

ARTICLE 12 VESTED PROPERTY RIGHTS FOR SINGLE FAMILY

1201 Intent

Property rights for single-family residential property may be vested through the approval of a site specific development plan. The final plat is designated as the Site Specific Development Plan. *(Amended 03/28/01)*

1202 Procedure

- 1202.01 The landowner or authorized representative may apply for designation of a Site Specific Development Plan for the purpose of vesting property rights.
- 1202.02 The application for vested property rights shall be made within sixty days of final plat approval and prior to plat recordation.
- 1202.03 The Board of County Commissioners may vest property rights upon the approval of a Site Specific Development Plan.
- 1202.04 Concurrent processing of the final plat and designation of the Site Specific Development Plan shall be permitted with the approval of the Director.

1203 Amendments to Final Plats

Amendments (minor changes) to final plats which have been designated as Site Specific Development Plans do not affect the terms and conditions of vesting and do not extend the vesting period unless expressly authorized by the Board.

1204 Vacations of Final Plats

When any portion of a final plat which has been designated as a Site Specific Development Plan is vacated, the terms and conditions of the vesting are rendered null and void and the vested right shall be forfeited. Upon the vacation of a recorded plat, a new plat may be proposed for designation as the Site Specific Development Plan.

1205 Public Notification

At least 30 days prior to the public hearing before the Board of County Commissioners, the landowner or authorized representative shall publish a notice in a legal newspaper of general circulation in Douglas County and submit a publisher's affidavit to the Planning Division ten days prior to the hearing. Such 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 St., Castle Rock, CO, for a vesting of property rights for *(type and intensity of proposed use)*. The property is located *approximately (distance and direction from nearest major intersection)*. For more information call Douglas County Planning at 303-660-7460. File #/Name _____.

The degree of accuracy required for the information contained in the public notice shall be that of substantial compliance with the provisions of this section. Substantial compliance for the public notice shall be determined by the Board of County Commissioners. *(Amended 03/28/01)*

1206 Board of County Commissioners Actions

1206.01 The Board may approve the Site Specific Development Plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such conditions shall include but not be limited to:

1206.01.1 The applicant agrees to comply with area-wide regulations which may be promulgated following approval of the Site Specific Development Plan based upon reasons of public health, safety and welfare.

1206.01.2 The applicant agrees that the information submitted at final plat was sufficient and reasonable to conclude that the subject property and its immediate vicinity is free of all natural or man-made hazards, or that the applicant has identified any such hazard and has taken such necessary measures to ensure that such hazard will not pose a serious threat to the public health, safety or welfare.

1206.01.3 The applicant agrees that subsequent discoveries of any hazard which is not corrected by the applicant to the satisfaction of the Board and is determined by the Board to pose a serious threat to the public health, safety or welfare shall render the Site Specific Development Plan void resulting in the forfeiture of the vested property right.

1206.02 Conditional approval shall result in a vested property right. Failure to abide by such terms and conditions shall result in a forfeiture of vested property rights.

1206.03 A vested property right precludes any zoning or land use action concerning the subject land by Douglas County or pursuant to an initiated measure which would alter, impair, prevent, diminish or otherwise delay the development or use of the property as designated in the Site Specific Development Plan, except:

1206.03.1 With the consent of the affected landowner.

- 1206.03.2 Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject land, which could not reasonably have been discovered at the time of the Site Specific Development Plan approval and, if uncorrected, would pose a serious threat to the public health, safety and welfare; or as provided in Section 1206.01.2-3; or
- 1206.03.3 To the extent that the affected landowner receives just compensation for all costs, expenses and liabilities incurred by the landowner, including financing and all architectural, planning, marketing, legal and other consultant's fees incurred after approval by Douglas County, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution on the value of the land which is caused by such action.
- 1206.03.4 The establishment of a vested property right shall not preclude the application of ordinances or regulations by Douglas County, including, but not limited to: building, fire, plumbing, electrical and mechanical codes.

1207 Approval Rights

Upon approval of a Site Specific Development Plan, the vested property right shall attach to and run with the land and shall confer upon the landowner the right to undertake and complete the development and use of such land under the terms and conditions of the vesting including any amendments and modifications thereto approved by the Board or their designated representative.

1208 Vesting Period

The vesting period shall be 3 years. Douglas County is authorized to extend vested property rights for a period exceeding three years where warranted in light of all relevant circumstances, including but not limited to, the size and phasing of the development, economic cycles and market conditions, as a condition of approval of the Site Specific Development Plan.

1209 Subsequent Reviews

Following approval or conditional approval of the Site Specific Development Plan, nothing in this subsection shall exempt such a Plan from subsequent review and approval by Douglas County to ensure compliance with the terms and conditions of the original approval.

1210 Jurisdiction

A vested property right approved while one local government has jurisdiction over all or part of the land included within the Site Specific Development Plan shall be effective against any

other local government which may subsequently obtain or assert jurisdiction over such property.

1211 Judicial Determination

Nothing in this section shall preclude judicial determination, based on common law principles, that a vested property right exists in a particular case or that a compensable taking has occurred.

1212 Post Approval Actions (Amended 03/28/01)

Any approval shall be subject to judicial review. The period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication in a legal newspaper of general circulation within Douglas County, of a notice advising the general public of the Site Specific Development Plan approval and creation of a vested property right. Such publication shall be the responsibility of the applicant and shall occur no later than fourteen days following approval. The applicant shall present to the Planning Division an affidavit of publishing, within 15 days of publishing. Such notice shall read:

NOTICE

Notice is hereby given that on (date) the Douglas County Board of Commissioners approved a Site Specific Development Plan for the property located approximately (*distance and direction from nearest major intersection*) below, which approval may have created a vested property right pursuant to Colorado law. (*Describe type and intensity of use.*) Such approval is subject to all rights of judicial review.