buffering for visual relief from development; and shall conform to design guidelines adopted by Douglas County;
- 304.04 streets shall be laid out with the ability to meet the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations;
- 304.05 the natural terrain, drainage, riparian areas, and vegetation shall be preserved to the maximum extent possible;
- 304.06 multi-frontage lots should be avoided except where essential to provide separation of residential development from regional or major arterials, or to overcome specific disadvantages of topography and orientation;
- 304.07 the subdivision design shall be coordinated with the storm water drainage and flood control systems;

- 304.08 pedestrian, bicycle, and vehicular access to abutting neighborhoods, recreation, shopping, and employment areas shall be provided to the maximum extent possible; and
- 304.09 physical and visual barriers shall be minimized to accommodate a free flow of views, and pedestrian/vehicular circulation.

305 Submittal Process (Amended 6/22/10)

The sketch plan 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:

- 305.01 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.
- 305.02 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.
- 305.03 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.
- 305.04 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.

- 305.05 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 309 herein.
- 305.06 The Planning Commission shall evaluate the sketch plan 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 sketch plan request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 305.07 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 applicant is responsible for public notice of the hearing in accordance with Section 309 herein.
- 305.08 The Board shall evaluate the sketch plan 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 sketch plan request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 305.09 As part of its motion to approve or conditionally approve the sketch plan, the Board may require that the next step in the subdivision submittal and review process be a preliminary plan. If such a determination is made, combined preliminary and final plat processing shall not be allowed for any portion of the approved sketch plan, unless otherwise stated in the motion. The Board's decision shall be based upon the determination that the applicant has not sufficiently addressed one or more of the following concerns:
- Access and transportation network impacts
 - Placement and design of drainage facilities

- Soils, geologic, or other potential hazard conditions, or
- Buffer treatment or lotting patterns next to existing neighborhoods

305.10 If denied by the Board, a re-submittal of a sketch plan 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 within 10 days from the date of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed sketch plan.

306 Submittal Requirements (Amended 8/22/07)

The following information shall be submitted to the Planning Division, unless waived by the Director:

- 306.01 Completed land use application (*available from Planning Division*)
- 306.02 A written narrative which, at a minimum, provides the following information:
- 306.02.1 the total land area to be subdivided;
 - 306.02.2 the total number of lots;
 - 306.02.3 the density;
 - 306.02.4 the total land area to be preserved as open space; and
 - 306.02.5 phasing of the proposed subdivision.
- 306.03 Application fee (*fee schedule available from Planning Division*)
- 306.04 Proof of ownership that includes an updated or current title insurance policy or title commitment issued no more than 30 days prior to the date of application
- 306.05 A notarized letter of authorization from the landowner permitting a representative to process the application, when the applicant is not the owner
- 306.06 Plan exhibit, in accordance with Section 307, herein.
- Plan reductions (11" X 17") shall be required for public hearing packets for the Planning Commission and Board.
- 306.07 Development reports, in accordance with Section 308, herein.
- 306.07.1 Phase I Drainage plans and fees shall be submitted to the Engineering Division.

306.07.2 Phase II and Phase III drainage plans and final roadway design and construction plans shall not be submitted to the Engineering Division prior to sketch plan approval.

306.08 Notification of abutting landowners

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

306.09 Any additional information, as requested by the Director, in order to thoroughly review the impacts of the subdivision request.

307 Sketch Plan Exhibit

The staff planner may waive any portion of the sketch plan exhibit based upon design, size, impact to public facilities, services, roads, and overall impacts.

307.01 The sketch plan exhibit shall be prepared on 24" X 36" paper at a scale of 1"=100', 1"=200' or another scale approved by the staff planner. If a proposal requires multiple sheets, a composite, on 24" X 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet.

307.02 The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development (*and plan number when applicable*) and Planning Division file number. If part of a Planned Development, the planning area shall be included under the title. 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 and planning area. On the title sheet (sheet #1), under the general legal description, include the total acreage and the estimated total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names may not duplicate existing subdivision or planned development names.

Example:

<p style="text-align: center;">PINE VIEW SKETCH PLAN #10 A portion of Planning Area H - A part of the W/2 of Sec. 9, T6S, R67W, of the 6th P.M., Douglas County, CO 8.05 Acres 35 Residential lots SB__ -</p>
--

307.03 A block in the lower right-hand corner shall include 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.

- 307.04 The boundary of the proposed subdivision shall be depicted in a heavy solid line. Note those areas not included in the subdivision as "Not included in this plan."
- 307.05 A vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a 2-mile radius superimposed on the Douglas County Subdivision Map maintaining the same scale.
- 307.06 When the land is zoned Planned Development, a vicinity map that depicts the area to be subdivided superimposed on the PD development plan at the same scale as the Development Plan that shows the limits of the proposed plan superimposed on the planning areas.
- 307.07 Depict all lots, tracts, and when appropriate, building envelopes. Lots shall be numbered consecutively, tracts shall be lettered alphabetically. On residential subdivisions, tracts shall be used exclusively for nonresidential uses, such as areas to be dedicated to the County for park or school sites.
- 307.08 Depict all easements, including existing and proposed, public or private, on and adjacent to the proposed subdivision. For each, specify their use, dimensions, and the owner or rightholder of the easement.
- 307.09 Contour lines depicted at 10' intervals. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- 307.10 Delineate all 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams and lakes on the affected property and within 100' of such property.
- 307.11 Depict all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents, or the general public.
- 307.12 Note the land use, zoning and ownership of the adjacent land, including the intended future use of the adjacent land, if owned by the applicant.
- 307.13 Note existing structures on the site, their uses and whether they are to remain on the site.
- 307.14 Identify any historical or archaeological sites.
- 307.15 Note significant natural or man-made features within and adjacent to the proposed subdivision.

- 307.16 Depict all potential hazard areas including: geologic hazard areas; expansive soils (*A-6 and A-7-6 soils as defined in the AASHTO Classification Group Index referenced in the Douglas County Roadway Design and Construction Standards*).
- 307.17 Identify areas of 15-25% slope in one shading pattern and areas greater than 25% in another shading pattern.
- 307.18 Note short- and long-range views onto, or from, the site, including scenic mountain views, buttes, rock outcroppings, drainages, etc.
- 307.19 Depict any significant existing stands of vegetation, including, but not limited to, large stands of scrub oak and pine. Identify type.
- 307.20 Identify wildlife habitat areas including breeding grounds, nesting areas, crossings, wintering areas, migratory routes, etc.
- 307.21 Show the conceptual design of the following items:
 - (1) local, collector and arterial streets, including principal dimensions;
 - (2) pedestrian and open space systems, including connections to adjacent development and open space areas;
 - (3) focal points, community facilities and other special features; and
 - (4) the treatment of potentially conflicting land uses.

308 Development Reports (*Amended 8/22/07*)

The applicant shall submit a report with supporting materials and completely address the items listed below as a minimum. The degree of detail for analysis of some of the following factors will depend upon the impact of the particular item on the surrounding area and the subject property. The Director may waive any portion of the development report, based upon design, size, impact to public facilities, services, roads and overall impacts.

- 308.01 A discussion of site features, including but not limited to, streams, lakes, topography and vegetation, that may affect the evaluation of the proposed development. [*§30-28-133(3)(b)(I)*]
- 308.02 Evidence establishing soil suitability in the form of a report based on information from the Soil Conservation Service of the United States Department of Agriculture (USDA) or another form acceptable to staff. The report shall minimally include: a description of site soil types, locations, and characteristics with supporting soil maps, soil logs and other information needed to determine soil suitability for proposed development; constraints on development based on the findings; and analysis and evaluation of such information with recommendations regarding structural constraints, erosion control, and a determination of the adequacy of the structural characteristics

of the soil as they relate to the proposed uses and development. [§30-28-133(3)(b)(IV), C.R.S.]

- 308.03 A report on the geologic characteristics of the site, by a professional geologist, including any potential natural or man-made hazards which would have a significant influence on the proposed uses of the land, a determination of what effect such factors would have and proposed corrective or protective measures. [§30-28-133(3)(b)(II), C.R.S.]
- 308.04 A Phase I drainage analysis and plan, or an approved Master Plan of Drainage, prepared in accordance with the requirements of the Douglas County Storm Drainage and Design and Technical Criteria manual, including estimates of quantitative flows and rough plans for facilities to prevent storm waters in excess of historic runoff caused by the proposed subdivision, from entering, damaging or being carried by conduits, water supply ditches and appurtenant structures and other drainage facilities. [§30-28-133(3)(c)(VIII), C.R.S.]
- 308.05 Water supply documentation in accordance with Section 18A, Water Supply – Overlay District, of the *Douglas County Zoning Resolution*.

The Director may defer the requirement that the Development Reports include evidence of inclusion of the property into an Existing District or evidence of organization of a New Special District and execution of an intergovernmental agreement between the New Special District and the Existing District that is proposed to provide the water supply to the subdivision, for reason of good cause shown. Such reasons may include, but shall not be limited to:

- Demonstration that an inclusion agreement has been executed by the property owner(s) and the Existing District, and that the process of inclusion is on-going, but not yet complete. (For example: The election to approve inclusion of the property has been scheduled, but not yet conducted, or a Motion for Order for Inclusion has been filed in District Court, but not yet ruled on.)
- Demonstration that the New Special District has been organized, and that the process of executing an intergovernmental agreement is on-going, but not yet complete.
- Demonstration that the New Special District has been approved by the Board of County Commissioners and that the process of organizing of the New Special District is on-going, but not yet complete. (For example: The election to approve organizing of the New Special District has been scheduled, but not yet conducted.)

Such a deferral may include the provision that evidence of inclusion of the property into the Existing District or evidence of organizing of a New Special District and execution of an intergovernmental agreement between the New Special District and the Existing District be submitted prior to consideration of

the application by the Planning Commission and/or the Board of County Commissioners.

308.06 Evidence of the physical and legal capability to provide sanitation as follows:

308.06.1 For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.

308.06.2 For a subdivision of land where a sanitation district is proposed to be formed to serve the subdivision, evidence of the ability of the sanitation agency or owner to serve the demands of the proposed subdivision.

308.06.3 For a subdivision of land where individual sewage disposal systems are proposed, percolation test data must be provided to prove general suitability of soils for such systems.

308.07 Evidence, in the form of a letter of agreement between the subdivider and utility service provider, that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for the proposed subdivision. [§30-28-133(3)(e), C.R.S.]

308.08 A narrative describing the availability and adequacy of existing infrastructure and other necessary services including, but not limited to, fire and police protection, schools, recreation, utilities, and open space.

308.09 A narrative or traffic study describing the proposed transportation network establishing the availability and adequacy of the system consistent with the Douglas County Roadway Design and Construction Standards and the Transportation Plan of the County Master Plan.

308.10 A sound study, when proposed residential units are located abutting a state, federal, or major regional arterial highway, identifying the current noise levels and projected noise levels based on projected highway expansion. Subdivision design may be required to mitigate noise impacts.

308.11 A discussion on the effect of the proposal on significant cultural, archaeological and historical resources and plans for protection of such resources.

308.12 An evaluation of potential radiation hazard to the proposed land uses. [§30-28-133(3)(b)III], C.R.S.]

309 Public Notice Requirements (Amended 03/28/01)

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting will be counted in the total number of days

required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

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.

309.01 PUBLISHED NOTICE

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

- (1) 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
- (2) 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 St., Castle Rock, CO, for approval of a sketch plan located *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION AND
BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a sketch plan located *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

309.02 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 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. The notice shall read:

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

This land shall be considered for approval of a sketch plan on *(date)*, at *(time)* in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION AND
BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for approval of a sketch plan, before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on, *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name.:

- 309.02.1 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#/Name:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 200____
by _____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

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

310 Expiration of Sketch Plan *(Amended 6/22/10)*

- 310.01 The sketch plan shall be effective for a period of 1 year from the date of approval by the Board, unless stated otherwise in such approval. The Director may grant a 1-year extension of time, upon a written request by the applicant. The Director may grant additional 1-year extensions upon a finding that the sketch plan is in compliance with the County Master Plan, Zoning Resolution and Subdivision Resolution, all as amended.
- 310.02 When a part of the sketch plan area obtains preliminary plan approval or combined preliminary and final plat approval, the remaining area of the sketch plan shall be effective for an additional 1-year period or as otherwise extended by the Director.
- 310.03 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the sketch plan as these changes affect the plan and the anticipated time schedule for completing the platting process. Additional review of the sketch plan may occur resulting in additional conditions as applicable. *(fee schedule available from Planning Division)*

310.04 The denial of an extension by the Director may be appealed to the Board in writing within 10 days of the decision by the Director.

ARTICLE 4 PRELIMINARY PLAN**401 Intent (Amended 8/26/99)**

An in-depth analysis of the proposed subdivision including a refinement of the design considering the geologic hazards, wildlife habitat/corridors, environmentally sensitive areas, source of required services, vehicular/pedestrian circulation, and relationship to surrounding land uses. The development plan and reports shall include the statutory requirements as contained in §30-28-133, C.R.S., as amended.

402 Prerequisite (Amended 6/22/10)

- 402.01 The preliminary plan shall be in substantial compliance with the approved sketch plan as determined by the Director. If not, the applicant shall resubmit a sketch plan for review.
- 402.02 The preliminary plan shall be submitted within 1 year of the approval of the sketch plan, or as extended by the Director.
- 402.03 The preliminary plan may be submitted as a combined preliminary and final plat if all prerequisites set forth in Article 5A are met.

403 Approval Standards (Amended 8/25/99)

A preliminary plan may be approved upon the finding by the Board that:

- 403.01 the preliminary plan is in conformance with the goals, objectives, and policies of the Douglas County Master Plan;
- 403.02 the plan is in conformance with the design elements established in Article 3, section 304;
- 403.03 the application is in conformance with Section 18A, Water Supply - Overlay District, of the *Douglas County Zoning Resolution*;
- 403.04 the subdivider has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations; [§30-28-133(6)(b), C.R.S.]
- 403.05 the subdivider has provided evidence to show that all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and the proposed uses of these areas are compatible with such conditions; [§30-28-133(6)(c), C.R.S.]
- 403.06 the subdivider has provided adequate drainage improvements; [§30-28-133(3)(c)(VIII), C.R.S.]

- 403.07 significant cultural, archaeological, natural/historical resources and unique landforms have been protected; and
- 403.08 necessary services, including fire/police protection, recreation, utilities, open space and transportation system, are available to serve the proposed subdivision.

404 Submittal Process (Amended 8/11/09)

The preliminary plan 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:

- 404.01 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.
- 404.02 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.
- 404.03 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.
- 404.04 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.

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.

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.

- 404.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public meeting before the Planning Commission, notify the applicant in writing of the meeting date and time, and prepare a staff report for the Planning Commission.

The Board or Director may require a public hearing based upon the following factors: design, size, public concern, public facilities and services, access, or the transportation network. If a public hearing is required, the applicant is responsible for public notice of the hearing in accordance with Section 408 herein.

- 404.06 The Planning Commission shall evaluate the preliminary plan 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 preliminary plan request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

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

The Board or Director may require a public hearing based upon the following factors: design, size, public concern, public facilities and services, access, or the transportation network. If a public hearing is required, the applicant is responsible for public notice of the hearing in accordance with Section 408 herein.

- 404.08 The Board shall evaluate the preliminary plan 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 preliminary plan request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

- 404.09 If denied by the Board, a resubmittal of a preliminary plan 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 within 10 days from the date

of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed preliminary plan.

405 General Submittal Requirements (Amended 8/22/07)

The following information shall be submitted to the Planning Division, unless waived by the Director:

- 405.01 Completed land use application (*available from the Planning Office*)
- 405.02 A written narrative which, at a minimum, provides the following information:
 - 405.02.1 the total land area to be subdivided;
 - 405.02.2 the total number of lots;
 - 405.02.3 the density;
 - 405.02.4 the total land area to be preserved as open space;
 - 405.02.5 and phasing of the proposed subdivision; and
 - 405.02.6 changes to the sketch plan.
- 405.03 Water Supply Summary Sheet
- 405.04 Application fee (*fee schedule available from Planning Office*)
- 405.05 Proof of ownership that includes an updated or current title insurance policy or title commitment issued no more than thirty days prior to the date of application.
- 405.06 A notarized letter of authorization from the landowner permitting a representative to process the application, when the landowner is not the applicant.
- 405.07 Plan exhibit, in accordance with Section 406, herein.

Plan reductions (11" X 17") shall be required for public hearing packets for the Planning Commission and Board.
- 405.08 Development reports, in accordance with Section 407, herein.
 - 405.08.1 Engineering plans and fees shall be submitted to the Engineering Division.

405.08.2 Phase III drainage plans and final roadway design and construction plans shall not be submitted to the Engineering Division prior to preliminary plan approval, unless approved by the Director based upon, but not limited to, the following factors: design, size, public concern, public facilities, services, access and transportation network.

405.09 A copy of the approved sketch plan and any additional information, as requested by staff.

406 Plan Exhibit (Amended 8/25/99)

The preliminary plan shall substantially conform to the approved sketch plan including the conditions of approval, and shall be prepared as follows:

406.01 The plan exhibit shall be prepared on 24" X 36" paper at a scale of 1"=100', 1"=200' or another scale approved by the Director. If a proposal requires multiple sheets, a composite, on 24" X 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet.

406.02 The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development, plan number (*when applicable*), and Planning Division file number. If part of a Planned Development, the planning area(s) shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County, CO shall be included under the name and planning area. On the title sheet (*sheet #1*), under the general legal description, include the total acreage and the total number of residential lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names may not duplicate existing subdivision or planned development names.

Example:

PINE VIEW PRELIMINARY PLAN NO. 10		
A portion of Planning Area H - A part of the West 1/2 of		
Section 9, T6S, R67W, 6th P.M., Douglas County, CO		
8.05 Acres	35 Residential lots	SB____-____

406.03 A block in the lower right-hand corner shall include 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.

- 406.04 The boundary of the proposed subdivision shall be depicted in a heavy line. Note those areas not included in the subdivision as "Not included in this plat."
- 406.05 A vicinity map that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a 1-mile radius superimposed on a current Douglas County Subdivision Map, maintaining the same scale.
- 406.06 When the land is zoned Planned Development, a vicinity map that depicts the area to be subdivided superimposed on the PD development plan or filing map at a scale of 1"= 2,000' that shows the limits of the preliminary plan superimposed on the planning areas.
- 406.07 Depict all easements, including existing and proposed, public and private on and adjacent to the proposed subdivision, their use, principal dimensions, the owners or rightholder of the easement along with the recorded book and page number and the name of the entity responsible for construction or maintenance.
- 406.08 Contour lines depicted at 10' intervals, or another. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- 406.09 Delineate all 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, inlets, storm sewers and culverts on the affected property and within 100' of such property.
- 406.10 Depict all lots, tracts, and when appropriate, building envelopes, providing accurate dimensions for each. Lots shall be numbered consecutively, tracts shall be lettered alphabetically. Include the total acreage and range of lot sizes. On residential subdivisions, tracts shall be used exclusively for nonresidential uses, such as area to be dedicated to the County for park or school sites.
- 406.11 Depict all lands to be dedicated or reserved in deeds or easements for the use of landowners, residents, or the general public. Include notes to indicate the disposition and maintenance responsibility for all such tracts.
- 406.12 Locate and provide the name and principal dimension of all street rights-of-way. Roads shall be identified by the classification system defined by the Douglas County Road Design and Construction Standards. Indicate the maintenance responsibility, road % grades, centerline radii and other pertinent roadway information such as distance between intersections.
- 406.13 Depict legal and physical public access to the proposed subdivision even if not part of the subdivision.

- 406.14 Note the land use, zoning and ownership of the adjacent land, including the intended future use of the adjacent land, if owned by the applicant.
- 406.15 Note existing structures on the site, their uses and whether they are to remain on the site.
- 406.16 Identify any historical or archaeological sites.
- 406.17 Note significant natural or man-made features within and adjacent to the proposed subdivision.
- 406.18 Note important views onto or from the site, including scenic mountain views, buttes, rock outcroppings, drainages, etc.
- 406.19 Indicate by name and symbol, significant vegetative stands including, but not limited to, large stands of scrub oak and pine.
- 406.20 Depict all potential hazard areas including: geologic hazard areas; expansive soils (*A-6 and A-7-6 soils as defined in the AASHTO Classification Group Index referenced in the Douglas County Roadway Design and Construction Standards*).
- 406.21 Identify areas of 15-25% slope in one shading pattern and areas greater than 25% in another shading pattern.
- 406.22 Identify significant wildlife habitat areas including breeding grounds, nesting areas, crossings, wintering areas, migratory routes, etc.

407 Development Reports (Amended 8/22/07)

The applicant shall submit a report with supporting materials which is to include and completely address the items listed below as a minimum. The degree of detail for analysis of some of the following factors will depend upon the impact of the particular item on the surrounding area and the subject property. The Director may waive any portion of the development report based upon design, size, impact to public facilities, services, roads, and overall impacts, except those required by state statutes.

- 407.01 A discussion of site features as depicted on the plan that may affect the evaluation of the proposed development. [*§30-28-133(3)(b)(I), C.R.S.*]
- 407.02 Evidence establishing soil suitability in the form of a report prepared by a registered professional engineer or professional geologist. The report shall minimally include: a description of site soil types, locations, and characteristics with supporting soil maps, soil logs and other information needed to determine soil suitability for proposed development; depth to water table and an engineers recommendation of how to handle the subsurface drainage (i.e.: sump pumps, trench drains, etc.); constraints on development

based on the findings; and analysis and evaluation of such information with recommendations regarding structural constraints, erosion control, and a determination of the adequacy of the structural characteristics of the soil as they relate to the proposed development. [§30-28-133(6)(c), C.R.S.]

- 407.03 A report on the geological characteristics of the site, by a qualified professional, including any potential natural or man-made hazards which would have a significant influence on the proposed uses of the land, a determination of what effect such factors would have and proposed corrective or protective measures. [§30-28-133(6)(C), C.R.S.]
- 407.04 Phase II Drainage Report or an approved Master Plan of Drainage prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria manual. [§30-28-133(3)(c)(VIII), C.R.S.]
- 407.05 Water supply documentation in accordance with Section 18A, Water Supply – Overlay District, of the *Douglas County Zoning Resolution*.
- 407.06 Evidence of the physical and legal capability to provide sanitation as follows:
[§30-28-133(6)(b), C.R.S.]
- 407.06.1 For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.
- 407.06.2 For a subdivision of land where a sanitation district is proposed to be formed to serve the subdivision, evidence of the ability of the sanitation agency or owner to serve the demands of the proposed subdivision.
- 407.06.3 For a subdivision of land where individual sewage disposal systems are proposed, percolation test data must be provided to prove general suitability of soils for such systems.
- 407.07 A narrative describing the availability and adequacy of existing infrastructure and other necessary services including: fire and police protection, recreation, utilities, and open space.
- 407.08 A narrative or traffic study describing the transportation network establishing the availability and adequacy of the system consistent with the Douglas County Roadway Design and Construction Standards and the Transportation Plan of the County Master Plan.
- 407.09 A discussion on the effect of the proposal on significant cultural, archaeological and historical resources and plans for the protection of such resources.
- 407.10 An evaluation of potential radiation hazard to the proposed land use. [§30-28-133(3)(b)(III), C.R.S.]

408 Public Notice Requirements (Amended 03/28/01)

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting will be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

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.

408.01 PUBLISHED NOTICE

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 hearing. Such 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 St., Castle Rock, CO, for approval of a preliminary plan located (distance and direction from nearest major intersection). For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on, (date), at (time), and before the Board of County Commissioners on, (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a preliminary plan located (distance and direction from nearest major intersection). For more information call Douglas County Planning, 303-660-7460.

File #/Name:

408.02 POSTED NOTICE *(Amended 03/28/01)*

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, visible from the right-of-way, 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. Such notice shall read:

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

This land shall be considered for approval of a preliminary plan on *(date)*, at *(time)* in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for approval of a preliminary plan before the Planning Commission on, (date), at (time), and before the Board of County Commissioners on, (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

- 408.02.1** 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 #/Name:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 200__ by
_____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

- 408.02.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.
- 409 Expiration of Approval *(Amended 10/11/95)*
- 409.01 The preliminary plan shall be effective for a period of 1 year from the date of approval, unless stated otherwise in such approval. The Director may grant a 1-year extension of time, upon a written request by the applicant. The Director may grant additional extensions upon a finding that the plan is in compliance with the County Master Plan, Zoning Resolution and Subdivision Resolution, all as amended.
- 409.02 When a part of the preliminary plan obtains final plat or combined preliminary and final plat approval, approval of the remaining area of the preliminary plan shall be effective for an additional 1-year period or as otherwise extended by the Director or the Board.
- 409.03 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plan as these changes affect the plan and the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Office. Additional review of the plan may occur resulting in additional conditions as applicable.
- 409.04 The denial of an extension by the Director may be appealed to the Board in writing within 10 days of the decision by the Director.

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE 5 FINAL PLAT

501 Intent

To provide for the review of the final engineering plans, the subdivision improvement agreement, public dedication, and other legal agreements.

502 Prerequisite (Amended 6/22/10)

- 502.01 The final plat shall be in substantial compliance with the Board approved preliminary plan, as determined by the Director. If not, the applicant shall submit an amended preliminary plan for review and approval by the Planning Commission and the Board.
- 502.02 The final plat shall be submitted within 1 year of approval of the preliminary plan, or as extended by the Director or Board. The final plat may be submitted as a combined preliminary/final plat if all prerequisites set forth in Article 5A are met.

503 Approval Standards (Amended 8/25/99)

A final plat may be approved upon the finding by the Board that:

- 503.01 the final plat is in conformance with the goals, objectives, and policies of the Douglas County Master Plan;
- 503.02 the plan is in conformance with the design elements established in Article 3, section 304 of this Resolution;
- 503.03 the application is in conformance with Section 18A, Water Supply - Overlay District, of the *Douglas County Zoning Resolution*;
- 503.04 the subdivider has provided evidence that, provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [§30-28-133(6)(b), C.R.S.]; and
- 503.05 the subdivider has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions. [§30-28-133(6)(a), C.R.S.]
- 503.06 the subdivider has provided adequate drainage improvements [§30-28-133(3)(c)(VIII), C.R.S.];
- 503.07 significant cultural, archaeological, natural/historical resources and unique landforms have been protected; and

- 503.08 necessary services, including fire/police protection, recreation, utilities, open space and transportation system, are available to serve the proposed subdivision.

504 Submittal Process (Amended 8/11/09)

The final plat 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:

- 504.01 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.
- 504.02 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.
- 504.03 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.
- 504.04 If the referral agencies elect to comment, they shall comment within 28 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 28 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant 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 28 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.

- 504.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public meeting before the Board, notify the applicant in writing of the meeting date and time, and prepare a staff report for the Board. The Subdivision Improvements Agreement (SIA) shall be reviewed and approved by the County Manager prior to final plat approval.
- 504.06 The Board shall evaluate the final plat request, staff report, referral agency comments, applicant responses, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, or deny the final plat request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 504.07 If denied by the Board, a re-submittal of a final plat 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 within 10 days from the date of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed final plat.

505 Submittal Requirements (Amended 8/22/07)

The following information shall be submitted to the Planning Division, unless waived by the Director:

- 505.01 Completed land use application (*available from the Planning Office*)
- 505.02 A written narrative which, at a minimum, provides the following information:
- 505.02.1 the total land area to be subdivided;
 - 505.02.2 the total number of lots;
 - 505.02.3 the density;
 - 505.02.4 the total land area to be preserved as open space;
 - 505.02.5 phasing of the proposed subdivision; and
 - 505.02.6 changes to the preliminary plan.
- 505.03 Application fee (*fee schedule available from Planning Office*)

- 505.04 Proof of ownership which includes an updated or current title insurance policy or title commitment issued no more than thirty days prior to the date of application
- 505.05 A notarized letter of authorization from the landowner permitting a representative to process the application
- 505.06 Plan exhibit, in accordance with Section 506, herein

Plan reductions (11" X 17") shall be required for public hearing packets for the Board.
- 505.07 Development reports, in accordance with Section 507, herein

Final drainage plans and roadway design and construction plans and fees shall be submitted to the Engineering Division.
- 505.08 A copy of the approved preliminary plan and any additional information, as requested by staff.

506 Plan Exhibit (Amended 8/25/99)

The final plat shall substantially conform to the approved preliminary plan and the Board's conditions of approval.

- 506.01 The final plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for recording in the Office of the County Clerk and Recorder.
- 506.02 The final plat shall be a tapeless, spliceless, and creaseless original film mylar drawing (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 or computer-generated reproduction (emulsion up) of the original drawing. Inaccurate, incomplete or poorly drawn plans, as well as, Diazo (sepia) or electrostatic-generated (Xerox) plans shall be rejected.
- 506.03 Sheet size shall be 24" X 36" with the long dimension horizontal. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet.
- 506.04 The final plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than 1%. Acceptable scales are 1"=50' or 1"=100' and for subdivisions exceeding 100 acres, 1"=200'. In special instances another scale may be approved by the Director. When a proposal requires multiple sheets, a composite, on 24" X 36" paper, shall be provided that delineates

the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner.

- 506.05 The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development, filing number (*when applicable*), and Planning Division file number. If part of a Planned Development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County, CO, shall be included under the name and planning area. On the title sheet (*sheet #1*), under the general legal description, include the total acreage and the total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. Subdivision names may not duplicate existing subdivision or planned development names.

Example:

PINE VIEW FILING #1 (<i>A,B, etc.</i>)		
Planning Area H		
SW/4 of Sec. 9, T6 S, R67 W of the 6th P.M., Douglas County, CO		
8.06 Acres	35 Residential lots	SB ____ - ____

- 506.06 A block in the lower right-hand corner shall include 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.
- 506.07 A vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a 1 mile radius superimposed on a current Douglas County Subdivision Map, maintaining the same scale.
- 506.08 When the land is zoned Planned Development, a vicinity map that depicts the area to be subdivided at the same scale as the Development Plan superimposed on the planning areas.
- 506.09 A written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes shall be clearly and prominently indicated on the final plat. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the final plat which do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not a Part of This Subdivision".

- 506.10 When requested by the staff planner, deleted lot lines, easements, or rights-of-way shall be shown on the plat in dashed lines, or screened, with a note and arrow pointing to the item to be vacated, stating that the lot line, easement, or right-of-way is hereby vacated. (*Dashed lines shall be graphically different for existing vs. proposed vs. deleted.*)
- 506.11 Display ties to aliquot section corners and to the State grid, if available, which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the County Engineer. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (*second order*) minimum for linear and angular (*bearing*) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
- 506.12 All lots, tracts and, when requested by staff, appropriate building envelopes, shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing, and curve data. No ditto marks shall be used for dimensions. All lots shall be shown in their entirety on one sheet. Lots shall be consecutively numbered, tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot or tract to the nearest 0.01 of an acre. On residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites. All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.
- 506.13 All road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way line with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat.
- 506.14 The purpose, widths and location (*with fine dashed lines*) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be shown with an arrow or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on

the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.

- 506.15 Accurately locate 100-year floodplains, all existing/proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected land.
- 506.16 The following certifications on a single sheet in accordance with Article 8 of this Resolution: Surveyor, Dedication Statement, Title Verification, Board of County Commissioners, Clerk and Recorder, Planning Commission, and Acceptance Certificate, as needed.
- 506.17 For all final plats within the Centennial Airport Review Area, as identified by the *Douglas County Zoning Resolution*, the following statement shall be placed on the final plat:

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 final plat.

- 506.18 Plat notes which adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts, reference to the subdivision improvements agreement and conservation easements, maintenance responsibility for private roads, easements and tracts, and limitations on wells or septic systems. The developer shall provide for the construction, at no cost to the County, of traffic signalization, all utilities, and other public infrastructure, as required by the Board, and provide bonding or other security needed to ensure such improvements, as required by the Board.

507 Final Development Reports (Amended 8/22/07)

The applicant shall submit the supporting materials necessary for the review of the final plat which address the following items:

- 507.01 Phase III Drainage Report and drainage construction drawings prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria manual.
- 507.02 Final road construction plans prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards.
- 507.03 A printed copy of the closure calculations on the boundary lines of the final plat. Any mathematical closure errors in excess of 1:50,000 (second order)

must be corrected by the applicant's surveyor prior to plat approval by the Board.

- 507.04 Water supply documentation in accordance with Section 18A, Water Supply – Overlay District, of the *Douglas County Zoning Resolution*.

508 Vested Property Rights

The final plat is designated as the Site Specific Development Plan for the purpose of vesting property rights for single-family residential land. A landowner seeking vested property rights for single-family residential land must obtain approval of a Site Specific Development Plan pursuant to the provisions of Article 12 of this Resolution. For nonresidential, refer to Section 34 of the *Douglas County Zoning Resolution*.

509 Recordation Procedure (Amended 8/25/99)

The recordation of the approved final plat and associated documentation shall occur within 90 days of Board approval. The final plat shall be submitted for recordation as follows:

- 509.01 The applicant shall amend the final plat document in accordance with the Board approval, as necessary.
- 509.02 Within 60 days of approval of the final plat, unless stated otherwise in such approval, the applicant shall submit: 2 fix-line photographic or computer-generated reproductions (*emulsion up*) of the approved final plat ready for recordation (*except for the signatures of the Board Chair, Director and other County Departments*); all required documentation; and all mapping and recordation fees to the Planning Division. *Diazo (sepia) or electrostatic-generated (Xerox) plans are not acceptable.*
- 509.03 The applicant shall provide proof that adequate security has been provided to cover the subdivision improvement costs in accordance with the requirements of the Douglas County Roadway Design and Construction Standards, and any other performance bonds, as required.
- 509.04 The applicant shall provide a current title insurance policy or commitment, no more than 2 weeks old. If there is a difference in ownership between this title policy and the title policy submitted with the final plat application, recordation shall not be allowed until a determination can be made that the newly identified owners have had an opportunity to comment. Objection by these newly identified owners may result in the Board rehearing the final plat.
- 509.05 The applicant shall provide a warranty deed, or cash-in-lieu of county land dedication for parks or schools, as identified on the plat and rights-of-way outside and adjacent to the subdivision reflecting widths as designated in the Douglas County Transportation Plan.

- 509.06 A signed warranty deed must be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.
- 509.07 The applicant shall provide a certificate of Taxes Paid for the land area of the final plat that indicates no overdue taxes.
- 509.08 Within 30 days of receipt of the final plat, and supporting documentation, the staff planner shall obtain the signatures of the Board, Director, and other County Departments, as required; and upon execution and acceptance by the County of all warranty deeds, the final plat shall be recorded.

510 Post Recordation Requirement (Amended 10/11/95)

Within 45 days of recordation the applicant shall submit an address plat on 17" X 22" sheet of paper or another sheet size approved by staff. The address plat may be a reduction of the final plat or another graphic representation which includes a north arrow, the lot numbers, street names, and addresses. When multiple sheets are needed a cover sheet shall be provided which shows a composite of the subdivision.

511 Expiration of Approval (Amended 10/11/95)

- 511.01 Failure by the applicant to submit all required documentation within 60 days shall render approval of the final plat null and void and result in the necessity for the resubmittal of a preliminary plan, if the preliminary plan has expired, and final plat, along with all required fees and documentation.
- 511.02 The Director may grant extensions of time up to one year, upon a written request by the applicant or staff for good cause being shown. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff.
- 511.03 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Office. Additional review of the plat may occur resulting in additional conditions as applicable.
- 511.04 The denial of an extension by the Director may be appealed to the Board in writing within ten days of the decision by the Director.

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE 5A COMBINED PRELIMINARY AND FINAL PLAT

501A Intent

To provide a combined review process for the proposed subdivision of residential and non-residential lots where a sketch plan has been approved and is still valid, unless otherwise directed by the Board of County Commissioners at the time of sketch plan approval. The combined preliminary and final plat process is designed to accomplish the intent of both the preliminary plan and final plat as stated in Article 4, Section 401, and Article 5, Section 501 of this Resolution. For purposes of recordation and vesting, the combined preliminary and final plat shall serve as a final plat.

502A Prerequisite

Prior to submittal of a combined preliminary and final plat application, the applicant shall meet with staff to discuss eligibility, procedure, and submittal requirements.

- 502A.01 The combined preliminary and final plat shall be in substantial compliance with the approved sketch plan as determined by the Director. If not, the applicant shall resubmit a sketch plan for review.
- 502A.02 The combined preliminary and final plat shall be submitted within one (1) year of the approved sketch plan, or as extended by the Director in accordance with the sketch plan procedures.
- 502A.03 The combined preliminary and final plat process may not be utilized where the Board of County Commissioners has required the submission of a full preliminary plan application as a condition of sketch plan approval.

503A Approval Standards

A combined preliminary and final plat may be approved upon the finding by the Board of County Commissioners that the following standards have been met:

- 503A.01 The combined preliminary and final plat is consistent with the goals, objectives, and policies of the Douglas County Comprehensive Master Plan.
- 503A.02 The combined preliminary and final plat is in conformance with the design elements established in Article 3, Section 304 of this Resolution.
- 503A.03 The application is in conformance with Section 18A, Water Supply - Overlay District, of the Douglas County Zoning Resolution.
- 503A.04 The subdivider has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage

disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [§ 30-28-133(6)(b), C.R.S.].

503A.05 The subdivider has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions [§30-28-133(6)(c), C.R.S.].

503A.06 The subdivider has provided adequate drainage improvements [§30-28-133(3)(c)(VIII), C.R.S.].

503A.07 Significant cultural, archaeological, natural, and historic resources, and unique landforms have been protected.

503A.08 Services, including fire and police protection, recreation facilities, utility service facilities, streets, and open space, are available to serve the proposed subdivision.

504A Submittal Process

504A.01 The applicant shall submit two (2) copies of the combined preliminary and final plat exhibits and one (1) copy of all supporting documentation to Planning Services. The submittal shall be reviewed for completeness within fifteen (15) working days. The applicant shall be notified of any inadequacies.

504A.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.

504A.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.

504A.04 If the referral agencies elect to comment, they shall comment within 28 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 28 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 of County Commissioners. (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 28 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.

- 504A.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public meeting before the Planning Commission, and notify the applicant in writing of the meeting date and time. The applicant is responsible for public notice of the meeting in accordance with Section 508A herein.
- 504A.06 The staff planner will prepare a staff report for the Planning Commission members. The Planning Commission shall evaluate the application, staff report, and referral and public comments and make a recommendation to the Board of County Commissioners to approve, approve with conditions, table for further study, or deny the combined preliminary and final plat. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted standards, regulations, policies, and other guidelines.
- 504A.07 Following the recommendation by the Planning Commission, the combined preliminary and final plat will be scheduled for a public meeting before the Board of County Commissioners. The staff planner will notify the applicant of the date and time of the meeting. The applicant is responsible for public notice of the meeting in accordance with Section 508A herein.
- 504A.08 The Subdivision Improvements Agreement (SIA) shall be reviewed and approved by the County Manager prior to combined preliminary and final plat approval. The developer shall provide for the construction of all improvements identified in the SIA at no cost to the County, including traffic signalization, all utilities, and other public infrastructure as required by the Board of County Commissioners and provide a letter of credit or

other acceptable form of security needed to ensure completion of such improvements.

504A.09 The staff planner will prepare a staff report for the Board of County Commissioners. The Board of County Commissioners shall evaluate the combined preliminary and final plat, staff report, referral and public comments, Planning Commission recommendations and shall either approve, conditionally approve, table for further study, or deny the combined preliminary and final plat. The Board of County Commissioner's action shall be based on the evidence presented, compliance with the adopted standards, regulations, policies, and other guidelines. At the public meeting, the Board of County Commissioners may grant a plat recordation time extension upon written request by the applicant.

504A.10 If denied by the Board of County Commissioners, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. A re-submittal of the combined preliminary and final plat for the same or substantially same request, as determined by the Director, shall not be accepted within sixty (60) days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board within ten (10) days from the date of the decision.

505A Submittal Requirements

The following information shall be submitted to Planning Services, unless waived by the Director:

505A.01 Completed land use application

505A.02 Copy of approved sketch plan

505A.03 A written narrative that, at a minimum, provides the following information:

505A.03.1 the total land area to be subdivided

505A.03.2 the total number of lots

505A.03.3 the density

505A.03.4 the total land area to be preserved as open space

505A.03.5 phasing of the proposed subdivision

505A.03.6 changes to the sketch plan

505A.04 Water supply summary sheet

- 505A.05 Application fee
- 505A.06 Proof of ownership which includes an updated or current title insurance policy or title commitment, or a subdivision guarantee letter no more than thirty (30) days old
- 505A.07 When the owner plans to use a consultant to other representative as the primary point of contact for the land use application, a notarized letter of authorization from the landowner permitting that representative to process the application
- 505A.08 Combined preliminary and final plat exhibit
- 505A.09 Development reports in accordance with Section 507A, herein

506A Combined Preliminary and Final Plat Exhibit

- 506A.01 The combined preliminary and final plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for subsequent recording in the Office of the County Clerk and Recorder.
- 506A.02 The combined preliminary and final plat exhibit shall be an acceptable photographic or computer-generated drawing. Inaccurate, incomplete, or poorly drawn plans, as well as, Diazo (sepia) or electrostatic-generated (Xerox) plans shall be rejected.
- 506A.03 Sheet size shall be 24-inches by 36 inches the long dimension horizontal. A margin, left entirely blank, a minimum of one (1) inch on all sides shall be provided on each sheet.
- 506A.04 The combined preliminary and final plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than 1%. Acceptable scales are 1 inch = 50 feet or 1 inch = 100 feet and for subdivisions exceeding 100 acres, 1 inch = 200 feet. In special instances, another scale may be approved. When a proposal requires multiple sheets, a composite, on 24-inch by 36-inch paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner.
- 506A.05 The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or Planned Development, filing number (*when applicable*), and Planning Division file number. If part of a Planned Development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, township, range, 6th P.M., and Douglas

County, CO, shall be included under the name and planning area. On the title sheet (*sheet #1*), under the general legal description, include the total acreage and the total number of lots and tracts. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. The subdivision name may not duplicate existing subdivision names.

Example:

PINE VIEW FILING NO. 1 (A, B, etc.)			
Planning Area H			
A part of the SW ¼ of Sec. 9, T6S, R67W, 6th P.M., Douglas County, CO			
8.06 Acres	35 Residential Lots	2 Tracts	SB__-__

- 506A.06 A block in the lower right-hand corner shall include 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.
- 506A.07 A vicinity map shall be placed on the title sheet that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a one (1) mile radius superimposed on a current Douglas County Subdivision Map, maintaining the same scale.
- 506A.08 When the land is zoned Planned Development, a vicinity map shall be placed on the title sheet that depicts the area to be subdivided superimposed on the development plan, at the same scale as the development plan that shows the limits of the proposed plan superimposed on the planning areas.
- 506A.09 A written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes shall be clearly and prominently indicated on the combined preliminary and final plat. The names, locations, and zoning of all abutting subdivisions shall be depicted. The locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names, and descriptions on the plat which do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not a Part of This Subdivision".
- 506A.10 When requested by the staff planner, deleted lot lines, easements, or rights-of-way shall be shown on the plat in dashed lines, or screened. A note and arrow pointing to the item to be vacated shall be included, stating that the lot line, easement, or right-of-way is hereby vacated.

- 506A.11 Ties to aliquot section corners and to the State grid (*if available*) which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data shall be shown. Only circular curves shall be used. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (*second order*) minimum for linear and angular (*bearing*) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
- 506A.12 All lots, tracts and, when requested by staff, appropriate building envelopes, shall be located, identified, and labeled with the appropriate dimension with sufficient linear, bearing, and curve data.
- 506A.12.1 No ditto marks shall be used for dimensions.
- 506A.12.2 All lots shall be shown in their entirety on one (1) sheet.
- 506A.12.3 Lots shall be numbered consecutively, and tracts shall be lettered alphabetically and in consecutive order.
- 506A.12.4 Acreage shall be shown within each lot to the nearest one-hundredth (0.01) of an acre.
- 506A.12.5 In residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites.
- 506A.12.6 All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.
- 506A.13 All road names and all right-of-way dimensions at each leg of an intersection, point of curve, dead end, and angle point shall be indicated. All right-of-way lines and accurate bearings and dimensions, including chord lengths and bearings, central angles, and radii of all curves shall be shown. If any road in the subdivision is a continuation of an existing road, dimensions and bearings of the transition of the new road to the existing road shall be accurately shown.
- 506A.14 The purpose, widths, and location of all existing and proposed easements and all abutting easements shall be described. Existing easements shall be shown using fine, dashed lines; new easements being dedicated with the plat shall be shown using bold, dashed lines.

- 506A.14.1 If an easement shown on the plat is already of record, its recorded reference shall be given.
- 506A.14.2 If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof, and its recorded reference shall appear on the title sheet.
- 506A.14.3 If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be required to provide complete information of the purpose of the easement.
- 506A.14.4 Distances and bearings on the side lines of lots which are cut by an easement shall be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines.
- 506A.14.5 The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot shall be shown. All easements shall be clearly labeled and identified.
- 506A.15 100-year floodplains, existing and proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected property shall be accurately located.
- 506A.16 The following certifications on the title sheet in accordance with Article 8 of this Resolution shall be included: Surveyor, Dedication Statement, Clerk and Recorder, Board of County Commissioners, Title Verification, Planning Commission, and Acceptance Certificate, as needed.
- 506A.17 For all combined preliminary and final plats within the Centennial Airport Review Area, as identified by the Douglas County Zoning Resolution, the following statement shall be placed on the plat:
- 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 combined preliminary and final plat.
- 506A.18 Plat notes that adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts; reference to conservation easements or similar agreements; maintenance responsibility for private roads, easements, and tracts; and limitations on wells or septic systems shall be included.
- 506A.19 A land use summary table shall be placed on the title sheet to include information on acreage, purpose, ownership, and maintenance responsibility for all lots and tracts.

507A Development Reports

The applicant shall submit final plans and supporting materials necessary for the review of the combined preliminary and final plat as listed below. The Director or County Engineer may waive any development report, study, plan, or other site evaluation materials based upon subdivision design, size, impact to public facilities, services, roads, and overall impacts.

- 507A.01 Phase III Drainage report and drainage construction plans prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 507A.02 A Grading, Erosion, and Sediment Control Report and plan for the subdivision.
- 507A.03 An overall utility plan for the subdivision.
- 507A.04 Final roadway and stormwater construction plans prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards, when applicable.
- 507A.05 Water and sanitary sewer plans. These plans may be included in the roadway and stormwater construction plans.
- 507A.06 A printed copy of the closure calculations on the boundary lines of the combined preliminary and final plat. Any mathematical closure errors in excess of 1:50,000 (*second order*) shall be corrected by the applicant's surveyor prior to approval by the Board of County Commissioners.
- 507A.07 Water supply documentation in accordance with Section 18A, Water Supply – Overlay District, of the Douglas County Zoning Resolution.
- 507A.08 Development reports and other supporting materials required for preliminary plan application in accordance with Article 4, Section 407, may be required as necessary to update or refine the information evaluated with the approved sketch plan.
- 507A.09 As necessary to supplement the site evaluation information shown on the approved sketch plan, a supplementary exhibit, prepared at the same scale as the combined preliminary and final plat, may be required to show important site characteristics and features relevant to the layout of the plat. Such elements may include, but are not limited to: wildlife habitat and movement corridors; significant vegetation; wildfire mitigation areas; historic and archeological sites; existing structures; surrounding zoning, land use, and ownership; important viewsheds or other scenic elements; unique landforms; 100-year floodplains and other water courses; topographic contours; slopes of 15-15% and 25% and greater; expansive soils; and geologic hazards.

508A Public Notice Requirements

When calculating the required time period for posting a notice of a public meeting, the day of posting will be counted in the total number of days required. The day of the meeting shall not be counted toward the total number of days required for the notification period.

The degree of accuracy required for the information contained in these posted public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these posted public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public meetings.

508A.01 POSTED NOTICE

At least fourteen (14) days prior to the Planning Commission public meeting and fourteen (14) days prior to the Board of County Commissioners public meeting, 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 ten (10) feet of the property line abutting such street, visible from the right-of-way, placed on posts at least four (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 three (3) feet by four (4) feet. Letter size shall be a minimum of three (3) inches high. Such notice shall read:

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

This land shall be considered for approval of a combined preliminary and final plat on *(date)*, at *(time)* in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC MEETING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for approval of a combined preliminary and final plat before the Planning Commission on, (date), at (time), and before the Board of County Commissioners on, (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

- 508A.02 An affidavit of sign posting shall be submitted for the file in the offices of Planning Services at least seven (7) days prior to the meetings. 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 #/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

- 508A.03 The sign shall be removed by the applicant within two (2) weeks following the final decision by the Board of County Commissioners.
- 508A.04 The staff planner shall place a courtesy notice of both the Planning Commission and Board of County Commissioners' public meetings for the combined preliminary and final plat request on the County's web site at least fourteen (14) days prior to the scheduled meeting dates. The web site shall be updated as appropriate should meeting dates be changed or postponed. Errors in the web-site meeting notice shall not negatively impact the determination of public notice compliance set forth herein.

509A Vested Property Rights

The combined preliminary and final plat is designated as the Site Specific Development Plan for the purpose of vesting property rights for single-family residential land. A landowner seeking vested property rights for single-family residential land shall obtain approval of a Site Specific Development Plan pursuant to the provisions of Article 12 of this Resolution. For non-residential, refer to Section 34 of the Douglas County Zoning Resolution.

510A Recordation Procedure

The recordation of the approved combined preliminary and final plat and associated documentation shall occur within ninety (90) days of approval by the Board of County Commissioners. The combined preliminary and final plat shall be submitted for recordation as follows:

- 510A.01 The applicant shall amend the combined preliminary and final plat in accordance with the Board of County Commissioners approval, as necessary. The applicant must demonstrate compliance with all conditions of approval prior to plat recordation.
- 510A.02 Within sixty (60) days of approval of the combined preliminary and final plat, unless stated otherwise in such approval, the applicant shall submit one (1) original, executed mylar of the approved combined preliminary and final plat ready for recordation (except for signatures of the Board of County Commissioners Chair, Director and other County Departments) and one (1) paper copy of the same; all required documentation; and all mapping and recordation fees to Planning Services. Diazo (sepia) or electrostatic-generated (Xerox) plans are not acceptable.
- 510A.03 When applicable, the applicant shall provide proof that a letter of credit or other acceptable form of security has been provided to cover the subdivision improvement costs in accordance with the requirements of the Douglas County Roadway Design and Construction Standards, and any other performance guarantee as required.
- 510A.04 The applicant shall provide a current title insurance policy or commitment, no more than two (2) weeks old. If there is a difference in ownership between this title policy and the title policy submitted with the combined preliminary and final plat application, recordation shall not be allowed until the newly identified owners have executed the dedication statement on the plat and any other agreements, easements, or deeds which require the owner signatures.
- 510A.05 The applicant shall provide a special warranty deed, or cash-in-lieu, for county land dedication for parks or schools as identified on the plat. The applicant shall provide a special warranty deed for any required county right-of-way dedication located outside the subdivision boundary, in

accordance with the Board of County Commissioner's conditions of approval and the approved Subdivision Improvements Agreement.

- 510A.06 A signed special warranty deed shall be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.
- 510A.07 The applicant shall provide a certificate of taxes paid for the land area of the plat that indicates no overdue taxes.
- 510A.08 Within thirty (30) days of receipt of the plat, and supporting documentation, the staff planner shall obtain the signatures of the Board of County Commissioners, Director, and other County departments, as required; and upon execution and acceptance by the County of all special warranty deeds, the plat shall be recorded.

511A Expiration of Approval

- 511A.01 Failure by the applicant to submit all items required for plat recordation within sixty (60) days of plat approval of the combined preliminary and final plat, shall render such approval null and void.
- 511A.02 The Director may grant a time extension for plat recordation of up to one (1) year, upon a written request by the applicant or staff for good cause being shown. Further extensions may be granted by the Board of County Commissioners at a public meeting, upon written request by the applicant.
- 511A.03 A plat recordation extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Douglas County Comprehensive Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process. A fee schedule is available from Planning Services. Additional review of the plat may occur resulting in additional conditions as applicable.
- 511A.04 The denial of a plat recordation extension by the Director may be appealed to the Board of County Commissioners in writing within ten (10) days of the decision by the Director.

THIS PAGE LEFT BLANK INTENTIONALLY

ARTICLE 6 MINOR DEVELOPMENT – Single-Family Residential

601 Intent

To provide a streamlined review process for the creation of 4 or fewer single-family residential lots in accordance with Section 30-28-101(10)(d), C.R.S. The Director may determine whether additional lots may be created through this process, based on design, size, available public facilities, services, access and transportation network, not to exceed ten lots. *(Amended 7/23/97)*

602 Prerequisite

Prior to submittal of a minor development application, the applicant shall meet with staff to discuss the procedure and submittal requirements. If it is determined that the applicant is using the minor development process to circumvent the subdivision process such as the submittal of adjoining multiple minor developments, the applicant shall be required to comply with the sketch plan, preliminary plan and final plat processes. A minor development shall not be permitted if the subdivision creates a nonconforming lot, or in the case of an existing nonconforming lot or parcel, a minor development shall not increase the nonconformity. *(Amended 8/25/99)*

603 Approval Standards *(Amended 10/11/95)*

A minor development final plat may be approved upon the finding by the Board that:

- 603.01 the minor development final plat is in conformance with the goals, objectives, and policies of the Douglas County Master Plan; *(Amended 8/25/99)*
- 603.02 the minor development final plat is in conformance with the design elements established in Section 604, herein; *(Amended 7/23/97)*
- 603.03 the application is in conformance with Section 18A, Water Supply - Overlay District, of the Douglas County Zoning Resolution;
- 603.04 the subdivider has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [§.30-28-133(6)(b), C.R.S.];
- 603.05 the subdivider has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions; [§30-28-133(6)(c), C.R.S.]
- 603.06 the subdivider has provided adequate drainage improvements [§30-28-133(3)(c)(VIII), C.R.S.]; *(Amended 7/23/97)*

- 603.07 significant cultural, archaeological, natural and historical resources, and unique landforms have been protected; *(Amended 7/23/97)*
- 603.08 the extraction of any known commercial mining deposit shall not be impeded by this development; and *[§34-1-302(1), C.R.S.] (Amended 7/23/97)*
- 603.09 services, including fire/police protection, recreation facilities, utility service facilities, streets, and open space, are available to serve the proposed subdivision. *(Amended 7/23/97)*

604 Design Elements *(Amended 7/23/97)*

The following shall be considered in reviewing the subdivision design:

- 604.01 lots shall meet the minimum lot size of the zone district with the ability of structures placed on the lot to meet the district setbacks, and provide off-street parking;
- 604.02 geologic hazards or other hazardous conditions shall be mitigated or eliminated;
- 604.03 lot layout shall provide protection from wind, noise, and traffic; buffering for visual relief from development; and shall conform to design guidelines adopted by Douglas County;
- 604.04 streets shall be laid out with the ability to meet the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations;
- 604.05 the natural terrain, drainage and riparian areas, and vegetation shall be preserved to the maximum extent possible;
- 604.06 multiple-frontage lots should be avoided except where essential to provide separation of residential development from regional or major arterials, or to overcome specific disadvantages of topography and orientation;
- 604.07 the subdivision design shall be coordinated with the storm water drainage and flood control systems;
- 604.08 pedestrian, bicycle, and vehicular access to abutting neighborhoods, recreation, shopping, and employment areas shall be provided to the maximum extent possible; and
- 604.09 physical and visual barriers shall be minimized to accommodate a free flow of views, and pedestrian/vehicular circulation.

605 Submittal Process (Amended 8/11/09)

The minor development 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:

- 605.01 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.
- 605.02 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.
- 605.03 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.
- 605.04 If the referral agencies elect to comment, they shall comment within 28 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 28 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 28 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.

- 605.05 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 609 herein.
- 605.06 The Planning Commission shall evaluate the minor development 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 minor development request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 605.07 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 applicant is responsible for public notice of the hearing in accordance with Section 609 herein.
- 605.08 The Board shall evaluate the minor development 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 minor development request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 605.09 If denied by the Board, a resubmittal of a minor development 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 within 10 days from the date of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed minor development.

606 Submittal Requirements (Amended 8/22/07)

The following information shall be submitted to the Planning Division, unless waived by the Director: (Amended 7/23/97)

- 606.01 Completed land use application (available from the Planning Office)
- 606.02 A written narrative that, at a minimum, provides the following information:
(Amended 7/23/97)

- 606.02.1 the total land area to be subdivided;
- 606.02.2 the total number of lots;
- 606.02.3 the density; and
- 606.02.4 the total land area to be preserved as open space.

606.03 Water Supply Summary Sheet *(Amended 7/23/97)*

606.04 Application fee *(available from Planning Division)*

606.05 Proof of ownership which includes an updated or current title insurance policy or title commitment, or a subdivision guarantee letter no more than thirty days old

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

606.07 Minor Development Final Plat Exhibit in accordance with Section 607, herein
Plan reductions (11" X 17") shall be required for public hearing packets for the Planning Commission and Board *(Amended 8/25/99)*

606.08 Development Reports, in accordance with Section 608, herein
Final drainage plans, roadway design and construction plans, and review fees shall be submitted to the Engineering Division. *(Amended 8/25/99)*

606.09 Any additional information, at the request of the Director, needed to thoroughly review the impacts of the subdivision request. *(Amended 7/23/97)*

607 Minor Development Final Plat Exhibit

607.01 The minor development final plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for recording in the Office of the County Clerk and Recorder.

607.02 The minor development final plat shall be a tapeless, spliceless, and creaseless original film mylar drawing (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 or computer-generated reproduction (emulsion up) of the original drawing. Inaccurate, incomplete or poorly drawn plans, as well as, Diazo (sepia) or electrostatic-generated (Xerox) plans shall be rejected. *(Amended 8/25/99)*

- 607.03 Sheet size shall be 24" X 36" with the long dimension horizontal. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet. (Amended 8/25/99)
- 607.04 The minor development final plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than 1%. Acceptable scales are 1"=50' or 1"=100' and for subdivisions exceeding 100 acres, 1"=200'. In special instances, another scale may be approved by the Director of Planning and Community Development. If a proposal requires multiple sheets, a composite, on 24" X 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner.
- 607.05 The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development, filing number (*when applicable*), and Planning Division file number. If part of a Planned Development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County, CO, shall be included under the name and planning area. On the title sheet (*sheet #1*), under the general legal description, include the total acreage and the total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. The minor development subdivision name may not duplicate existing subdivision names. (Amended 10/11/95)

Example:

WITT'S END		
A part of the W/2 of Sec. 9, T6S, R67W, 6th P.M., Douglas County, CO		
40 Acres	4 Residential lots	SB__-

- 607.06 In a block in the lower right-hand corner include 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.
- 607.07 A vicinity map that depicts the area to be subdivided and the area that surrounds the proposed subdivision within a 1-mile radius superimposed on a current Douglas County Subdivision Map, maintaining the same scale.
- 607.08 When the land is zoned Planned Development, a vicinity map that depicts the area to be subdivided superimposed on the development plan, at the same scale as the Development Plan that shows the limits of the proposed plan superimposed on the planning areas. (Amended 8/25/99)

- 607.09 A written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes shall be clearly and prominently indicated on the minor development final plat. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the plat which do not constitute a part of the subdivision shall be depicted in dashed or screened lines. Any area enclosed by the subdivision, but not a part thereof shall be labeled "Not a Part of This Subdivision".
- 607.10 Display ties to aliquot section corners and to the State grid (*if available*) which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the County Engineer. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (*second order*) minimum for linear and angular (*bearing*) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
- 607.11 All lots, tracts and when requested by staff, appropriate building envelopes, shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing, and curve data. No ditto marks shall be used for dimensions. All lots shall be shown in their entirety on one sheet. Lots shall be numbered consecutively; tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot to the nearest 0.01 of an acre. In residential subdivisions, tracts shall be used exclusively for nonresidential property, such as areas to be dedicated for park and school sites. All parcels or areas of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.
- 607.12 Indicate all road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat.
- 607.13 Describe the purpose, widths and location (*with fine dashed lines*) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof

and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.

- 607.14 Accurately locate 100-year floodplains, all existing/proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected land. *(Amended 2/23/05)*
- 607.15 Include the following certifications on the title sheet in accordance with Article 8 of this Resolution: Surveyor, Dedication Statement, Clerk and Recorder, Board of County Commissioners, Title Verification, Planning Commission, and Acceptance Certificate, as needed. *(Amended 8/25/99)*
- 607.16 For all minor development final plats within the Centennial Airport Review Area, as identified by the Douglas County Zoning Resolution, the following statement shall be placed on the plat: *(Amended 8/25/99)*

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 minor development final plat.

- 607.17 Include plat notes that adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts, reference to the subdivision improvements agreement and conservation easements, maintenance responsibility for private roads, easements and tracts. The developer shall provide for the construction, at no cost to the County, of traffic signalization, all utilities, and other public infrastructure as required by the Board and provide bonding or other security needed to ensure such improvements, as required by the Board.

608 Development Reports *(Amended 8/22/07)*

The applicant shall submit the supporting materials necessary for the review of the minor development final plat which address the items listed below. The Director may waive any development report based upon design, size, impact to public facilities, services, roads, and overall impacts. *(Amended 3/12/97)*

- 608.01 A Phase III Drainage report and drainage construction drawings prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria manual.
- 608.02 Final road construction plans prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards, when applicable.
- 608.03 A printed copy of the closure calculations on the boundary lines of the minor development final plat. Any mathematical closure errors in excess of 1:50,000 (*second order*) must be corrected by the applicant's surveyor prior to plat approval by the Board.
- 608.04 A traffic impact analysis performed by a traffic engineer discussing the impact of the minor development on the immediate and regional traffic, and other concerns as requested by the County prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards and the Transportation Plan of the County Master Plan.
- 608.05 A sound study, when located abutting a state, federal, or major regional arterial highway, identifying the current noise levels and projected noise levels based on projected highway expansion (*Amended 03/28/01*)
- 608.06 Evidence of the physical and legal capability to provide sanitation as follows:
[§30-28-133(6)(b), C.R.S.]
 - 608.06.1 For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.
 - 608.06.2 For a subdivision of land where a sanitation district is proposed to be formed to serve the subdivision, evidence of the ability of the sanitation agency or owner to serve the demands of the proposed subdivision.
 - 608.06.3 For a subdivision of land where individual sewage disposal systems are proposed, percolation test data must be provided to prove general suitability of soils for such systems.
- 608.07 Evidence, in the form of a letter of agreement between the subdivider and utility service provider, that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for the proposed subdivision. [§30-28-133 (3)(e), C.R.S.] (*Amended 03/28/01*)
- 608.08 Water supply documentation in accordance with Section 18A, Water Supply – Overlay District, of the *Douglas County Zoning Resolution*.

608.09 The following shall be provided on a 24" X 36" sheet of paper, drawn at the same scale of the minor development final plat exhibit, or another paper size or scale approved by staff. *(Amended 10/11/95)*

608.09.1 Accurately locate 100-year floodplains, existing/proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected property;

608.09.2 Depict all potential hazard areas including: geologic hazard areas; expansive soils *(A-6 and A-7-6 soils as defined in the AASHTO Classification Group Index referenced in the Douglas County Roadway Design and Construction Standards)*. *(Amended 10/11/95)*

608.09.3 Show existing topography at 10' intervals, or as otherwise requested by staff. Identify areas of 15-25% slope in one shading pattern and areas greater than 25% in another shading pattern. Include a narrative that describes the mitigation methods used to address existing slope conditions. *(Amended 7/23/97)*

609 Public Notice Requirements

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

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 03/28/01)*

609.01 PUBLISHED NOTICE *(Amended 03/28/01)*

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 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 St., Castle Rock, CO, for approval of a minor development final plat located in *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

A public hearing will be held before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a minor development final plat located in *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

609.02 POSTED NOTICE *(Amended 03/28/01)*

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 4' 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" high. Such notice shall read: *(Amended 10/11/95)*

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

This land shall be considered for approval of a minor development final plat on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for approval of a minor development final plat before the Planning Commission on (date), at (time), and before the Board of County Commissioners on (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

609.02.1 Posting Affidavit

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 #/Name:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 200__ by _____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

609.02.2 The sign shall be removed by the applicant within two weeks following the final decision by the Board.

610 Vested Property Rights

The final plat is designated as the Site Specific Development Plan for the purpose of vesting property rights for single-family residential land. A landowner seeking vested property rights for single-family residential land must obtain approval of a Site Specific Development Plan pursuant to the provisions of Article 12 of this Resolution.

611 Recordation Procedure (Amended 8/22/07)

The recordation of the approved final plat and associated documentation shall occur within 90 days of approval by the Board. The final plat shall be submitted for recordation as follows: (Amended 8/25/99)

- 611.01 The applicant shall amend the minor development final plat in accordance with the Board approval, as necessary.
- 611.02 Within 60 days of approval of the final plat, unless stated otherwise in such approval, the applicant shall submit 2 fix-line photographic or computer-generated reproductions (*emulsion up*) of the approved final plat ready for recordation (*except for the signatures of the Board Chair, Director and other County Departments*); all required documentation; the Project Data Form; and all mapping and recordation fees to the Planning Division. *Diazo (sepia) or electrostatic-generated (Xerox) plans are not acceptable.* (Amended 8/25/99)
- 611.03 When applicable, the applicant shall provide proof that adequate security has been provided to cover the subdivision improvement costs in accordance with the requirements of the Douglas County Roadway Design and Construction Standards, and any other performance bonds as required.
- 611.04 The applicant shall provide a current title insurance policy or commitment, no more than 2 weeks old. If there is a difference in ownership between this title policy and the title policy submitted with the minor development application, recordation shall not be allowed until a determination can be made that the newly identified owners have had an opportunity to comment. Objection by these newly identified owners may result in the Board rehearing the minor development final plat application.
- 611.05 The applicant shall provide a warranty deed, or cash-in-lieu for county land dedication for parks or schools, as identified on the plat and rights-of-way outside and adjacent to the subdivision reflecting widths as designated in the Douglas County Transportation Plan.
- 611.06 A signed warranty deed must be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.

- 611.07 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, of the *Douglas County Zoning Resolution*, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Existing, Extraterritorial, or New Special District, and/or that the water credits to serve the development have been purchased from the Existing or Extraterritorial District.
- 611.08 The applicant shall provide a certificate of Taxes Paid for the land area of the final plat that indicates no overdue taxes. *(Amended 8/25/99)*
- 611.09 Within 30 days of receipt of the final plat, and supporting documentation, the staff planner shall obtain the signatures of the Board, Director, and other County Departments, as required; and upon execution and acceptance by the County of all warranty deeds, the final plat shall be recorded.

612 Post Recordation Requirement

Within 45 days of recordation the applicant shall submit an address plat on 17" X 22" sheet of paper or another sheet size approved by staff. The address plat may be a reduction of the final plat or another graphic representation which includes a north arrow, the lot numbers, street names, and addresses. When multiple sheets are needed a cover sheet shall be provided which shows a composite of the subdivision. *(Amended 10/11/95)*

613 Expiration of Approval

- 613.01 Failure by the applicant to submit all required documentation within 60 days shall render approval of the minor development final plat null and void and result in the necessity for the submittal of a the minor development final plat, along with all required fees and documentation. *(Amended 10/11/95)*
- 613.02 The Director may grant extensions of time up to 1 year, upon a written request by the applicant or staff for good cause being shown. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff. *(Amended 10/11/95)*
- 613.03 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Office. Additional review of the plat may occur resulting in additional conditions as applicable.

613.04 The denial of an extension by the Director may be appealed to the Board in writing within ten days of the decision by the Director.

ARTICLE 6A MINOR DEVELOPMENT – Nonresidential & Multifamily

601A Intent

To provide a streamlined review process for nonresidential and multifamily subdivisions in accordance with Section 30-2-101(10)(d), C.R.S.. The Director shall determine whether adequate public notice and input on the request can be attained through the minor development process and that this process will not substantially impair the intent and purpose of this Resolution.

The applicant may be required to submit a Site Improvement Plan (SIP) in accordance with the SIP section of the *Douglas County Zoning Resolution*, with the minor development application, based on design, size, impact to public facilities, services, roads, and overall impacts, as determined by the Director. If the applicant is unable to submit a SIP, when the Director requires such, the application shall be processed in accordance with the sketch plan, preliminary plan, and final plat requirements of this Resolution. (Amended 8/25/99)

602A Prerequisite

Prior to submittal of a minor development application, the applicant shall meet with staff to discuss the procedure and submittal requirements. If it is determined that the applicant is using the minor development process to circumvent the intent of the subdivision process, the applicant shall be required to comply with the sketch plan, preliminary plan, and final plat processes. A minor development shall not be permitted if the subdivision creates a nonconforming parcel, or in the case of an existing nonconforming lot or parcel, a minor development shall not increase the nonconformity.

603A Approval Standards

A minor development final plat may be approved upon the finding by the Board that:

- 603A.01 the minor development final plat is in conformance with the goals, objectives, and policies of the Douglas County Master Plan; (Amended 8/25/99)
- 603A.02 the minor development final plat is in conformance with the design elements established in Section 604A, herein; (Amended 7/23/97)
- 603A.03 the application is in conformance with Section 18A, Water Supply - Overlay District, of the *Douglas County Zoning Resolution*;
- 603A.04 the subdivider has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [§30-28-133(6)(b), C.R.S.];

- 603A.05 the subdivider has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions; [§30-28-133(6)(c), C.R.S.]
- 603A.06 the subdivider has provided adequate drainage improvements [§30-28-133(3)(c)(VIII)]; (Amended 7/23/97)
- 603A.07 the extraction of any known commercial mining deposit shall not be impeded by this development; and [§34-1-302(1), C.R.S.] (Amended 7/23/97)
- 603A.08 services, including fire/police protection, recreation facilities, utility service facilities, streets, and open space, are available to serve the proposed subdivision. (Amended 7/23/97)

604A Design Elements (Amended 7/23/97)

The following shall be considered in reviewing the subdivision design:

- 604A.01 lots shall meet the minimum lot size of the zone district with the ability of structures placed on the lot to meet the district setbacks, and provide off-street parking;
- 604A.02 geologic hazards or other hazardous conditions shall be mitigated or eliminated;
- 604A.03 lot layout shall provide buffering for visual relief from development; and shall conform to design guidelines adopted by Douglas County;
- 604A.04 streets shall be laid out with the ability to meet the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations;
- 604A.05 the natural terrain, drainage, and vegetation shall be preserved to the maximum extent possible;
- 604A.06 multiple-frontage lots should be avoided except where essential to provide separation of residential development from regional or major arterials, or to overcome specific disadvantages of topography and orientation;
- 604A.07 the subdivision design shall be coordinated with the storm water drainage and flood control systems;
- 604A.08 pedestrian, bicycle, and vehicular access to abutting neighborhoods, recreation, shopping, and employment areas shall be provided to the maximum extent possible; and

- 604A.09 physical and visual barriers shall be minimized to accommodate a free flow of views, and pedestrian/vehicular circulation.

605A Submittal Process (Amended 8/11/09)

The minor development 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:

- 605A.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.
- 605A.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.
- 605A.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.
- 605A.04 If the referral agencies elect to comment, they shall comment within 28 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 28 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 28 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.

- 605A.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 609A herein.
- 605A.06 The Planning Commission shall evaluate the minor development 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 minor development request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 605A.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 applicant is responsible for public notice of the hearing in accordance with Section 609A herein.
- 605A.08 The Board shall evaluate the minor development 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 minor development request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 605A.09 If denied by the Board, a resubmittal of a minor development 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 within 10 days from the date of the decision. The submittal of a new application and processing fee shall be required to pursue a proposed minor development.

606A Submittal Requirements (Amended 8/22/07)

The following information shall be submitted to the Planning Division, unless waived by the Director: (Amended 7/23/97)

- 606A.01 Completed land use application (*available from Planning Division*)

606A.02 A written narrative which, at a minimum, provides the following information:
(Amended 7/23/97)

606A.02.1 the total land area to be subdivided;

606A.02.2 the total number of lots;

606A.02.3 the density; and

606A.02.4 the total land area to be preserved as open space.

606A.03 Water Supply Summary Sheet (Amended 7/23/97)

606A.04 Application fee (fee schedule available from the Planning Division)
(Contact the Engineering Division regarding engineering fees.)

606A.05 Proof of ownership which includes an updated or current title insurance policy or title commitment, or a subdivision guarantee letter no more than thirty days old

606A.06 A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable

606A.07 Minor Development Final Plat Exhibit, in accordance with Section 607A, herein

Plan reductions (11" X 17") shall be required for public hearing packets for the Planning Commission and Board (Amended 8/25/99)

606A.08 Development Reports, in accordance with Section 608A, herein

Final drainage plans, roadway design and construction plans, and review fees shall be submitted to the Engineering Division. (Amended 8/25/99)

606A.09 A Site Improvement Plan in accordance with the Site Improvement Plan section of the *Douglas County Zoning Resolution*, as required by the Director;

606A.10 Any additional information, at the request of the Director, in order to thoroughly review the impacts of the subdivision request. (Amended 7/23/97)

607A Minor Development Final Plat Exhibit

607A.01 The minor development final plat shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for recording in the Office of the County Clerk and Recorder.

- 607A.02 The minor development final plat shall be a tapeless, spliceless, and creaseless original film mylar drawing (*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 or computer-generated reproduction (*emulsion up*) of the original drawing. Inaccurate, incomplete or poorly drawn plans, as well as, Diazo (*sepia*) or electrostatic-generated (*Xerox*) plans shall be rejected. (*Amended 8/25/99*)
- 607A.03 Sheet size shall be 24" X 36" with the long dimension horizontal. A margin, left entirely blank, a minimum of 1" on all sides shall be provided on each sheet. (*Amended 8/25/99*)
- 607A.04 The minor development final plat shall be drafted at a scale that best conveys the detailed survey, engineering and design of the subdivision and confines the drafting error to less than 1%. Acceptable scales are 1"=50' or 1"=100' and for subdivisions exceeding 100 acres, 1"=200'. In special instances, another scale may be approved by the Director of Planning and Community Development. If a proposal requires multiple sheets, a composite, on 24" X 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. The scale may be different than the individual sheets as approved by the staff planner.
- 607A.05 The title shall be placed at the top of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision or planned development, filing number (when applicable), and Planning Division file number. If part of a Planned Development, the planning area shall be included under the title. A general legal description stating the aliquot portion of the section, section, township, range, 6th P.M., and Douglas County, CO, shall be included under the name and planning area. On the title sheet (sheet #1), under the general legal description, include the total acreage and the total number of lots. The name of the builder, product line or marketing name may only be used as a descriptor along the bottom of the sheet. The minor development subdivision name may not duplicate existing subdivision names.

Examples:

<p style="text-align: center;">MARKET CENTER A part of the W/2 of Sec. 9, T6S, R67W, of the 6th P.M., Douglas County, CO 2 acres 6 lots SB___-</p> <p><i>Within a PD:</i></p> <p style="text-align: center;">PINE VIEW, FILING #10 Planning Area #27, Sec. 3, T6S, R68W, of the 6th P.M., Douglas County, CO 2.5 acres 11 lots SB___-</p>

- 607A.06 In a block in the lower right-hand corner include 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.
- 607A.07 A vicinity map that depicts the area to be subdivided and the area which surrounds the proposed subdivision within a 1 mile radius superimposed on a current Douglas County Subdivision Map, maintaining the same scale.
- 607A.08 When the land is zoned Planned Development, a vicinity map that depicts the area to be subdivided, superimposed on the PD development plan, at the same scale as the Development Plan that shows the limits of the proposed plan superimposed on the planning areas.
- 607A.09 A written metes and bounds legal description of the subdivision boundary with a map showing all information as required in the Colorado Revised Statutes shall be clearly and prominently indicated on the minor development final plat. The names and locations of all abutting subdivisions, the locations of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the plat which do not constitute a part of the subdivision shall be depicted as dashed or screened. Any area enclosed by the subdivision, but not a part thereof shall be labeled "Not a Part of This Subdivision".
- 607A.10 Display ties to aliquot section corners and to the State grid (*if available*) which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used unless approved by the County Engineer. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (*second order*) minimum for linear and angular (*bearing*) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.

- 607A.11 All lots, tracts and when requested by staff, appropriate building envelopes, shall be located, identified and labeled with the appropriate dimension with sufficient linear, bearing, and curve data. No ditto marks shall be used for dimensions. All lots shall be shown in their entirety on one sheet. Lots shall be numbered consecutively, tracts shall be lettered alphabetically and in consecutive order. Include the acreage within each lot to the nearest 0.01 of an acre. Tracts shall be used exclusively for land to be dedicated for park and open space. Parcels of land inadvertently created and not identified shall be presumed to be outlots and shall not be considered to be building lots.
- 607A.12 Indicate all road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing public road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown. Whenever the centerline of a road has been established or recorded, the date shall be shown on the final plat.
- 607A.13 Describe the purpose, width and location (with fine dashed lines) of all easements and all abutting easements. If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication. A plat note may be necessary to provide complete information of the purpose of the easement.
- 607A.14 Accurately locate 100-year floodplains, all existing/proposed watercourses, retention and detention areas, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected land. (Amended 2/23/05)
- 607A.15 Include the following certifications on the title sheet in accordance with Article 8 of this Resolution: Surveyor, Dedication Statement, Clerk and Recorder, Board of County Commissioners, Title Verification, Planning Commission, and Acceptance Certificate, as needed.
- 607A.16 For all final plats within the Centennial Airport Review Area, as identified by the *Douglas County Zoning Resolution*, the following statement shall be placed on the plat:

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 final plat.

(Amended 8/25/99)

- 607A.17 Include plat notes that adequately explain information pertinent to the execution and maintenance of the subdivision including the ownership of tracts, reference to the subdivision improvements agreement and conservation easements, maintenance responsibility for private roads, easements and tracts. The developer shall provide for the construction, at no cost to the County, of traffic signalization, all utilities, and other public infrastructure as required by the Board and provide bonding or other security needed to ensure such improvements, as required by the Board.

608A Development Reports *(Amended 8/22/07)*

The applicant shall submit the supporting materials necessary for the review of the minor development final plat which address the items listed below.

- 608A.01 A Phase III Drainage report and drainage construction drawings prepared in accordance with the requirements of the Douglas County Storm Drainage Design and Technical Criteria manual. *(May be deferred to Site Improvement Plan submittal as determined by staff planner and engineer.)*
- 608A.02 Final road construction plans prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards, when applicable. *(May be deferred to Site Improvement Plan submittal as determined by staff planner and engineer.)*
- 608A.03 A printed copy of the closure calculations on the boundary lines of the minor development final plat. Any mathematical closure errors in excess of 1:50,000 (*second order*) must be corrected by the applicant's surveyor prior to plat approval by the Board.
- 608A.04 A traffic impact analysis performed by a traffic engineer discussing the impact of the minor development on the immediate and regional traffic, and other concerns as requested by the County prepared in accordance with the requirements of the Douglas County Roadway Design and Construction Standards and the Transportation Plan of the County Master Plan. *(May be deferred to Site Improvement Plan submittal as determined by staff planner and engineer.)*
- 608A.05 Evidence of the physical and legal capability to provide sanitation as follows: [§30-28-133(6)(b), C.R.S.] .

- 608A.05.1 For a subdivision of land located within a sanitation district, a letter of commitment to serve the proposed subdivision stating the capacity to serve and feasibility of extending service to that area.
- 608A.05.2 For a subdivision of land where a sanitation district is proposed to be formed to serve the subdivision, evidence of the ability of the sanitation agency or owner to serve the demands of the proposed subdivision.
- 608A.05.3 For a subdivision of land where individual sewage disposal systems are proposed, percolation test data must be provided to prove general suitability of soils for such systems.
- 608A.06 Evidence, in the form of a letter of agreement between the subdivider and utility service provider, that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for the proposed subdivision. [§30-28-133 (3)(e), C.R.S.] (Amended 03/28/01)
- 608A.07 Water supply documentation in accordance with Section 18A, Water Supply – Overlay District, of the *Douglas County Zoning Resolution*.
- 608A.08 The following shall be provided on a 24" X 36" sheet of paper, drawn at the same scale of the minor development final plat exhibit, or another paper size or scale approved by staff.
 - 608A.08.1 Accurately locate 100-year floodplains, retention and detention areas, existing/proposed watercourses, wetlands and riparian areas, aquifer recharge areas, streams, lakes, or inlets on the affected property;
 - 608A.08.2 Depict all potential hazard areas including: geologic hazard areas; expansive soils (*A-6 and A-7-6 soils as defined in the AASHTO Classification Group Index referenced in the Douglas County Roadway Design and Construction Standards*).
 - 608A.08.3 Identify areas of 15-25% slope in one shading pattern and areas greater than 25% in another shading pattern. Include a narrative that describes the mitigation methods used to address existing slope conditions.

609A Public Notice Requirements

When calculating the required time period for posting or publishing a notice of a public hearing, the day of publishing or posting shall be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

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 03/28/01)*

609A.01 PUBLISHED NOTICE *(Amended 03/28/01)*

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 hearing. Such 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 St., Castle Rock, CO, for approval of a minor development final plat *located (distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS

A public hearing will be held before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO, for approval of a minor development final plat *located (distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

609A.02 POSTED NOTICE *(Amended 03/28/01)*

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'X4'. Letter size shall be a minimum of three 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 approval of a minor development final plat on *(date)*, at *(time)*, in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

When concurrent notice has been approved by staff, the notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION
AND BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for approval of a minor development final plat before the Planning Commission on *(date)*, at *(time)*, and before the Board of County Commissioners on *(date)*, at *(time)* in the Commissioners' Hearing Room, 100 Third St., Castle Rock, CO. For more information call Douglas County Planning, 303-660-7460.

File #/Name:

609A.02.1 Posting Affidavit

An affidavit of sign posting shall be submitted for the file in the Planning Division at least 5 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#/Name:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 200__ by
_____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

609A.02.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

610A Vested Property Rights

The Site Improvement Plan is designated as the Site Specific Development Plan for the purpose of vesting property rights for multifamily and nonresidential land. A landowner seeking vested property rights must obtain approval of a Site Specific Development Plan pursuant to the provisions of Sections 27 - Site Improvement Plan, and 34 - Vested Rights of the *Douglas County Zoning Resolution*.

611A Recordation Procedure

The recordation of the approved final plat and associated documentation shall occur within 90 days of approval by the Board. The final plat shall be submitted for recordation as follows:

- | | |
|---------|--|
| 611A.01 | The applicant shall amend the minor development final plat in accordance with the Board approval, as necessary. |
| 611A.02 | When a Site Improvement Plan (SIP) is required, the applicant shall obtain approval of the SIP prior to recordation of the minor development final plat. |
| 611A.03 | Within 60 days of approval of the final plat, unless stated otherwise in such approval, the applicant shall submit 2 fix-line photographic or computer- |

generated reproductions (*emulsion up*) of the approved final plat ready for recordation (*except for the signatures of the Board Chair, Director and other County Departments*); all required documentation; the Project Data Form; and all mapping and recordation fees to the Planning Division. *Diazo (sepia) or electrostatic-generated (Xerox) plans are not acceptable.*
(Amended 8/25/99)

- 611A.04 When applicable, the applicant shall provide proof that adequate security has been provided to cover the subdivision improvement costs in accordance with the requirements of the Douglas County Roadway Design and Construction Standards, and any other performance bonds as required.
- 611A.05 The applicant shall provide a current title insurance policy or commitment, no more than 2 weeks old. If there is a difference in ownership between this title policy and the title policy submitted with the minor development application, recordation shall not be allowed until a determination can be made that the newly identified owners have had an opportunity to comment. Objection by these newly identified owners may result in the Board rehearing the minor development final plat application.
- 611A.06 The applicant shall provide a warranty deed, or cash-in-lieu for county land dedication for parks or schools, as identified on the plat and rights-of-way outside and adjacent to the subdivision reflecting widths as designated in the Douglas County Transportation Plan.
- 611A.07 A signed warranty deed must be provided, if such has been required, conveying certain tracts, or the development rights to such tracts, to the appropriate entity for public use.
- 611A.08 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, of the *Douglas County Zoning Resolution*, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Existing, Extraterritorial, or New Special District, and/or that the water credits to serve the development have been purchased from the Existing or Extraterritorial District.
- 611A.09 The applicant shall provide a certificate of Taxes Paid for the land area of the final plat that indicates no overdue taxes. (Amended 8/25/99)
- 611A.10 Within 30 days of receipt of the final plat, and supporting documentation, the staff planner shall obtain the signatures of the Board, Director, and other County Departments, as required; and upon execution and acceptance by the County of all warranty deeds, the final plat shall be recorded.

612A Post Recordation Requirement

Within 45 days of recordation the applicant shall submit an address plat on 17" X 22" sheet of paper or another sheet size approved by staff. The address plat may be a reduction of the final plat or another graphic representation which includes a north arrow, the lot numbers, street names, and addresses. When multiple sheets are needed a cover sheet shall be provided which shows a composite of the subdivision.

613A Expiration of Approval

- 613A.01 Failure by the applicant to submit all required documentation within 60 days shall render approval of the minor development final plat null and void and result in the necessity for the submittal of a the minor development final plat, along with all required fees and documentation.
- 613A.02 The Director may grant extensions of time up to 1 year, upon a written request by the applicant or staff for good cause being shown. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff.
- 613A.03 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or this Resolution that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning Office. Additional review of the plat may occur resulting in additional conditions as applicable.
- 613A.04 The denial of an extension by the Director may be appealed to the Board in writing within ten days of the decision by the Director.

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 15 PD - PLANNED DEVELOPMENT DISTRICT

-Section Contents-

GENERAL PROVISIONS

1501	Intent	15-2
1502	General Requirements	15-2
1503	Approval Criteria for Planned Development Rezoning	15-3

REZONING APPLICATION

1504	Prerequisite	15-4
1505	Rezoning Submittal Process	15-5
1506	General Submittal Requirements	15-7
1507	Project Summary	15-8
1508	Plan Exhibit	15-9
1509	Development Plan	15-11
1510	Recordation of Development Plan	15-17
1511	Public Notice Requirements – Rezoning	15-17

AMENDMENTS

1512	Amendments to the Development Plan	15-20
1513	Administrative Amendment - Process Eligibility Criteria	15-20
1514	Administrative Amendment – Approval Criteria	15-22
1515	Administrative Amendment - Submittal Process	15-22
1516	Administrative Amendment – Public Notice Requirements	15-23
1517	Administrative Amendment – Post Approval Procedures	15-24
1518	Administrative Amendment - Submittal Requirements	15-25
1519	Major Amendment - Process Eligibility Criteria	15-26
1520	Major Amendment - Submittal Process	15-27
1521	Major Amendment - Submittal Requirements	15-33

OTHER PROVISIONS

1522	Withdrawal of Applications	15-34
1523	Inactive Files	15-34

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
- 25 - Rezoning
- 26 - Variance Standards and Procedures
- 26A - Appeal Standards and Procedures
- 27 - Site Improvement Plan
- 27A - Cell Site Design Standards
- 28 - Parking Standards
- 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 11/18/14)

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 application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development;
- 1503.05 whether the roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development will be available concurrently with the impacts of such development;
- 1503.06 whether the proposed rezoning is compatible with the surrounding land uses;
- 1503.07 whether the subject land is suitable for the intended use and is compatible with the natural environment;
- 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 application is in conformance with section 18A, Water Supply - Overlay District, herein.

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 11/18/14)*

- 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 Water supply documentation in accordance with Section 18A, Water Supply - Overlay District, herein.
- 1506.10 Documentation of the physical and legal capability to provide sanitation.
- 1506.11 An analysis of the capacity of public facilities and services within the impact area.
- 1506.11.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.
- 1506.11.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.
- 1506.11.3 Documentation of capacity from the school district in accordance with the school district capacity policy.

1507 Project Summary (Amended 11/18/14)

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 A description of the availability and adequacy of public services and facilities.
- 1507.07 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

- 1507.08 Impacts on existing flora and fauna
- 1507.09 Compliance with the:
- Douglas County Comprehensive Master Plan
 - Denver Regional Council of Government's Metro Vision Plan
 - 1041 Regulations regarding New Communities
- 1507.10 A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas
- 1507.11 Any other required information as applicable when other applications are processed in conjunction with the land-use application
- 1507.12 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:

MEADOWBROOK PLANNED DEVELOPMENT A part of the S/2 of Section 9, Township 6 South, Range 67 West of the 6 th P.M., Douglas County, CO 475 acres – 230 dwellings – ZR____-____

- 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 <hr/> (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) Name of Authorized Official Name of Company:	_____ (date) OR _____ (date)
_____ (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) Chairman, Board of County Commissioners	_____ (date)
_____ (Signature) Director, Community Development	_____ (date)

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 DENSITY</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	<u>Dedicated Parks</u>	-	-	<u>42.5</u>	<u>28%</u>
	SUBTOTAL	8.38	985	117.5	77%
C	Commercial	566,280 sq. ft.		25.0	17%
I	<u>Industrial</u>	<u>217,800 sq. ft.</u>		<u>9.0</u>	<u>6%</u>
	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 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 11/18/14)*

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 Douglas County Planning Services:

- 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.

1511.02 POSTED NOTICE *(Amended 5/13/14)*

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:

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 PD – Planned Development. 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: _____

- 1511.02.1 An affidavit of sign posting shall be submitted for the file to Douglas County Planning 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 this ____ day of _____, 20__ by _____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

- 1511.02.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

1511.03 PUBLISHED NOTICE (*Amended 5/13/14*)

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 Douglas County Planning 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. Such notice shall read:

**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 5/13/14)

An amendment request may be considered administrative 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 40% change to the originally approved setback. (e.g., a 40% decrease of a 10-foot setback is 4 feet resulting in a new setback of 6 feet.)
- 1513.02 Minimum Lot Size - A decrease of the minimum lot size when such decrease is no more than a 40% change to the originally approved minimum lot size. (e.g., a 40% decrease of a 10,000 sq. ft. lot is 4,000 sq. ft. resulting in a new minimum lot size of 6,000 sq. ft.)
- 1513.03 Maximum Building Height - An increase of the maximum building height when such increase is no more than a 40% 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 consultation with the County Engineer, shall determine whether a minor shift in the alignment of an arterial or collector road impacts abutting planning areas or traffic patterns such that an administrative amendment is required.
- 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 - Approval Criteria *(Amended 5/13/14)*

The following criteria shall be considered by the Director for approval of an administrative amendment:

- 1514.01 whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development;
- 1514.02 whether the amendment is consistent with the efficient development and preservation of the entire planned development;
- 1514.03 whether the amendment will adversely affect the enjoyment of the adjacent land or the public interest; and
- 1514.04 whether the amendment's sole purpose is to confer a special benefit upon an individual.

1515 Administrative Amendment - Submittal Process *(Amended 5/13/14)*

- 1515.01 The applicant shall submit the required submittal information to Planning Services. The submittal shall be reviewed by staff and a determination of completeness shall be made within fifteen (15) calendar 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.
- 1515.02 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.
- 1515.03 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.
- 1515.04 If the referral agencies elect to comment, they shall comment within twenty-one (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 thirty (30) calendar days. After the twenty-one (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.

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 twenty-one (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.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns.

1515.05 Within thirty (30) calendar days of the close of the referral period, the Director shall approve, or deny the request.

1515.06 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.

1516 Administrative Amendment – Public Notice Requirements (Amended 5/13/14)

1516.01 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.

1516.02 At least fifteen (15) calendar 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 Services seven (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:

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 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 Services prior to the Director's decision.

1516.03 At least fifteen (15) calendar 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 seven (7) days prior to the Director's decision, to Planning Services. 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 Services, 100 Third Street, Castle Rock, CO 80104.

1517 Administrative Amendment – Post Approval Procedures (Amended 5/13/14)

1517.01 Within sixty (60) calendar days of receiving approval, the applicant shall submit the amended Development Plan to Planning Services for recordation.

1517.01.1 Two (2) copies of the approved amended Development Plan shall be submitted on 24 inches by 36 inches tapeless, spliceless and creaseless original mylar using only permanent black ink.

1517.01.2 If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

1517.02 Within thirty (30) calendar days of submittal of the amended Development Plan to Planning Services, 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.

1517.03 The Director may grant no more than one (1) extension of time, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the thirty (30) day period. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff.

- 1517.04 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.
- 1517.05 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.

1518 Administrative Amendment - Submittal Requirements (Amended 5/13/14)

- 1518.01 Completed land use application
- 1518.02 Application fee
- 1518.03 Proof of ownership which includes an updated or current title insurance policy or title commitment no more than thirty (30) days old.
- 1518.04 A notarized letter of authorization from the landowner permitting a representative to process the application.
- 1518.05 A written narrative describing the request
- 1518.06 A written explanation of the eligibility of the request for processing as an administrative amendment in accordance with Section 1513.
- 1518.07 Three (3) copies of the appropriate portions of the Development Plan retitled with all amendments, including major amendments, numbered consecutively, and containing the required certificates. For example:

MEADOWBROOK PLANNED DEVELOPMENT, 1ST AMENDMENT
An administrative amendment to (specific element or planning area)

1515.07.1 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 of Community Development

1515.07.2 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

- 1518.08 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.

1519 Major Amendment - Process Eligibility Criteria *(Amended 5/13/14)*

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

- 1519.01 Setbacks - decrease of the required setback when such decrease is greater than a 40% change to the originally approved setback.
- 1519.02 Minimum Lot Size - A decrease of the minimum lot size which is greater than 40% of the minimum lot size originally approved.
- 1519.03 Maximum Building Height - An increase of the maximum building height when such increase is greater than a 40% change to the originally approved maximum building height.
- 1519.04 Increased Number of Dwelling Units - An increase of the number of dwelling units in a planning area greater than 20%.

- 1519.05 Text Changes - Substantial changes to the development standards or commitments.
- 1519.06 Street Alignment - A significant shift in the alignment of an arterial or collector, as determined by the Director.
- 1519.07 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:
- 1519.07.1 the total acreage of the planning area is increased by more than 20%
 - 1519.07.2 the open space area is proposed to be decreased. Such factors as location, accessibility, slope and views shall be considered
 - 1519.07.3 park and school land dedication have been approved by the County Parks and Open Space Division and the School District.
- 1519.08 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.
- 1519.09 Land Use - Any change in the allowed land-use categories, including changes in densities, such as from single-family to multi-family residential.

1520 Major Amendment - Submittal Process (Amended 11/18/14)

- 1520.01 The submittal shall be reviewed for completeness and the applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
- 1520.02 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.
- 1520.03 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.

1520.04 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 information purposes only and provided to the applicant, Planning Commission, and the Board. *(Amended 11/12/13)*

1520.05 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.

1520.06 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)*

1520.06.1 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

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:

(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.

1520.06.2 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

1520.06.3 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: _____

- 1520.07 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.
- 1520.08 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 1520.06, herein.
- 1520.09 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.
- 1520.10 Approval Criteria - The following criteria shall be considered by the Board for approval of the major amendment:
- 1520.10.1 Whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development.
 - 1520.10.2 Whether the amendment is consistent with the intent, efficient development and preservation of the entire planned development.
 - 1520.10.3 Whether the amendment will adversely affect the public interest or enjoyment of the adjacent land.
 - 1520.10.4 Whether the amendments sole purpose is to confer a special benefit upon an individual. *(Amended 6/14/06)*
 - 1520.10.5 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.
 - 1520.10.6 Whether the public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.

1520.10.7 Whether the roadway capacity necessary to maintain the adopted roadway level of service for the proposed development will be available concurrently with the impacts of such development.

1520.11 Within 30 days of receiving approval, the applicant shall submit the amended Development Plan to the Planning Division for recordation as follows:

1520.11.1 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.

1520.11.2 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. _____.

_____ <i>(Signature)</i>	_____ <i>(Date)</i>
Chair, Board of Douglas County Commissioners	
_____ <i>(Signature)</i>	_____ <i>(Date)</i>
Director of Community Development	

1520.11.3 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

1520.11.4 If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

1520.12 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.

1520.13 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)*

- 1520.14 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)*

1521 Major Amendment - Submittal Requirements *(Amended 11/18/14)*

- 1521.01 Completed land use application *(available from the Planning Office)*
- 1521.02 Application fee *(fee schedule available from the Planning Office)*
- 1521.03 Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than thirty days old.
- 1521.04 A notarized letter or authorization from the landowner permitting a representative to process the application.
- 1521.05 A written explanation of the request.
- 1521.06 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>
--

- 1521.07 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.
- 1521.08 For applications proposing an increase in the intensity of allowed land-uses, including changes in densities, an analysis of the capacity of public facilities and services within the impact area.
- 1521.08.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards shall be prepared by a qualified traffic engineer who is licensed in the State of Colorado.
- 1521.08.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.

1521.08.3 Documentation of capacity from the school district in accordance with the school district capacity policy.

1522 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.

1523 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)*

SECTION 21 USE BY SPECIAL REVIEW**-Section Contents-****GENERAL PROVISIONS**

2101	Intent.....	21-2
2102	Approval Standards	21-2
2103	Length of Approval.....	21-3
2104	Annual Review.....	21-3
2105	Amendment of an Approved Use by Special Review.....	21-3
2106	General Provisions.....	21-3

USES BY SPECIAL REVIEW

2107	Allowed Uses by Special Review and Additional Requirements	21-4
------	--	------

SUBMITTAL PROCESS AND REQUIREMENTS

2108	Submittal Prerequisite.....	21-17
2109	Submittal Process	21-17
2110	Withdrawal of an Application.....	21-20
2111	Submittal Requirements.....	21-20
2112	Plan Exhibit.....	21-22
2113	Public Notice Requirements.....	21-26
2114	Termination of Use.....	21-29
2115	Inactive Files.....	21-30
2116	Post Denial Application.....	21-30
2117	Revocation.....	21-30
2118	Administrative Use by Special Review Amendment	21-30

2101 Intent

To provide for uses in specific zone 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, and to establish procedures for amending an approved use by special review based on the anticipated impact of the change.

2102 Approval Standards

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

- 2102.01 Complies with the minimum zoning requirements of the zone 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 provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development.
- 2102.08 Will provide public facilities and services necessary to accommodate the proposed development concurrently with the impacts of such development.
- 2102.09 Will not cause significant air, water, or noise pollution.
- 2102.10 Will be adequately landscaped, buffered, and screened.
- 2102.11 Complies with the following standards regarding water supply:
 - 2102.11.1 If it is demonstrated that the use by special review will not generate any ongoing water demand, no proof of water supply shall be required and no other provisions of Section 18A, Water Supply - Overlay District, herein, shall be applicable.

2102.11.2 If it is demonstrated that the use by special review, when located on a conforming parcel within the A-1 or LRR zone district, will generate a water demand not to exceed three (3) acre-feet per year, and that the demand can be supplied by a groundwater well which has or is capable of receiving a permit from the Colorado Division of Water Resources for such use, this standard shall be met and no other provisions of Section 18A, Water Supply - Overlay District, herein, shall be applicable. Water demands shall be estimated in accordance with the Minimum Water Demand Standards defined in Section 18A, Water Supply - Overlay District, herein.

2102.11.3 For all other use by special review applications, the applicant shall demonstrate conformance with Section 18A, Water Supply - Overlay District, herein.

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 use by special review 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 use by special review 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 An Approved Use by Special Review

An amendment to an approved use by special review may be considered in accordance with the procedures identified herein for either a use by special review amendment or an administrative use by special review amendment.

2106 General Provisions

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 zone district to which the parcel conforms in size.

2107 Allowed Uses by Special Review

The Development Plan for a specific Planned Development District shall set forth the permitted uses by special review and any additional requirements therein.

The following uses are listed as uses by special review within the zone districts of this Resolution, and are subject to additional requirements as noted herein:

- 2107.01 Animals - nondomestic, exotic: A-1 and LRR zone 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 and GI zone districts
- 2107.03 Bed and Breakfast: A-1, LRR, RR, and ER zone districts
- 2107.04 Campground: A-1 zone district provided that all uses and structures are located at least 100 feet from all property lines
- 2107.05 Cemetery: A-1 zone district
- 2107.06 Chemical/hazardous material storage, transfer, or disposal facility: GI zone district, 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 zone 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 zone districts
- 2107.09 Day-care center, preschool, or day-care home - large: A-1, LRR, RR, ER, SR, MF, and MH zone 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 zone district
- 2107.11 Event Center: A-1 zone district, subject to the following additional requirements:
- 2107.11.1 Structures used for the event center shall be of a scale and design that is compatible with the surrounding rural environment.
 - 2107.11.2 Structures, outdoor assembly areas, and parking lots used for the event center shall be setback a minimum of 200 feet from all adjacent property lines.
 - 2107.11.3 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A.
 - 2107.11.4 A noise study shall be submitted demonstrating compliance with the event center noise standard.
 - 2107.11.5 In addition to the management plan components specified in Section 2112, operational limitations for the event center shall address the following:
 - (1) Maximum number of event patrons.
 - (2) Frequency of events including times of day and days of week.
 - (3) The number of outdoor and indoor events.
 - (4) Specific mitigation measures to limit the impacts of any exterior lighting.
 - (5) Specific limitations or mitigation measures to ensure compliance with the noise standards consistent with the noise study.
 - 2107.11.6 In addition to the information required for the project narrative specified in Section 2111, the event center narrative shall include a discussion of the following:
 - (1) The ability of the existing or proposed structures to comply with building and fire code requirements for public assembly uses.
 - (2) The ability to provide sanitation service for the proposed use by connection to a sanitary sewer or provision of on-site wastewater treatment.
 - (3) The ability to connect to a central water provider or to obtain a well permit for the proposed use.
 - 2107.12 Feed yard - confinement center: A-1 zone 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 zone 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 zone district

2107.14 Greenhouse: A-1 zone 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 zone 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 as a referral.

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

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

2107.17 Heliport: B/C/LI/GI zone 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 zone 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 zone 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.

On the Plan Exhibit, the applicant shall identify areas of allowable devegetation, pastures proposed for horse grazing, the pasture grazing schedule, manure storage areas, and the method and frequency of manure disposal.

- 2107.20 Horse rental stable: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines
- 2107.21 Hunting or fishing club: A-1 zone district; hunting clubs shall be located on a minimum of 160 acres
- 2107.22 Jail/correctional facility: G1 zone 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: G1 zone 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 zone districts provided that all uses are located at least 100 feet from all lot lines
- 2107.25 Landfill - public or private: A-1 and G1 zone 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 a use by special 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 G1 zone 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 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and G1 zone districts, subject to the following:

2107.27.1 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.

2107.27.2 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:

- (1) Earthwork performed within public rights-of-way
- (2) Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat
- (3) Earthwork performed as part of construction per an approved building permit
- (4) Borrow site

2107.27.3 A narrative that addresses all items listed in Section 2111, herein, and the following:

- (1) 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
- (2) a discussion of the positive and negative impacts of the operation

2107.27.4 A plan exhibit prepared in accordance with Section 2112, herein, and shows the following:

- (1) The relationship of the mine site to other uses/structures in the area
- (2) The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles
- (3) The limits of the mine site and the extent of areas to be disturbed
- (4) The location and dimension of buffers against noise and visual impact to be left in place or created
- (5) Identified aquifer recharge areas, wetland areas, lakes, rivers
- (6) Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife
- (7) Areas identified, through independent assessment, as having historic, archaeological, or paleontological resources
- (8) All Douglas County Comprehensive Master Plan designations

2107.27.5 An operational plan shall be submitted that at a minimum addresses the following:

- (1) Start and end dates and the hours of operation
- (2) A program for initial air-quality measurements and an ongoing monitoring program, including dust from equipment and stockpiles
- (3) A program for initial water quality and quantity measurements, including well tests in the area, and an ongoing water-quality monitoring program
- (4) Sources and quantities of water needed on site

- (5) A drainage and erosion control plan in compliance with the Douglas County Storm Drainage Design and Technical Criteria manual
- (6) A program for initial noise measurement, an ongoing noise monitoring program, and a noise abatement program
- (7) Proposed methods and timing of site restoration and their relationship to visual and air-quality impacts
- (8) A phasing plan that:
 - designates areas to be disturbed and the proposed timing or extraction for each area;
 - illustrates the timing of site restoration for each area including revegetation, contouring, and grading;
 - limits the total land area to be disturbed at any one time; and
 - 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.
- (9) A transportation plan that:
 - designates transportation routes (*existing or proposed*) that avoid residential areas and limit the use of local roads;
 - 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;
 - specifies the hours when material will be transported off site;
 - lists the improvements necessary for the transportation system to accommodate expected traffic;
 - addresses the construction of needed transportation improvements; and
 - lists the actions to be taken at the staging area to allow only safe, clean, and covered trucks onto the transportation system.
- (10) A blasting plan that:
 - Identifies noise and vibration-sensitive uses/structures/activities in the area;
 - includes a pre-blast inspection program for identified structures;
 - includes a program for initial seismic and noise monitoring during the first blast;
 - incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and

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

(11) An end-state, land-use plan that shows:

- areas to be returned to a natural state;
- areas to be restored for wildlife habitat, *if applicable*;
- areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;
- the site's final topography;
- proposed post-mining land uses, consistent with the zoning of the land; and
- site restoration phases.

(12) A site evaluation including:

- wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;
- independent assessment of the historic, archaeological, or paleontological value of the site;
- 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;
- a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
- 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
- a copy of all information submitted to the Division of Minerals and Geology, Colorado Department of Natural Resources.

- 2107.28 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line
- 2107.29 Propane distribution/storage: GI zone district
- 2107.30 Recreation facility - community: A-1, LRR, RR, ER, SR, MF, and MH, zone districts provided all structures are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.31 Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.

2107.32 Residence:

For new residential units in the B, C, LI, or GI zone districts, school and park land dedications shall be provided in accordance with the Douglas County Subdivision Resolution, as amended.

- Caretaker - LRR zone district - 1 per lot
- Mobile home - 1 per parcel/lot in the A-1 zone district when a principal dwelling does not exist on the property
- Multifamily - B and C zone districts
- Single-family attached or multifamily - LI zone district

2107.33 Religious retreat: A-1 zone district.**2107.34 Satellite earth station: A-1 zone district, and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.****2107.34.1 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:**

- (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

- 2107.35 Sawmill - portable: A-1 and LRR zone districts, 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.
- 2107.36 Septic waste and domestic sludge application: A-1 and LRR zone districts, with the approval of the Colorado Department of Health, when any of the following apply:
- 2107.36.1 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.
 - 2107.36.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.
 - 2107.36.3 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.
 - 2107.36.4 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.
- 2107.37 Telecommunication facility: A-1 zone district; and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.
- 2107.37.1 In addition to the exhibit requirements contained in this Section, a report describing the telecommunication facility shall be included with the application. The report shall include the following:
 - (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, its 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

2107.37.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.37.3 In addition to the approval standards stipulated in Subsection 2102, proposed telecommunication facilities shall be located and designed in accordance with the following criteria:

- (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.

2107.37.4 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.

2107.38 Utility - Major Facility: In all zone districts, except GI, provided that the setback requirements of the zone 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.]

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 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.

2107.39 Veterinary clinic or hospital: A-1, LRR, and RR zone districts, provided that such uses are located 100 feet from all lot lines

2107.40 Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.40.1 In addition to the plan exhibit required in Section 2112, 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

2107.40.2 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.

2107.40.3 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.

2107.40.4 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.

2107.41 Zoo: C zone district

2108 Submittal Prerequisite

The applicant shall attend a presubmittal meeting with the Planning Division to discuss the request and the submittal process and requirements for a new use by special review or an amendment to an approved use by special review.

A proposed amendment to an approved use by special review may be considered in accordance with the procedures identified herein. An amendment to a use by special review shall be considered through an administrative process when the Director determines that the change does not represent a substantial increase in the intensity of the use or impacts to the neighborhood. This type of amendment shall be referred to as an administrative use by special review amendment.

If the Director determines that the proposed amendment to an approved use by special review does represent a substantial increase in the intensity of the use or impacts to the neighborhood, the proposed amendment shall be subject to the same submittal and process requirements as required for a new use by special review application. This type of amendment shall be referred to as a use by special review amendment. When making the determination, the Director shall consider the proposed degree of change to the site improvements and management plan as reflected on the approved Plan Exhibit, with specific consideration for potential increased impacts to the surrounding community.

The applicant may appeal the Director's determination on the amendment process for an approved use by special review to the Board of Adjustment in accordance with Section 26A.

2109 Submittal Process

The following shall apply to a use by special review or a use by special review amendment. The 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. For a request for a use by special review or a use by special review amendment, 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 from 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.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall be given an opportunity to 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 all referral agencies - advisory and any comments received as a result of the courtesy notice.

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.
- 2109.11 Following approval by the Board, the applicant shall submit a signed and notarized Plan Exhibit to the Planning Division. Staff shall verify that all conditions of approval have been met and all technical corrections have been made to the satisfaction of Douglas County, prior to the Director's execution of the approval certificate on behalf of the Board. The applicant shall submit the final signed Plan Exhibit no later than 90 days

from the date of Board approval, unless the Board allows for a longer period of time as part of its approval of the use by special review. The Director may grant a one-time extension of no more than an additional 90 days. Further extensions shall be submitted for the Board's consideration.

2109.12 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, herein, 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 Plan Exhibit.

2109.13 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, herein, 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 Plan Exhibit.

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

The following submittal requirements shall apply to a use by special review and use by special review amendment:

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, or other acceptable form of title verification, 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 to describe the following:

- (1) General project concepts
- (2) Zoning of the land and compliance with the zone district requirements and any additional requirements for the use by special review as defined in Section 2107
- (3) Define overall impacts of the proposed use on the adjoining lands
- (4) Compliance with the Douglas County Comprehensive Master Plan, as amended
- (5) Compliance with appropriate agency regulations and any necessary permits
- (6) Proof of water availability
- (7) Method of wastewater treatment
- (8) Type or method of fire protection
- (9) Impacts to existing vegetation and wildlife
- (10) Impacts on air and water quality
- (11) Impacts on peace and quiet of neighborhood
- (12) Provision of buffering, including additional landscaping
- (13) A description of the availability and adequacy of public services and facilities.
- (14) Other narrative details unique to the specific type of use by special review

2111.06 Plan Exhibit (*per 2112, herein*)

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

2111.07 Development Reports, unless waived by Engineering Services:

- Phase III Drainage Report and Plan
- GESC Report and Plan
- Utility drawings(s)
- Off-site improvement plans, as required
- Engineering construction drawings
- Traffic Impact Study

An improvements agreement may be required to identify and financially secure the public and private improvements and other commitments required as part of the use by special review approval.

2111.08 Detailed technical studies, based upon the scale and impact of the application, as may be necessary to demonstrate compliance with the approval standards.

2111.09 Documentation of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein.

For properties in the A-1 and LRR zone districts as identified in Section 2102.11.2 a copy of any existing well permits issued for the property may be requested as part of the submittal, along with an estimate of water demands.

2111.10 An analysis of the capacity related to level-of-service for the public facilities and services within the impact area.

2111.10.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.

2111.10.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.

2111.10.3 For applications proposing additional residential uses, documentation of capacity from the school district in accordance with the school district capacity policy.

2112 Plan Exhibit

For a use by special review or use by special review amendment, a Plan Exhibit shall consist of both a site plan and management plan as required herein.

2112.01 The site plan shall be prepared in accordance with the subsections of Section 27, Site Improvement Plan of this Resolution listed below. All or portions of the required site plan elements may be waived by the Director if it is determined that the use by special review will occupy an existing structure or will not otherwise require significant public or private improvements:

- General Plan Requirements, except that title blocks and approval certificates shall follow Sections 2112.03 and 2112.04 herein.
- Site Plan
- Landscape Plan
- Grading and Drainage
- Building Elevations

- Lighting Plan

For Personal Wireless Communication Facilities, the Design Standards provided in Section 27A shall apply.

2112.02 The 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. The management plan shall be appended to the Plan Exhibit prior to final approval.

2112.02.1 Number of clients/boarders/parishioners/animals

2112.02.2 Hours of operation - whether the use is seasonal and the number of days of the week

2112.02.3 Number of employees

2112.02.4 Required outside storage/parking/loading areas

2112.02.5 Permit requirements from other state, federal or local agencies

2112.02.6 Method of providing fire protection

2112.02.7 Other operational elements necessary to address the potential impacts for the specific special use

2112.03 Plan Exhibit Title

The exhibit title shall include the name and legal description of the proposed development, site acreage, and project file number. The business name shall not appear in the title, rather the title shall reference 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
Permit Area – 1 acre Total Area 5 acres
USR Plan Exhibit – US2010-002

Within a PD:

SPRUCE SUMMIT, Filing No. 3, Lot 14
NW¼ Section 11, Township 8 South, Range 67 West
Planning Area 63 – Permit Area – 1 acre Total Area - 5 acres
USR Plan Exhibit – US2010-002

When unplatted:

(STREET ADDRESS – Address available from County Addressing Specialist)
NW¼ Section 11, Township 8 South, Range 67 West
Permit Area – 1 acre Total Area 5 acres
USR Plan Exhibit - US2010-002

For a use by special review amendment:

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 Amendment
US2010-002 (**Amendment to US2003-049**)

2112.04 Plan Exhibit Approval Certificate

Provide either a corporate/limited liability corporation (LLC) or individual approval certificate on the first sheet of the plan set, as follows.

APPROVAL CERTIFICATE

THE USE BY SPECIAL REVIEW AS DEPICTED HEREON WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON _____, 2 ____.

Director of Community Development

- The use by special review is subject to yearly review, or as otherwise defined by the Board of County Commissioners as part of its approval of the use by special review, to ensure compliance with the approval standards and conditions of approval.
- Construction shall commence pursuant to the use by special review within 3 years from the date of approval, or within the extended effective approval period, or the use by special review shall terminate.
- The use by special review shall terminate when the use of the land changes or when the time period established by the Board of County Commissioners through the approval process expires. The owner shall 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.
- Acceptance of site construction drawings by Douglas County Engineering 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, its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Plan Exhibit and the Douglas County Zoning Resolution.

(for Corporate or LLC owner)

(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

(For Individual Owner)

(signature of owner(s))

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

My commission expires: _____

Witness my hand and official seal.

Notary Public

An initial block is required on all subsequent Plan Exhibit sheets:

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

2113 Public Notice Requirements

The following requirements shall apply to a use by special review and use by special review amendment. 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.

2113.01 WRITTEN NOTICE

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.

2113.02 PUBLISHED NOTICE

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: _____

2113.03 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 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: _____

- 2113.03.1 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:

2114.04 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 shall 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.

2114.05 The termination notice is appealable, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution.

2115 Inactive Files

Files that become inactive, because the applicant has not responded to staff's request for information or otherwise action in the submittal process, 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.

2116 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 60 days 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.

2117 Revocation

If noncompliance with the approved Plan Exhibit or conditions of approval is demonstrated, the Board may consider revocation of the use by special review at a public meeting. Written notice shall be provided to the landowner and/or lessee at least 14 days prior to the scheduled Board meeting.

2118 Administrative Use by Special Review Amendment

2118.01 Submittal Prerequisite

Prior to submittal of an administrative amendment, a presubmittal meeting shall be held with the Planning Division to discuss the request, to determine if it is eligible for an administrative process, and to provide information on the required submittal items and process steps.

2118.02 Approval Standards

Approval of an administrative use by special review amendment shall be in accordance with the approval standards in Section 2102.

2118.03 Submittal Process

2118.03.1 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.

2118.03.2 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.

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.

If the referral agencies elect to comment, they shall comment within the specified referral period, not to exceed 21 calendar days from the date the referral packets were mailed or electronically distributed.

2118.03.3 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 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 comments of all referral agencies - advisory and other public comments received.

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.

2118.03.4 Following Planning and Engineering's review of the response to referral comments and any resubmitted items, staff will prepare a project assessment report for the Director's review. The Director will make a final determination to approve, approve with conditions, or deny the administrative USR amendment request within five (5) calendar days of the receipt of the assessment report, based upon demonstrated compliance with the approval standards.

2118.03.5 If an improvements agreement is required, it shall be approved by the County Manager prior to the Director's approval of the administrative amendment.

2118.03.6 If the administrative amendment is denied, written findings shall be provided by staff to the applicant within three (3) calendar days of the denial.

2118.04 Submittal Requirements

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

- Completed land use application and fee
- Amended Plan Exhibit
- Updated development reports
- Updated technical studies, if applicable
- Current title commitment or other ownership verification as acceptable to staff
- Notarized letter of authorization from the property owner, if applicable
- Stamped addressed envelopes for courtesy notices
- A written narrative explanation of the proposed amendments

2118.05 Title and Approval Certificate

The project title for an administrative use by special review amendment shall be consistent with the original title, as provided in the following example:

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

The following approval certificate shall accompany the required Plan Exhibit for an administrative use by special review amendment to an approved use by special review.

Administrative USR Amendment Approval Certificate

US ____ - ____ is hereby amended this ____ day of ____, 2____. The use by special review continues to meet all approval criteria and is subject to all original conditions of approval, unless specifically noted hereon.

Director of Community Development

An initial block is required on all subsequent exhibit sheets:

**USR Administrative Amendment
Approval Certificate**

Planning

Initials/Date

Owner

Initials/Date

Lessee

(if applicable)

Initials/Date

2118.06 Notice of Final Action

The final status of an administrative use by special review amendment shall be set forth via the Notice of Action - Final Status using the following process:

- 2118.06.1 The date considered to be the final action on the administrative use by special review amendment shall be the date on the Notice of Action - Final Status.
- 2118.06.2 Should a discrepancy exist between the dates on the administrative use by special review amendment and Notice of Action - Final Status, the date of the Notice of Action - Final Status shall control.
- 2118.06.3 The Notice of Action - Final Status shall be mailed to the applicant, the abutting landowners who received courtesy notices, and any homeowner's associations 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.

2118.06.4 An appeal of the Director's determination regarding A Notice of Action – Final Status for an administrative use by special review amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.

2118.06.5 If an administrative use by special review amendment is denied, any new amendment request shall require submittal of a new application and processing fee.

SECTION 25 REZONING

-Section Contents-

GENERAL PROVISIONS

2501	Intent.....	25-3
2502	Standards for Approval.....	25-3

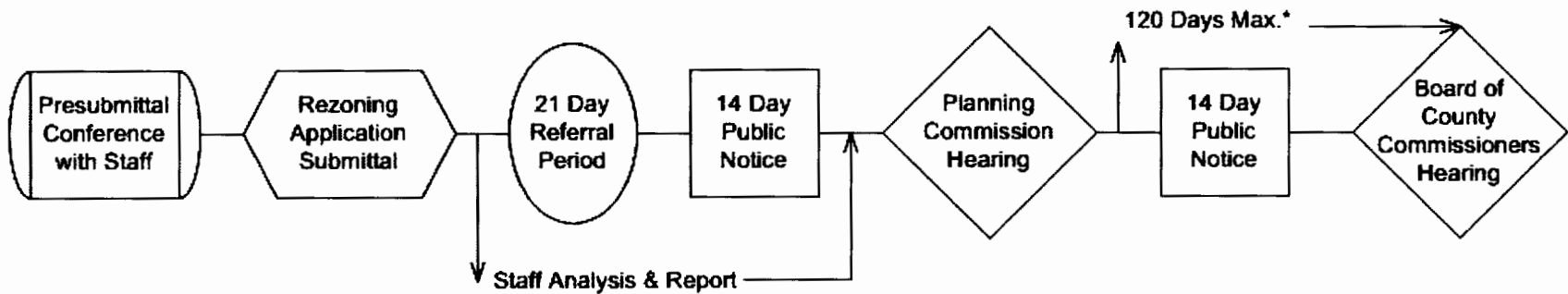
REZONING APPLICATION

2503	Prerequisite.....	25-3
2504	Rezoning Submittal Process.....	25-4
2505	General Submittal Requirements.....	25-6
2506	Project Summary	25-7
2507	Plan Exhibit.....	25-8
2508	Public Notice Requirements – Rezoning.....	25-10

OTHER PROVISIONS

2509	Withdrawal of Application.....	25-12
2510	Inactive Files.....	25-12
2511	County Initiated Rezoning.....	25-13

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 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 11/18/14)

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 application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development;
- 2502.05 Whether the roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development will be available concurrently with the impacts of such development;
- 2502.06 Whether the application is in conformance with Section 18A, Water Supply - Overlay District, herein;
- 2502.07 Whether the proposed rezoning is compatible with the surrounding land uses; and
- 2502.08 Whether the subject land is suitable for the intended use.

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 water supply documentation in accordance with Section 18A, Water Supply - Overlay District, herein.
- 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 11/18/14)*

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 An analysis of the capacity of public facilities and services within the impact area.
- 2505.07.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.
- 2505.07.2 Documentation of capacity from the fire protection district in accordance with adopted fire district level of service standards.
- 2505.07.3 Documentation of capacity from the school district in accordance with the adopted school district capacity policy.
- 2505.08 Water supply documentation in accordance with Section 18A, Water Supply - Overlay District, herein.
- 2505.09 Documentation of the physical and legal capability to provide sanitation.
- 2505.10 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.
- 2505.11 Notification of abutting landowners
- The applicant shall provide stamped envelopes addressed to the abutting landowners and other landowners as requested by staff.
- 2505.12 A copy of the formal staff analysis from the presubmittal meeting and additional information, as requested by staff.

2506 Project Summary (*Amended 11/18/14*)

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 A description of the availability and adequacy of public services and facilities.
- 2506.07 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
- 2506.08 Impacts on existing flora and fauna
- 2506.09 Compliance with the:
- Douglas County Comprehensive Master Plan
 - Denver Regional Council of Government's Metro Vision Plan
 - 1041 Regulations regarding New Communities
- 2506.10 Phase I Drainage and Water Quality Study
- 2506.11 A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.
- 2506.12 Changes in the character of the neighborhood, since the land was last zoned, to substantiate a rezoning
- 2506.13 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: _____

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:

The sign shall be removed by the applicant within two weeks following the final decision by the Board.

The applicant may withdraw an application at any time during the process upon submittal of a notarized, written request, to the Planning Division. Rezoning fees will be refunded only when the withdrawal request is submitted prior to the mailing of referral packets.

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 6 months, shall become void and the resubmittal of a new application and fees shall be required to pursue the rezoning request. The Director may grant no more than two extensions of time, of no more than 6 months, upon a written request by the applicant.

After five months, the staff planner shall notify the applicant in writing that the application will become void within thirty days. After thirty 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.

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.

THIS PAGE LEFT BLANK INTENTIONALLY