

RESOLUTION NO. 018-116

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

A RESOLUTION ADOPTING AMENDMENTS TO DOUGLAS COUNTY ZONING RESOLUTION SECTIONS 15 – PLANNED DEVELOPMENT DISTRICT, 18A – WATER SUPPLY OVERLAY DISTRICT, 21 – USE BY SPECIAL REVIEW, 25 – REZONING, 26 – VARIANCE STANDARDS AND PROCEDURES, 26A – APPEAL STANDARDS AND PROCEDURES, AND 35 – DEVELOPMENT AGREEMENTS (“AMENDMENTS”)

**WHEREAS**, the Department of Community Development has prepared Amendments to the Douglas County Zoning Resolution, which are attached hereto and incorporated herein as Exhibit A (Project No. DR2018-007); and

**WHEREAS**, said Amendments have been reviewed and recommended for approval by the Planning Commission on October 15, 2018; and

**WHEREAS**, the Board of County Commissioners considered said Amendments at a properly noticed public hearing held on November 6, 2018; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of the County of Douglas, State of Colorado, that the Douglas County Zoning Resolution, is hereby amended to read as provided on said Exhibit A; and

**FURTHER RESOLVED**, that said Amendments shall become effective on November 6, 2018.

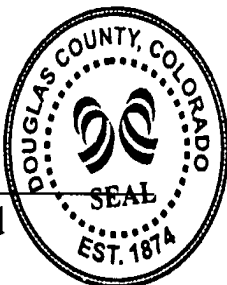
**PASSED AND ADOPTED**, this 6<sup>th</sup> day of November 2018, in Castle Rock, Douglas County, Colorado.

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

BY: Lora L. Thomas  
Lora L. Thomas, Chair

ATTEST:

Emily Wrenn  
Emily Wrenn, Clerk to the Board



## SECTION 15 PD - PLANNED DEVELOPMENT DISTRICT

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**1501 Intent**

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

Development within this district should be designed to:

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

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

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

**1502 General Requirements**

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

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

- Sections: 1 - Administrative Provisions and Procedures  
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
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- 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. (Amended 5/26/2015)

**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. *(Amended 5/26/2015)*
- 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: *(Amended 5/26/2015)*
- Douglas County Comprehensive Master 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<sup>th</sup> 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 Count, shall be applicable.

**Enforcement**

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

**Conflict**

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

**Maximum Level of Development**

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

**Project Tracking**

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

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

**"STATEMENT OF COMMITMENTS"**

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

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

Parks/Trails/Open Space Commitments Matrix					
Area	Plan preparation and approval	Construction Timing	Construction Responsibility	Maintenance Responsibility	Ownership
Park A					
Park B					
Trail					

(Amended 3/28/01)

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

## 1509.01.4 OWNERSHIP CERTIFICATION

Name of Landowner

(Landowner's Signature – notarized)

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

(Notarized Signature)

Name of Authorized Official

(date)

Name of Company:

OR

(Signature) (Registration No.)

Name of Attorney

(date)

## 1509.01.5 COUNTY CERTIFICATION

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

(Signature)

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	Dedicated Parks	-	-	42.5	28%
	<b>SUBTOTAL</b>	8.38	985	117.5	77%
C	Commercial	566,280 sq. ft.		25.0	17%
I	Industrial	217,800 sq. ft.		9.0	6%
	<b>SUBTOTAL</b>	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:

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

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

#### 1511.02 POSTED NOTICE (Amended 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, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303.660.7460.". 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, 1<sup>ST</sup> 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 - A 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 The park and school land dedication have been approved by the County Parks, Trails and Building Grounds and the School District.  
(Amended 5/26/15)
- 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 - Approval Criteria (Amended 5/26/15)
- The following criteria shall be considered by the Board for approval of the major amendment:
- 1520.01 Whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development.
- 1520.02 Whether the amendment is consistent with the intent, efficient development and preservation of the entire planned development.

- 1520.03 Whether the amendment will adversely affect the public interest or enjoyment of the adjacent land.
- 1520.04 Whether the sole purpose of the amendment is to confer a special benefit upon an individual.
- 1520.05 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.
- 1520.06 Whether the public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.
- 1520.07 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.

1521 Major Amendment - Submittal Requirements (Amended 5/26/15)

- 1521.01 Completed land use application (*available from Planning Services*)
- 1521.02 Application fee (*fee schedule available from Planning Services*)
- 1521.03 Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than 30 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 (3) copies of the appropriate portions of the Development Plan retitled with all amendments including administrative amendments, numbered consecutively. For example:

<p><b>MEADOWBROOK PLANNED DEVELOPMENT, (i.e., 1<sup>st</sup>) Amendment</b>  A major amendment to (specific element and/or planning area)</p>
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- 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.
  - 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. *(Amended 11/18/14)*
- 1522 Major Amendment - Submittal Process *(Amended 5/26/15)*
- 1522.01 The submittal shall be reviewed for completeness and the applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
  - 1522.02 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.
  - 1522.03 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.
  - 1522.04 The referral agencies shall comment within 21 calendar days of the date referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board.
  - 1522.05 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.
  - 1522.06 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.

- 1522.07 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 1523, herein.
- 1522.08 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.
- 1522.09 Within 30 days of receiving approval, the applicant shall submit the amended Development Plan to Planning Services for recordation as follows:
- 1522.09.1 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.
- 1522.09.2 County Certification

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

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

\_\_\_\_\_  
(Signature)  
Chair, Board of Douglas County Commissioners

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)  
Director of Community Development

\_\_\_\_\_  
(Date)

1522.09.3 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

1522.09.4 If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

1522.10 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.

1522.11 The Director may grant no more than one extension of time, of not more than six (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)*

1522.12 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)*

1523 Major Amendment – Public Notice Requirements *(Amended 5/26/15)*

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.

1523.01 Written Notice

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 seven (7) days prior to the public hearing, the applicant shall submit the following to 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:

<p style="text-align: center;"><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this _____ day of _____, 20____, and addressed as follows:</p> <p><i>(list of addresses)</i></p> <p>_____</p> <p><i>(signature of person completing the mailing)</i></p>
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In the event the applicant fails to mail a notice to 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 Services prior to the hearing.

#### 1523.02 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 (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, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460."

Said notice shall read:

<p style="text-align: center;"><b>NOTICE OF PUBLIC HEARING BEFORE THE</b> <b>(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)</b></p> <p>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 Services at 303-660-7460.</p> <p>File No./Name: _____</p>
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- 1523.02.1 An affidavit of sign posting shall be submitted for the file in Planning Services at least seven (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

- 1523.02.2 The sign shall be removed by the applicant within two (2) weeks following the final decision by the Board

### 1523.03 Published Notice

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 seven (7) days prior to the public hearing, to Planning Services. 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 Services at 303-660-7460. File No./Name: \_\_\_\_\_

**1524 Withdrawal of an Application**

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

**1525 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)*

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SECTION 18A WATER SUPPLY OVERLAY DISTRICT

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**1801A Intent**

To ensure that development in all areas of Douglas County provides for a water supply that is sufficient in terms of quantity, quality, and dependability. [§30-28-133 (3)(d), C.R.S.]

Compliance with the following standards permits a presumption that a proposed water plan meets the standards set forth in these regulations. Any landowner may appeal these standards to the Board to prove a sufficient water supply, as set forth in Section 1808A.

**1802A Applicability**

The Water Supply Overlay District shall be applied as a supplemental regulation to those set forth in the underlying Zone District and to all applications submitted pursuant to the following regulations. Unless otherwise appealed as set forth in Section 1808A, the Board shall determine the adequacy of a water supply to meet the demand for a proposed development within a Preliminary Plan, Minor Development, or Use by Special Review application as applicable.

**1802A.01 Douglas County Zoning Resolution:**

- Planned Development
- Rezoning
- Site Improvement Plan – legal unplatted parcels
- Use By Special Review

**1802A.02 Douglas County Subdivision Resolution:**

- Preliminary Plan
- Final Plat
- Minor Development – Single-Family, Multifamily and Nonresidential

**1802A.03 Douglas County Building Code, as described in the Pike-Rampart or Margin A Water Supply Zone Standards****1802A.04 County Review of Special District Applications**

All of the restrictions and requirements set forth in other applicable regulations remain in full force and effect. In the case of overlapping or conflicting requirements, the most restrictive provision shall apply.

**1803A Approval Standards**

The Planning Commission and the Board of County Commissioners shall utilize these standards when evaluating land use applications.

Based upon the Documentation Standards described in Section 1806A, the Planning Commission and the Board of County Commissioners shall determine if:

- 1803A.01 The applicant has demonstrated that the water rights can be used for the proposed use(s).
- 1803A.02 The reliability of a renewable water right has been analyzed and is deemed sufficient by the County based on its priority date within the Colorado System of Water Rights Administration.
- 1803A.03 The Water Plan is deemed adequate and feasible by the County to ensure that water supply shortages will not occur due to variations in the hydrologic cycle.
- 1803A.04 The Water Plan is sufficient to meet the demand applicable to the project based on the minimum water demand standards in Section 1805A herein.

#### 1804A Water Supply Zones, Boundaries, and Standards

The Water Supply Overlay District encompasses the entire area of Douglas County. The District is divided into zones identified as Pike-Rampart, Margin A, Margin B, and the Central Basin, as depicted on the Water Supply Overlay District Map, attached hereto and incorporated herein with this reference.

Compliance with these standards shall be demonstrated through the Documentation Standards set forth in Sections 1806A.

##### 1804A.01 Pike-Rampart Water Supply Zone

###### 1804A.01.1 Groundwater from Granitic Fractures

A well in the granitic metamorphic fractures may only be allowed as the source of water in the Pike-Rampart Water Supply Zone, when required for issuance of a building permit, for a principal or accessory use currently allowed by zoning on a legally created parcel as follows:

- (1) The applicant must submit evidence of a well test in one of two forms, as follows:
  - (a) A minimum 4-hour, constant-discharge test that would require the well to be pumped at a constant rate commensurate with the ability of the aquifer to yield not less than 1 gallon per minute (gpm), with water level measurements being made throughout the duration of the test. To conduct an acceptable well test, the pump shall be valved to maintain a constant rate, a calibrated flow meter used to measure flow, and a

means to obtain water levels from the pumped well provided. The well test results must be signed by a licensed water well contractor or professional geologist or engineer.

- (b) A statement signed by a licensed well contractor that the average yield of the well is greater than 10 gpm after 4 hours of airlifting, which is indicative of a sustained pumping rate of greater than 1 gpm.

- (2) If the water flow is less than 1 gpm, the applicant shall install a cistern in compliance with the Douglas County plumbing code, as amended. Further, if the water flow of the well is not sufficient to fill the cistern, as required by the plumbing code, the landowner shall submit an agreement with a water provider for the balance of the water, in a form acceptable to the County.

1804A.01.2 For other land uses proposed within Pike-Rampart, the water supply shall be from one of the following water sources, or any combination thereof:

- (1) Renewable water rights
- (2) A water supply beneath land located in the Central Basin or Margin B in accordance with Section 1804A.03.2 that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement. A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

#### 1804A.02 Margin A Water Supply Zone

##### 1804A.02.1 Nonrenewable Water – Margin A Water Supply Zone

A groundwater well may only be allowed as the source of water, when required for issuance of a building permit, for a principal or accessory use currently allowed by zoning on a legally created parcel as follows:

The applicant must submit evidence of a well test in one of two forms, as follows:

- (1) A minimum 4-hour, constant-discharge test that would require the well to be pumped at a constant rate commensurate with the ability of the aquifer to yield not less than 1 gpm, with



water level measurements being made throughout the duration of the test. To conduct an acceptable well test, the pump shall be valved to maintain a constant rate, a calibrated flow meter used to measure flow, and a means to obtain water levels from the pumped well provided. The well test results must be signed by a licensed water well contractor or professional geologist or engineer.

- (2) A statement signed by a licensed well contractor that the average yield of the well is greater than 10 gpm after 4 hours of airlifting, which is indicative of a sustained pumping rate of greater than 1 gpm.

If the water flow is less than 1 gpm, the applicant shall install a cistern in compliance with the Douglas County plumbing code, as amended. Further, if the water flow of the well is not sufficient to fill the cistern, as required by the plumbing code, the landowner shall submit an agreement with a water provider for the balance of the water, in a form acceptable to the County.

- (3) Proof that the water rights in all Denver Basin aquifers have been reserved in perpetuity, for the benefit of future landowners within the proposed development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.

1804A.02.2 For other land uses proposed within Margin A, the water supply shall be from one of the following water sources, or any combination thereof:

- (1) Renewable water rights

- (2) A water supply beneath land located in the Central Basin or Margin B in accordance with Section 1804A.03.2 that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement. A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

### 1804A.03 Margin B Water Supply Zone

The water supply shall be from one of the following water sources, or any combination thereof:

#### 1804A.03.1 Renewable water rights

1804A.03.2 Denver Basin aquifers, not exceeding 50 percent of the total annual appropriable water supply contained within the Denver Basin aquifers underlying the subject land associated with the water rights or decree.

1804A.03.3 A water supply beneath land located in the Central Basin or Margin B in accordance with Section 1804A.03.2 that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement. A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

### 1804A.04 Central Basin Water Supply Zone

The water supply shall be from one of the following water sources, or any combination thereof:

#### 1804A.04.1 Renewable water rights

1804A.04.2 Denver Basin aquifers, not exceeding 100 percent of the total annual appropriable water supply contained within the Denver Basin aquifers underlying the subject land associated with the water rights or decree.

1804A.04.3 A water supply beneath land located in the Central Basin or Margin B in accordance with Section 1804A.03.2 that has been zoned as Open Space Conservation District, or is subject to a perpetual open space conservation easement. A copy of the conservation easement shall be submitted to the Planning Division, and shall contain provisions which restrict the uses of the land to substantially the same uses and level of development as are permitted on land zoned as Open Space Conservation District, as determined by the Director. A copy of the declaration of restrictive covenants shall be provided, as required.

1804A.05 The water rights in all Denver Basin aquifers shall be reserved in perpetuity, for the benefit of future landowners within the proposed

development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.

1804A.06 When a new water source is not proposed and the landowner does not own rights to all of the water within the underlying Denver Basin aquifers, a groundwater well may be allowed as the source of water as required for a building permit, for a principal or accessory use currently allowed by zoning, on a legally created parcel.

1804A.07 When a proposed land use overlies two or more of the water supply zones or when a water supply is proposed to be obtained from multiple water supply zones, the water supply shall comply proportionately with the requirements of the zone from which the water is supplied.

The location and standards of these zones will be periodically reviewed by the County, as new data are available, and boundaries adjusted, as needed, to meet changing aquifer conditions.

#### 1805A Water Demand Standards

1805A.01 For service governed by an Existing District, the applicant shall submit a copy of the governing board's resolution establishing minimum water standards for the Existing District.

1805A.02 For service not governed by an Existing District, or when the Existing District has not established its own minimum water standards, the following minimum water demand standards, unless amended through an Appeal Process, shall be demonstrated:

1805A.02.1 Residential: ER, RR, LRR, and A-1 zone districts: 1 acre-feet/year/residence

1805A.02.2 Residential: All other zone districts: 0.75 acre-feet/year/residence

1805A.02.3 Non-residential irrigated lawn, garden, or golf course: 2.50 acre-feet/year/acre

1805A.02.4 Commercial/office/industrial: 0.75 acre-feet/year per 6,695 square feet of building space

1805A.02.5 Other uses: Sufficient water supply for the proposed uses, based on the estimate of the proposed usage and analysis by the County.

#### 1806A Documentation Standards

The following documentation standards are established for the purpose of demonstrating that definite provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability [§30-28-133 (3)(d), C.R.S.] in accordance

with the water source standards of the water supply zone in which the proposed development lies.

1806A.01 For individual applicants and non-District entities:

Renewable Water – when service is proposed by renewable tributary water rights the following documentation standards shall apply:

1806A.01.1 For rezonings and Planned Development amendments to increase the number of dwelling units, increase the Planned Development boundary, or change allowed land use categories, the applicant shall submit a letter stating the intent to obtain renewable water rights or a copy of the conditional water right(s) as decreed by the court.

1806A.01.2 For preliminary plan, minor development final plat, use by special review, and site improvement plan applications for legal unplatted parcels the applicant shall submit:

- (1) A letter from a qualified attorney stating ownership by the applicant of, or an executed contract granting rights to the applicant for, adjudicated renewable water rights and a copy of the court decree adjudicating the renewable water rights.
- (2) An adjudicated Augmentation Plan, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.
- (3) A Water Plan.

1806A.01.3 For final plat applications where the previous preliminary plan review process did not undergo the review in Section 1806A.01.2, the application shall be subject to review under the standards of Section 1806A.01.2. For all other final plat applications the applicant shall submit:

- (1) A letter from a qualified attorney reaffirming renewable water rights ownership by the applicant and either verifying that the statements made in the letters and reports for the previous review process are still true and accurate, or identifying what conditions have changed since the previous review process. If proposed changes have the potential impact the applicant's ability to serve the subdivision, the applicant shall submit updated letters and reports as set forth in Section 1806A.01.2.

Nonrenewable Water – when service is proposed from Margin B and Central Basin Water Supply Zones, the following documentation standards shall apply:

1806A.01.4 A letter from a qualified attorney stating ownership by the applicant of, or an executed contract granting rights to the applicant for, adjudicated water rights and a copy of the court decree adjudicating the water rights.

1806A.01.5 An adjudicated Augmentation Plan, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public meeting or public hearing for the application.

1806A.01.6 Proof that the water rights in all Denver Basin aquifers have been reserved in perpetuity, for the benefit of future landowners within the proposed development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.

1806A.01.7 A Water Plan.

1806A.02 For District entities:

When service is proposed by a District, the applicant shall submit documentation of the District's ability to serve, the amount of water available, and the feasibility of extending service.

1806A.02.1 For rezonings or Planned Development amendments to increase the number of dwelling units, increase the Planned Development boundary, or change allowed land use categories the applicant shall submit:

(1) A letter from the District referencing the development name (as submitted to the County), stating:

- (a) The District's intent and ability to serve the development.
- (b) The conditions under which the District will commit to serving the development.
- (c) The estimated demand of the development based on the water demand standards as established in Section 1805A.
- (d) The proposed uses, the allowed uses of the District's water rights, and that the proposed uses correspond to the allowed uses of the District's water rights.
- (e) The feasibility of extending service to the development.

(2) A Water Supply Report from the District.

1806A.02.2 For preliminary plan and minor development final plat applications, the applicant shall submit:

- (1) A letter from the District referencing the subdivision name (as submitted to the County), stating:
  - (a) The District's commitment to serve the subdivision.
  - (b) That the commitment is irrevocable, or the conditions under which the commitment may be revoked.
  - (c) That the property that is the subject of the application has been included in the District or is served by contract.
  - (d) The estimated demand of the subdivision based on the water demand standards as established in Section 1805A.
  - (e) The amount of water that can be supplied to the subdivision pursuant to deeded water, contracts, and/or IGAs.
  - (f) The proposed uses, the allowed uses of the District's water rights, and that the proposed uses correspond to the allowed uses of the District's water rights.
  - (g) The feasibility of extending service to the development.
- (2) A Water Supply Report from the District.
- (3) Evidence concerning the potability of the proposed water supply for the subdivision. [§30-28-133(3)(d), C.R.S.]
- (4) Proof that the water rights in all Denver Basin aquifers have been reserved in perpetuity, for the benefit of future landowners within the proposed development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.
- (5) When service is proposed through an intergovernmental agreement (IGA), the applicant shall provide evidence that the IGA has been executed by both parties.
- (6) When service is proposed by a New Special District, an applicant shall provide evidence that the new special District has been organized.

1806A.02.3 For final plat applications where the previous preliminary plan review process did not undergo the review in Section 1806A.02.2, the application shall be subject to review under the standards of Section 1806A.02.2. For all other final plat applications the applicant shall submit:

- (1) A letter from the District reaffirming its commitment to serve and either verifying that the statements made in the letters and reports for the previous review process are still true and accurate, or identifying what conditions have changed since the previous review process. If proposed changes have the potential to impact the District's ability to serve the subdivision, the applicant shall submit updated letters and reports as set forth in Section 1806A.02.2.
- (2) Evidence that the water rights to serve the subdivision have been conveyed to the District and are available for the intended uses, and that the water credits to serve the subdivision have been purchased from the District (as necessary) and/or the water supply is the subject of a fully-executed contract or IGA with another water supply provider in which all of the terms and conditions of the contract and/or IGA have been fully satisfied, as confirmed by a signed will-serve letter from the provider of the water supplies.
- (3) To the extent that water supplies are to be provided by a separate water supply entity by contract or IGA, evidence that all of the necessary infrastructure is in place and is capable of providing water to the District.

1806A.02.4 For a use by special review application or for a site improvement plan application for legal unplatted parcels, the applicant shall submit:

- (1) A letter from the District referencing the development name (as submitted to the County), stating:
  - (a) The District's commitment to serve the development.
  - (b) That the commitment is irrevocable, or the conditions under which the commitment may be revoked.
  - (c) Whether the property that is the subject of the application has been included in the District.
  - (d) The estimated demand of the development based on the water demand standards as established in Section 1805A.
  - (e) The amount of water that can be supplied to the development.
  - (f) The proposed uses, the allowed uses of the District's water rights, and that the proposed uses correspond to the allowed uses of the District's water rights.
  - (g) A statement regarding the feasibility of extending service to the development.
- (2) A Water Supply Report from the District.

- (3) Evidence concerning the potability of the proposed water supply for the subdivision. [§30-28-133(3)(d), C.R.S.]
- (4) Proof that the water rights in all Denver Basin aquifers have been reserved in perpetuity, for the benefit of future landowners within the proposed development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.

#### 1807A New Special District Service Plan Submittal Requirements

The organization of a New Special District to provide water service is authorized by §32-1-201, et seq., C.R.S. The Board is authorized by §32-1-203, C.R.S., to review and approve the service plan.

When a New Special District Service Plan or a Service Plan Amendment to authorize provision of water service is proposed, the applicant shall submit:

- 1807A.01 An attorney's opinion letter stating ownership by the applicant(s) of adjudicated water rights and a copy of the court decree adjudicating the water rights.
- 1807A.02 An adjudicated Augmentation Plan, if required by the Colorado State Engineer, and a copy of the court decree adjudicating the Augmentation Plan. An adjudicated Augmentation Plan shall be submitted prior to the scheduling of a public hearing for the application.
- 1807A.03 A Water Plan.
- 1807A.04 Water demand standards as established in Section 1805A.
- 1807A.05 For service plan provisions to use Denver Basin wells in Margin B and Central Basin Water Supply Zones, the service plan shall include a well-field analysis that demonstrates that such wells will not adversely impact existing water rights on adjoining lands, considering the statutory requirement that material injury does not result solely from reductions of hydrostatic pressure or water level in an aquifer.
- 1807A.06 When a New Special District Service Plan proposes to use a water supply from another District that has not been previously reviewed subject to the requirements herein, the service plan shall include information from the District in accordance with Section 1806A.02.2.
- 1807A.07 Proof that the water rights in all Denver Basin aquifers have been reserved in perpetuity, for the benefit of future landowners within the proposed development, pursuant to a declaration of restrictive covenants in a form prescribed by the County.



## 1808A Appeal Process

An appeal to the standards of Section 18A shall be processed as follows:

- 1808A.01 The applicant shall discuss the appeal informally with planning staff to discuss the procedures and submittal requirements.
- 1808A.02 The applicant shall submit an explanation in narrative form explaining the appeal and attach any information including site-specific data, for the Board to consider.
- 1808A.03 The following analyses will be required for appeals to use Denver Basin water underlying land in the Margin A Water Supply Zone and for appeals to use more than 50 percent of appropriable Denver Basin water underlying land in the Margin B Water Supply Zone for the purpose of assessing the suitability of those Denver Basin aquifer supplies:
  - 1808A.03.1 A static analysis to include an evaluation of the volume of the appropriable water supply for the proposed development.
  - 1808A.03.2 A dynamic analysis that evaluates whether the adjudicated and appropriable water supply is sustainable for 100 years, including:
    - (1) Site-specific aquifer hydraulic characteristics.
    - (2) Simulation of the current and future pumping effects from all pumping centers in the Denver Basin, using currently accepted estimates of present and future pumping volumes in the Basin.
    - (3) Simulation of pumping of the applicant's proposed wells to evaluate if, under these pumping conditions, the applicant's wells can satisfy the Minimum 100-year Useful Life.
    - (4) Simulation of the hydraulic control that is exerted by pumping of other wells in the confined portion of the aquifers. This will require simulation of the layering effects in the aquifers.
    - (5) Simulation of the elevation differences within each aquifer, e.g., the bowl-shaped nature of the Basin.
  - 1808A.03.3 A well-field analysis to evaluate impacts on neighboring wells using information gained from the dynamic analysis.

- 1808A.04 Upon receipt of the narrative and attached documents, staff shall submit this information for review by the County's water consultant and any other referral agencies deemed relevant by staff. Staff shall schedule the appeal for public hearing before the Planning Commission and Board for public hearings and notify the applicant of the hearing dates and times.
- 1808A.05 The applicant is responsible for providing notice of the hearings in accordance with the public notice requirements set forth in Section 1809A, herein.
- 1808A.06 At a public hearing, the Planning Commission shall evaluate the application based on the technical data, the water consultants' opinions, site-specific data, the water demand standards, the staff report, and public testimony and shall make a recommendation to the Board to approve, conditionally approve, or deny the appeal. The Planning Commission's comments shall be based on the evidence presented.
- 1808A.07 At a public hearing, the Board shall evaluate the application based on the technical data, the water consultants' comments, site-specific data, the water demand standards, the staff report, the Planning Commission's recommendation, and public testimony and shall approve, conditionally approve, table for further study, or deny the appeal. An appeal shall be approved only upon the finding, based upon the evidence presented in each specific case, that:
1. The request will not be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.
  2. For appeals to the Water Demand Standards set forth in Section 1805A or to the Documentation Standards set forth in Section 1806A, the application provides sufficient supporting data of alternate water demand criteria so the water supply is still considered sufficient in terms of quantity, quality, and dependability.
  3. For appeals to the timing of determining the adequacy of the water supply, the application identifies the stage at which the determination of adequacy shall be made.

The Board's decision regarding an appeal shall supersede or adjust any conflicting County land use regulation, unless prohibited by law.

#### 1809A Appeal Process Public Notice Requirements

In calculating the required time period for posting and 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 and the Board of County Commissioners for their respective public hearings.

#### 1809A.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.
- 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 an appeal concerning water regulations in the Douglas County Zoning Resolution for the property located at approximately *(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 HEARINGS 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 Street, Castle Rock, CO, for an appeal concerning water regulations in the Douglas County Zoning Resolution for the property located at approximately *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460.  
File #/Name:

#### 1809A.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 property that is the subject of the appeal. The sign posting shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the lot 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

- 1810A.07 Dynamic Analysis: Water supply availability and reliability evaluation required if an applicant wishes to use Denver Basin water in Margin A or more than 50 percent of the water supply available in Margin B, as estimated from the static analysis. This analysis requires the use of a model that accurately simulates the geologic and hydro geologic characteristics of the Denver Basin and how aquifer parameters and water levels will change over time. A dynamic analysis can evaluate long-term water supply availability and reliability because it simulates actual conditions and how they likely will change in the future, rather than assuming constant values for all time, as in the static analysis. This analysis is typically completed using a numerical groundwater model.
- 1810A.08 Dakota Sandstone Formation: An area of the County that is located in the water supply zones between the Pike-Rampart and the Denver Basin. This area consists of older sedimentary formations that generally underlie the Denver Basin aquifers but are uplifted to the surface in this area and are characterized by pronounced hogback and red sandstone features. Water supplies obtainable from these older sedimentary formations are quite limited and closely resemble the water availability of Margin A of the Denver Basin. Therefore, this area is considered part of Margin A for the purposes of the regulations set forth in the Water Supply Overlay District.
- 1810A.09 Existing District: A special district currently offering water service, organized or validated pursuant to the Special District Act, §32-1-101, et seq., C.R.S., with a service plan or statement of purposes approved by Douglas County prior to August 12, 1998.
- 1810A.10 Minimum 100-Year Useful Life: A water supply that will reliably provide water for a minimum time frame of 100 years. The County policy to determine useful life requires a showing from both a static and dynamic basis that a proposed water supply will be viable for a minimum 100-year period. The static analysis would include evaluation of the volume of water that is appropriable for the proposed development. The dynamic analysis would evaluate whether the appropriable water supply is sustainable for 100 years, giving consideration to the location within the Basin, as well as impacts caused by both current and future pumping by others in the Basin.
- 1810A.11 New Special District Service Plan: A document for the organization of a new special district as authorized by §32-1-201, et seq., C.R.S. The service plan generally outlines the services a District will provide and provides a financial plan for the procurement of land and facilities that may be necessary to provide District services.
- 1810A.12 Non-Renewable Water: Water that is not annually recharged through the hydrologic cycle and development of the water resource relies upon

drawing water principally from storage in an aquifer. This is also referred to as a finite water supply.

- 1810A.13 Nonresidential Equivalent: The quantity of water necessary for light industrial or office uses which corresponds to the residential standard of 0.75 acre-feet per year. The nonresidential equivalent is equal to 0.75 acre-feet per year required for each 6,695 square feet of building space.
- 1810A.14 Nontributary Water: Waters of the Denver Basin that, when pumped, will not, within 100 years, affect the flow of any natural stream by greater than one-tenth of one percent of the annual pumping volume. This is a non-renewable water supply.
- 1810A.15 Not-Nontributary Water: Waters of the Denver Basin that, when pumped will, within 100 years, affect the flow of a natural stream by greater than one-tenth of one percent of the annual pumping volume. Because the pumping of not-nontributary water will cause an impact to the surface stream system, an adjudicated plan for augmentation is required prior to the use of not-nontributary groundwater from the Denver Basin aquifers. This is a non-renewable water supply.
- 1810A.16 Pike-Rampart: The western portion of Douglas County that is characterized by the uplifted granitic mountains west of the Dakota Sandstone Formation and the Denver Basin. Water supplies in this zone are primarily through fractures in the granitic and metamorphic rock. While this water is renewable, due to the relatively low permeability of these fractures, water supply availability is relatively limited in the Pike-Rampart.
- 1810A.17 Renewable Water: Water from a source that is recharged during one or more stages of the hydrologic cycle, such as streams, and alluvial aquifers associated with streams so that the water supply is reliable over time, subject to physical supply and legal availability within the prior appropriation system.
- 1810A.18 Reusable water: Water either from fully-consumable tributary water rights or from the treatment of the portion of first-use Denver Basin aquifer water that is reusable to extinction. Reusable water can be part of a water rights portfolio, subject to a showing of its availability, reliability, and quality.
- 1810A.19 Static Analysis: Water supply availability evaluation required for proposed land uses that plan to use Denver Basin water in Margin B or in the Central Basin. This analysis is based on assumed constant values for the land area, aquifer specific yield and aquifer-saturated thickness. Aquifer specific yield and saturated thickness values are obtained from the Denver Basin Rules, promulgated by the Colorado State Engineer's Office, or, when available, from a decree from the

water court or from geophysical logs of wells drilled on, or near, the subject property.

Annual water supply availability is calculated by static analysis as: land area available for appropriation X aquifer specific yield X aquifer saturated thickness / 100 years. A static analysis cannot evaluate the long-term reliability of a water supply.

1810A.20 Tributary Water: Water contained within the surface stream systems, or in groundwater that is hydraulically connected to the stream system. Tributary waters are considered waters of the state, are available for appropriation through the Colorado Water Rights System, and are subject to the Colorado System of Water Rights Administration. Tributary Water rights are based on the priority of the rights to the extent that they can be relied upon as a water supply and meet the minimum water supply criteria, herein. This is a renewable water supply.

1810A.21 Water Conservation Plan: A description of implementation and enforcement efforts put forth to reduce water losses, waste, or use for both indoor and outdoor uses, dependent upon the land use application.

1810A.22 Water Plan: Documentation provided to Douglas County in support of a land use application which details:

- (1) The source(s) of water to be supplied to meet the development demand.
- (2) The water supply delivery system, including the structures to be used for the diversion or extraction of the water, the conveyance system, and the required storage facilities.
- (3) Demonstration of the reliability of the water supply, both from a physical and legal supply perspective, and including all losses associated with the delivery and storage system to be used.
- (4) Proof that the water supply is owned and can be used by the applicants for the purposes intended in the application.
- (5) Proof that all necessary decrees, permits, and any other legal requirements are in place that allow the legal use of the water supply.
- (6) The timing of the development demands through the build out of the project.
- (7) Estimated demand of the development.

1810A.23 Water Supply: The legal and physical delivery of water service that is sufficient in terms of quantity, quality, and dependability to meet the demand of a proposed development.

1810A.24 Water Supply Report: A report documenting the amount of water that can be supplied to the proposed development; containing the following:

- (1) A summary or report of the water rights owned or controlled.
- (2) A description of fully-executed contracts and/or IGAs with other water providers in which all of the terms and conditions of the contract and/or IGA have been satisfied, as demonstrated by a signed will-serve letter from the provider.
- (3) The anticipated yield of these rights in both an average year and a dry year.
- (4) The present demand and the anticipated demand on the supplier due to commitments for service entered into that are not yet supplied.
- (5) The amount of uncommitted firm supply available for future commitment and development.
- (6) A summary of what water rights the applicant will convey to a District and what water credits the applicant must purchase from a District, if any, to serve the development.
- (7) A map of the service area.

The information above shall be provided in a manner that demonstrates sufficient water resources to meet commitments in terms of an overall annual water supply and daily availability.

1810A.25 Well-Field Analysis: Evaluation required with proposed land-uses that plan to use Denver Basin water in Margin B or the Central Basin, to assess whether a new proposed well field associated with the proposed land use will create water level change impacts such that the ability of neighboring wells, either on or off the subject property, to produce would be impaired. A change in water level at an adjacent well is not, in and of itself, considered to be an impairment. This analysis is typically completed using an analytical ground water model.

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**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. *(Amended 5/26/2015)*

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. (Amended 5/26/2015)

2102.11.3 For all other use by special review applications, the applicant shall demonstrate conformance with Section 18A, Water Supply - Overlay District, herein. (Amended 5/26/2015)

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 Motorsports Facility, Private: A-1 zone district (*Amended 4/26/16*)

2107.28.1 All components of the Private Motorsports Facility shall be located a minimum of 200 feet from all property lines. Additional setbacks may be required if necessary to mitigate noise impacts.

2107.28.2 Noise generated by the Private Motorsports Facility use shall comply with the limits established in Section 1703A of the Noise Overlay District ("noise standard").

2107.28.3 A noise study shall be submitted demonstrating that the proposed facility can be designed and operated in such a manner as to ensure ongoing compliance with the noise standard.

- 2107.28.4 Maximum land area devegetated, including devegetation resulting from the Private Motorsports Facility, shall comply with the limits established in Section 24, Animals.
- 2107.28.5 In addition to the management plan components specified in Section 2112, operational limitations for the Private Motorsports Facility shall address the following:
- (1) Maximum number of concurrent motorsports vehicles in use
  - (2) Hours and days of use
  - (3) Specific mitigation measures to limit visual impacts of the Private Motorsports Facility from public roadways and abutting properties; and
  - (4) Specific limitations or mitigation measures to ensure compliance with the noise standard and recommendations of the noise study.
- 2107.29 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line
- 2107.30 Propane distribution/storage: GI zone district
- 2107.31 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
- 2107.32 Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.
- 2107.33 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
- 2107.34 Religious retreat: A-1 zone district.
- 2107.35 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.

2107.35.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the satellite earth station shall be included with the application. The report shall include the following:

- (1) Discussion of proposed number, height, and types of satellite dishes to be accommodated
- (2) Description of output frequency, number of channels and power output per channel for each proposed antenna (if applicable)
- (3) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
- (4) A five-year plan for the use and estimated life of the proposed telecommunication facility
- (5) A narrative from the applicant identifying technologically feasible locations (search ring or rings) for the proposed facility, and justifying the proposed location to the satisfaction of the County
- (6) A copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (7) Statement that the proposed facility will be in compliance with all FAA regulations and applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended

2107.36 Sawmill - portable: A-1 and LRR 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.

2107.37 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:

2107.37.1 Liquid dewatered or semi-dewatered sludge, as defined by the Colorado Department of Health Domestic Sewage Sludge regulations, would be applied on the soil surface or would be incorporated into the soil at a depth which does not completely cover the sludge. Dried sludge is not subject to this provision.

2107.37.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.

- 2107.37.3 More than 50,000 gallons of liquid sludge, or 200 cubic yards of any sludge, not defined or transported as a liquid, would be applied to the site in any 24-hour period.
- 2107.37.4 Permanent structures or facilities for further processing, treating or dewatering sludge would be constructed or associated with the site and the application of sludge material.
- 2107.38 Telecommunication facility: A-1 zone district; and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.
- 2107.38.1 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

2107.38.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.38.3 In addition to the approval standards stipulated in Subsection 2102, proposed telecommunication facilities shall be located and designed in accordance with the following criteria:

- (1) Proposed telecommunication antennas shall be located on existing support towers where feasible and where the visual impacts are minimal.
- (2) The facility shall be sited to minimize impact on the environment and wildlife in the region.
- (3) The facility shall be sited to fade into the predominant backdrop of the vicinity by complementing other features and forms in the backdrop landscape.
- (4) All elements of the facility shall be designed and constructed to result in minimal visual impact. Elements shall be constructed of non-reflective materials that are typical in style and color to area buildings, structures or the backdrop landscape.
- (5) All elements of the facility, including but not limited to the accessory equipment, shall be camouflaged or screened from viewer groups as identified in the VIA. Where proposed, fencing shall be designed to minimize visual impacts.

- (6) Access to the facility shall be designed to minimize land disturbance, (including cut and fill), and visual impacts.
- (7) The height of any tower or structure shall be no greater than the distance to the nearest lot line or lease area, except engineered structures which shall be in compliance with the zone district setback.

2107.38.4 The property owner shall be responsible for removing all elements of the telecommunication facility including, but not limited to, antennas, buildings, accessory equipment, driveways and fencing if the facility becomes technologically obsolete or ceases to perform its intended function for a period of 180 consecutive days. This removal shall be completed within 90 days of the end of such 180-day period. The site shall be restored to replicate the existing surrounding vegetation.

2107.39 Utility - Major Facility: In all zone districts, except G1, 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.

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

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

2107.41.1 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

2107.41.2 The maximum tower height shall be 120 feet. The minimum distance for any portion of the rotor or blades from the ground beneath the system shall be 30 feet.

2107.41.3 The supporting tower shall be set back from all property lines and overhead utility lines at least the height of the tower, except engineered structures which shall be in compliance with the zone district setback.

2107.41.4 Climbing access to the structure shall be limited either by means of a 6 foot high fence around the tower base with a locking gate, or by limiting tower climbing apparatus to no lower than 12 feet above the ground.

2107.42 Zoo: C 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. *(Amended 5/26/2015)*
- 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. (Amended 5/26/2015)

### 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 – **1<sup>st</sup> 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, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460.". 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:



Exhibit shall be completed within six months of approval, unless otherwise approved by the Board.

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 <sup>st</sup> 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)
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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

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))

<p>Acknowledged before me this _____ day of _____, 20____,</p> <p>by _____.</p> <p>My commission expires: _____</p> <p>Witness my hand and official seal.</p> <p>_____ Notary Public</p>
--

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.

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SECTION 25 REZONING

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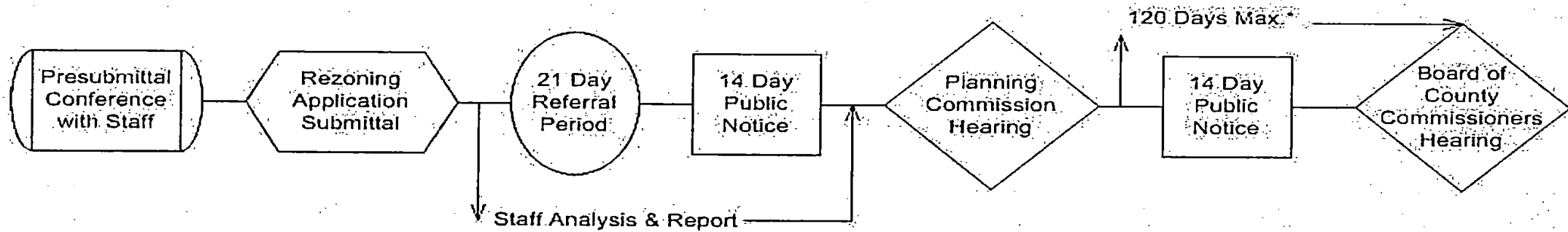
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## REZONING PROCEDURE



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

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

(Amended 11/12/13)

**2501 Intent**

To provide a process to amend the Official Zone District Map with regard to the area of any zoning district. During this process, factors such as providing a 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. (Amended 5/26/2015)

**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; (Amended 5/26/15)
- 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. *(Amended 5/26/15)*
- 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. (Amended 5/26/15)

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:

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

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

**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, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460."

The notice shall read:

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

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

File No./Name: \_\_\_\_\_

Further requirements include:

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

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.

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SECTION 26 VARIANCE STANDARDS AND PROCEDURES *(Amended 4/13/05)*

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**2601 Intent**

A variance may be requested from the Board of Adjustment for relief from certain provisions of this Resolution when a strict application of this Resolution would cause peculiar and exceptional practical difficulties or exceptional and undue hardship. [§30-28-118, C.R.S.]

**2602 Variance Limitations****2602.01 Variances shall be limited to:**

- minimum area of a lot
- maximum height of structures or fences
- minimum setbacks
- minimum off-street parking requirements
- maximum devegetated area for keeping livestock (Section 24)

**2602.02 A variance for the following shall be strictly prohibited:**

- A Use Variance - to permit a use other than those listed in a specific zoning district; or
- A Variance authorizing a zoning violation [§30-28-118(1)(b), C.R.S.] - for a building or use that is subject to prosecution pursuant to [§30-28-124(1), C.R.S.]

**2603 Variance - Approval Criteria**

**2603.01** A variance shall be granted only upon the finding that a strict application of this resolution causes peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness, or shape of a specific piece of land or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the land. [§30-28-118(1)(c), C.R.S.]

**2603.02** The applicant shall provide reasonable and adequate evidence that the variance request is not a self-imposed hardship which can be rectified by means other than relief through a variance.

**2603.03** A variance may be granted provided that no substantial detriment to the public good is created and that the intent and purpose of this Resolution are not impaired.

**2603.04** The concurring vote of three members of the Board of Adjustment shall be necessary for a variance. (Amended 1/10/17)

**2604 Administrative Variance (Amended 10/9/12)**

The Director may grant up to a 40% adjustment in the zoning requirements for those items listed in 2602.01, with the exception of the maximum devegetated area for keeping livestock, in accordance with the approval criteria listed in 2603.01 to .03 without going to the Board of Adjustment. The Director may grant up to a 35% adjustment in the zoning requirements for the maximum devegetated area for keeping livestock, in accordance with the approval criteria listed in 2603.01 to .03 without going to the Board of Adjustment. The applicant shall submit the fee and the information required herein to the Planning Office. The applicant shall notify abutting landowners, affected by the appeal, of the request. Such notification shall be either a notice of the variance request sent by certified mail, return receipt requested, at least 10 days prior to the Director's consideration of such request, or the applicant may obtain a signed statement from the abutting landowners stating that they were notified of the variance request and submit these signatures with the application.

A decision by the Director to deny such variance may be appealed to the Board of Adjustment in accordance with the procedure in Section 26A. A written appeal shall be submitted by the applicant to the Planning Office within 30 days of such denial.

**2605 Procedure for Variance**

2605.01 The applicant shall discuss the variance informally with Planning staff to discuss the procedures and submittal requirements.

2605.02 The applicant shall submit the following to the Planning Office:

2605.02.1 A completed application form

2605.02.2 Proof of ownership of the land which is the subject of the variance.

2605.02.3 Application fee (*fee schedule available from the Planning Office*)

2605.02.4 A site plan, when applicable, indicating how the variance relates to the affected land drawn to scale including the height and setbacks of all existing and proposed structures and any other information requested by Planning staff

2605.02.5 An explanation in narrative form explaining the variance and how it meets the criteria in 2602 and 2603 herein

2605.03 The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. An incomplete submittal shall not be processed.

2605.04 Once the submittal is determined to be complete, Planning staff shall submit the application to the appropriate referral agencies and schedule

the variance before the Board of Adjustment and notify the applicant of the date and time of the public hearing.

2605.05 The applicant is responsible for posting notice on the property and notifying the abutting landowners in accordance with the public notice requirements in 2606 herein.

2605.06 The Board of Adjustment shall evaluate the application, referral agency comments, staff report and public testimony, and shall approve, conditionally approve, table for further study, or deny the variance based on the evidence presented compliance with the applicable criteria.

#### 2606 Public Notice Requirements

In calculating the time period for public notification the day of posting or mailing shall be counted toward the total number of days required. The day of 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 Board of Adjustment.  
(Amended 3/28/01)

##### 2606.01 WRITTEN NOTICE (Amended 3/2/81)

At least 14 days prior to the Board of Adjustment hearing, the applicant shall mail a written notice by first-class mail to the address of each abutting landowner as such addresses are shown in the records of the Douglas County Assessor's Office and shall submit a certificate of mailing to the Douglas County Planning Office 7 days prior to the hearing. The notice shall indicate:

- the date, time and location of the hearing;
- an explanation of the variance;
- the location of the land that is the subject of the request (*distance and direction from nearest major intersection*);
- the file name and number; and
- that questions should be directed to the Douglas County Planning Office, 303-660-7460.

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 the Douglas County Planning Office prior to the hearing.

**2606.02 POSTED NOTICE** *(Amended 3/28/01)*

At least 14 days prior to the Board of Adjustment hearing, the applicant shall post a notice on the land under consideration. The sign posting shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the lot 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. Each sign shall measure not less than 3' by 4'. Letter size shall be a minimum of 3 inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460.". The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT**

This land shall be considered for (a variance/appeal) pursuant to the Douglas County Zoning Resolution to allow (specify the request; i.e., a reduction in the side setback from 10' to 7'). 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: \_\_\_\_\_

An affidavit of sign posting shall be submitted for the file in the Planning Division at least 7 days prior to the hearing. 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 2 weeks following the Board of Adjustment decision, or withdrawal of the application.

2606.03 Additional public notice may be required by the Director.

2607 Post Approval Action

Construction pursuant to approval of a variance shall be completed within 5 years from the date the variance was granted, unless otherwise specified by the Board of Adjustment or the approval shall terminate. The Director may grant an extension of time, for good cause shown, upon a written request by the applicant.

2608: Post Denial Application

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



SECTION 26A APPEAL STANDARDS AND PROCEDURES *(Amended 4/13/05)*

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**2601A Intent**

An appeal to the Board of Adjustment may be taken by any person aggrieved by the decision of an administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Resolution. [§30-28-118, C.R.S.]

**2602A Appeals Limitations**

An appeal must be made in writing and submitted to the Planning Office within 30 days of an administrative decision.

**2603A Appeal - Approval Criteria**

2603A.01 An appeal shall be granted only upon the finding that the administrative official has erred in the interpretation or application of the Zoning Resolution or Planned Development plan, or similar regulatory document. [§30-28-118(2)(a)C.R.S.]

2603A.02 An appeal may be granted provided that no substantial detriment to the public good is created and that the intent and purpose of this Resolution are not impaired. [§30-28-118(2)(c)C.R.S.]

2603A.03 The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official. [§30-28-118(3)C.R.S.]  
(Amended 1/10/17)

**2604A Procedure for an Appeal**

2604A.01 The applicant shall discuss the appeal informally with Planning staff to discuss the procedures and submittal requirements.

2604A.02 The applicant shall submit the following to the Planning Office:

2604A.02.1 A completed application form

2604A.02.2 Application fee (*fee schedule available from the Planning Office*)

2604A.02.3 An explanation in narrative form explaining the appeal and how the administrative official has erred in the interpretation

2604A.03 The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. An incomplete submittal shall not be processed.

2604A.04 Once the submittal is determined to be complete, Planning staff shall submit the application to the appropriate referral agencies and schedule the appeal before the Board of Adjustment and notify the applicant of the date and time of the public hearing.

2604A.05 The applicant is responsible for posting notice on the property and notifying the abutting landowners in accordance with the public notice requirements in 2605A herein.

2604A.06 The Board of Adjustment shall evaluate the application, referral agency comments, staff report and public testimony, and shall approve, conditionally approve, table for further study, or deny the appeal based on the evidence presented, and compliance with the applicable criteria.

#### 2605A Public Notice Requirements

In calculating the time period for public notification, the day of 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 Board of Adjustments.  
(Amended 3/28/01)

#### 2605A.01 WRITTEN NOTICE

At least 14 days prior to the Board of Adjustment hearing, the applicant shall mail a written notice by first-class mail to the address of each abutting landowner as such addresses are shown in the records of the Douglas County Assessor's Office and shall submit a certificate of mailing to the Douglas County Planning Office 7 days prior to the hearing. The notice shall indicate:

- the date, time and location of the hearing;
- an explanation of the appeal;
- the location of the land that is the subject of the request (*distance and direction from nearest major intersection*),
- the file name and number; and
- that questions should be directed to the Douglas County Planning Office, 303-660-7460.

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 the Douglas County Planning Office prior to the hearing.

**2605A.02 POSTED NOTICE**

At least 14 days prior to the Board of Adjustment hearing, the applicant shall post a notice on the land under consideration. The sign posting shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the lot 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. Each sign shall measure not less than 3' by 4'. Letter size shall be minimum of 3 inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460." The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT**

This land shall be considered for (an appeal) pursuant to the Douglas County Zoning Resolution to allow (specify the request). 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: \_\_\_\_\_

An affidavit of sign posting shall be submitted for the file in the Planning Office at least 7 days prior to the hearing. 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 2 weeks following the Board of Adjustment decision, or withdrawal of the application.

If denied by the Board of Adjustment, a resubmittal of the same or substantially same appeal application shall not be accepted. However, if there has been a change in the applicable regulations, the Board of Adjustment will reconsider the appeal. A new application and processing fee shall be required.

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SECTION 35    DEVELOPMENT AGREEMENTS

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### 3501 Intent

These regulations establish criteria, standards, and procedures that assure certain development rights while maintaining quality development; adequate infrastructure; and the general health, safety, and welfare of current and future Douglas County citizens and businesses. Development Agreements are enabled by C.R.S. § 24-68-101.

### 3502 Development Agreement Option

Procedures and criteria for the vesting of property rights at site improvement plan are established in Section 34 of this Resolution and at final plat in the Douglas County Subdivision Resolution. These regulations provide for a vesting of property rights at a stage other than site improvement plan or final plat approval through a development agreement as provided herein.

### 3503 Criteria

Development agreements, which vest property rights at a stage other than site improvement plan or final plat approval, for a period longer than three (3) years are permitted only for those land use plans or approvals that meet the following criteria:

- 3503.01 The approved development is consistent with the goals and policies of the Douglas County Comprehensive Master Plan.
- 3503.02 The approved development includes commitments that provide the County and the development with supplemental facilities or benefits which cannot be required through existing County regulations, standards, or policies.
- 3503.03 The approved development provides for establishment and implementation of site-design standards and/or enhancements which exceed existing County regulations, standards or policies.
- 3503.04 The approved development warrants an extended vesting period due to the relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions.

### 3504 Procedure

- 3504.01 The applicant shall submit the required information to the Planning Division.
- 3504.02 Once the submittal is determined complete, staff will forward the proposal to the Board for review at a work session.
- 3504.03 Following the Board's review, the staff planner will review the comments with the applicant, prepare a staff report for the Board and notify the applicant of the hearing date and time.



3504.05 The applicant shall be responsible for posting a notice on the property and publishing a notice in the newspaper, prior to the Board hearing, in compliance with the public notice requirements in 3508 herein.

3504.06 The Board shall evaluate the development agreement, staff report, and public testimony, and shall approve, conditionally approve, table for further study, or deny the development agreement. The Board's decision shall be based on the evidence presented and compliance with adopted standards, regulations, and policies.

### 3505 Submittal Requirements

3505.01 Proof of ownership that includes an updated or current title insurance policy or title commitment no more than thirty days old from the date of application.

3505.02 A notarized letter of authorization from the landowner permitting a representative to process the application.

3505.03 A notarized statement of consent to proceed with the proposed agreement, executed by all owners who have fee title to land subject to the proposed development agreement.

3505.04 A narrative description of compliance with the threshold criteria in 3503 herein.

3505.05 A draft agreement in compliance with the General Agreement Requirements as provided in 3506 herein.

### 3506 General Agreement Requirements

The following are required provisions of all proposed development agreements.

#### 3506.01 Compliance with Land-Use Regulations

The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by a local government, including, but not limited to building, fire, plumbing, electrical, and mechanical codes.

#### 3506.02 Relationship to the Development Guide and Plan.

When the subject land is zoned PD, the Development Guide and Plan, including all provisions and commitments therein, as approved by the

Board shall be incorporated by reference into the Development Agreement, as if set forth in full.

**3506.03 Effects of Rezoning or Major Amendments to the Development Guide or Plan.**

Major amendments or rezonings, as defined by this Resolution, shall not extend the term of the Development Agreement unless amended with the same formality as the original Development Agreement; however, the Board shall have the right to modify the Development Agreement to the extent of which the major amendment or rezoning affects the Agreement.

**3506.04 Binding Affect**

The Development Agreement shall be recorded and run with the title to the land and be binding upon and inure to the benefit of the owners, heirs, successors, and assigns.

**3506.05 Effect of Annexation**

A vested property right established while one local government has jurisdiction over all or part of the land included within the Development Agreement shall be effective against any other local government which may subsequently obtain or assert jurisdiction over such land.

**3506.06 Time Limit**

The duration of a development agreement shall be the sole discretion of the Board. An extension to the duration of a development agreement may be granted by the Board based on satisfactory performance.

**3506.07 Specific Performance**

Noncompliance with the terms of the development agreement shall result in a written notice, by the County to the landowner, of a breach or default. The landowner shall have 60 days after receipt of such notice in which to cure any breach or default. The County shall have the right to pursue all legal remedies to enforce the agreement, including filing an action for specific performance or terminating the agreement.

**3506.08 Amendments or Termination**

Except as otherwise provided in 3506.03 and 3506.07 herein, the development agreement may be amended or terminated by mutual consent of the parties to the agreement or their successors in interest, following the public notice and public hearing procedures required for approval of the agreement.

**3506.09 Monetary Liability of County**

Although C.R.S. § 24-68-101 et. seq. provides for monetary damages in the event of breach or default by the County, the landowner's sole remedy hereunder shall be the equitable remedy of specific performance or injunctive relief.

**3506.10 Right to Cure**

Prior to any action against the County for breach of a development agreement, the landowner shall give the County a 60-day written notice of any claim by the landowner of a breach or default by the County.

**3506.11 Outside Causes**

The County shall not be responsible for and the landowner shall have no remedy against the County if development is prevented or delayed for reasons beyond the control of the County.

**3506.12 Hazards**

Nothing in a development agreement or otherwise shall require the County to approve any land use where a natural or manmade hazard exists on, or in the immediate vicinity of, the proposed area of use, whether or not such natural or manmade hazard could reasonably have been discovered at the time of approval of the development, provided that such hazards are not, or cannot be, corrected and pose a serious threat to the public health, safety, and welfare.

**3506.13 Services**

Proof of adequate services, including water, sewer, transportation, and school capacity must be provided to the County as a prerequisite to approval at subdivision and site plan. Adequate services shall be as defined by the Board pursuant to adopted County regulations, standards, and policies, as amended.

**3506.14 Benefits to Landowner**

**3506.14.1 No Downzoning** - The Board shall not initiate any zoning action to reduce the maximum number of residential units or acres or to reduce the total gross acres for commercial, business, or industrial use of the approved development, except as provided in 3506.01, 3506.12, and 3506.13 herein.

**3506.14.2 Residential Units and Acres** - The landowner shall have the right to substantially develop the total number of residential units, and the

right to substantially use the total gross acres for residential, as set forth on the development plan and permitted by the development guide or other applicable regulations, except as provided in 3506.01, 3506.12, and 3506.13 herein.

3506.14.3 Commercial Acres and Density - The landowner shall have the right to substantially use the total gross acres for commercial and industrial uses as set forth for the development and the right to substantially develop the gross floor area for commercial and industrial uses as is permitted by the development guide and other applicable regulations, except as provided in 3506.01, 3506.12, and 3506.13 herein.

3506.14.4 Development Timing - The landowner shall have the right to develop the approved development in such order and at such a rate and at such a time as the market dictates within the structure of this agreement.

#### 3506.15 Benefit to the County

The applicant shall provide a list of additional benefits which support the decision to enter into a development agreement assigned to the County for review by the Board in review of the application.

#### 3506.16 Hold Harmless

The applicant shall agree to and shall indemnify and save harmless the County against any and all claims, damages, actions or causes of action, and expenses to which it may be subjected by reason of any work done or omission made by the applicant, its agents, officers, or employees, in connection with, arising out of, or resulting from the performance of this agreement as set forth in this agreement.

#### 3506.17 Severability

If any provision of a development agreement shall be invalid, illegal, or unenforceable, it shall not affect or impair the validity, legality, or enforceability of any other provision of the agreement.

#### 3507 Amendment of Agreement

In the event a Development Agreement is amended, the amendment shall not act as an extension of the Development Agreement unless the County explicitly agrees to such extension in the amendment.

**3508 Enforcement**

Unless the law otherwise requires, Development Agreements shall be enforceable only by specific performance. A failure to abide by the terms of the development agreement shall result in a forfeiture of vested property rights.

**3509 Referendum**

Adoption of a Development Agreement is a legislative act and is subject to referendum.

**3510 Public Notice Requirements (Amended 03/28/01)**

The applicant is responsible for public notification. 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 Board of County Commissioners.

**3510.01 Posted Notice (Amended 03/28/01)**

At least 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 lot 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, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460.". The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY  
COMMISSIONERS**

This land shall be considered for a Development Agreement thereby vesting property rights. 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 or withdrawal of the application.

3510.02 Published Notice (Amended 03/28/01)

At least 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.
- 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 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, concerning a Development Agreement thereby vesting property rights. (Provide a general description of the agreement.) The 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:

**3511 Post Approval Actions**

- 3511.01 No later than 14 days following approval, the applicant shall publish a notice of the Development Agreement approval and creation of a vested property right, in a newspaper of general circulation within Douglas County. The applicant shall provide an affidavit of such published notice to the Planning Division, within 15 days of publishing. The notice shall read:

**NOTICE**

Notice is hereby given that on (date) the Douglas County Board of County Commissioners approved a Development Agreement for the property located approximately (distance and direction from nearest major intersection) and may have created a vested property right pursuant to Colorado law. (Provide a general description of the agreement.) Such approval is subject to all rights of judicial review.

Failure by the applicant to provide such notice renders the Development Agreement null and void.

Any approval shall be subject to judicial review. The period of time permitted by law for the exercise of such rights shall begin on the date of publication of such notice.

- 3511.02 Within 30 days of approval by the Board, the applicant shall submit a copy the approved Development Agreement to the Planning Division for recordation, and the appropriate recordation fee, or the approval of the Development Agreement shall be void. The Development Agreement shall become effective upon recordation.

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