

Resolution No. R-020- 050

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

**CONSIDERATION OF A RESOLUTION DECLARING A DISASTER EMERGENCY
AND DESIGNATING THE DISASTER AREA PURSUANT TO SECTION 123 ET. SEQ.
OF THE DOUGLAS COUNTY ZONING RESOLUTION. PROJECT FILE: MI2020-007.**

WHEREAS, on March 13, 2020 the Board of County Commissioners (“Board”) declared a disaster emergency as a result of the COVID-19 infectious disease pandemic (the “Declaration”); and

WHEREAS, the Declaration was extended for thirty (30) days on April 20, 2020; and

WHEREAS, Section 123, Disaster Emergency Waiver, of the Douglas County Zoning Resolution (the “Zoning Resolution”) establishes a process whereby provisions of the Zoning Resolution may be temporarily waived in areas of Douglas County impacted by a disaster; and

WHEREAS, the Board of County Commissioners finds that the disaster has destroyed property of citizens throughout Douglas County; and

WHEREAS, owners of property in Douglas County and their tenants are striving to reconstruct the buildings and other improvements on their properties to adapt to new conditions of conducting business while also maintaining social distancing and sanitation so as to minimize transmission of COVID-19; and

WHEREAS, a strict application of certain provisions of the Zoning Resolution would needlessly hinder or delay the efforts of the property owners and their tenants to use their property while also minimizing transmission of COVID-19; and

WHEREAS, Section 123, Subsection 123.04.5 of the Zoning Resolution provides the Board with discretion as to what provisions of the Zoning Resolution may be waived; and

WHEREAS, waivers may, when explicitly stated, allow changes that will be long term and may result in the establishment of a legal non-conforming use such as permanently altering the exteriors of structures as necessary for the continued operation of allowed uses on a property under new COVID-19 restrictions; and

WHEREAS, most waivers should only temporarily suspend enforcement of the existing Zoning Resolution provisions with such activities required to cease within six months or less of the end of the disaster such as allowing parking spaces to be used for activities other than parking or temporary encroachments into a mandated setback; now therefore,

BE IT RESOLVED, by the Board of County Commissioners of the County of Douglas, State of Colorado that the entirety of the unincorporated portions of the County are within the disaster area of the Declaration; and

BE IT FURTHER RESOLVED that the Director of Community Development (the “Director”), or the Director’s authorized representative, shall have the authority, subject to the procedure described in Section 123, Subsection 123.05 of the Zoning Resolution, to temporarily waive provisions of the Zoning Resolution related to Minimum Setbacks, Encroachments, Building Height, Parking Standards, Landscape Requirements, Fencing Standards, Outdoor Storage Standards, Sign Standards, and Lighting Standards; and to waive associated Planning fees; and

BE IT FURTHER RESOLVED such waivers shall only be approved for any building permit or land use applications upon demonstration by the applicant that there is a sufficient nexus between the waiver requested and compliance with Public Health Orders related to minimizing transmission of COVID-19; and

BE IT FURTHER RESOLVED that the Director shall consider the reasonableness of any request such that no substantial detriment to the public good is created and the intent and purpose of the Zoning Resolution is not impaired; and

BE IT FURTHER RESOLVED that the Director shall have the authority to approve Disaster Emergency Waivers for the duration of the effectiveness of the Declaration as amended or extended unless rescinded by a separate resolution of the Board.

PASSED AND ADOPTED this 12th day of May, 2020, in Castle Rock, Douglas County, Colorado.

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

BY:

DocuSigned by:

Roger A. Partridge

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ROGER A. PARTRIDGE, Chair

ATTEST:

DocuSigned by:

Kristin Randlett

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KRISTIN RANLETT, Clerk to the Board

DocuSigned by:

