

AMENDMENTS & UPDATES

SECTION 11

Consistency with the Comprehensive Master Plan is considered a fundamental criterion for a positive recommendation for land-use applications. Any applicant for a rezoning proposal inconsistent with the Comprehensive Master Plan Land Use Map should first apply for a CMP amendment.

11-1 TYPES OF AMENDMENTS

Generally, two types of amendments may be made to the CMP.

11-1A AMENDMENTS INITIATED BY THE PUBLIC

Members of the community may initiate amendments only to the CMP Land Use Map. Such amendments shall be considered Major Amendments.



11-1B AMENDMENTS INITIATED BY THE PLANNING COMMISSION OR COUNTY STAFF

The Douglas County Planning Commission, either on its own or at the request of members of the community, or the Planning and Zoning Services Division, may initiate either major or administrative amendments which affect either the Land Use Map or goals, objectives, and policies of the CMP.

(1) Major amendments have a significant effect on the intent of the goals, objectives, policies, and maps of the CMP. Examples of these are as follows:

- A comprehensive update of the CMP conducted approximately every five years.

- The revision of elements or portions thereof (including maps) as new information becomes available.
- The preparation of additional or more specific elements of the CMP or subarea plans.

(2) Administrative amendments include changes that do not affect the goals, objectives, policies, or maps in any substantive way. Examples of these are as follows:

- Updating the Land Use Map to show areas newly designated as preserved or conserved.
- Updating the Land Use Map to show newly annexed or incorporated municipalities.
- Updating population and employment forecasts.
- Formatting changes.

11-2 AMENDMENTS INITIATED BY THE PUBLIC

11-2A APPROVAL CRITERIA

All of the following criteria shall be considered by the Planning Commission when approving or disapproving CMP amendment requests. All applications must demonstrate:

- (1) Consistency with the spirit, intent, goals, objectives, and policies of the CMP.
- (2) Compatibility with surrounding land uses and zoning.
- (3) Compatibility with existing, natural, and environmental conditions of the site and preservation of important natural features and scenic viewsheds, riparian corridors, wildlife habitat and movement corridors, and historic resources.
- (4) Adequate water supply, water and sewer treatment facilities, transportation networks, access, fire protection, school facilities, and parks and trails for the development.
- (5) How existing and planned capabilities of the affected special districts can adequately handle the service demand.

- (6) How social, economic, or land-use conditions of the County have changed or are in the process of changing in such a manner to support the proposed amendment to the CMP.
- (7) How land proposed for urban development is a logical expansion of the Primary Urban Area (PUA), Separated Urban Area (SUA), or Chatfield Urban Area (as applicable).
- (8) How the expansion of the PUA, SUA, or Chatfield Urban Area results in a compelling public benefit (as applicable).

11-2B PROCEDURE FOR AMENDMENTS INITIATED BY THE PUBLIC

11-2B.1 PRESUBMITTAL MEETING

Prior to submittal of a CMP amendment application, the applicant shall meet with staff to review the proposal and discuss the procedures and submittal requirements. The applicant shall contact the Planning Division and schedule a presubmittal meeting which may include other referral agencies, as deemed necessary. The applicant shall provide the following:

- (1) Project Narrative (per Section 11-2B.2b (4), herein).
- (2) CMP Amendment Map (per Section 11-2B.2b(5), herein).

Staff shall comment on the proposed amendment; its compliance with the intent of the amendment provisions; explain the amendment process; and identify any additional submittal requirements. A staff comment summary shall be provided to the applicant.

11-2B.2 AMENDMENT APPLICATION

The CMP amendment application shall be submitted only after the presubmittal meeting has been completed and a copy of the comment summary has been provided to the applicant. CMP amendments shall then be processed as follows:

11-2B.2a Submittal Process

- (1) The applicant shall submit the required information to the Planning Division. The submittal shall be reviewed for completeness within 15 working days. The appli-

cant shall be notified of any inadequacies. An incomplete submittal shall not be processed until the deficiencies in the submittal have been remedied.

- (2) For complete applications, staff shall notify the applicant of the referral agencies to receive referral packets. Referral packets shall be in unsealed envelopes large and durable enough to accommodate all packet materials, addressed to the appropriate referral agency, with all information identified in 11-2B.2b (1), (4), and (5), properly folded and compiled. Referral packets shall also be provided to known homeowner associations within two miles of amendment areas and any other homeowner association potentially affected by the development.



- (3) Staff shall mail the referral packets to the referral agencies. Staff shall mail notification letters to abutting landowners. The applicant shall submit any revised plans or documents for distribution to the referral agencies, as required by staff.
- (4) The referral agencies shall comment within 35 days of receiving a complete submittal unless the applicant grants an extension of no more than 15 days. The applicant is encouraged to meet with the referral agencies, staff, and public interest groups to address any concerns prior to the end of the referral period. The amendment shall be referred to the Division of Planning of the Department of Local Affairs in conformance with C.R.S. §30-28-122.

- (5) 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.
- (6) The applicant shall be responsible for public notification in accordance with Section 11-2C, herein.
- (7) The Planning Commission shall evaluate the application, referral comments, staff report, and public testimony, and take one of the following actions:
 - Approve the request.
 - Approve the request with conditions.
 - Table for further study.
 - Continue the request to a time and date certain in order to obtain more information and to take additional public testimony.
 - Deny the request.
- (8) The Planning Commission's decision shall be based on the evidence presented, and compliance with the standards for approval, as listed in 11-2A and shall be in the form of a resolution.
- (9) The Planning Commission resolution shall identify the approved amendment map and be signed by the Planning Commission Chair and Secretary.
- (10) If the amendment request is approved, all post-approval requirements shall be completed, as identified in Section 11-4.

11-2B.2b Submittal Requirements

- (1) Completed Land Use Application Form (copy available from the Planning Office).
 - (2) Application Fee (fee schedule available from the Planning Office).
 - (3) Proof of Ownership, in the form of an updated or current title insurance policy or title commitment no more than 30 days old from the date of application.
- (4) Project Narrative (8-1/2" x 11" document) supplemented with appropriate maps that describe the following:
 - a) Intent of amendment.
 - b) Consistency with the goals, objectives, policies, and intent of the CMP.
 - c) Consistency with maps contained in the CMP.
 - d) Consistency with regional plans including Metro Vision, the Clean Water Plan, etc.
 - e) Compatibility with surrounding land uses and zoning.
 - f) Environmental conditions and hazards existing on the site.
 - g) Important natural features, scenic viewsheds, riparian corridors, wildlife habitat, and movement corridors.



- h) Historic resources.
- i) Impacts on the existing road network and the integration of the proposed transportation system into the transportation element of the CMP.
- j) Capabilities of, and impacts on, existing or planned special districts affected by the amendment.
- k) Water supply and provision of water and sanitary sewage treatment.
- l) Availability of public facilities such as schools, parks and trails, libraries, fire stations, etc.
- m) Conditions that have changed in the County to warrant the amendment.
- n) If applicable, evidence to support approval criteria 11-2A (7) and (8), herein.

- (5) CMP Amendment Map (24" x 36") illustrating or containing the following:
- Vicinity map at a scale of 1" = 2,000' clearly showing location of the amendment in relation to major roads, section lines, existing subdivisions, and other pertinent features.
 - Legal description and acreage of the property submitted for amendment.
 - Drawing of the area proposed to be amended, at an appropriate scale determined by staff, that includes the following:
 - Topography in the area at 10-foot contour intervals.
 - Major roads on, or adjacent to, the site and their functional classifications.
 - Existing and proposed CMP Land Use Map land-use designations.
 - CMP Land Use Map designation of adjacent areas.
 - Any significant natural features or environmental conditions on or adjacent to the site.
- (6) 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.



- (7) A copy of the staff comments from the presubmittal meeting and any additional information, as requested by staff. A written response to all questions and comments raised through the presubmittal process is recommended.
- (8) Evidence of ability to develop a sufficient water supply in accordance with the Water Supply - Overlay District, Section 18-A of the Douglas County Zoning Resolution, as amended.

11-2C PUBLIC NOTICE REQUIREMENTS FOR AMENDMENTS INITIATED BY THE PUBLIC

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.

11-2C.1 WRITTEN NOTICE

At least 14 days prior to the Planning Commission hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner at such address 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:

- An alphabetical list of the abutting landowners.
- A map showing the site and the location of the abutting landowners.
- A copy of the notice sent to the landowners.
- The certificate of mailing.

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as shown in Figure 11.1.

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 Planning and Zoning Services Division prior to the hearing.

11-2C.2 PUBLISHED NOTICES

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

- (1) Publish a notice in at least one publication of a daily or weekly newspaper of general

circulation, printed or published in whole or in part in Douglas County.

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

The Planning Commission may direct that the notice be published in one or more additional newspapers of general circulation in Douglas County. The notice shall read as shown in Figure 11.2.

11-2C.3 POSTED NOTICE

At least 14 days prior to the Planning Commission 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

Figure 11.1

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)

Figure 11.2

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, Colorado, for an amendment to the Douglas County 2030 Comprehensive Master Plan. 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 Name and Number: _____

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. The notice shall read as shown in Figure 11.3.

11-2C.4 AFFIDAVIT OF SIGN POSTING

An affidavit of sign posting shall be submitted for the file in the Planning and Zoning Services Division at least 7 days prior to the hearing. The sign(s) shall be photographed by the applicant and attached to the affidavit as shown in Figure 11.4.

The applicant shall remove the sign within two weeks following the final decision by the Planning Commission.

Figure 11.3

**NOTICE OF PUBLIC HEARING BEFORE THE
PLANNING COMMISSION**

This land shall be considered for amendment to the Douglas County 2030 Comprehensive Master Plan. The public hearing is (date), at (time), in the Commissioners' Hearing Room, 100 Third St., Castle Rock, Colorado. For more information call Douglas County Planning at (303) 660-7460.

File Name and Number: _____

Figure 11.4

(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).

File Name and Number: _____

(signature) _____

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

11-3 AMENDMENTS INITIATED BY THE PLANNING COMMISSION OR COUNTY STAFF

11-3A SUBMITTAL REQUIREMENTS

Information submitted to the Planning Commission should be of sufficient detail to clearly explain the proposed amendment. A narrative describing reasons for the proposed amendment and maps or data supporting the amendment shall be included.



11-3B MAJOR AMENDMENT PROCEDURE

11-3B.1 REFERRALS

All major amendments shall be sent out to appropriate referral agencies for comment. The referral agencies shall comment within 35 days after receiving a submittal. The amendment shall be referred to the Division of Planning of the Colorado Department of Local Affairs in conformance with C.R.S. §30-28-122.

11-3B.2 PUBLIC HEARING

The Planning and Zoning Services Division shall schedule a public hearing before the Planning Commission and prepare a staff report. Public notice shall be in accordance with Section 11-3D, herein.

11-3B.3 PLANNING COMMISSION ACTION

The Planning Commission shall evaluate the proposed amendment, referral comments, staff report, and public testimony, and take one of the following actions:

- Approve the request.
- Approve the request with conditions.

- Table the request for further study.
- Continue the request to a date and time certain in order to obtain more information and to take additional public testimony.
- Deny the request.

11-3B.4 PLANNING COMMISSION RESOLUTION

The Planning Commission's decision shall be in the form of a resolution. The Planning Commission resolution shall identify the proposed amendment map or narrative specifically and be signed by the Planning Commission Chair and Secretary.

11-3B.5 POST-APPROVAL

All post-approval requirements shall be completed as identified in Section 11-4.

11-3C ADMINISTRATIVE AMENDMENT PROCEDURE

11-3C.1 PLAN REVISIONS

Staff shall revise the CMP to reflect all mapping and narrative amendments. All amendments approved shall be included in the next publication of the CMP.

11-3C.2 APPROVAL OF PLAN REVISIONS

The Community Development Director shall approve all administrative amendments, and notify the Planning Commission. No public notice shall be required.

11-3D PUBLIC NOTICE - PLANNING COMMISSION OR COUNTY STAFF INITIATED AMENDMENTS

At least 14 days before the Planning Commission hearing, staff shall publish a notice in at least one publication of a daily, or, at minimum a weekly newspaper of general circulation, printed or published at least in part in Douglas County.

11-4 POST-APPROVAL REQUIREMENTS

11-4A DOCUMENT REVISION

The staff planner shall revise the CMP to reflect all mapping and narrative amendments. All amendments approved shall be included in the next publication of the CMP.

11-4B PLAN CERTIFICATION

The Planning Commission shall certify a copy of the amended CMP to the Board of County Commissioners, as well as the planning commissions of all municipalities in the County.



11-4C REGIONAL PLAN AMENDMENT

After the Douglas County CMP is amended, all regional plans shall be amended, as necessary. For amendments initiated by the public, applicants shall be responsible for preparing regional plan amendment submittals for the Denver Regional Council of Governments (DRCOG). All such amendment submittals shall be submitted to the Douglas County Department of Community Development for review and approval prior to submission to DRCOG.