

**DOUGLAS COUNTY COMMISSIONERS
WORK SESSION
Tuesday, May 6, 2025**

A G E N D A

10:00 a.m.

Community Development Projects:

- Happy Canyon Filing 4, Tracts F, G, and J Zone Map Change
- Proposed Douglas County Zoning Resolution Amendments to Regulate Natural Medicine Facilities - Post-Referral Comments
- Combined Land Use Process Guidelines
- Douglas County Zoning Resolution -Proposed Accessory Dwelling Unit Regulations-Post Referral Comments

Agenda Item

Date: May 6, 2025

To: Douglas County Board of County Commissioners

Through: Douglas J. DeBord, County Manager

From: Terence T. Quinn, AICP, Director of Community Development *TQ*

CC: Trevor Bedford, AICP, Senior Planner
Curtis J. Weitkunat, AICP, Long-Range Planning Manager
Steven E. Koster, AICP, Assistant Director of Planning Services
Bradley Jackson, P.E., Development Review Supervisor

Subject: **Happy Canyon Filing 4, Tracts F, G, and J – Zone Map Change – Project File: DR2024-005**

SUMMARY

The Happy Canyon Homeowners Association (HCHOA) submitted a request for the Board to consider rezoning three County-owned tracts in the Happy Canyon Filing 4 subdivision from Estate Residential (ER) to Open Space Conservation (OSC). The tracts would continue to be owned by the County.

Following direction from the Board of County Commissioners, the request was sent to referral agencies and abutting property owners for review and comment. No objections were received to the rezoning of Tracts F and G. Concerns were received regarding the rezoning of Tract J.

BACKGROUND

In 1963, four tracts (E, F, G, and J) were deeded to Douglas County as part of the Happy Canyon Filing 4 subdivision. At that time, the County required a public land dedication of at least six percent (6%) with every subdivision. The land could be put to a variety of public uses such as schools, parks, open space, and libraries. There was not a cash-in-lieu option available as there is in the current County regulations.

The County conveyed Tract E in 1996 to the owner of the adjacent Lot 6 in Happy Canyon Ranches, leaving three County-owned tracts (F, G, and J) in Filing 4.

DISCUSSION

The HCHOA submitted a request for the Board to consider rezoning Tracts F, G, and J from ER to OSC. The HCHOA noted in their request that Tracts F and G have importance as wildlife habitat,

while Tract J serves as a community separator parcel between Happy Canyon and the Maher Ranch subdivision within the Town of Castle Rock.

In 1963, Triangle F Corp., the developer of Happy Canyon Ranches, deeded the tracts to the County. Tracts F and G are approximately 2.7 acres and 9.4 acres, respectively. Both tracts remain undeveloped since the properties were deeded to the County.

Tract J is approximately 0.0018 acres and measures approximately one-foot wide by 80 feet in length. The tract encompasses the southernmost portion of the gated Mesa Drive right-of-way in the County. It is part of the emergency access between Happy Canyon and the Maher Ranch development to the south in the Town of Castle Rock. Due to its small size, the parcel is unable to be developed, and has limited benefit as meaningful open space. The intent of the ER zoning includes the statement that "Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve these areas." The intent of the OSC zoning is as follows:

To provide for areas intentionally left free from development, for the preservation of wildlife corridors/habitats; scenic viewsheds; cultural, historical, and archaeologic areas/structures; landmarks and natural resources including forest lands, range lands, agricultural lands, aquifer recharge areas, and areas of unique biological, physical, topographical, or botanical character.

Staff suggests that Tract J remains within the ER zoning as the portion of right-of-way more closely aligns with the intent of the ER zoning to provide adequate facilities to serve the area.

If the requested zone map change is approved, the tracts will remain in County ownership and maintenance. Tract J is considered right-of-way and its maintenance remains the responsibility of Douglas County Public Works. Maintenance of Tracts F and G is the responsibility of Douglas County Open Space and Natural Resources. These tracts are natural areas, which require minimal maintenance. For a private individual or entity to acquire a County-owned tract, a separate land disposal process is typically initiated. The HCHOA is not requesting ownership of the tracts, only the rezoning of them.

REFERRAL COMMENTS AND PUBLIC INPUT

Staff sent the proposed zone map change to referral agencies and abutting property owners. All referral agency responses and public comments are attached.

South Metro Fire Rescue provided no objection to the rezoning of Tract F and Tract G. SMFR also provided a conditional non-objection to rezoning Tract J, "provided the emergency access road connecting Mesa Dr and Sapphire Point Blvd is maintained physically and legally via an access easement."

The Town of Castle Rock responded with “approved with conditions” that the zoning shall not impact Castle Rock Water’s access to their tank through Tract G. They also noted a proposed pipeline that will be installed near Tract J.

Douglas County Engineering Services responded with no concerns to the zone map change but noted that they believe Tract J should remain within the ER zone district as it is right of way that serves as emergency ingress/egress. If Tract J is rezoned, Engineering Services request that an emergency access easement be provided across the tract.

Douglas County Open Space and Natural Resources responded with full support and noted that the tracts have significant natural resources and are great habitat areas. HCHOA also responded with full support noting the historic use of these tracts as wildlife habitat.

One nearby property owner responded with support for Tracts F and G to be rezoned but noted that he believes Tract J is too small to be considered open space and that rezoning the tract could be too limiting for any future use.

NEXT STEPS

The Board may direct staff to proceed with the Zone Map Change for some or all of the three tracts. If directed to proceed, the Zone Map Change will continue to follow the procedures in Section 112 of the Douglas County Zoning Resolution. The next step in this process would be to schedule public hearings before the Planning Commission and Board of County Commissioners.

ATTACHMENTS

Happy Canyon HOA Land Use application and rezoning request
Vicinity Map
Tract Location Maps
Referral Responses and Public Comment

LAND USE APPLICATION

Please complete, sign, and date this application. Return it with the required items listed on the Submittal Checklist to planningsubmittals@douglas.co.us. Submittals may also be mailed or submitted in person to Planning Services.

NOTE: The Planning Commission or the Board of County Commissioners should not be contacted regarding an open application.

OFFICE USE ONLY
PROJECT TITLE:
PROJECT NUMBER:

PROJECT TYPE: Zone Map Change
MARKETING NAME: _____
PRESUBMITTAL REVIEW PROJECT NUMBER: PS 2024-248

PROJECT SITE:
Address: Happy Canyon Filing 4
State Parcel Number(s): _____
Subdivision/Block#/Lot# (if platted): _____

PROPERTY OWNER(S):
Name(s): Douglas County
Address: _____
Phone: _____
Email: _____

AUTHORIZED REPRESENTATIVE: (Notarized Letter of Authorization is required from the property owner, unless the owner is acting as the representative)

Name: Richard West, President, for Happy Canyon Homeowners' Association, Inc
Address: 558 Castle Pines Pkwy, B#4 Box 159, Castle Pines CO 80108
Phone: 303-619-4235
Email: rdale.west@outlook.com / happycanyonhoa@gmail.com

To the best of my knowledge, the information contained on this application is true and correct. I have received the County's information sheet regarding the Preble's Meadow Jumping Mouse.


Applicant Signature

12/14/24
Date

**ZONE MAP CHANGE
Submittal Checklist**

SECTION 1 of the Zoning Resolution requires the following items for a complete submittal. Please send separate documents electronically to planningsubmittals@douglas.co.us. Submittals can also be mailed in or submitted in person to Planning Services.

- ☒ Completed Land Use Application.
- ☒ Written narrative describing the request.
 - ☐ See Zoning Resolution Section 112 for zone map change types
- ☐ Notarized letter of authorization from the landowner permitting a representative to process the application. *If the applicant is the landowner, this item is not applicable.*
- ☐ Plan exhibit depicting the property subject to the zoning map change request.

DR2024-005



LEGEND

- Roads
— Major Roads
▢ Parcels - PARCELS



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Source: <https://apps.douglas.co.us/gisportal/apps/webappviewer/index.html?id=9cd173c692b7436891bd0bd025cbcc2c>

Happy Canyon Filing 4 Tract F

DR2024-005



- LEGEND
- Roads
 - Major Roads
 - ▭ Parcels - PARCELS



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Source: <https://apps.douglas.co.us/gisportal/apps/webappviewer/index.html?id=9cd173c692b7436891bd0bd025cbcc2c>

Happy Canyon Filing 4 Tract G

DR2024-005



- LEGEND
- Roads
 - Major Roads
 - ▭ Parcels - PARCELS



Esri, Community Maps Contributors, Douglas County, CO, ©
OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,
USDA, USFWS, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N
Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat,
GSA, Geoland, FEMA, Intermap and the GIS user community

Happy Canyon Filing 4 Tract J

DR2024-005



- LEGEND
- Roads
 - Major Roads
 - Parcels - PARCELS



Referral Agency Response Report**Page 1 of 2****Project Name:** Happy Canyon, Tracts F, G, and J**Project File #:** DR2024-005**Date Sent:** 03/05/2025**Date Due:** 03/26/2025

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst	03/06/2025	No Comment:	
Arapahoe County Public Airport Authority-Centennial	03/05/2025	Received: Thank you for the opportunity to review the rezone plan. The Arapahoe County Public Airport Authority has reviewed the documents and has no objection to the proposed development. Please reach out should you have any further questions	
Assessor	03/13/2025	No Comment:	
Castle Pines Homes Association		No Response Received:	
City of Castle Pines		No Response Received:	
Colorado Parks and Wildlife (East DC - Dist 549)		No Response Received:	
Douglas County Conservation District	03/26/2025	Received:	
Engineering Services	03/05/2025	Received: Douglas County Public Works Engineering has no concern with the proposed Request for Zone Map Change. Engineering agrees with the staff assessment in the staff report that Tract J should remain within the ER Zone District so that it can remain ROW and continue to provide emergency ingress/egress access with the adjacent subdivision. Should this parcel be reclassified as open space Public Works engineering would request that an emergency access easement be provided across the tract to in order to continue to provide emergency ingress/egress access.	
Happy Canyon HOA	03/10/2025	Received: See attached letter	
Open Space and Natural Resources	03/05/2025	Received: Douglas County Open Space and Natural Resources is in full support of this request. The tracts identified have significant natural resources upon them and are great habitat areas.	

Referral Agency Response Report**Page 2 of 2****Project Name:** Happy Canyon, Tracts F, G, and J**Project File #:** DR2024-005**Date Sent:** 03/05/2025**Date Due:** 03/26/2025

Agency	Date Received	Agency Response	Response Resolution
South Metro Fire Rescue	03/07/2025	<p>Received:</p> <p>South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed change to Tract F and Tract G.</p> <p>SMFR has conditional non-objection to the proposed change to Tract J, provided the emergency access road connecting Mesa Dr and Sapphire Point Blvd is maintained physically and legally via an access easement.</p>	
Town of Castle Rock	03/26/2025	<p>Received:</p> <p>U1. Please contact Ken Torres, PE, Plan Review Engineer with questions. ktorres@crgov.com or 720-733-6072</p> <p>U2. The review is rated Approved with Conditions. Only minor comments remain that can be quickly checked by the technical review team or project coordinator. Note: This rating is specific to this discipline and may not be the overall rating for this review.</p> <p>U3. The zoning change shall not impact CR Water's access to Tank 14 through Tract G.</p> <p>U4. A proposed Rueter-Hess to Plum Creek pipeline will be installed adjacent to the existing CRW pipeline near Tract J.</p>	
Town of Parker Development Review	03/26/2025	No Comment:	
Town of Parker Public Works	03/18/2025	No Comment:	
Wildfire Mitigation	03/12/2025	<p>Received:</p> <p>Wildfire mitigation has no comment.</p>	

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Trevor Bedford, AICP, Project Planner
Douglas County Department of Community Development, Planning Services
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Happy Canyon, Tracts F, G, and J
Project File #: **DR2024-005**
S Metro Review # REFOTH25-00045

Review date: March 7, 2025

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: Request for a Zone Map Change for 3 Douglas County Tracts to be rezoned from Estate Residential to Open Space.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2021 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed change to Tract F and Tract G.

SMFR has conditional non-objection to the proposed change to Tract J, provided the emergency access road connecting Mesa Dr and Sapphire Point Blvd is maintained physically and legally via an access easement.



CENTENNIAL AIRPORT
ARAPAHOE COUNTY AIRPORT AUTHORITY

7565 South Peoria Street, Unit D9
Englewood, Colorado 80112
main: 303-790-0598 | fax: 303-790-2129
www.centennialairport.com

March 5, 2025

Trevor Bedford
Douglas County Community Development Department
100 3rd St.
Castle Rock, CO 80104

Re: DR2024-005 – Happy Canyon Tracts F, G, and J Rezone to Open Space

Dear Mr. Bedford,

Thank you for the opportunity to review the rezone plan. The Arapahoe County Public Airport Authority has reviewed the documents and has no objection to the proposed development. Please reach out should you have any further questions.

Sincerely,

Zachary Gabehart
Planning Specialist - Noise & Environmental



HAPPY CANYON HOMEOWNERS' ASSOCIATION
558 Castle Pines Pkwy., B #4, Box 159 - Castle Pines, CO 80108

www.happycanyon.org
happycanyonhoa@gmail.com

March 7, 2025

Trevor Bedford, AICP
Douglas County Planning Services
100 Third Street, Castle Rock, CO 80104

Re: Project number DR2024-005, Happy Canyon, Tracts F, G, and J.

Hello Trevor,

Thank you for sending the above-referenced e-referral to the Happy Canyon Homeowners' Association (HCHOA) for comment. Since HCHOA is the applicant who initiated the Zone Map Change from Estate Residential (ER) to Open Space Conservation (OS) for Tracts F, G, and J of Happy Canyon Filing 4, the HCHOA board is in unanimous support of this action.

Happy Canyon's Tracts F, G, and J are of great historic significance to our community. Tracts F and G have been used for more than 60 years for open space and wildlife refuge/corridor purposes. Tract J has been used as well for more than 60 years as a separation between our unincorporated Douglas County community and those to the south and east that are within the Town of Castle Rock. It is our sincere hope that by rezoning these tracts to Open Space Conservation, their historic uses will be preserved in perpetuity for the good of Happy Canyon residents.

We appreciate the guidance and support shown to the HCHOA by Douglas County through this process. We look forward to a positive outcome with Douglas County's Planning Commission and Board of County Commissioners at the public hearings.

Best regards,

Rich West, President
Happy Canyon Homeowners' Association
Cc: HCHOA Board

REFERRAL RESPONSE REQUEST

Date Sent: March 5, 2025

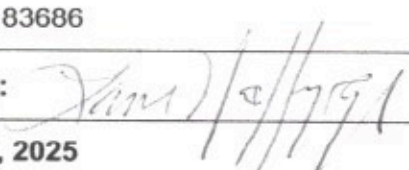
Comments due by: **March 26, 2025**

Project Name: Happy Canyon, Tracts F, G, and J

Project File #: DR2025-004

Project Summary: The applicant is requesting a Zone Map Change from Estate Residential (ER) to Open Space Conservation (OS) for Tracts F, G, and J of Happy Canyon Filing 4. The tracts are vacant properties within Happy Canyon, owned by Douglas County.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

<input type="checkbox"/> No Comment	
<input checked="" type="checkbox"/> Please be advised of the following concerns: Fully agree with tracts F and G being rezoned as they are large enough to be considered open space and wildlife are using currently. Tract J is a strip that is too small to be considered open space and the rezoning could be prejudicial to Happy Canyon residents for any future use. A one-foot strip of land is not currently being used by any wildlife as a space. Rezoning would be too limiting for this strip.	
<input type="checkbox"/> See letter attached for detail.	
Agency:	Phone #: 7605183686
Your Name: Lane Naffziger (please print)	Your Signature: 
Date: March 24, 2025	

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, will result in written comments being accepted for informational purposes only.

Sincerely,

Trevor Bedford, AICP, Project Planner

Enclosure

Agenda Item

Date: May 6, 2025

To: Douglas County Board of County Commissioners

Through: Douglas J. DeBord, County Manager

From: Terence T. Quinn, AICP, Director of Community Development *TQ*

CC: Marcco Higham, Planner
Lauren Pulver, Planning Supervisor
Jeanette Bare, AICP, Planning Manager
Michael Cairry, Zoning Compliance Manager
Kati Carter, AICP, Assistant Director of Planning Resources
Steven E. Koster, AICP, Assistant Director of Planning Services

Subject: **Proposed Douglas County Zoning Resolution Amendments to Regulate Natural Medicine Facilities – Post-Referral Comments**

Project File: DR2024-003

SUMMARY

Based on direction from the Board of County Commissioners (Board), staff sent the proposed amendments to the Douglas County Zoning Resolution (DCZR) for the regulation of Natural Medicine businesses on referral from January 7, 2025, through February 4, 2025. The proposed regulations limit the zone districts in which Natural Medicine businesses can operate; require a 1,500-foot separation from all residential zone districts, dwellings, schools, childcare facilities, libraries, churches, parks, and municipal boundaries; and require additional operational parameters through the Use by Special Review (USR) process.

DISCUSSION

The proposed resolution amendment would allow Healing Centers in the Business, Commercial, Light Industrial (LI), and General Industrial (GI) zone districts with a USR. All other Natural Medicine businesses would be allowed in the LI and GI zone districts with a USR. Hours of operation for all Natural Medicine facilities would be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday.

The proposed amendments would establish a 1,500-foot separation requirement for Natural Medicine businesses from residential zone districts, dwellings, schools, childcare facilities, libraries, churches, parks, and municipal boundaries. As part of a specific USR application, the Board may consider a reduced separation requirement. The proposed amendments would also require that a Healing Center be located no more than 5 miles from a hospital, emergency medical care center, urgent care center, or other such medical treatment facility, unless such

services are available at the Healing Center. The USR process would require notice to the Douglas County Health Department (DCHD), the Douglas County Sheriff's Office (DCSO), and emergency facilities within 5 miles of a Healing Center within 14 days of an approval.

PUBLIC INPUT

Staff sent the proposed amendments to the County-wide contact list and referral agency list, which consists of approximately 500 recipients. All referral agency responses are attached. Most referral agencies responding to the request provided either a no comment or no objection response.

Staff also contacted the Colorado Hospital Association and the Colorado American College of Emergency Physicians, the advocacy group for emergency physicians, in an effort to get feedback on the proposed amendment. No response was received from either group.

Several local jurisdictions responded by providing their regulations related to Natural Medicine businesses. The Town of Larkspur provided a comment requesting a distance of three miles from municipal boundaries. The DCSO did not object but commented that should Crime Prevention Through Environmental Design (CPTED) concepts become required for these businesses by the Board, the DCSO would like to reevaluate these regulations..

The Franktown Citizens Coalition, Grandview Estates HOA, and Happy Canyon HOA commented with concerns for criminal activity, issues with reporting of zoning compliance, and other negative impacts from Natural Medicine businesses. The Franktown Citizen's Coalition requested that the Board not permit these uses in Franktown. Happy Canyon HOA and Pinery West HOA are both in favor of the most restrictive regulations possible. One additional public comment was received from a business owner with concern for natural medicine businesses opening near their businesses.

Staff was also contacted by two potential investors in Natural Medicine businesses to understand where the businesses will be allowed within the County.

NEXT STEPS

Staff is prepared to discuss the referral and public comments received and possible next steps with the Board.

ATTACHMENTS

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Referral Agency Response Report**Page 1 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Arapahoe County Planning Division	01/10/2025	See letter – Provided the Arapahoe County natural medicine regulations and discussed their approach to personal cultivation by defining it as a non-primary use permitted in the agricultural or residential zone districts.	No response required.
Arapahoe County Public Works Department	02/03/2025	See letter – No comments.	No response required.
Burning Tree Ranch HOA	01/21/2025	Received: No comment.	No response required.
Castle Rock Fire Protection District	01/08/2025	See letter – No objections.	No response required.
Castlewood Canyon State Park	01/07/2025	Received: No comment.	No response required.
CDPHE – Air Pollution Division	01/15/2025	See letter – No comment.	No response required.
Cherry Creek Basin Water Quality Authority	01/21/2025	Received: The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for DR2024, Natural Medicine Regulations have been or will be reviewed by Douglas County for compliance with the applicable Regulation 72 construction and post-construction requirements. Based on the Authority's current policy, the Authority will no longer routinely conduct a technical review and instead the Authority will defer to Douglas County's review and ultimate determination that the proposed development plans comply with Regulation 72. If a technical review of the proposed development plan is needed, please contact LandUseReferral@ccbwqa.org. The review may include consultation with the Authority's Technical Manager to address specific questions or to conduct a more detailed Land Use Review, if warranted (verbatim).	No response required.
City of Aurora Planning Division	01/23/2025	See letter – No comments.	No response required.
City of Centennial	01/13/2025	See letter – No comments. Provided the city's approved natural medicine regulations.	No response required.
Colorado Department of Transportation	01/08/2025	See letter – No comment	No response required.

Referral Agency Response Report**Page 2 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Colorado Division of Water Resources	01/03/2025	See letter – No objections to proposed amendments as there are no proposed changes to Section 18A.	No response required.
Colorado Geological Survey	01/13/2025	Received: No comment.	No response required.
Colorado Parks and Wildlife	01/08/2025	See letter – No objections.	No response required.
Colorado State Forest Service	01/08/2025	Received: No comment.	No response required.
CORE Electric Cooperative	01/08/2025	Received: No comment.	No response required.
Douglas County Addressing Analyst	01/08/2025	Received: No comment.	No response required.
Douglas County Assessor	01/21/2025	Received: No comment.	No response required.
Douglas County Building Services	01/10/2025	Received: No comment.	No response required.
Douglas County Engineering Services	01/08/2025	Received: No comment.	No response required.
Douglas County Health Department	01/31/2025	See letter – No comments.	No response required.
Douglas County Historic Preservation	01/14/2025	Received: No comment.	No response required.
Douglas County Open Space and Natural Resources	01/09/2025	Received: No comment.	No response required.
Douglas County Sheriff's Office	01/30/2025	Received: Currently, this project has no CEPTED (Crime Prevention Through Environmental Design) concepts that need to be addressed. If these projects move forward and CEPTED concepts are required, I will reevaluate this project. (verbatim)	No response required.
El Paso County Planning and Community Development Department	01/14/2025	See letter – Response included an attachment of the recorded Land Development Code amendment for El Paso County's Natural Medicine Ordinance.	No response required.

Referral Agency Response Report**Page 3 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Franktown Citizens Coalition II Inc	01/18/2025	<p>See letter – Provided concerns for Natural Medicine use in rural, non-commercial areas such as Franktown. Opposes sharing, selling, and use of Natural Medicine or other drug substances due to concern for increased crime and danger.</p> <p>Asks that the Board not permit these uses in Franktown.</p>	Comments are provided for the Board to review.
Grandview Estates HOA	01/21/2025	<p>See letter – States that it is unclear how personal cultivation is regulated by the State with Proposition 122 enabling psilocybin in-home cultivation. Cites the percentage of Douglas County voters voting against Proposition 122 as 65.82% per voter records.</p> <p>Requests that the County implements:</p> <ul style="list-style-type: none">• Proper disposal of medicine byproducts/waste to safeguard public and private water and wastewater systems.• Strong building security measures to prevent unauthorized access or theft.• Regulating the hours of operation of any approved business, including limiting the hours of operations to weekdays from 8 am to 5 pm as the Town of Castle Rock has done.• Implementing a policy of anonymous reporting of violators either business or personal which all surrounding counties allow.	Comments are provided for the Board to review.

Referral Agency Response Report**Page 4 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Happy Canyon HOA	01/13/2025	<p>See letter – Provided concerns for criminal activity, black markets, DUIs, DWIs, mental health crises, overdoses, violent behavior, and impacts to minors due to Natural Medicine businesses.</p> <p>Provided the following questions to the Board:</p> <ol style="list-style-type: none"> 1. Who will monitor, report, and/or enforce any violations of Douglas County's Zoning Resolution pertaining to operations, including mental health crises, overdoses, criminal activity, DUIs/DWIs, etc.? 2. What are the consequences that Douglas County can impose for violations? <p>Requests that the County creates strongest restrictions possible for distance requirement, day and hours of operation, specific zone districts, and other measures for public safety.</p>	Comments are provided for the Board to review.
Highlands Ranch Community Association	01/09/2025	<p>Received:</p> <p>The Highlands Ranch Community Association ("HRCA") appreciates the opportunity to review and opine on this Application. We take no exceptions to the modifications to the Douglas County Zoning Resolution as specified in the Application.</p>	No response required.
Highlands Ranch Metro District	02/03/2025	Received: No comment.	No response required.
Highlands Ranch Town Center Review Committee	02/03/2025	Received: No comment.	No response required.
Highlands Ranch Water and Sanitation District	02/03/2025	Received: No comment.	No response required.
Louviers Conservation Partnership	01/24/2025	<p>Received:</p> <p>Louviers Conservation Partnership (LCP) has reviewed DR2024-003 Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21 updates and has no objection to the proposed updates. (verbatim)</p>	No response required.

Referral Agency Response Report**Page 5 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Meridian DCC, Meridian Village Metro District, Meridian Metro Districts	02/03/2025	Received: No comment.	No response required.
Meridian Village Metro Districts 1- 2-3-4	02/03/2025	Received: No comment.	No response required.
Misty Pines HOA	01/13/2025	Received: No comment.	No response required.
Parker Water & Sanitation District	01/08/2025	Received: PWSD has no comment for Zoning on Natural Medicine Businesses. (verbatim)	No response required.
Pike National Forest-US Forest Service	01/07/2025	Received: No comment.	No response required.
Pinery Water and Wastewater District	01/10/2025	Received: No comment.	No response required.
Pinery West HOA	01/10/2025	Received: I agree with the proposed amendments for Natural Medicine Business Regulations to comply with State of Colorado Regulations. I would further state that the most restrictive course would be desirable for protection boundaries of schools. Vikki O'Donnell (verbatim)	No response required.
Plum Creek Water Reclamation Authority	01/10/2025	Received: No comment.	No response required.
South Metro Fire Rescue	01/14/2025	See letter – No objection.	No response required.
South Suburban Parks and Recreation	01/30/2025	See letter – No comments.	No response required.
Southeast Metro Stormwater Authority	01/08/2025	Received: No comment.	No response required.
Stonegate Village Metro District	01/20/2025	See letter – No comments.	No response required.
Teller County Community Development Services Department	01/08/2025	See letter – No comments or concerns with this proposal.	No response required.
The Pinery HOA	02/04/2025	Received: The Pinery HOA has no concerns with this amendment. (verbatim)	No response required.

Referral Agency Response Report**Page 6 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Town of Castle Rock	01/28/2025	Received: No comment.	No response required.
Town of Larkspur	01/09/2025	Received: Larkspur would like to see an increase to the proposed distance from any municipal boundary. (verbatim) Per staff's phone discussion with Mayor of Larkspur, the separation distance should be increased to 3 miles from a municipal boundary. Comments are provided to the Board for review.	No response required.
Town of Parker Public Works	01/15/2025	Received: No comment.	No response required.
West Douglas County FD	01/14/2025	Received: West Douglas County Fire supports the proposed regulations set forth by Douglas County in DR2024-003. (verbatim)	No response required.
West Metro Fire Protection District	01/08/2025	Received: No comment.	No response required.
Xcel Energy-Right of Way & Permits	01/28/2025	See letter – No apparent conflict.	No response required.

From: [Terri Maulik](#)
To: [Marcco Higham](#); [Referrals](#)
Subject: RE: AC CASE NO. 025-009 - DOUGCO REF / DR2024-003 / NATURAL MEDICINE REGULATIONS
Date: Friday, January 10, 2025 9:00:57 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[Approved Natural Med Regulations 11-26-24.pdf](#)

Marcco,

Thank you for the opportunity to review and comment on this case. Colorado Revised Statutes Section 18-18-434(3) addresses personal cultivation; while those rules apply statewide, Arapahoe County included some personal cultivation provisions in our Land Development Code to clarify the local requirements. Arapahoe County's adopted regulations reiterated the state's 12-foot by 12-foot maximum cultivation area and specified that personal cultivation must be a non-primary use in agricultural or residential zones. Please see the attached Arapahoe County natural medicine regulations, which were adopted by our Board of County Commissioners on November 26, 2024.

Thank you,



ARAPAHOE COUNTY

Terri Maulik (she/her/hers)

Planning Technician

Planning Division

Department of Public Works and Development

6924 S Lima St., Centennial, CO 80112

O: 720-874-6840

tmaulik@arapahoegov.com

www.arapahoeco.gov



-----Original Message-----

From: mhigham@douglas.co.us <mhigham@douglas.co.us>

Sent: Tuesday, January 7, 2025 2:07 PM

To: Referrals <Referrals@arapahoegov.com>

Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Joseph Boateng](#)
To: [Marcco Higham](#)
Subject: DOUGCO REF / DR2024-003 / NATURAL MEDICINE REGULATIONS
Date: Monday, February 3, 2025 11:41:09 AM

Marcco,
Arapahoe County Engineering Services Division of Public Works and Development have no comment at this time.

Thanks,

Joseph Boateng, PE
Engineer III
Arapahoe County Public Works & Development
6924 S Lima St, Centennial, CO 80112-3853
Direct: 7208746575 | Main: 720-874-6500
jboateng@arapahoegov.com <http://www.arapahoegov.com>



Planning Division
15151 E. Alameda Parkway, Ste. 2300
Aurora, Colorado 80012
303.739.7217

January 23, 2025

Marcco Higham
Douglas County – Planning Services
100 Third Street,
Castle Rock, CO 80104

Re: Planning Referral: Douglas County – Text Amendment – Natural Medicine Regulations
Jurisdiction Case Number: DR2024-003
Planning Referral Number: PR-2025-002

Dear Marcco Higham:

Thank you very much for reaching out to the City of Aurora’s Planning Division to review application DR2024-003 for a Text Amendment within the jurisdiction of Douglas County. The property information is detailed below:

General Location: N/A

Physical Address: N/A

Property ID/ Folio Number: N/A

Property Size: N/A

Owner: N/A

Applicant: N/A

Development Proposal: Douglas County Text Amendment revolving around natural medicine businesses.

Douglas County Future Land Use: N/A

Douglas County Zoning: N/A

Applicable Aurora Place Type: N/A

Comments

The application has been reviewed, and it has been determined that there are no comments from the City of Aurora.

As always, if you have any comments or concerns, please let me know. I may be reached at (303) 739-7121 or cbailey1@auroragov.org.

Sincerely,

Connor Bailey, AICP, Senior Planner
City of Aurora Planning Department

cc: Connor Bailey, Case Manager
Aja Tibbs, Planning Supervisor
Filed:

From: [FDPLANS](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County eReferral (DR2024-003) Is Ready For Review
Date: Wednesday, January 8, 2025 1:13:50 PM
Attachments: [image002.png](#)

Marcco,

The Castle Rock Fire Department has reviewed this document and has no objections to the verbiage.

Respectfully,

Kevin "Sully" Sullivan
Assistant Fire Marshal

[Form Center • Request a Construction Inspection or Reinspect \(crgov.com\)](#)



Life Safety Division
Castle Rock Fire and Rescue Department
300 Perry Street
Castle Rock, CO 80104
303.663.3120 Office
e-mail FPO@crgov.com



An internationally accredited Fire/Rescue agency since 2012

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From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:07 PM
To: FPO <FPO@crgov.com>
Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account:
<https://apps.douglas.co.us/planning/projects/Login.aspx>

From: [Michael Gradis](#)
To: [Marcco Higham](#)
Subject: Douglas County Zoning Resolution Amendment – DR2024-003 - Centennial Response
Date: Monday, January 13, 2025 3:27:31 PM

Marcco,

The City of Centennial Appreciates the opportunity to offer comments on Douglas County's proposed Natural Medicine Regulations. The City offers no formal comments at this time.

Please note the City of Centennial approved Natural Medicine Regulations (Municipal and Land Use Code) on January 7th, 2025.

Links to our meetings/documents may be found here:

<https://www.centennialco.gov/Government/Mayor-Council/City-Council-Meetings/Agendas-Minutes>

[Staff Report](#)

[Natural Medicine Overlay](#)

[Ordinance](#)



Michael Gradis, AICP (he, him, his)
Planning Manager | City of Centennial
13133 E. Arapahoe Rd. Centennial, CO 80112
Main: (303) 325-8000 | Direct: (303) 754-3356
mgradis@centennialco.gov
centennialco.gov

From: [Cicione - CDPHE, Brendan](#)
To: [Marcco Higham](#)
Subject: Re: Douglas County Referral Response Request (DR2024-003)
Date: Wednesday, January 15, 2025 11:31:40 AM

Hi Marcco,

Thank you for your email. There are no comments from the Air Pollution Control Division. Please do not hesitate to contact me with any questions.

Thanks,
Brendan Cicione (*he/him*)
Air Quality and Transportation Planner



4300 Cherry Creek Drive S. | Denver, CO 80246-1530 brendan.cicione@state.co.us
| <https://cdphe.colorado.gov/>

On Mon, Jan 13, 2025 at 9:01 AM Localreferral - CDPHE, CDPHE
<cdphe_localreferral@state.co.us> wrote:

Hello,

Please see the email below. Please add comments by 1/21.

Thank you!

----- Forwarded message -----

From: Lauren Pulver <lpulver@douglas.co.us>
Date: Tue, Jan 7, 2025 at 2:24 PM
Subject: Douglas County Referral Response Request (DR2024-003)
To: cdphe_localreferral@state.co.us <cdphe_localreferral@state.co.us>

Date: January 7, 2025

To: Interested Parties

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment – DR2024-003

From: [Tripple - CDOT, Joseph](#)
To: [Marcco Higham](#)
Cc: [Loeffler - CDOT, Steven](#)
Subject: Douglas County eReferral (DR2024-003)
Date: Wednesday, January 8, 2025 12:55:54 PM

Marcco,

CDOT has no comment on the changes in Natural Medicine Regulations.

For any future development within CDOT ROW we would require Access, Utility or Special Use permits.

Working from or within CDOT ROW will require a utility/special use permit. This includes, but is not limited to survey, landscaping, signal or utility work.

Joey Tripple
Permits Unit- Region 1



P 303.656.8692
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204
joseph.tripple@state.co.us | www.codot.gov | www.cotrip.org



January 23, 2025

Marcco Higham
Douglas County Community Planning Services
100 Third Street
Castle Rock, CO 80104
Transmission via email: mhigham@douglas.co.us

Re: Natural Medicine Regulations proposed amendments
Case No. DR2024-003
Affected Location: All Douglas County
Water Division 1, Water District 8

Dear Marcco Higham:

We have received your January 7, 2025 submittal concerning the proposed updates to the Douglas County Zoning Resolution related to the Natural Medicine Businesses.

This referral does not appear to qualify as a “subdivision” as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.



According to the submitted information, the proposed amendments limit natural medicine businesses to specific zone districts, including a 1,500 feet distance requirement from schools, state-licensed day-care facilities, churches, parks, libraries, residences and residential zoning, and municipal boundaries. In addition, the natural medicine businesses are not permitted within a Planned Development District.

Our office has no objections to the proposed amendments, since no changes to Section 18A Water Supply - Overlay District were identified in this referral. We note that, documentation of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District is still required to be provided with any Planned Development, Use by Special Review and Rezoning applications.

Should you have any questions, please contact me at 303-866-3581 x 8246 or ioana.comaniciu@state.co.us

Sincerely,



Ioana Comaniciu, P.E.

Water Resource Engineer

Ec: Referral No. 32650

From: [Doyle - DNR, Katie](#)
To: [Marco Higham](#)
Subject: Re: Douglas County eReferral (DR2024-003) Is Ready For Review
Date: Wednesday, January 8, 2025 11:53:07 AM

Mr. Higham,

Thank you for the opportunity to comment on the Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses under Project # DR2024-003. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

Upon review of the proposed referral request, Colorado Parks and Wildlife (CPW) has no objections to the application moving forward as planned for approval.

Please do not hesitate to contact me about ways to continue developing and managing your properties in order to maximize wildlife value while minimizing potential conflicts. If you have any further questions, please contact me at (720)930-8039.

Thank you,

Katie Doyle
District Wildlife Manager
Parker/Castle Rock East- Area 5



P 303.291.7139 | C 720.930.8039
6060 Broadway, Denver, CO 80216
katie.doyle@state.co.us | cpw.state.co.us



On Tue, Jan 7, 2025 at 2:08 PM <mhigham@douglas.co.us> wrote:

There is an eReferral for your review. Please use the following link to log on to your account:

[https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx?!!PUG2raq7KiCZwBk!fDGoQtwWMAYGMXoQovuub_X67-bj0XcEzTjSCYuEPSFaldlQahVM6de1Lowm3ncL9M2uTr58ocyzy2aDILYvtXiX\\$](https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx?!!PUG2raq7KiCZwBk!fDGoQtwWMAYGMXoQovuub_X67-bj0XcEzTjSCYuEPSFaldlQahVM6de1Lowm3ncL9M2uTr58ocyzy2aDILYvtXiX$)

DR2024-003, Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses.

This referral will close on Tuesday, February, 4, 2025.

If you have any questions, please contact me.

Sincerely,

Marco Higham
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)

January 31, 2025

Marcco Higham
100 Third St.
Castle Rock, CO 80104

RE: DR2024-003

Dear Mr. Higham,

Thank you for the opportunity to review and comment on the proposed amendments for Natural Medicine Regulations. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations.

After reviewing the application, DCHD has no comments.

Please feel free to contact me at 720-907-4886 or bfreyer@douglas.co.us if you have any questions about our comments.

Sincerely,



Brent Freyer
Environmental Health Specialist II
Douglas County Health Department

From: [Miranda Benson](#)
To: [Lauren Pulver](#); [Marcco Higham](#)
Subject: RE: Douglas County eReferral (DR2024-003) -- El Paso County's Natural Medicine Ordinance
Date: Tuesday, January 14, 2025 8:57:37 AM
Attachments: [image001.png](#)
[LDC243 RECORDED BOCC RESOLUTION 24-511.pdf](#)

Hello,

I have returned your request for review in the Douglas County Planning app with an attachment of the recently adopted El Paso County Natural Medicine Ordinance. I have attached it to this email as well. The EDARP file for this project is linked here for all related El Paso County ordinance documents:

<https://epcdevplanreview.com/Public/ProjectDetails/202855>

Thank you,



Miranda Benson

Associate Planner
EPC Planning & Community Development
2880 International Circle, Ste. 110
(719) 520-7940
<https://planningdevelopment.elpasoco.com>

From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:07 PM
To: Ryan Howser <RyanHowser@elpasoco.com>
Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

You don't often get email from mhigham@douglas.co.us. [Learn why this is important](#)

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<https://apps.douglas.co.us/planning/projects/Login.aspx>

DR2024-003, Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses.

This referral will close on Tuesday, February, 4, 2025.

If you have any questions, please contact me.

From: Diana Love <rllove1@msn.com>
Sent: Saturday, January 18, 2025 6:22 PM
To: Marcco Higham; Lauren Pulver
Cc: Dayton TROY; Debbie; Hyla Tryon Jenks
Subject: FCC II COMMENTS: Douglas County eReferral (DR2024-003) Is Ready For Review

Marcco and Lauren,

Thank you both for sending this referral to the Franktown Citizens' Coalition II (FCC II).

As you may be aware, I was a Deputy District Attorney in Los Angeles County for 10 years, and a Federal Solicitor for over 13 years. My husband, Richard Love, who is also a member of the FCC II Board of Directors, was a Deputy Sheriff in Los Angeles County for almost 30 years. We both have extensive experience in law enforcement. Because of his areas of work, my husband's experience in the field and in court dealing with drug enforcement is exceptional. He is a court recognized expert in the areas of drug enforcement, arson, hazardous materials and explosives.

In reviewing the materials you have referred to us for comment, our experience brings many concerns to the foreground for this regulation in any area, but especially for a rural, noncommercial area like Franktown. When sales establishments of this type of product are set up, it can and does attract criminal elements. While we are aware that medical science at this time seems to think there are positive uses for the listed products, this science is in its infancy. "How" this type of drug is allowed to be used is paramount. The establishments set up to "share," sell or use these products could be dangerous and disastrous in an area that is mostly homes and a small elementary school, as it will attract the criminal element, as well as the use of and potential harmful effects of these products.

Other states have tried the approach of decriminalizing dangerous drugs with certain classifications, including psilocybin, with disastrous results (increased deaths, increased crime, cartels moving in, increased use, etc.). An example is Oregon. Because the harm decriminalization caused there, towns in Oregon are now reversing those laws. I will forward an AP article on this to you separate from this email.

While we recognize Douglas County is, unfortunately, having to deal with the new Colorado laws on this substance, we respectfully ask that no establishments dealing with psilocybin mushrooms be permitted in Franktown.

Thank you.

Diana Love
President
FCC II

FCC II Board:
Troy Dayton, Vice President
Debra Bowman, Secretary
Hyla Jenks, Treasurer
Richard Love, Member-at-Large

GRAND VIEW ESTATES

HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

AGENCY REFERRAL RESPONSE – NATURAL MEDICINE REGULATIONS – DR2024-003

Proposition 122 decriminalizes the possession, use and cultivation of psilocybin mushrooms (aka “magic mushrooms”). The State has already begun issuing licenses effective January 2025.

While Amendment 65 allowed retail marijuana in Colorado, it also allowed local jurisdictions such as Douglas County to ban medical and recreational marijuana dispensaries and production facilities. However, Proposition 122 does not allow local jurisdictions to ban natural medicine businesses, and the County must comply.

Proposition 122 regulations identify zone districts where businesses are allowed to provide services through state-licensed facilitators. Licensed centers are allowed to operate in areas zoned for office use and other natural medicine businesses can operate in most commercial and industrial zone districts.

While approved businesses are required to be at least 1,000’ away from schools (preschool through high school), and day care facilities, it is not clear how the regulations limit in-home cultivations of mushrooms by the State’s allowed maximum plot size of 12’x12’ that might be adjacent to schools (including in-home day care facilities) in order to prevent children from accessing.

While Colorado voters approved Prop 122 two years ago with a slight majority of 58.42%, voters in Douglas County voted **AGAINST** the proposition with a majority of 65.82% per State voter records.

Therefore, to the extent possible, the County needs to consider implementing strong regulations and enforcement of natural medicine businesses to ensure:

- proper disposal of medicine byproducts/waste to safeguard public and private water and wastewater systems.
- strong building security measures to prevent unauthorized access or theft.
- regulating the hours of operation of any approved business, including limiting the hours of operations to weekdays from 8 am to 5 pm as the Town of Castle Rock has done.
- implementing a policy of anonymous reporting of violators either business or personal which all surrounding counties allow.



HAPPY CANYON HOMEOWNERS' ASSOCIATION
558 Castle Pines Pkwy., B #4, Box 159 - Castle Pines, CO 80108

www.happycanyon.org
happycanyonhoa@gmail.com

January 13, 2025

Marcco Higham
Douglas County Community Development
100 Third Street
Castle Rock, CO 80104

RE: Douglas County eReferral (DR2024-003) Natural Medicine Business
SB23-290 Natural Medicine Regulation And Legalization
<https://www.leg.colorado.gov/bills/sb23-290>

Hello Marcco,

Thank you for sending the above-captioned e-Referral request to the Happy Canyon Homeowners' Association (HCHOA). We understand that Natural Medicine Business (NMB) is a new business category that was approved by Colorado voters this past year. Whether we approve of NMBs or not, we expect similar negative, unintended consequences that legalized marijuana has brought upon Colorado communities such as criminal activity, active black markets, DUIs and DWIs, mental health crises, overdose emergency room visits, violent behavior, and impacts to minors.

We note that Douglas County is considering the following proposed amendments to the Zoning Resolution:

January 13, 2025

Page Two

The proposed amendments limit natural medicine businesses to specific zone districts, include a 1,500 ft distance requirement from schools, state-licensed day-care facilities, churches, parks, libraries, residences and residential zoning, and municipal boundaries. The proposed amendments also limit the time and days a natural medicine business may operate to Monday-Friday, 8 a.m. to 5 p.m. The following Douglas County Zoning Resolution Sections are affected:

- *11 – Business District*
- *12 – Commercial District*
- *13 – Light Industrial*
- *14 – General Industrial*
- *21 – Use by Special Review*

The HCHOA has a few questions, below:

1. Who will monitor, report, and/or enforce any violations of Douglas County's Zoning Resolution pertaining to operations, including mental health crises, overdoses, criminal activity, DUIs/DWIs, etc.?
2. What are the consequences that Douglas County can impose for violations?

The HCHOA supports and encourages Douglas County officials to create the strongest restrictions possible for the distance requirement, days/hours of operation, specific zone locations, and anything else to ensure the highest level of public safety for Douglas County citizens.

Please let us know if you have any questions.

Best regards,

Rich West, President
Happy Canyon Homeowners' Association
Cc: HCHOA Board Members

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Marco Higham, Planner
Douglas County Department of Community Development, Planning Resources
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Natural Medicine Regulations
Project File #: **DR2024-003**
S Metro Review #: REFOTH25-00007

Review date: January 13, 2025

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: Proposed Douglas County Zoning Regulation Amendment to regulate natural medicine businesses per State of Colorado Senate Bill 23-290.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2021 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed Douglas County Zoning Amendment regulating natural medicine businesses.

From: [Lauren Pulver](#)
To: [Marcco Higham](#)
Subject: FW: Douglas County Referral Response Request (DR2024-003)
Date: Thursday, January 30, 2025 9:24:21 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

From: Joe Ott <JOtt@ssprd.org>
Sent: Thursday, January 30, 2025 9:20 AM
To: Lauren Pulver <lpulver@douglas.co.us>
Subject: RE: Douglas County Referral Response Request (DR2024-003)

Hi Lauren,

We have no comments on this referral.

Thanks,



Joe Ott (he/him)
Planning Analyst
South Suburban Parks and Recreation
4810 E County Line Rd, Littleton, CO 80126
ssprd.org | 303.483.7026



How We Work: Professional, Active, Innovative & Inclusive

From: Lauren Pulver <lpulver@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:22 PM
To: Joe Ott <JOtt@ssprd.org>
Subject: Douglas County Referral Response Request (DR2024-003)

Date: January 7, 2025

To: Interested Parties

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment – DR2024-003

Request for Review:

From: [Krystal Welp](#)
To: [Marcco Higham](#)
Cc: [Gary Welp](#); corpoffice@pcms.net
Subject: RE: Douglas County eReferral (DR2024-003) Is Ready For Review
Date: Monday, January 20, 2025 11:25:07 AM

Good Afternoon -

On behalf of Stonegate North Villages Metropolitan District, we have no comments.

Krystal Welp
Development Review Coordinator/Engineering and Planning Technician
303-293-8107

-----Original Message-----

From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:07 PM
To: Gary Welp <gwelp@rgengineers.com>
Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account:

<https://apps.douglas.co.us/planning/projects/Login.aspx>

DR2024-003, Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses.

This referral will close on Tuesday, February, 4, 2025.

If you have any questions, please contact me.

Sincerely,

Marcco Higham
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)

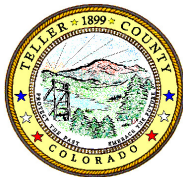
From: [Lauren Pulver](#)
To: [Marcco Higham](#)
Subject: FW: [EXTERNAL] Douglas County Referral Response Request (DR2024-003)
Date: Wednesday, January 8, 2025 9:55:24 AM

From: Daniel Swallow <Swallowd@tellercounty.gov>
Sent: Wednesday, January 8, 2025 8:27 AM
To: Lauren Pulver <lpulver@douglas.co.us>
Subject: RE: [EXTERNAL] Douglas County Referral Response Request (DR2024-003)

Lauren,

Thank you for the opportunity to comment on this Douglas County Zoning change. Teller County has no comments or concerns with this proposal.

Dan Swallow, MBA
Teller County Government
Community Development Director
800 Research Drive
Woodland Park, Colorado
swallowd@tellercounty.gov
(719)686-5406



From: Lauren Pulver <lpulver@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:23 PM
To: Daniel Swallow <Swallowd@tellercounty.gov>
Subject: [EXTERNAL] Douglas County Referral Response Request (DR2024-003)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Date: January 7, 2025

To: Interested Parties



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

January 28, 2025

Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104

Attn: Marcco Higham

Re: Natural Medicine Regulations, Case # DR2024-003

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the amendment for **Natural Medicine Regulations** and currently has **no apparent conflict**.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com

From: [J.J. Heim](#)
To: [Marcco Higham](#)
Subject: Proposed zoning amendment DR2024-003
Date: Thursday, January 16, 2025 2:10:04 PM

Hello Marcco,

Thank you for taking the lead on this. As a business owner in Douglas County, this proposed resolution makes me nervous. When I purchased my building 8 years ago, I intentionally looked for a building that was in an area not zoned for natural medicine sale or cultivation. I fear that if this resolution passes, some of my neighboring businesses may sell out to pot shops or worse yet, grow houses.

I understand that it's legal to have and use pot in Douglas county - that's fine with me. My issue is opening pandora's box to the dispensaries and grow houses in our beautiful county.

I would strongly oppose this resolution and hope that we can keep all of this in Denver and other surrounding areas. There's no reason to expand this business into Douglas county. Let's keep Douglas county clean.

Respectfully,



J.J. Heim
President
IMS Printing & Signs



■ 720-258-1959 x106
■ jjheim@imscolorado.com
■ www.imscolorado.com
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SECTION 11 B – BUSINESS DISTRICT

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1103 Accessory Use

The following shall be allowed only when a principal use has been established on the lot:

- 1103.01 Accessory uses and buildings *(Amended 5/27/14)*
- 1103.02 Satellite dish
- 1103.03 Single or multifamily residence for management or employees *(provided unit is incorporated into principal structure)*

1104 Uses Permitted by Special Review *(Amended 6/22/05)*

The following uses are permitted, upon approval by the Board, in accordance with Section 21, Use by Special Review, of this Resolution. *(Amended 3/26/24)*

1104.01 Heliport

1104.02 Natural Medicine Business: Healing Center, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.

1104.0~~32~~ Residence

- Group home *(Amended 5/10/16)*
- Group home for registered sex offenders
- Group Residential Facility
- Multifamily – apartments, condominiums

1104.0~~43~~ Utility – major facility

1105 Minimum Lot Area: none

1106 Water and Sanitation Requirement

All uses shall be served by a central water and sanitation facility.

1107 Utilities

All public utility distribution lines shall be placed underground.

1108 Land Dedication

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.

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- 1202.06 Recreation facility – outdoor/community
- 1202.07 Retail/service business – including outdoor/wholesale activity
- 1202.08 Sexually oriented business – *Sexually oriented businesses are not permitted as a commercial use in the PD – Planned Development District and are not permitted in any zone district other than the C – Commercial District.*
- 1202.09 Theater – outdoor/indoor

1203 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot:

- 1203.01 Accessory uses and buildings (*Amended 5/27/14*)
- 1203.02 Commercial storage area (*Amended 3/26/24*)
- 1203.03 Satellite dish
- 1203.04 Single or multifamily residence for management or employees

1204 Uses Permitted by Special Review (*Amended 6/22/05*)

The following uses are permitted, upon approval by the Board, in accordance with Section 21, Use by Special Review, of this Resolution. (*Amended 3/26/24*)

- 1204.01 Heliport

1204.02 Natural Medicine Business: Healing Center, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.

- 1204.0~~23~~ Residence

- Group home (*Amended 5/10/16*)
- Group home for registered sex offenders
- Group Residential Facility
- Multifamily – apartments, condominiums

- 1204.0~~34~~ Utility – major facility

- 1204.0~~45~~ Zoo

SECTION 13 LI – LIGHT INDUSTRIAL DISTRICT

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- 1302.24 Restaurant/fast food establishment
- 1302.25 Satellite earth station
- 1302.26 Seasonal use (*refer to Section 22A*)
- 1302.27 Telecommunication facility
- 1302.28 Utility service facility
- 1302.29 Veterinary clinic or hospital (*Amended 3/26/24*)
- 1302.30 Warehouse
- 1302.31 Wholesale business – sales/service

1303 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot:

- 1303.01 Accessory uses and buildings (*Amended 5/27/14*)
- 1303.02 Day-care facility for children of employees
- 1303.03 Residence for management or employee
- 1303.04 Satellite dish

1304 Uses Permitted by Special Review (*Amended 6/22/05*)

The following uses are permitted, upon approval by the Board, in accordance with Section 21, Use by Special Review, of this Resolution. (*Amended 3/26/24*)

- 1304.01 Batch plant – concrete, mortar, or asphalt
- 1304.02 Heliport

1304.03 Natural Medicine Business: Healing Center, Cultivation Facility, Products Manufacturer, Testing Facility, or any other Natural Medicine Business licensed by the State Licensing Authority, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.

- 1304.0~~4~~³ Recycle/trash transfer facility – indoor

1304.0~~54~~ Residence

- Group home (*Amended 5/10/16*)
- Group home for registered sex offenders
- Group Residential Facility
- Single-family attached or multifamily

1304.0~~65~~ Satellite earth station that exceeds the zone district height limitation or exceeds the minimum health standards.

1304.0~~76~~ Telecommunication equipment (*excluding whip type antennas*) that exceed the zone district height limitation or exceed minimum health standards.

1304.0~~87~~ Utility – major facility

1305 Minimum Lot Area: none

1306 Water and Sanitation Requirement

All uses shall be served by a central water and sanitation facility.

1307 Utilities

All public utility distribution lines shall be placed underground.

1308 Land Dedication

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.

1309 Street Standards

Construction of paved streets in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

1310 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and Section 28, Parking Standards, of this Resolution. (*Amended 3/26/24*)

SECTION 14 GI – GENERAL INDUSTRIAL DISTRICT

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1404 Uses Permitted by Special Review (Amended 4/28/15)

The following uses are permitted, upon approval by the Board, in accordance with Section 21, Use by Special Review, of this Resolution. (Amended 3/26/24)

- 1404.01 Batch Plant – concrete, asphalt, or mortar (not including temporary batch plants; see Douglas County’s Grading, Erosion, and Sediment Control Manual, as amended, for processing details)
- 1404.02 Chemical and hazardous material storage/transfer/disposal facility
- 1404.03 Firing range – outdoor
- 1404.04 Heliport
- 1404.05 Jail/correctional facility
- 1404.06 Junk/scrap yard
- 1404.07 Landfill – private/public
- 1404.08 Mining, quarry, sand and gravel pit or similar extractive land use
- 1404.09 Natural Medicine Business: Healing Center, Cultivation Facility, Products Manufacturer, Testing Facility, or any other Natural Medicine Business licensed by the State Licensing Authority, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.
- 1404.~~1009~~ Propane distribution/storage facility
- 1404.~~110~~ Recycle/trash transfer facility
- 1404.~~124~~ Satellite earth station that exceeds the zone district height limitation or exceeds minimum health standards
- 1404.~~132~~ Telecommunication equipment (*excluding whip type antennas*) that exceed the zone district height limitation or exceed minimum health standards.

1405 Minimum Lot Area: none

1406 Water and Sanitation Requirement

All uses shall be served by a central water and sanitation facility.

SECTION 21 USE BY SPECIAL REVIEW

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- (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

2107.32.5 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.
- (49) 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.

(~~210~~) 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.

(~~311~~) 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.

(~~412~~) 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.

2107.33 Motel: CMTY and D zone districts

2107.34 Motorsports Facility, Private: A-1 zone district *(Amended 4/26/16)*

2107.34.1 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.

2107.34.2 Noise generated by the Private Motorsports Facility use shall comply with the limits established in Section 1703A of the Noise Overlay District ("noise standard").

2107.34.3 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.

2107.34.4 Maximum land area devegetated, including devegetation resulting from the Private Motorsports Facility, shall comply with the limits established in Section 24, Animals.

2107.34.5 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.

2107.35 Natural Medicine Business. A Natural Medicine Business shall be located a minimum of 1,500 feet from any:

- A residential zone district (LRR, RR, ER, SR).
- Dwelling.
- Church, park, or library.
- State-licensed day-care facility.
- School or educational facility, serving persons age 18 or younger.
- Property within an incorporated area.

The distance between any Natural Medicine Business and any dwelling, church, park, library, day-care facility, school, residential zone district, or incorporated area shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the Natural Medicine Business is conducted to the nearest lot line of the premises of the dwelling, church, park, library, day-care facility, or school or the nearest boundary of a residential zone district or incorporated area.

2107.35.1 Healing Center: B, C, LI, and GI zone districts.

• Additional Requirements:

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday
- A Healing Center shall be located no further than 5 miles from a hospital, emergency medical care center, urgent care center, or other such medical treatment facility, unless such services are available at the Healing Center.
- Within 14 days of the Director's execution of the approval certificate for a new Healing Center, staff shall provide written notice of the approval to the Douglas County Sheriff's Office, Douglas County Health Department, and any facility providing emergency medical care located within 5 miles of the Healing Center.

2107.35.2 Cultivation Facility: LI and GI zone districts.

• Additional Requirements:

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday.

2107.35.3 Products Manufacturer: LI and GI zone districts.

• Additional Requirements:

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday.

2107.35.4 Testing Facility: LI and GI zone districts.

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday.

2107.35.5 Any other Natural Medicine Business licensed by the State Licensing Authority: LI and GI zone districts.

• Additional Requirements:

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday.

2701.36 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line

2107.3~~76~~ Propane distribution/storage: GI zone district

2107.3~~87~~ Recreation facility – community: A-1, LRR, RR, ER, SR, MF, MH, CMTY, and D zone districts, provided all structures within A-1, LRR, RR, ER, SR, and MF zone districts are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater

2107.3~~98~~ Recreation facility – indoor: CMTY and D zone districts

2107.4~~039~~ Recreation facility – neighborhood: CMTY and D zone districts

2107.4~~19~~ Recreation facility – outdoor: CMTY and D zone districts

2107.4~~24~~ Recreation facility – private: CMTY and D zone districts

2107.4~~32~~ Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.

2107.4~~43~~ Residence:

For new residential units in the B, C, LI, GI, or MI 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, C, and MI zone districts
- Single-family attached or multifamily – LI and MI zone district

2107.4~~54~~ Religious retreat: A-1 zone district.

2107.4~~65~~ 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.

2107.4~~65~~.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

2107.4~~76~~ 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.

2107.4~~87~~ 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:

2107.4~~87~~.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.

2107.4~~87~~.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.

2107.4~~87~~.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.

2107.4~~87~~.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.

2107.4~~98~~ 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.

2107.4~~98~~.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

2107.4~~98~~.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.4~~98~~.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.

2107.4~~98~~.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.

2107.5~~04~~9 Theater – indoor or outdoor: CMTY and D zone districts

2107.5~~10~~ Utility – Major Facility: In all zone districts, except GI, provided that the setback requirements of the zone district in which the facility is proposed to be located are met, or such additional setbacks or requirements as the Board determines necessary. Maximum heights and lot area shall be determined through the use by special review process specific to each site.

Final action by the Board must be rendered within 90 days after the submittal date for a Utility Major Facility of a public utility providing electric or natural gas service, unless the provider and the County reach agreement on an amended time period. [§29-20-108 C.R.S.]

Wastewater Facility: Site approval is required by the Colorado Department of Public Health and Environment.

Water Storage/Treatment Facility and/or Appurtenance(s), except for Major Reservoirs, located within the following areas are exempt from the requirement for a use by special review application:

- Municipal Planning Areas (MPAs) designated by Douglas County Comprehensive Master Plan;
- Separated Urban Areas (SUAs) designated by the Douglas County Comprehensive Master Plan;
- Primary Urban Area (PUA), designated by the Douglas County Comprehensive Master Plan;
- Potential Town Urban Service Area as depicted in the Castle Rock and Douglas County Intergovernmental Agreement;
- Urban Service Area as depicted in the Town of Parker and Douglas County Intergovernmental Agreement;
- Facilities approved as part of a special district's service plan, which are located and serve property within the boundaries of such special

district described in its service plan and any subsequent inclusion orders.

2107.5~~24~~ Veterinary clinic or hospital: A-1, LRR, and RR zone districts, provided that such uses are located 100 feet from all lot lines

2107.5~~32~~ Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.5~~32~~.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

2107.5~~32~~.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.

2107.5~~32~~.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.

2107.5~~32~~.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.

2107.5~~43~~ Zoo: C zone district

2108 Submittal Prerequisite

The applicant shall attend a presubmittal meeting with the Planning Services 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

Agenda Item

Date: May 6, 2025
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Terence T. Quinn, AICP, Director of Community Development *TQ*
CC: Steven E. Koster, AICP, Assistant Director of Planning Services
Subject: **Combined Land Use Process Guidelines**

SUMMARY

Land use applications are generally designed to proceed sequentially, with each process building upon the process that came before it. At times, it is desirable and appropriate to combine two or more processes. Combined processing works best when the processes have similar submittal requirements and standards, and combined processing will, therefore, reduce duplication of efforts.

For example, minor development plat and site improvement plan applications both require similarly scoped traffic studies; phase III drainage reports; road, utility, and stormwater construction plans; and grading, erosion, and sediment control plans. Running the two processes in combination allows the applicant to submit one of each of those documents that can be used for both applications.

Other times, the processes do not align as easily. For example, a rezoning would likely only need a phase I drainage report, so processing a rezoning and a minor development plat (for which a phase III drainage report is required) together could create a conflict if not properly coordinated.

DISCUSSION

When applications in a combined process have similar requirements for reports, studies, or exhibits with different standards or levels of detail required, the higher standards or more detailed requirements should be applicable, and it should not be necessary to also submit the report, study, or exhibit with the lower standards or level of detail required.

The complexity and detail (and usually cost) of the different reports, studies, and exhibits is generally proportional to the level of assurance the applicant has that the project will be able to move forward. A phase I drainage report usually costs less than a phase III, but a rezoning does not give an applicant the same level of assurance that their project will happen in comparison to a final plat or SIP.

When an application that requires only preliminary reports, studies, and exhibits is processed in combination with an application that requires final reports, studies, and exhibits, the applicant will be asked to provide a letter acknowledging, for example, that the cost of the reports, studies, and exhibits submitted with their final plat does not necessarily increase the likelihood that their preliminary plan will be approved by the Board of County Commissioners. This could help the commissioners when an applicant asserts that the Board “has” to approve their project because of how much money they spent preparing reports, studies, and exhibits that normally would not have been necessary.

Combined Process Guidelines:

- A referral response request will be sent out for each of the applications being processed, even when the referral periods are combined.
- Courtesy notices for combined applications may be combined.
- Public notices of each application will be independently provided according to the regulations applicable to each application.
- When combined applications are being considered by the Planning Commission or Board of County Commissioners at the same hearing, they will be listed on the agenda in the order they would occur in sequentially.
- Staff may present the combined applications as one project or individually depending on the specifics of the applications. Discussions with the applicant about the format of the presentation(s) are encouraged.
- The Board will take action on the combined applications in the order they would occur in sequentially.

Agenda Item

Date: May 6, 2025

To: Douglas County Board of County Commissioners

Through: Douglas J. DeBord, County Manager

From: Terence T. Quinn, AICP, Director of Community Development *TQ*

CC: Marcco Higham, Planner
Lauren Pulver, Planning Supervisor
Jeanette Bare, AICP, Planning Manager
Michael Cairry, Zoning Compliance Manager
Kati Carter, AICP, Assistant Director of Planning Resources
Steven E. Koster, AICP, Assistant Director of Planning Services

Subject: **Douglas County Zoning Resolution Proposed ADU Regulations Post-Referral Comments**

Project File: **DR2024-001**

SUMMARY

Based on direction from the Board of County Commissioners (Board), staff sent the proposed amendments to the Douglas County Zoning Resolution (DCZR) to allow Accessory Dwelling Units (ADUs) on referral from November 12 to December 13, 2024. The proposed regulations allow ADUs as an accessory residential use in the agricultural and residential zone districts as either an Attached ADU or Detached ADU.

DISCUSSION

The proposed zoning resolution amendment would allow ADUs in the Suburban Residential (SR), Estate Residential (ER), Rural Residential (RR), Large Rural Residential (LRR), and Agricultural One (A-1) zone districts, unless previously restricted as part of a Rural Site Plan, plat, or similar land use approval. Attached ADUs are allowed on all lots, while Detached ADUs are subject to specific minimum lot sizes based on water supplies in A-1, LRR, RR, and ER. In SR, the minimum lot size for a Detached ADU is greater than .5 acres, regardless of water supply.

If the amendment is approved, ADUs will be subject to a building permit review process and must comply with existing building codes and other applicable codes for new residential construction by the Building Division. A review of well and septic permits will be required. If applicable, ADU applicants will be required to provide a will-serve letter from a water and sewer district. The proposed amendments include an additional review process requiring approval from the Board for a second ADU in A-1 zone districts. All other proposed zone districts are limited to one ADU per lot.

PUBLIC INPUT

Staff sent the proposed amendments to the County-wide contact and referral agency list, which consists of approximately 500 recipients. All referral agency responses are attached. Most referral agencies responding to the request provided either a no comment or no objection response.

Arapahoe County's Planning Division suggested clarifying the ADU definition by referencing "single family detached dwelling" explicitly. The proposed amendments contain definitions for Attached and Detached ADUs based on Board direction. Centennial Water and Sanitation District (CWSD) requested that applicants in their service area submit an application to CWSD for review. The building permit process requires an applicant to provide a "will serve" letter from the applicable water provider stating the ability to serve the primary residence and an ADU. The Colorado Department of Transportation (CDOT) requested that ADU applicants address the requirement for new State Highway Access permits if traffic from a property is increased by more than twenty percent. If applicable, Douglas County Engineering manages State Highway Access permits for the County.

The Colorado Geological Survey (CGS) recommended not permitting ADUs in the Class 3 Hazard/Environmental Constraint areas identified in the 2040 Comprehensive Master Plan of Douglas County and requested to be included as an outside referral agency for ADUs proposed in the Class 2 areas. West Metro Fire Protection District also requested that fire departments be required to review applications for ADU's for access and water supply. During the building permit process, there will be a review of life safety, soil conditions, and water supply but there is not a review process for any referral agencies.

The Colorado Division of Water Resources (CDWR) provided guidance for "Auxiliary Living Spaces" concerning the availability of legal water supply. The County's proposed definition for ADU's may not meet the state's criteria for an Auxiliary Living Space, in which case the ADU will be treated as a second single-family dwelling and will be required to show adequate water supply either through a well permit or a "will serve" letter from a water provider.

Five HOAs commented with concerns, with four HOAs requesting that the Board pause or discontinue the zoning amendment process based on the issues and concerns outlined in their referral response letters. Burning Tree Ranch HOA, Deerfield Community, Grandview Estates HOA, Happy Canyon HOA, and Parker View Estates HOA raised concerns of increased population density, impacts to rural character in these areas, zoning compliance enforcement, impacts to HOA covenants, and impacts to traffic and groundwater.

A public workshop was held on December 13, 2024. Thirteen members of the public attended representing the Deerfield Community, Franktown Citizens Coalition II, Parker View Estates, and other communities in the Franktown, Parker, and Roxborough areas. Attendees asked various clarifying questions and expressed concerns as noted in the workshop comment summary attached to this memo. Primary concerns included negative impacts to existing rural character, increased use of limited groundwater supplies, increased risk of wildfires, conflicts with private HOA covenants and limited resources for HOA enforcement, and negative impacts associated with increased rental housing units within the rural areas. Attendees asked that the County

engage in broader community outreach to the rural communities prior to finalizing the proposed ADU regulations and scheduling public hearings.

NEXT STEPS

Staff is prepared to discuss the referral and public comments received and possible next steps with the Board.

<u>ATTACHMENTS</u>	<u>PAGE</u>
Referral Comments Summary Report	4
Referral Response Letters	10
Workshop Comment Summary	42
DCZR Sections 3, 4, 5, 6, 7, and 36 (red-lined).....	45

Referral Agency Response Report**Page 1 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Arapahoe County Engineering Services Division	12/13/2024	See letter – No comments.	No response required.
Arapahoe County Public Airport Authority-Centennial	11/21/2024	See letter – No objections.	No response required.
Arapahoe County PWD/ Planning	12/4/2024	See letter – Planning staff suggests clarifying the ADU definition by referencing single family detached dwellings for this proposed accessory residential use.	Staff has prepared the draft redlines to allow for attached and detached ADUs based on direction from the Board of County Commissioners.
Black Hills Energy	11/14/2024	No Comment.	No response required.
Burning Tree Ranch HOA	12/12/2024	See letter – Requests the Board discontinues the amendment process. Provided concerns related to increased housing density, aquifer and septic system constraints, changes to neighborhood character, no limit for ADU size, and impacts to HOA covenants. Recommends only allowing ADUs on properties with municipal water and sewer service.	These comments are attached for the Board to review.
Castle Rock Fire and Rescue Department	11/12/2024	See letter – No comments.	No response required.
Castlewood Canyon State Park	11/13/2024	No Comment.	No response required.
CDPHE – Air Pollution Control Division	11/25/2024	See letter – No comments.	No response required.

Referral Agency Response Report**Page 2 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Centennial Water and Sanitation District	12/10/2024	<p>See letter - CWSD requests that the County ADU application process clearly defines the applicant's responsibility to coordinate with, and submit to, CWSD for review and approval of all ADU requests, whether for attached or detached units.</p> <p>Informational Comments</p> <ol style="list-style-type: none">1. CWSD is currently evaluating the potential impacts the proposed updates to the Douglas County Zoning Regulations will have on our existing infrastructure system and Rules and Regulations for water and sewer service to residential customers.2. The number of ADUs that CWSD can accommodate will be controlled with the number of water taps available.3. CWSD is assessing financial costs and recovery through fees (tap, review & permitting, and inspection).	Through the building permit process, a property owner must submit a "will serve" letter from the applicable water district to serve an ADU or a well permit with adequate water for 2 single family residences. Staff is working with CWSD, separately from this proposed amendment, to understand the impacts of HB24-1152 on the Highlands Ranch Census Designated Place.
Cherry Creek Basin Water Quality Authority	11/18/2024	<p>Received:</p> <p>The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for DR2024-001, Zoning Resolution Amendment - Accessory Dwelling Units (ADUs) have been or will be reviewed by Douglas County for compliance with the applicable Regulation 72 construction and post-construction requirements. Based on the Authority's current policy, the Authority will no longer routinely conduct a technical review and instead the Authority will defer to Douglas County's review and ultimate determination that the proposed development plans comply with Regulation 72.</p> <p>If a technical review of the proposed development plan is needed, please contact LandUseReferral@ccbwwqa.org. The review may include consultation with the Authority's Technical Manager to address specific questions or to conduct a more detailed Land Use Review, if warranted (verbatim).</p>	No response required.
City of Aurora	12/13/2024	See letter – No comments.	No response required.
City of Centennial	11/22/2024	No Comment.	No response required.
City of Lone Tree	12/02/2024	No Comment.	No response required.

Referral Agency Response Report**Page 3 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Colorado Department of Transportation	11/13/2024	See letter – Provided no objection to the proposed changes. Concern for increased traffic from properties with an ADU. Asked that ADU applicants address a requirement for new State Highway Access permits when a property increases vehicular volumes by 20 percent or greater.	If applicable, Douglas County Engineering manages State Highway Access permits for the County.
Colorado Division of Water Resources	12/02/2024	See letter – Provided guidelines for water supply for properties with a CWDR defined “Auxiliary Living Space”. Provided guidance detailing the criteria that must be met for an Auxiliary Living Space to be considered an extension of the main residence when serviced by a well. If each criterion is not met, then the Auxiliary Living Space is considered to be its own single-family dwelling and a well permit is required for the use of two (or more) single-family dwellings. Such as one for the main residence and one for each Auxiliary Living Space.	The County's proposed definition for ADUs may not meet the state's criteria for an Auxiliary Living Space, therefore, the ADU will be treated as a second single-family dwelling in regards to evaluation of water supply.
Colorado Geological Survey	12/03/2024	Received: The Colorado Geological Survey recommends against approval of ADUs in Class 3 Hazard/Environmental Constraint areas as delineated on Map 8.1 of Douglas County's 2040 Comprehensive Master Plan. CGS recommends that the county require a site-specific evaluation and, if necessary, mitigation or avoidance of geologic hazards within Class 2 constraint areas and the steeply dipping bedrock area (Map 8.2 of the 2040 CMP). CGS would like to be included as an outside referral agency for ADUs proposed within Class 2 and steeply dipping bedrock areas. Jill Carlson / carlson@mines.edu / 303-384-2643 (verbatim).	During the building permit process, there will be a review of life safety, soil conditions, and water supply. The current proposed process does not provide a separate or additional review for any referral agencies.
Colorado Parks and Wildlife (Littleton District – Area 5)	12/02/2024	See letter – No concerns.	No response required.
CORE Electric Cooperative	12/06/2024	Received: CORE Electric Cooperative will require on site plan showing all existing utilities and utility easements (verbatim).	No response required.
Deerfield HOA	12/13/2024	See letter – Requested that the County review long-term impacts before continuing amendment process, provided concerns relating to the commercialization of residential areas, and requested that the County review neighboring jurisdictions’ ADU regulations to inform its own.	These comments are attached for the Board to review.

Referral Agency Response Report**Page 4 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Douglas County Addressing Analyst	11/13/2024	Received: The current guidelines in the DC Addressing and Street Naming Manual apply to ADUs. All residences will receive a unique address per Section 6.3.c.1. Contact DCAddressing@douglas.co.us or 303.660.7411 with questions (verbatim).	No response required.
Douglas County Assessor	11/19/2024	No Comment.	No response required.
Douglas County Building Services	11/22/2024	No Comment.	No response required.
Douglas County Health Department	12/11/2024	See letter – Requested that new ADUs obtain an OWTS system by requiring a permit for installation and final approval of the system if not part of the original OWTS system for the primary dwelling. Minimum horizontal setback regulations must be met for a new OWTS system. DCHD also stated that the application packet for a short-term rental license involving an ADU would include a Use Permit issued by DCHD.	During the building permit process, the applicant will be required to provide a copy of the permit application and septic permit obtained from the Douglas County Health Department either for a new OWTS or to provide information that the current system is adequate.
Douglas County Wildfire Mitigation	12/06/2024	No Comment.	No response required.
El Paso County Planning and Community Development Department	11/27/2024	See letter – No comments.	No response required.
Grandview Estates HOA	12/13/2024	See letter – Provided concerns related to the building permit review process and zoning enforcement. Asked the Board to consider allowing anonymous reporting for zoning enforcement related complaints and pause the amendment process to evaluate the regulations of neighboring jurisdictions. Recommended that new ADU regulations provide greater oversight and inspections, and to provide other regulations such as requiring letters from a water and sanitation district if applicable, maximum square footage for ADUs, occupancy limits, and review by the Water Commission for impacts of ADU expansion in the County.	These comments are attached for the Board to review.

Referral Agency Response Report**Page 5 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Happy Canyon HOA	12/09/2024	See letter – Concerns related to undermining rural character, an increase in urban density, impacts to property tax, and specific questions about implementation of the regulations.	These comments are attached for the Board to review.
Highlands Ranch Community Association	12/13/2024	Received: The Highlands Ranch Community Association ("HRCA") appreciates the opportunity to review and opine on this Application. We take no exceptions to the modifications to the Douglas County Zoning Resolution as specified in the Application (verbatim).	No response required.
Highlands Ranch Metro District	12/10/2024	Received: HRMD supports the comments issued by the Centennial Water and Sanitation District, and would like to be kept informed about pending and future changes the County may make in regards to ADUs (verbatim).	No response required.
Highlands Ranch Town Center Review Committee	12/12/2024	No Comment.	No response required.
Louviers Conservation Partnership	12/06/2024	See Letter: Louviers Conservation Partnership (LCP) has reviewed the DR2024-001 Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36 and has no objection to the proposed updates.	No response required.
Meridian DCC, Meridian Village Metro District, Meridian Metro Districts	12/12/2024	No Comment.	No response required.
Meridian Village Metro Districts 1-2-3-4	12/12/2024	No Comment.	No response required.
Parker View Estates HOA	11/26/2024 12/10/2024	See letters – Concerns related to impacts on surrounding areas, property values, and well and septic constraints. Parker View Estates HOA emphasized the intent of the Rural Residential (RR) zone district designation and preserving the lifestyle, standard density, and compatibility of existing uses. Additionally raised other concerns such as an increase in rental properties, crime, and undesirable impacts to property values, HOA covenants, and groundwater resulting from ADUs. Requested that the Board discontinue the amendment process to allow ADUs.	These comments are attached for the Board to review.
Plum Creek Water Reclamation Authority	11/20/2024	No Comment.	No response required.

Referral Agency Response Report**Page 6 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

Agency	Date Received	Agency Response	Response Resolution
Roxborough Water and Sanitation District	12/11/2024	See Letter: No Comment.	No response required.
South Metro Fire Rescue	11/15/2024	Received: South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed updates to the Douglas County Zoning Resolution. Any ADU's constructed are expected to comply with all adopted codes and standards applicable to residential construction (verbatim).	No response required.
Southeast Metro Stormwater Authority	11/13/2024	No Comment.	No response required.
Town of Castle Rock	12/05/2024	No Comment.	No response required.
Town of Parker Development Review	11/21/2024	No Comment.	No response required.
West Metro Fire Protection District	12/12/2024	Received: West Metro Fire Rescue has reviewed the documents for DR2024-001. West Metro Fire Rescue would have the following comments: - Fire Department review for ADU's should be required to determine fire department access and firefighting water supply are addressed (verbatim).	During the building permit process, there will be a review of life safety, soil conditions, and water supply. The current proposed process does not provide a separate or additional review for any referral agencies.
Xcel Energy-Right of Way & Permits	12/05/2024	See letter – No apparent conflict.	No response required.



Engineering Services Division Referral Comments

December 13, 2024

Douglas County

Attn: Marco Higham

DOUGLAS REF / DR2024-001 / ACCESSORY DWELLING UNITS ZONING AMD

Engineering Services Division of Arapahoe County Public Works and Development (Staff) thanks you for the opportunity to review the outside referral. Staff has no comments regarding the referral at this time based on the information submitted.

Please know that other Divisions in the Arapahoe County Public Works Department may submit comments as well.

If you have any questions, please feel free to contact our offices at 720-874-6500.

Thank you,

Joseph Boateng, PE

Arapahoe County Public Works & Development

Engineering Services Division



CENTENNIAL AIRPORT
ARAPAHOE COUNTY AIRPORT AUTHORITY

7565 South Peoria Street, Unit D9
Englewood, Colorado 80112
main: 303-790-0598 | fax: 303-790-2129
www.centennialairport.com

November 13th, 2024

Marcco Higham
Douglas County Community Development Department
100 Third St. Ste. 220
Castle Rock, CO 80104

Re: DR2024-001 ADU Zoning Resolution

Dear Mr. Higham,

Thank you for the opportunity to review the proposed ADU zoning changes. The Arapahoe County Public Airport Authority has reviewed the documents and has no objections to the current code amendments. However, as with any residential development, each case will be evaluated individually. Depending on its proximity to the airport, the Authority may have concerns or additional comments regarding specific developments as they are referred.

Please feel free to call me if you have any questions.

Sincerely,

Zachary Gabehart
Planning Specialist - Noise & Environmental

From: [Terri Maulik](#)
To: [Marcco Higham](#)
Cc: [Referrals](#)
Subject: FW: AC CASE NO O24-221 RE: DOUGLAS REF / DR2024-001 / ACCESSORY DWELLING UNITS ZONING AMD
Date: Wednesday, December 4, 2024 12:57:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)

Hello Marcco,

Thank you for the opportunity to comment on the proposed ADU regulations. Arapahoe County Public Works and Development, Planning Staff, suggests clarifying the ADU definition in Section 36, as we believe the intent is for the ADU to be associated with a single family *detached* dwelling.

Reach out with any questions and best of luck with your project.



ARAPAHOE COUNTY

Terri Maulik (she/her/hers)

Planning Technician

Planning Division

Department of Public Works and Development

6924 S Lima St., Centennial, CO 80112

O: 720-874-6840

tmaulik@arapahoegov.com

www.arapahoegov.com



From: Marcco Higham <mhigham@douglas.co.us>
Sent: Tuesday, November 12, 2024 2:41 PM
To: Referrals <Referrals@arapahoegov.com>
Subject: Douglas County eReferral (DR2024-001) Is Ready For Review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Date: November 12, 2024

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment –Accessory Dwelling Units (ADUs),
DR2024-001

-

BTRHOA does not support the proposed DC Planning Department proposal regarding zoning amendments to allow ADUs, and request that the Planning Department be directed to discontinue the amendment process for the following reasons:

1. Adopting the DC ADU zoning amendment will fundamentally change DC by increasing population and housing density and significantly and negatively transform the current status of Douglas County as a highly desirable place to live. The reason people have moved to rural communities is for lower home density, less people and traffic, less noise, and to enjoy the natural beauty. This proposal would have an adverse effect on all these factors.
2. Outcomes associated with the proposed ADU zoning amendments include increased traffic, more pressure on already stressed aquifers, increased demand on septic systems with additional potential for groundwater contamination (recommend ADUs only be considered on properties serviced by city water/sewer). Other consequences include, less privacy, more noise, more vehicles on lots (cars, RVs, trailers, ...), changing the character of communities through rentals, increased crime, increased concerns for public safety.
3. DC worked hard over the years to develop the County Master Plan, to serve as a guide for development in DC, while retaining the rural nature of the County. This zoning amendment throws the Master Plan in the trash.
4. The State law allows ADUs to be used as rentals, which will negatively impact the character of each community. If one is not an owner and has no skin in the game, the rented properties will over time negatively change the community, and drag property values down.
5. In DC, there is no limit on ADU size, so for example, there could be two 5,000 sq. ft. houses on one lot.
6. A covenant is a legal, binding agreement that community owners have voluntarily entered into and agreed to abide by. For the State to explicitly modify that covenant, or for the County to de facto neuter that covenant, without the formal approval of the parties subject to the covenant agreement, is a vast and egregious overreach by government entities.
7. If the ADU zoning amendment is approved, there is no going back. Why would DC implement this? It seems like an effort to keep up with zoning changes in high-density areas that are specifically subject to the State ADU law.
8. The proposed DC zoning amendment would not override community covenants if implemented. However, it may be that in the future the County could adopt the strict stance of the State, and choose to override the covenants. The Planning Dept. personnel stated in response to questions, that if a lot owner sought a permit to build an ADU, the Building Dept., as is now the procedure, would evaluate and approve the permit request strictly on zoning criteria (e.g., setbacks, etc.), and that approval could be granted in as little as 5 days. In a call to the DC Building Dept., BTRHOA Board was told community covenants are not considered in the permit request evaluation. Also, the HOA would not be notified of the permit application. In that case, the only recourse is for the HOA to file suit to stop the construction. While the DC proposed ADU amendment does not override community covenants, it in effect does so, since many rural community HOAs will not have funds to file suit to protect their covenants and stop construction of an ADU not allowed by covenants.

From: [FDPLANS](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County eReferral (DR2024-001) Is Ready For Review
Date: Tuesday, November 12, 2024 3:27:06 PM
Attachments: [image002.png](#)

Fire has no comments or concerns.

Respectfully,

Kevin “Sully” Sullivan
Assistant Fire Marshal

[Form Center • Request a Construction Inspection or Reinspect \(crgov.com\)](#)



Life Safety Division
Castle Rock Fire and Rescue Department
300 Perry Street
Castle Rock, CO 80104
303.663.3120 Office
e-mail FPO@crgov.com



An internationally accredited Fire/Rescue agency since 2012

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From: Marcco Higham <mhigham@douglas.co.us>
Sent: Tuesday, November 12, 2024 2:41 PM
To: FPO <FPO@crgov.com>
Subject: Douglas County eReferral (DR2024-001) Is Ready For Review

Date: November 12, 2024

From: Marcco Higham

RE: **Douglas County Zoning Resolution Amendment –Accessory Dwelling Units (ADUs),**

From: [Cicione - CDPHE, Brendan](#)
To: [Marcco Higham](#)
Subject: Re: Douglas County eReferral (DR2024-001) Is Ready For Review
Date: Monday, November 25, 2024 7:04:02 AM

Hi Marcco,

Thank you for your email. There are no comments from the Air Pollution Control Division. Please do not hesitate to contact me with any questions.

Thanks,
Brendan Cicione (*he/him*)
Air Quality and Transportation Planner



4300 Cherry Creek Drive S. | Denver, CO 80246-1530 brendan.cicione@state.co.us
| <https://cdphe.colorado.gov/>

On Mon, Nov 18, 2024 at 8:21 AM Localreferral - CDPHE, CDPHE
<cdphe_localreferral@state.co.us> wrote:

Hello,

Please see the email below. Please add comments by 12/1.

Thank you!

----- Forwarded message -----

From: **Marcco Higham** <mhigham@douglas.co.us>

Date: Tue, Nov 12, 2024 at 2:43 PM

Subject: Douglas County eReferral (DR2024-001) Is Ready For Review

To: cdphe_localreferral@state.co.us <cdphe_localreferral@state.co.us>

Date: November 12, 2024

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment –Accessory Dwelling Units (ADUs), DR2024-001

DOUGLAS COUNTY PLANNING REFERRALS

REFERRAL NUMBER: DR2024-001

DATE RECEIVED: Nov. 12, 2024

PROJECT NAME: Proposed amendments to allow for ADU's

PLANNER: Marcco Higham

DUE DATE: Dec. 11, 2024

CWSD Director of Engineering & Public Works Comments

Ryan Edwards

Comments

1. CWSD requests that the County ADU application process clearly defines the applicant's responsibility to coordinate with, and submit to, CWSD for review and approval of all ADU requests, whether for attached or detached units.

Informational Comments

1. CWSD is currently evaluating the potential impacts the proposed updates to the Douglas County Zoning Regulations will have on our existing infrastructure system and Rules and Regulations for water and sewer service to residential customers.
2. The number of ADUs that CWSD can accommodate will be controlled with the number of water taps available.
3. CWSD is assessing financial costs and recovery through fees (tap, review & permitting, and inspection).



Planning Division
15151 E. Alameda Parkway, Ste. 2300
Aurora, Colorado 80012
303.739.7217

AuroraGov.org

December 13, 2024

Marcco Higham
Douglas County Department of Community Development
100 Third Street,
Castle Rock, Colorado 80104

Re: Planning Referral: Douglas County – Zoning Resolution for Accessory Dwelling Units (ADUs)
Jurisdiction Case Number: DR-2024-001
Planning Referral Number: PR-24-005

Dear Marcco Higham:

Thank you very much for reaching out to the City of Aurora's Planning Department to review Douglas County's Zoning Resolution Amendment – Accessory Dwelling Units (ADUs), DR2024-00, for a Zoning Text Amendment within the jurisdiction of Douglas County. The property information is detailed below:

General Location: N/A

Physical Address: N/A

Property ID/ Folio Number: N/A

Property Size: N/A

Owner: N/A

Applicant: N/A

Development Proposal: N/A

Douglas County Future Land Use: N/A

Douglas County Zoning: N/A

Applicable Aurora Place Type: N/A

Comments

The application has been reviewed and it has been determined that there are no comments from the City of Aurora.

As always, if you have any comments or concerns, please let me know. I may be reached at (303) 739-7121 or cbailey1@auroragov.org.

Sincerely,

Connor Bailey, AICP, Senior Planner
City of Aurora Planning Department

cc: Connor Bailey, Case Manager
Aja Tibbs, Planning Supervisor
Filed:

From: Loeffler - CDOT, Steven
To: Marco Higham
Cc: Aaron Eyt, Joseph Tripple - CDOT
Subject: Re: Douglas County eReferral (DR2024-001) Is Ready For Review
Date: Wednesday, November 13, 2024 1:52:32 PM

Marco,

I have reviewed the referral for the Douglas County Zoning Resolution Amendment for Accessory Dwelling Units (ADUs) and have the following comments:

- We have no objections to the proposed changes to allow ADUs in the Zoning Resolution.
- Our concern will be with the increase in traffic for properties that add an ADU. Per the state highway access code a property that increases vehicular volumes by 20 percent of greater requires a new State Highway Access permit. We do ask that property owners adding an ADU address this requirement. Please note that Douglas County has retained issuing authority for State Highway Access permits within their jurisdiction. This means that the access permitting process will start with Douglas County. Point of contact is Chris Martin, cmartin@douglas.co.us

Thank you for the opportunity to review this referral.

Steve Loeffler
Permits Unit- Region 1



P 303.757.9891 | F 303.757.9053
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204
steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org



On Wed, Nov 13, 2024 at 10:14 AM <mhigham@douglas.co.us> wrote:

There is an eReferral for your review. Please use the following link to log on to your account:
[https://urldefense.com/v3/_https://apps.douglas.co.us/planning/projects/Login.aspx_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGEuZNI24\\$](https://urldefense.com/v3/_https://apps.douglas.co.us/planning/projects/Login.aspx_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGEuZNI24$)

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and forward any comments to me by December 13, 2024. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at [https://urldefense.com/v3/_http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g\\$](https://urldefense.com/v3/_http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g$) and entering the project file number DR2024-001 in the search tool.

Synopsis of Regulation Change:

Douglas County is proposing changes to allow ADUs in the Zoning Resolution. The proposed amendments would allow ADUs as an accessory residential use on lots with an established principal residence in five residential and/or rural zone districts. The amendments also include a new definition for ADUs, revisions, and minor technical corrections to various references. The following Sections are affected:

- 3 – Agricultural One
- 4 – Large Rural Residential
- 5 – Rural Residential
- 6 – Estate Residential
- 7 – Suburban Residential
- 36 – Definitions

Amendment Process

Douglas County Staff will conduct a public workshop regarding this proposal on Tuesday, December 3, 2024, at 4p.m. at the Board of County Commissioners Conference Rooms A&B located at 100 Third St. Castle Rock, CO 80104. Once comments from this referral process have been received, a work session will be scheduled with the Board of County Commissioners (Board) to review the comments.

Final consideration of the proposed regulations will occur at a public hearing with the Board, following a Planning Commission recommendation. Future hearings dates may be obtained by calling 303-660-7460 or by accessing the project information at [https://urldefense.com/v3/_http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g\\$](https://urldefense.com/v3/_http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g$). Please feel free to reach out to me with any questions you may have.

Marco Higham | Planner
mhigham@douglas.co.us
(303)-814-4313



Guideline 2016-1

CONCERNING WATER SUPPLIES FOR AUXILIARY LIVING SPACES (AMENDED)

Purpose:

This document provides guidance regarding the availability of a legal water supply for attached or detached auxiliary living spaces, which may include anything from a bathroom inside a garage or barn to a fully independent dwelling, and whether the auxiliary living space may be considered part of the main single-family residence for the purposes of well permitting. Colorado counties have varying names for auxiliary living spaces, including accessory buildings, accessory structures, accessory dwelling units (“ADUs”), secondary dwelling units (“SDUs”), guest houses, and more. This document is intended to encompass and provide guidance regarding all of these types of buildings, or portions of the main building, which will collectively be referred to in this document as “Auxiliary Living Spaces”.

Guideline:

Water Supply from a Water District

For those cases where the water supply is provided by a municipal or quasi-municipal water district, as long as the water provider operates within the terms and conditions of its water rights and decrees, the State Engineer’s Office would have no objection to the water provider servicing the subject property, including the Auxiliary Living Space.

Water Supply from a Well

Generally, well permits are issued with a limit on the number of single-family dwellings that can be served by the well. Therefore, the State Engineer’s Office must consider if the Auxiliary Living Space is a separate single-family dwelling or an extension of the main single-family dwelling.

State Engineer’s Office Determination of what Constitutes a Single-Family Dwelling

The State Engineer’s Office will consider the Auxiliary Living Space to be an extension of the main residence if it is able to meet all of the following criteria:

- The Auxiliary Living Space will not be rented, leased, or otherwise occupied by a party other than a guest or member of the family that would otherwise reside in the main single-family dwelling, or by nannies, health care workers, or other employees who provide supervision or care to residents of the main single-family dwelling and who would otherwise reside in the main single-family dwelling.



- The Auxiliary Living Space will not use water for non-residential purposes such as businesses, manufacturing, or a facility providing restrooms for customer or public access, etc. (Please refer to item 2.1 of State Engineer Guideline 2023-1 for information regarding commercial activities that may be conducted on the property including allowances and limitations for home offices.)
- For Auxiliary Living Spaces that are separated from the main living area and that have an independent entry, the space does not contain kitchen facilities, which the State Engineer's Office considers enabling an independent living area. Based upon the Division of Water Resources review of current Colorado county zoning regulations, the State Engineer's Office will consider an Auxiliary Living Space to have kitchen facilities if it has either:
 - a stove or oven or a 240-V electric hookup or equivalent gas piping for cooking facilities; or
 - a refrigerator more than 6 cubic feet in size. A wet bar with a sink and a refrigerator no more than 6 cubic feet in size is acceptable.

If the Auxiliary Living Space meets all the criteria above it would be considered by the State Engineer's Office to be an extension of the main residence and a well permitted to serve only one single-family dwelling may legally supply both the main residence and the Auxiliary Living Space. No changes or amendments to the permit are required.

If the Auxiliary Living Space does not meet all of the criteria above it would be considered by the State Engineer's Office to constitute a single-family dwelling and a well permit must allow for use in two (or more) single-family dwellings, one for the main residence and one for each Auxiliary Living Space.

When only a part of the dwelling is rented, such as a bedroom and bathroom, and the renter is not allowed shared use of other parts of the home, such as the kitchen or living room, the dwelling use is not equivalent to that of a single family regardless of whether the space otherwise meets the above criteria. Such use would need to be served by a well permitted for commercial use.

Please note that some counties have regulations that require an Auxiliary Living Space to meet certain requirements that result in the Auxiliary Living Space not meeting the above criteria. For example, if a county definition of an Accessory Dwelling Unit requires that the space be able to be rented out or to have kitchen facilities, all Accessory Dwelling Units in that county will be considered a single-family dwelling, and a well permit must allow for use in two (or more) single-family dwellings, one for the main residence and one for each Auxiliary Living Space, regardless of whether or not the owner intends to rent the Accessory Dwelling Unit.

Additional Information:

A well permitted pursuant to section 37-92-602 (3)(b)(II)(A), C.R.S., as the only well on a parcel of 35 acres or more may be permitted for uses that include ordinary household purposes inside up to three single-family dwellings, one of which could be the Auxiliary Living Space, which is considered by the State Engineer to constitute a single-family dwelling. If the permit is issued as the only well on a 35+ acre parcel, but the permit conditions do not specifically identify the number of dwellings that can be served, it may be

possible to amend this type of permit to specify that up to three single-family dwellings can be served pursuant to State Engineer [Policy 1993-4](#).

A well on a parcel of less than 35 acres, which is permitted for ordinary household use inside one single-family dwelling, could typically only be re-permitted for use inside two single-family dwellings pursuant to a decreed plan for augmentation. Similarly, a well first put to use prior to May 8, 1972 for “domestic” purposes that historically (before May 8, 1972) only served one single-family dwelling could typically only be expanded to allow for use inside two single-family dwellings pursuant to a decreed plan for augmentation.

For a residential well located within a Designated Ground Water Basin that is permitted pursuant to section 37-90-105, C.R.S., if the well is on a parcel of land that qualifies for a well permit that may supply more than one single-family dwelling, one of the dwellings could be the Auxiliary Living Space. If the well is on a parcel that only qualifies for a permit to serve one single-family dwelling, the well could typically only be re-permitted for use inside two single-family dwellings pursuant to a replacement plan approved by the Ground Water Commission. Questions regarding whether a specific parcel would qualify for a well permit that allows for more than one single-family dwelling should be referred to Ground Water Commission staff. For a well first put to use prior to May 8, 1972 for “domestic” purposes that historically (before May 8, 1972) only served one single-family dwelling, this well could typically only be expanded to allow for use inside two single-family dwellings pursuant to a replacement plan approved by the Ground Water Commission.

If the well is located within the Denver Basin or a river basin that is not over-appropriated, it *may* be possible to obtain a permit allowing for the use of the well in an additional single-family dwelling.

If the existing well is permitted for “ordinary household use inside one single-family dwelling” and is already included in a plan for augmentation decreed by the water court or replacement plan approved by the Ground Water Commission, the terms and conditions of the decree or replacement plan will determine if a new permit could be issued allowing for use in an additional single-family dwelling. If the decree or replacement plan explicitly states that the use of each well permitted pursuant to the augmentation plan is limited to serving one single-family dwelling, then a new or amended augmentation plan or replacement plan would need to be obtained to allow for use in a second single-family dwelling.

For an Auxiliary Living Space that is intended to be used for commercial rental purposes and occupied on an intermittent or seasonal basis only, the Division of Water Resources will allow the main house and the rental unit to be served by a well permitted for use in commercial drinking and sanitary facilities as described in section 37-92-602(1)(c). The use of water from a commercial exempt well will be limited to indoor drinking and sanitary use, and the total amount of water that could be withdrawn from the well for use in both spaces will be limited to 1/3 acre-foot (108,600 gallons) per year. A totalizing flow meter will be required to be installed on the well, with monthly or annual meter readings reported to this office to ensure water use does not exceed this amount. Refer to [Policy 1985-1](#) for additional information regarding the use of wells permitted for exempt commercial uses. Note again that counties may have regulations that require Auxiliary Living Spaces to be rented on a long-term basis or that prohibit the use of these spaces for commercial short-term rental purposes, which conflict with the allowances in this guideline.

If the State Engineer's Office has previously provided written comments regarding a specific proposal that conflict with the positions taken in this Guideline, the written comments will be honored.

Customers should contact the Division of Water Resources at 303-866-3581 or through the [AskDWR Form](#) on our website if they have any questions.

Approval:

This guideline originally became effective December 7, 2016. It was amended on December 20, 2023 to be consistent with State Engineer Guideline 2023-1 and to incorporate additional guidance for permit evaluators and water users.

A handwritten signature in black ink, reading "Kevin G. Rein". The signature is written in a cursive style with a horizontal line underneath.

Kevin G. Rein, P.E
State Engineer/Director

From: [Olson - DNR, Justin](#)
To: [Marco Higham](#)
Subject: Re: Douglas County eReferral (DR2024-001) Is Ready For Review
Date: Monday, December 2, 2024 12:12:24 PM

Mr. Higham,

Thank you for including Colorado Parks and Wildlife in the referral request process for the proposed updates to the Douglas County Zoning Resolution under Project Number DR2024-001. I have reviewed the documents and referral request, and I wanted to inform you that CPW has no concerns with this project as it pertains to any wildlife issues. If you have any further questions or need more information, do not hesitate to let me know. Thank you for your time.

Justin Olson
District Wildlife Manager
Littleton District - Area 5



P 303.291.7131 | F 303.291.7114
6060 Broadway, Denver, CO 80216
justin.olson@state.co.us | cpw.state.co.us



On Wed, Nov 13, 2024 at 10:14 AM <mhigham@douglas.co.us> wrote:

There is an eReferral for your review. Please use the following link to log on to your account:
https://urldefense.com/v3/_https://apps.douglas.co.us/planning/projects/Login.aspx_!!PUG2raq7KiCZwBk!YLPm0QRYwQ7KwDzeDRURN6wF6N6tj8O-TLSfOJHO6MWxU-2TwwEWwThA28PHKPEZGrWnRnkJuA6XtzmbSfjtdQec5

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and forward any comments to me by December 13, 2024. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at https://urldefense.com/v3/_http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!YLPm0QRYwQ7KwDzeDRURN6wF6N6tj8O-TLSfOJHO6MWxU-2TwwEWwThA28PHKPEZGrWnRnkJuA6XtzmbSALeRquYS and entering the project file number DR2024-001 in the search tool.

Synopsis of Regulation Change:

Douglas County is proposing changes to allow ADUs in the Zoning Resolution. The proposed amendments would allow ADUs as an accessory residential use on lots with an established principal residence in five residential and/or rural zone districts. The amendments also include a new definition for ADUs, revisions, and minor technical corrections to various references. The following Sections are affected:

- 3 – Agricultural One
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- 5 – Rural Residential
- 6 – Estate Residential
- 7 – Suburban Residential
- 36 – Definitions

Amendment Process

Douglas County Staff will conduct a public workshop regarding this proposal on Tuesday, December 3, 2024, at 4p.m. at the Board of County Commissioners Conference Rooms A&B located at 100 Third St. Castle Rock, CO 80104. Once comments from this referral process have been received, a work session will be scheduled with the Board of County Commissioners (Board) to review the comments.

Final consideration of the proposed regulations will occur at a public hearing with the Board, following a Planning Commission recommendation. Future hearings dates may be obtained by calling 303-660-7460 or by accessing the project information at https://urldefense.com/v3/_http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!YLPm0QRYwQ7KwDzeDRURN6wF6N6tj8O-TLSfOJHO6MWxU-2TwwEWwThA28PHKPEZGrWnRnkJuA6XtzmbSALeRquYS. Please feel free to reach out to me with any questions you may have.

Marcco Higham | Planner
mhigham@douglas.co.us
(303)-814-4313

From: [Tom Bowles](#)
To: [Marcco Higham](#)
Subject: DC Planning Dept. - Post ADU Workshop - Feedback & Recommendation Input
Date: Friday, December 13, 2024 9:25:37 AM

Marcco Higham
Planner – DC Dept of Community Development

RE: Douglas County Zoning Resolution
Draft DR2024-001
Accessory Dwelling Units (ADU's)
Post Dec. 3rd Workshop Feedback & Recommendations to DC Commissioners

Marco,

Thank you and co-staff for hosting the December 3rd, 2024 Workshop regarding draft proposals on Accessory Dwelling Units (ADU's) potential revisions / amendments to existing DC Zoning Resolutions.

Current Colorado State, House Bill 24-1152 regarding ADU's legislation mandate, directly applies to Douglas County's Highlands Ranch Municipal District, and not to surrounding DC areas to this time.

Following your meeting discussions with other public attendees and review of Referral Draft document, please consider the below recommendations/comments on behalf of fellow Deerfield Community residents located southeast of Franktown.

1. No immediate DC Zoning Resolution Draft pro-active document generation is deemed required until such time as Douglas County Planning Dept. can evaluate long-term impacts to the Greater Douglas County Area.
 - a. DC Water Commission must conduct an impact review of potential water resources usage and existing/future depletion study.
 - b. Colorado State Water Resources Dept. shall be consulted, and a joint evaluation must be generated for DC Commissioner and Public review prior to any future ADU's zoning resolution generation.
2. ADU's introduction within Douglas County is a "commercialization" of existing residential zoned areas. This shall not be allowed in any existing developments zoned as residential or single family, nor considered until such increased population impacts can be evaluated. These include, but not limited to DC:
 - a. Traffic and Roadway Usage evaluation for all Douglas County outside of Highlands Ranch areas.
 - b. Douglas County School District
 - c. Water Usage of non-city or town centralized water supplies & sewage treatment systems
 - d. Rural water well aquifer usage impacts and density limits

- e. Air and Noise pollution with an environmental impact study for increased population higher density growth.
 - f. Identification of all potential ADU's with conflicts to existing community developments covenants, HOA restrictions, etc.
3. Recommend Douglas County Planning Dept. contact adjacent counties to coordinate and/or impact study efforts on ADU's introduction to existing all residents.

The rights of current property owners and maintenance of Douglas County's rural area must be preserved and protected from continued pressure for higher density populations or conversion of our area from rural to suburban living environments. Under no circumstances shall the rights of existing DC resident property owners be allowed compromised from ADU's commercialization by Colorado State mandates....

Please advise should you have any questions.

Regards,

Tom Bowles
138 S. White Tail Dr.
Franktown, CO 80116
Deerfield Community – Franktown Region

Mobile Phone: +1_303-913-4512
Email: thecolorado.tom@gmail.com

November 15th, 2024

Marcco Higham
100 Third St.
Castle Rock, CO 80104

RE: DR2024-001

Thank you for the opportunity to review and comment on the Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7 and 36. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations. After reviewing the application, DCHD has the following comment(s).

On-Site Wastewater Treatment System (OWTS) – New or Expanded

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. DCHD has no objection to the properties being served by an OWTS provided that the system is permitted, inspected, and operated in accordance with DCHD's current OWTS Regulation. If Accessory Dwelling Unit is not a part of the original OWTS system for the house, then the ADU will have to have its own OWTS system. This new OWTS system would then need a permit for installation and final approval of the system after it has been installed.

- DCHD has minimum horizontal setback regulations for OWTS systems that will have to met during the design of a new OWTS system

Short-Term Rentals

Douglas County Ordinance No. O-023-003 allows for ADUs to be used as Short-Term Rentals. The property owner must submit an application to the Department of Community Development for a Short-Term Rental License. This application packet would include a Use Permit issued by Douglas County Health Department.

Sincerely,

Caden Thompson
Environmental Health Specialist I
Douglas County Health Department

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development

O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

November 27, 2024

Douglas County File: DR2024-001

El Paso County File: OAR2437

RE: Douglas County ADU Resolution

To: Marcco Higham

DEPARTMENT OF PUBLIC WORKS ENGINEERING AND STORMWATER DIVISIONS

Review No. 1: El Paso County Engineering staff does not have comments.

Reviewed by:

Charlene Durham, PE

Senior Engineer

charlenedurham@elpasoco.com

PLANNING AND COMMUNITY DEVELOPMENT DIVISION

Review No. 1: El Paso County Planning and Community Development staff has no comments.

Reviewed by:

Lisa Elgin

Planner

LisaElgin@elpasoco.com

GRAND VIEW ESTATES

HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

AGENCY REFERRAL RESPONSE – DR2024-001

OVERVIEW

After a BOCC work session on 8/12/24 [Accessory Dwelling Unit (ADU) Regulatory Approach], the Grand View Estates HOA reached out to the three primary bill sponsors of HB24-1152 (effective 6/30/2025) for clarification on whether as alluded to in the work session, the new bill required that the County changed its zoning resolutions in all unincorporated areas of Douglas County in order to comply with a regulatory requirement of the bill.

Below is the response from bill sponsor Judy Amabile, State Representative House District 49.

From: Judy Amabile <judy@judyamabile.com>

Sent: Monday, August 12, 2024 7:46 PM

To: Karen Hickman <mkhickman@msn.com>

Cc: Robin Noble <aide@judyamabile.com>; ron.weinberg.house@coleg.gov <ron.weinberg.house@coleg.gov>; tony.exum.senate@coleg.gov <tony.exum.senate@coleg.gov>

Subject: Re: HB24-1152

Thanks for reaching out. The bill does not apply to unincorporated county properties. It only applies to cities with at least 1,000 people in Metropolitan Planning Organizations. It also applies to census designated places with a population of 40,000 people or more in MPO's. Douglas County can allow or not allow ADU's in unincorporated areas.

I am happy to talk further.

Judy Amabile

State Representative House District 49

303.517.4698

Further research has indicated that surrounding adjacent counties (Arapahoe, Elbert, El Paso, and Jefferson) already have allowed ADU's in their unincorporated areas in order to address the growing issue of housing availability/affordability in the unincorporated areas and to respond to requests from urban and rural homeowners desiring small, independent living spaces for a family member, an aging parent, or caregiver; or simply for earning extra income from a tenant to help offset a mortgage payment or other expenses.

But the difference between these adjacent counties and Douglas County is how they handle building/permitting and zoning violations.

HB2024-001 doesn't go into effect until 6/30/2025. Douglas County should take the next few months and implement actual resolutions that would ensure proper compliance and oversight. Even consider reaching out to other adjacent counties to review their existing regulations and understand their possible issues to date with their current policies.

ISSUES

Lack of Anonymous Reporting

GRAND VIEW ESTATES

HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

All of the above-mentioned counties allow for anonymous reporting of zoning and other types of violations. Douglas County does not have anonymous reporting which limits the number of violation reports for fear of retaliation, which is a real and recognized issue.

The reporting of violations anonymously assists to ensure compliance not only with existing zoning resolutions, but also other regulations pertaining to grading, drainage and erosion control, International Building Codes, and even those followed by the Douglas County Health Department to comply with State statutory regulations.

Lack of anonymous reporting would not only affect ADU compliance, it continues to affect the lack of oversight for Short-Term Rentals and even Class 2 HO's located throughout the county, but primarily in unincorporated areas without HOA's or other municipal oversight. (Class 2 HO's are businesses that are conducted outside of the main dwelling and are not allowed in the Estate Residential zoning designation.)

For example. Implementation of more stringent Class 2 HO resolutions in 2022 did not increase the number of property owners who applied for this type of permit in the RR, LRR, or AG zoning designations. The number still stands at 35 today but there are literally hundreds throughout the County.

While the County needed a Short-Term Rental policy due to the hundreds of existing unlicensed rentals at the time, implementing a policy didn't result in a significant increase in requested licenses and many today remain unpermitted or licensed.

Lack of anonymous reporting not only affects in some cases building permitting fees, but also property tax assessments when their office isn't aware of an unpermitted accessory building for example.

The "Slow Sip"

The Colorado Supreme Court in a recent ruling upheld a "slow sip" approach to managing groundwater all along the Front Range. The ruling upholds tougher limits on how much nonrenewable groundwater can be pumped from wells over the life of a state permit.

Has the new DougCo Water Commission weighed in on the expansion of ADU's throughout unincorporated Douglas County on property owners and other entities dependent on ground water vs. renewable sources?

Ongoing Oversight

After the shell of an accessory building is completed and the final inspection certificate awarded, the actual use or further build-out is not confirmed. Barns are used to store vehicles or accessory structures even become Short-Term Rental or ADU quarters.

In some instances, the building permit has not been finalized within the required timeframe and a final inspection issued before additional extensive buildout is completed.

If the County isn't going to allow anonymous reporting, they should consider implementing a policy to reinspect the accessory building or proposed ADU six to twelve months later.

The City and County of Denver assigns inspectors to a specific area who periodically inspect the areas for zoning or building violations. The County could consider doing the same for unincorporated areas or as inspectors are in the community or on-site looking for other violations or unpermitted structures.

GRAND VIEW ESTATES

HOMEOWNER'S ASSOCIATION

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OTHER CONSIDERATIONS

Based on research of adjacent county regulations some of which may already be considered by the County.

- **Lot Size**
 - Elbert County doesn't allow a non-integrated ADU on lots < 1 acre. On 1 to 5 acre lots a non-integrated ADU is only permitted by the Minor Special Use by Review process.
- **Maximum Square Footage**
 - Limit square footage of the ADU based on lot size.
 - Arapahoe County limits the size to not more than 40% of the square footage of the existing dwelling or based on specific lot sizes.
- **Design**
 - The ADU should be consistent with the design of the existing home by incorporating similar architectural elements such as roof form, window and door style, and exterior building materials/color.
- **Utilities**
 - The ADU should be connected to the same utilities of the existing home and meet all requirements for water and sanitation.
 - **Water**
 - If Public: Letter from the Water District stating that they approve of two (2) dwelling units on the property.
 - If Well: Well Permit explicitly states that it can be used for two or more dwellings, and a letter from the Colorado Division of Water Resources that states the existing well is not already in use for multiple dwellings and can accommodate a second dwelling unit and if "commercial" (rental), the permit approves such use.
 - **Sanitation**
 - If Public: Letter from the Sanitation District stating that they approve of two (2) dwelling units on the property.
 - If Septic: Active On-site Wastewater Permit approved by the Douglas County Health Department for the total number of bedrooms on the property (both primary and accessory dwelling units).
- **# of Occupants**
 - Consider limiting to no more than three people who shall occupy the ADU with no more than two unrelated individuals on the property.
 - Unclear how the "occupancy limits ban" signed into law by Governor Polis on 4/15/24 would affect this type of cap unless specific restrictions, such as for health or fire safety, could be adopted and also proven before a limit is enacted.

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- **Bedrooms**
 - El Paso County limits the number of bedrooms allowed to 1.
 - Other counties limit the number to 2 or based on water well permits or the capacity of the existing or expanded septic system.
- **Primary Property Owner Occupancy**
 - The property owner of the ADU should be required to reside in either the existing home or in the ADU. Owner residency should be secured through a signed and recorded deed restriction agreement.
- **Height**
 - Detached ADU's could be up to 22' in height but should be limited by building/permitting determined by the zoning designation and would be similar to any other addition to the main dwelling.
- **Other**
 - Use the same driveway as the primary dwelling to ensure proper culvert/flooding controls especially in unincorporated areas of the County.
 - To ensure property taxes are adjusted, a document will be recorded with the DC Assessor's Office that indicates a second dwelling on the property was permitted through the Accessory
 - Consider requiring that ADU's should be within 100' of the primary structure (on all lots > than 1 acre).
 - Not undermine existing HOA covenants. Letter stating an ADU is allowed in covenant-controlled communities. Consider notification of adjacent neighbors and the HOA.
 - Not more than one ADU constructed on any given property, and the ADU shall be accessory to a permitted single-family dwelling unit.
 - Sufficient off-street parking.
 - Tiny Homes on wheels and any type of RV should be explicitly excluded.
 - Review Process – ADU applications should be reviewed by County staff and even partner agencies such as the local fire districts, water and sanitation districts.
 - The following links should be included in the revised zoning regulations to encourage compliance with the Colorado Division of Water Resources and the Douglas County Health Department:
 - dwr.colorado.gov/service/well-permitting
 - douglascountyhealth.com

Finally, who is responsible for noise or other types of violations if the ADU is used as a rental property?



HAPPY CANYON HOMEOWNERS' ASSOCIATION
558 Castle Pines Pkwy., B #4, Box 159 - Castle Pines, CO 80108

www.happycanyon.org
happycanyonhoa@gmail.com

December 9, 2024
Marcco Higham, Planner
Douglas County Planning Services
100 Third St., Castle Rock, CO 80104

RE: Douglas County e-Referral (DR2024-001) Accessory Dwelling Units

Hello Marcco,

Thank you for sending the request for referral comment regarding Accessory Dwelling Units (ADUs) to the Happy Canyon Homeowners' Association (HCHOA).

<https://apps.douglas.co.us/planning/projects/download.aspx?PosseObjectId=95617020&hash=64DA680E17DED380365972E906C4D19E2FC99A23>

The ADU concept **sounds** good as a way for people to accommodate additional family members to live on their property. However, we believe there will likely be unintended consequences and possible abuses unless Douglas County provides comprehensive details and policies, along with strict enforcement. In reviewing the file documents, we have several comments/questions, shown below:

1. HCHOA is concerned that by allowing ADUs in unincorporated rural communities, Douglas County will undermine and inadvertently bypass decades of sound community planning and zoning efforts that were designed to preserve and protect our increasingly threatened "country lifestyle."

Furthermore, we believe that as ADUs creep into existing rural communities, the result will be de facto higher residential densities and unintended impacts to public safety and other resources, water, traffic, noise, loss of views, disrupted wildlife corridors/habitats, and more – without any rezoning or public hearing processes.

2. How will the addition of having an ADU impact one's property tax?

3. Happy Canyon is zoned Estate Residential; all lots are served by private wells and septic systems. Most lots are two acres or less, and a few are larger. Just to confirm, lots smaller than 2.3 acres are NOT allowed to have ADUs, correct?
4. Are ADUs for family members only and/or can they become short term/long term rentals? What are the details and how will this be enforced?
5. What are the size minimums/maximums for ADUs?
6. Just to confirm, only one ADU is allowed per lot for Estate Residential and other rural zoned properties?
7. The suggested height limit for ADUs is 35 feet (which is about three stories). We ask that this be reduced to twenty feet maximum height.
8. What is the occupancy limit for an ADU?
9. The ADU zoning resolution states that the Douglas County Building Department will oversee the **construction** of ADUs so that they comply with county codes. What about enforcement in the event of inevitable **usage** violations? Douglas County already has numerous existing zoning violations and not enough staff to enforce the rules. This results in pitting neighbors against neighbors, diminished quality of life and property values, and a deteriorating public trust in Douglas County's ability to manage the zoning changes they approve.

We would appreciate getting answers to our questions and ask that Douglas County will take our concerns and suggestions into account regarding approving ADUs in our community.

Best regards,

Rich West, President
Happy Canyon Homeowners' Association

From: [Randy Johnson](#)
To: [Marcco Higham](#)
Cc: [Valerie Hays](#)
Subject: LCP DR2024-001 ADU Referral Response
Date: Friday, December 6, 2024 11:23:51 AM

Marcco,

Louviers Conservation Partnership (LCP) has reviewed the DR2024-001 Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36 and has no objection to the proposed updates.

Randy Johnson

Valerie Hays

From: caskey540@cs.com
To: [Marcco Higham](#)
Cc: [John & Cherie Solomon](#); [Scott Ripple and Mary Dunn](#); [Scott and Cheryl Zimmerman](#); [Linda S. Humphrey](#)
Subject: Douglas County Zoning Amendment - ADUs - DR2024-001
Date: Tuesday, November 26, 2024 1:31:17 PM

Douglas County Planning Commission
Attn: Marcco Higham, Planner

Re: Douglas County Zoning Resolution Amendment
Accessory Dwelling Units (ADUs) - DR2024-001

Mr. Higham:

Reference is made to our telephone conversation of November 25, 2024 during which I expressed several concerns Parker View Estates Homeowners Association has regarding the captioned proposed amendment to the Douglas County regulations. First, maybe a little background might be helpful. Parker View Estates (filings 1, 2 and 3) (PVE) was established as a rural residential, platted and covenant controlled community on January 14, 1972. This neighborhood has been continuously controlled by approved and recorded Covenants and/or By Laws since its inception. One of the most important tenants of our Covenants is that there shall be no more than one single family dwelling on each approximate five acre lot. The covenants further state that there shall be not more than one outbuilding in addition to the primary dwelling on any lot. These Covenants have been a major reason for the home values in Parker View Estates remaining high and competitive all these years. Parker View Estates, its HOA and its residents, have never wanted our neighborhood to look like so many other non-covenant controlled areas in Douglas County that have had all sorts of small poorly constructed and often no-compliant structures built all over a given lot. The residents of Parker View Estates are concerned that these proposed changes regarding ADUs will adversely impact housing values, increase traffic in our secluded neighborhood and make our neighborhood less safe. An outline of our concerns is as follows:

1. Page 5-2, 501 Intent - first paragraph: This statement largely speaks to the aesthetic values of living in a quasi-rural environment and specifically states that "The density range is from one dwelling per 9.9 acres to one dwelling per 5 acres". This is the density all residents in PVE expected when their properties were acquired and what is expected in the future. For the County to change the regulations to potentially allow a doubling of the allowed dwellings and the population within our neighborhood is unacceptable.
2. Page 5-3, 502.03 - Residence: This statement, again makes it clear that there shall be not more than "1 single-family dwelling" per lot. This begs the same argument as stated above.

3. Page 5-3, 503 - Accessory Uses: "(Lots smaller than 4.5 acre are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size)". PVE, as stated above, is comprised of 40 residential lots having a gross size of 5 acres or slightly more. Once easements are considered, these lot sizes drop to slightly less than 5 acres on a net basis. Which size, net or gross acreage, is the County going to base its decisions on?

4. Page 5-3, 503.01: this proposed addition would specifically allow the addition of an ADU to each lot within PVE "except as restricted by a rural site plan, subdivision plat or other similar approval". Since PVE is a platted community and is controlled by approved Protective Covenants, does this negate the proposed changes as would possibly apply to PVE?

5. Page 5-5, 506.03 and 506.04: These proposed changes would not apply to PVE since all lots are approximately 5 acres. However, if ADUs were to be allowed, could or should there be and additional well allowed to be drilled on each lot? If this were to be the case our already diminished underground water resources could, again, be doubly impacted.

6. Page 5-5, 507 - Maximum Gross Density: this statement again speaks to there being only "1 dwelling per 5 acres and may be less" allowed. It also alluded to 501 Intent where peaceful enjoyment of one's property is a priority. The intent, in all cases for 5 acre lots, is that there shall clearly not be a density greater than one dwelling per lot. How much clearer can it be stated?

In closing, the above is simply an outline of the concerns PVE residents have regarding the County's proposed zoning changes. It is certainly not a list of all the issues or questions we may have, now or in the future. It is one thing to allow ADUs in an urban setting where the infrastructure, community water, sewer and other such amenities are available, but here in PVE we do not desire the "one size fits all" approach to governance in our neighborhood.

This discussion has been reviewed and approved by the Parker View Estates Board of Directors and submitted by Michael C. Caskey, its President. I can be reached at the above email address or my cell: 303-992-4964.

From: caskey540@cs.com
To: [Marcco Higham](#)
Cc: [John & Cherie Solomon](#); [Scott and Cheryl Zimmerman](#); [Linda S. Humphrey](#); [Scott Ripple and Mary Dunn](#)
Subject: Re: ADU supplemental comments and concerns
Date: Tuesday, December 10, 2024 1:20:11 PM

Douglas County Planning Commission

Attn: Marrco Higham, Planner

Re: Douglas County Zoning Resolution Amendment

Douglas County Zoning Resolution Amendment Accessory Dwelling Units (ADUs) - DR2024-001

Mr. Higham:

The Board of Directors of the Parker View Estates HOA was in attendance at the meeting held on December 3, 2024 at 4pm regarding the referenced proposal. At that meeting the Planning staff answered questions and to the best of their ability and attempted to explain the rationale behind our elected County Commissioners deciding to suggest ADUs be allowed in our Rural Residential (RR) neighborhoods. Unfortunately, their answers seemed to create more issues and bring out more questions than were answered. Consequently, this BOD wishes to make its concerns, again, clear. This discussion is in addition to our original comment letter dated November 12, 2024.

The Commissioners should first and foremost consider "Article 501: Intent" in the current rules and regulations concerning dwelling densities on RR lots in Douglas County. For the Staff's and the Commissioners' convenience it is quoted from the regulations as follows: "To provide for large-lot residential homesites, on land that has minimal farming or ranching value, that create country living in a rural atmosphere while preserving the vegetation, significant geologic features, wildlife habitat/corridors, views and privacy, and provide an appropriate transition from urban development to agricultural areas. The density range is from one dwelling per 9.9 acres to one dwelling per 5 acres". This is the long standing "mission statement" for all the rules and regulations that follow. The proposed Amendment to the rules would, in every case, at least detract from if not ruin the RR environment this statement was and is meant to protect and which all RR residents bought into when they purchased their properties.

Some, but certainly not all of the possible and maybe probable, outcomes of a decision to implement the very poorly thought-out proposed changes are as follows:

1. Additional water wells would have to be drilled, or existing wells improved to pump double the quantities from already depleting aquifers.
2. Additional septic systems would have to be installed thereby

increasing sewage fouling of the surface and shallow water table waters.

3. Current views would be disrupted, if not destroyed for neighboring properties.

4. Traffic would be increased, bringing more air pollution and cause the need for increased road maintenance.

5. Additional light pollution at night would certainly occur.

6. Unfortunately, rental properties often are not maintained to the standards that most owners favor. Therefore, there could easily be weed and junk ridden properties next door to owners who value a well landscaped and maintained property which would again, create issues in the neighborhood. Two rental properties on one 5 acre lot could become a norm.

7. Also when rental properties are outside incorporated areas there is a stronger likelihood that crime will increase in those areas. For example, Illegal drug manufacturers seek out properties that are isolated so that their activities are less likely to be realized. This would increase the need for more law enforcement and further contribute to a less than desirable environment for the nearby residents.

8. The added population will increase the danger of catastrophic wildfires happening, claiming more victims and increasing property damage resulting from such fires.

All of the above issues would certainly serve to decrease property values for any nearby properties and create disputes between neighbors where only attorneys would profit. This does not "create country living in a rural atmosphere" as called for in Article 501.

Parker View Estates is a Covenant Controlled Community and as such has very specific language in its By-Laws, Covenants and Policies and Procedures that limit dwelling densities in the same manner as the un-amended County rules do to one residential dwelling per 5-acre lot. In fact, our Covenants go on to specify that in addition to the one dwelling there can be only one detached outbuilding (garage, barn, chicken coop, etc.). In the past, the County has been very supportive of HOAs and their enforcement of covenants. Should the Commissioners elect to approve the ADU proposed changes, HOAs would be essentially "thrown under

the bus" and have to litigate issues associated with those changes with their neighbors. This is totally unacceptable and shows an amazing lack of understanding of the lifestyle we RR residents cherish.

It is beyond us why the Commissioners, which we were told, addressed these proposed changes to the regulations on their own volition. Please answer the question to your constituents why you, the Commissioners, would desire or even propose to make these changes. Is it to get perceived increased taxes from more housing density or is it an attempt conform to the Denver/Boulder model for "affordable housing" and/or "one size fits all" governance? These proposed modifications would certainly not make for affordable housing and the Denver/Boulder model would not be in Douglas County's residents' best interest. In any event, the changes to possibly double the population density in RR areas of Douglas and create an associated disruption of the Rural Residential lifestyle is unacceptable and therefore, DR2024-001 needs to be abandoned immediately.

Again, this discussion has been reviewed and approved by the Parker View Estates Board of Directors and submitted by Michael C. Caskey, its President. Should you, the Staff or the Commissioners have questions, please feel free to contact me at my email address or my cell phone 303-882-4964.

From: [Mike Marcum](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County eReferral (DR2024-001) Is Ready For Review
Date: Wednesday, December 11, 2024 7:39:10 AM

Marcco,

RWSD has no comments.

Sincerely,



-----Original Message-----

From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Wednesday, November 13, 2024 10:13 AM
To: Mike Marcum <Mike@ROXWATER.ORG>
Subject: Douglas County eReferral (DR2024-001) Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account:
<https://apps.douglas.co.us/planning/projects/Login.aspx>

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and forward any comments to me by December 13, 2024. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at www.douglas.co.us/PRO and entering the project file number DR2024-001 in the search tool.

Synopsis of Regulation Change:

Douglas County is proposing changes to allow ADUs in the Zoning Resolution. The proposed amendments would allow ADUs as an accessory residential use on lots with an established principal residence in five residential and/or rural zone districts. The amendments also include a new definition for ADUs, revisions, and minor technical corrections to various references. The following Sections are affected:

- 3 – Agricultural One
- 4 – Large Rural Residential
- 5 – Rural Residential
- 6 – Estate Residential
- 7 – Suburban Residential



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

December 5, 2024

Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104

Attn: Marcco Higham

Re: Accessory Dwelling Units (ADUs), Case # DR2024-001

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and currently has no apparent conflict contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities, and that our current use/enjoyment of the area would continue to be an accepted use on the property and that it be "grandfathered" into these changes.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com

ADU Public Workshop Staff Notes

Tuesday, December 3, 2024

3:55 PM

Public Comments:

Who brought up the idea for bringing ADUs to areas outside of state bill?

If this is adopted, what does that mean?

Isn't it true that if you have covenants, they override?

My area is single family only so we can't have areas that allow for rental properties?

Opposed to Guest Houses as ADU's.

Covenants take precedence over county rules?

Covenants have to be amended if you are in Highlands Ranch CDP to allow for ADUs.

Concern about contradictory language in HOA covenants with County regulations and how to resolve that.

Not enabling short term rentals - that is a separate ordinance process.

Would like to see clarification that as soon as it becomes commercial, that is different than the well permit issued for single family.

Allowing ADUs for rent is commercializing the property and should not be allowed.

Concern about pressure on aquifer - ADU's should only be allowed on city sewer/ water.

Intent of zoning regulations is to preserve rural character, and these changes do exactly the opposite.

Questions about how amendments are written and the process.

Effectively taking areas of the Master Plan that are supposed to remain rural and commercializing and now HOAs have to deal with covenant enforcement.

Nonprofit associations and HOAs don't have the funds to fight legal battles for covenant enforcement.

Concerns about contamination of groundwater from septic.

Concerns about traffic impacts.

One consideration - if ADUs are allowed in rural area and the principal residence is also rented along with an ADU then you have two rental properties.

Concerns over rental units and public safety.

Straining neighborhood resources and quality of life.

Let other jurisdictions allow ADUs and learn from their unintended consequences before allowing in DougCo.

It doesn't say that only 1 ADU is allowed in 35 acres -- staff will check on this.

Do you have to rezone if you have 35 acres?

In a 5 acre rural residential zone district, does this apply?

Propose that building permit department approves permits based on covenant allowances for each community.

How is Highlands Ranch area different? State able to overrule covenants and local regulations.

Consensus to remove ability for 2nd ADU.

Concern that we can't undue this, but we can always decide to do this later and it will forever change the character of the County and deserves the time for public input and have discussion with public - additional emphasis on this point to put a pause on this process.

Questions about what the "code" is that the ADU will have to meet.

Are there size requirements?

Is there a maximum size?

The proposed regulation could cause a doubling of the existing density in rural DougCo.

Have there been any letters of support?

Concern over increasing risk of fire/wildfire.

Would existing built out structure be grandfathered in as an ADU if it didn't have permitting to begin with?

Why did we not hear about this if the County has been talking about this for 2-3 years? Shouldn't a letter be sent out to notify everyone?

Ambiguous phrases, conflicts of what exists in reality.

Douglas County has gotten awards for how they've handled rural areas.

Any idea why the Commissioners are bringing this forward now? Have they indicated this to staff?

Misleading to allow Guest Houses as an ADU and will cause issues amongst neighbors.

What will happen to property taxes if neighbor puts up an ADU? Will it affect valuation of neighboring property that does not have an ADU.

Concerns about this being in conflict with section 501.

SECTION 3 A1 AGRICULTURAL ONE DISTRICT

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301 Intent (Amended 8/11/09)

To provide areas for a wide range of farming, ranching, or tree farming activities and the preservation of such land for its open rural character providing a physical and visual separation between urban centers.

Urban development within this district is strongly discouraged. Agricultural land use can be an efficient means of conserving natural resources, constituting an important physical, environmental, social, aesthetic, and economic asset to both the urban and rural residents of the County. Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The A-1 zone district is characterized by large-acreage farms, ranches, open areas, farm houses, units for agricultural workers and their families, and other uses allowed which enhance and promote the openness and general rural nature characteristic of the County. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

302 Principal Uses

On parcels of 35 acres or greater, the following uses shall be allowed by right: *(Parcels smaller than 35 acres are limited to the principal ~~and accessory~~ uses allowed in the residential zone district to which the parcel conforms in size.)* (Amended 5/14/03)

302.01 Agricultural recreational activities

302.02 Agriculture (Amended 1/28/14)

302.03 Animals – (refer to Section 24)

302.04 Community Uses:

- Church – maximum seating capacity of 350 in main worship area (*Site Improvement Plan required per Section 27*)
- Fire station – no on-site training (*Site Improvement Plan required per Section 27*)
- Library (*Site Improvement Plan required per Section 27*)
- Open Space/trails
- Park/playground
- Recreation facility – private (*Site Improvement Plan required per Section 27*) (Amended 9/9/08)

- School – public/private kindergarten thru 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation – no training or detention (*Site Improvement Plan required per Section 27*)
- Temporary Emergency Shelter (*Approval letter required from the Director; the use must comply with applicable regulations*) (*Amended 10/14/02*)

302.05 Construction office – temporary

302.06 Event Center on a parcel of 80 acres or greater (*Site Improvement Plan required per Section 27, unless conducted as an accessory use to an agricultural use on a parcel 160 acres or greater*) (*refer to Section 324*) (*Amended 4/28/15*)

302.07 Greenhouse – a maximum of 1 acre (43,560 sq. ft.) total area including warehouse and shipping facilities

302.08 Hay sales (*Site Improvement Plan required per Section 27*) (*Amended 4/28/15*)

302.09 Residence (*Amended 4/28/15*)

- Caretaker – one (1) per lot
 - Mobile home, when a principal single-family dwelling exists on the lot
- Principal – one (1) single-family dwelling or one (1) group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
- Temporary (*refer to Section 22*)

302.10 Residential sales office – temporary (*refer to Section 22*)

302.11 Training of non-owned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

302.12 Utility service facility (*Site Improvement Plan required per Section 27*)

302.13 Veterinary Clinic or Hospital, Equine and Livestock (*Site Improvement Plan required per Section 27*) (*Amended 2/21/23*)

303 Accessory Uses

The following uses shall be allowed only when a principal use has been established on the lot. (Parcels smaller than 35 acres are limited to the accessory uses allowed in the residential zone district to which the parcel conforms in size.)

303.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval. A second ADU may be allowed subject to Section 325, Second Accessory Dwelling Unit Standards.

303.02~~4~~ Accessory uses and buildings

303.03~~2~~ Day-care home – small

303.04~~3~~ Entertainment Event – *(refer to Section 22B) (Amended 1/28/14)*

303.04~~5~~ Event Center on a parcel of 160 acres or greater with a principal agricultural use *(Amended 4/28/15)*

303.06~~5~~ Farmers Market – *(refer to Section 22A) (Amended 1/28/14)*

303.07~~6~~ Garage – private:

- For lots less than 1 acre in size – a maximum of one (1) detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size – a maximum of two (2) detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(Amended 3/08/22)

~~303.07 Guest house~~

303.08 Home Occupation – Class 1 and Class 2 *(refer to Section 23)*

303.09 In-home elder care *(Amended 3/28/01)*

303.10 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*

303.11 Satellite receiving dish accessory to a residence

303.12 Value-added Agricultural Processing – limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*

304 Uses Permitted ~~B~~by Special Review *(Amended 1/28/14)*

On parcels of 35 acres or greater, the following uses are permitted, upon the approval of the Board, in accordance with Sections ~~21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100~~ ~~Use ~~B~~by Special Review, and 27-Site Improvement Plan~~ of this Resolution. *(Parcels smaller than 35 acres are limited to the uses by special review allowed in the residential zone district to which the parcel conforms to in area.)*

305.01.3 Farm provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 1200 acres of farmed land.

305.01.4 Combination farm/ranch activities provided the required narrative demonstrates a need based on the general criteria cited for each activity.

305.02 Applications for agricultural worker housing shall be reviewed in accordance with the thresholds contained in subsection 305, and the criteria and process set forth in subsections 316 through 323.

305.03 The Director shall determine threshold criteria for uses, or combinations of uses, not specifically listed.

306 Minimum Lot Area: 35 acres*

Lots less than 35 acres in area shall be limited to the uses allowed in the agricultural or residential zone district to which the lot conforms in area.

306.01 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

306.02 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

*The minimum lot area may be decreased with a clustered design through the exemption process. (Amended 4/28/15)

306 Minimum Lot Area: 35 acres *

Lots less than 35 acres in area shall be limited to the uses allowed in the agricultural or residential zone district to which the lot conforms in area.

*The minimum lot area may be decreased with a clustered design through the exemption process. (Amended 4/28/15)

320.03.4 Other income-producing activities occurring on the site

- 320.04 A description of the sanitary service to be provided and evidence that the system is in accordance with ~~Tri~~-County Health Department regulations
- 320.05 A description of the water service to be provided and evidence of the ability of the water to be used in the manner proposed
- 320.06 A description of the increase or reduction in traffic anticipated in trips per day as a result of the housing units
- 320.07 A description of community services or facilities (libraries, medical facilities, schools, etc.) that may be required or accessed by the occupants of the unit

321 Administrative Review – Plan Exhibit (Amended 4/24/02)

A site plan shall be submitted, drawn to scale that includes the following:

- 321.01 a vicinity map showing the site and the relationship to adjacent properties and major roads;
- 321.02 the total acreage owned or leased by the applicant;
- 321.03 the zoning and use of the contiguous parcels owned, and the zoning and use of adjacent land;
- 321.04 the location of the proposed agricultural worker unit with dimensions to the nearest property lines, and dimensions of the proposed unit;
- 321.05 a sketch of the floor plan for all units proposed, along with a notation restricting the residential use of the units to agricultural workers as defined and approved;
- 321.06 the location and dimensions of all property lines, existing and proposed structures, existing and proposed wells, septic systems, and leach fields noting separation distances as necessary;
- 321.07 access to proposed units – delineate public and private roads, dimensions, and note surface material, and;
- 321.08 all drainage ways affecting the site and designation of any 100-year floodplain on or adjacent to the site.

322 Administrative Permit – Annual Inspection (Amended 4/24/02)

Agricultural housing approved by administrative review shall meet all applicable regulations associated with residential development and shall be subject to an annual compliance inspection. A copy of the landowner/lessee's federal 943 Tax Form indicating

- The Director shall provide a written Event Center certification upon review of the request which confirms that the property meets the minimum size required, that there is a principal agricultural use, and that access is provided. The certification shall include a statement that the event center use is vested, for purposes of setbacks, regardless of subsequent development on adjacent parcels.
- 324.03.2 Noise generated by the event center use shall comply with the limits established in Section 1703A of the Noise Overlay District.
- 324.03.3 If a land division reduces the parcel size to below 160 acres, approval of an application under the provisions of Section 302.06 or 304.08, as applicable, shall be required for continued event center use.

325 Second Accessory Dwelling Unit (ADU)

A second ADU may be allowed on a parcel of 35 acres or more in size where one ADU has previously been approved or constructed, subject to the following review process.

325.01 Review Process

- 325.01.1 Following a presubmittal meeting with Planning Services, the applicant shall submit the information required in 325.02 to Planning Services. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, staff will send referral response requests to other agencies for review and comment on the application.
- 325.01.2 Referral agencies may include but are not limited to Douglas County Engineering and Building Divisions, Douglas County Health Department, Douglas County Sheriff's Office, the affected fire district, utility providers, Colorado Division of Water Resources, and county-registered homeowners associations within a two (2)-mile radius. The applicant will be asked to address all comments received.
- 325.01.3 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. Staff shall also send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein.

325.01.4 At least 14 days prior to the public meeting before the Board, the applicant shall mail a written notice of the public meeting 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:

NOTICE OF PUBLIC MEETING BEFORE THE BOARD OF COUNTY COMMISSIONERS

A public meeting will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, to consider approval of a second accessory dwelling unit (ADU) at (address or nearest intersection). For more information call Douglas County Planning at 303-660-7460.

File No. and Name: _____

At least 7 days prior to the public meeting, the applicant shall provide the following to the Planning Services Division:

- Alphabetical list of the landowners.
- A map showing their relationship to the site.
- A copy of the notice sent to the landowners.
- 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, the landowner that did not receive such complying notice may waive such notice by submitting a written waiver to Planning Services prior to the meeting.

325.01.5 The request for a second ADU shall be approved, approved with conditions, continued, tabled for further study, or denied by the Board of County Commissioners at a public meeting. The Board shall evaluate the request, staff report, applicant responses, and public comment and testimony. The Board's action shall be based on the

evidence presented; and compliance with adopted County standards, regulations, and policies.

325.02 Submittal Requirements

325.02.1 Land use application

325.02.2 Proof of current ownership within 14 days of application submittal such as a title commitment or other instrument acceptable to the County.

325.02.3 Narrative describing the request. Include information on the proposed size and other design features of the proposed ADU. Describe how water and sewer services will be provided to the ADU. Indicate how the ADU will be sited on the property to minimize site disturbance and impacts to adjacent properties.

325.02.4 Copy of existing well permit(s) or septic use permit(s) issued for the property.

325.02.5 Plan exhibit to include the following:

- A vicinity map showing the parcel in relationship to adjacent properties and major roads. An aerial image may be used for this map.
- An overall parcel map labeling existing structures and dwellings.
- A site plan for the second ADU to show the building footprint or envelope. Show topography in two-foot contours within the area to be impacted by ADU construction. A DESC (Drainage, Erosion, and Sediment Control) Plan may be submitted in lieu of the site plan if one has been prepared.

325.02.6 Any other information requested by staff as necessary to evaluate the request. The Director may waive a required submittal requirement if deemed unnecessary to the review of the request.

325.03 Approval Standards

325.03.1 The second ADU is located outside of major drainageways and mapped 100-year floodplains.

325.03.2 The second ADU is capable of being served by water, sewer, and utility services.

325.03.3 The second ADU location minimizes impacts to existing topography and vegetation.

325.03.4 Legal and physical access is available to the second ADU.

325.03.5 The second ADU shall meet setback, height, and parking standards.

325.03.6 The second ADU is in general compliance with the goals, policies, and objectives of the County Comprehensive Master Plan.

SECTION 4 LRR – LARGE RURAL RESIDENTIAL DISTRICT

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401 Intent (Amended 8/11/09)

To provide areas for large-lot residential uses with limited farming, ranching, or tree farming activities and the preservation of such land as open rural area. The density range is from one dwelling per 34.9 acres to one (1) dwelling per 10 acres.

Urban development within this district is strongly discouraged. Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Large residential sites with limited agricultural uses may be appropriate when located outside the highway corridor viewsheds depicted on the Douglas County Open Lands Opportunity Map and when adjacent to residential development of similar or greater density. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The LRR zone district is characterized by residential sites with limited agricultural uses and open areas, which enhance and promote the openness and general rural character of the County. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

402 Principal Uses

On lots of 9 acres or greater in area, the following uses shall be allowed by right: *(Lots smaller than 9 acres are limited to the principal ~~and accessory~~ uses allowed in the residential zone district to which the lot conforms in size.)* (Amended 5/14/03)

402.01 Agricultural recreational activities

402.02 Agriculture (Amended 1/28/14)

402.03 Animals - (refer to Section 24)

402.04 Community Uses:

- Church - maximum seating capacity of 350 in main worship area (*Site Improvement Plan required per Section 27*)
- Fire station - no on-site training (*Site Improvement Plan required per Section 27*)
- Library (*Site Improvement Plan required per Section 27*)
- Open space/trails
- Park/playground
- Recreation facility - private (*Site Improvement Plan required per Section 27*) (Amended 9/9/08)

- School - public/private kindergarten thru 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)
- Temporary Emergency Shelter (*Approval letter required from the Director; the use must comply with applicable regulations*) (*Amended 10/14/02*)

402.05 Construction office - temporary (*refer to Section 22*)

402.06 Greenhouse - a maximum of 1 acre (43,560 sq. ft.) total area including warehouse/shipping facilities

402.07 Residence

- Principal - one (1) single-family dwelling or one (1) group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
- Temporary (*refer to Section 22*)

402.08 Residential sales office - temporary (*refer to Section 22*)

402.09 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

402.10 Utility service facility (*Site Improvement Plan required per Section 27*)

402.11 Veterinary Clinic or Hospital, Equine and Livestock (*Site Improvement Plan required per Section 27*) (*Amended 2/21/23*)

403 Accessory Uses

The following accessory uses shall be allowed only when a principal use has been established on the lot. (*Lots smaller than 9 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.*)

403.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval.

403.0~~2~~⁴ Accessory uses and buildings

403.0~~3~~² Day-care home - small

403.0~~4~~³ Entertainment Event - (*refer to Section 22B*) (*Amended 1/28/14*)

403.0~~5~~⁴ Farmers Market - (*refer to Section 22A*) (*Amended 1/28/14*)

403.0~~65~~ Garage - private:

- For lots less than 1 acre in size - a maximum of one (1) detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size - a maximum of two (2) detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.

(Amended 3/8/22)

~~403.06 Guest house~~

403.07 Home occupation - Class 1 and Class 2 *(refer to Section 23)*

403.08 In-home elder care *(Amended 3/28/01)*

403.09 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*

403.10 Satellite receiving dish

403.11 Value-added Agricultural Processing - limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*

404 Uses Permitted By Special Review *(Amended 6/22/05)*

On lots of 9 acres or greater in area, the following uses are permitted, upon the approval of the Board, in accordance with Sections ~~21~~ Use By Special Review ~~and 27 Site Improvement Plan~~, herein. *(Lots smaller than 9 acres are limited to the uses by special review allowed in the residential zone district to which the lot conforms to in area.)*
(Amended 5/14/03)

404.01 Animals - nondomestic, exotic

404.02 Church - greater than 350 seating capacity in main worship area

404.03 Cultural facility

404.04 Day-care center/preschool, or day-care home - large

404.05 Golf course legally established as a Use by Special Review prior to June 22, 2005

404.06 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*

404.07 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review. *Exempt from Section 18A: Water Supply-Overlay District (Amended 10/14/02)*

- 404.08 Horse rental stable
- 404.09 Kennel
- 404.10 Recreation facility - community
- 404.11 Residence *(Amended 4/28/15)*
 - Bed and Breakfast
 - Caretaker - 1 per lot (may be a mobile home)
 - Group Residential Facility
- 404.12 Septic waste and domestic sludge application
- 404.13 Utility - major facility
- 404.14 Veterinary clinic or hospital
- 404.15 Wind energy conversion system

405 Land Dedication

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.

406 Lot Area

To promote a design that is sensitive to the natural environment and adapts to the natural topography, flexibility in lot size is allowed. Lot size may be determined through a site analysis based on compatibility with adjacent land uses, health department requirements, the natural environment, water supply, soil suitability for septic systems, and the Douglas County Master Plan. The ability to keep animals may be affected by the lot size. *(Refer to Section 24)*

- 406.01 For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres.
- 406.02 For lots served by a central water system, the allowable minimum lot area is 1 acre.
- 406.03 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU).
- 406.04 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

407 Maximum Gross Density

SECTION 5 RR - RURAL RESIDENTIAL DISTRICT

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501 Intent (Amended 8/11/09)

To provide areas for large-lot residential homesites, on land that has minimal farming or ranching value, that create country living in a rural atmosphere while preserving the vegetation, significant geological features, wildlife habitat/corridors, views and privacy, and provide an appropriate transition from urban development to agricultural areas. The density range is from one dwelling per 9.9 acres to one dwelling per 5 acres.

Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Large-lot residential homesites may be appropriate when located outside the highway corridor viewsheds, depicted on the Douglas County Open Lands Opportunity Map, and when adjacent to residential development of similar or greater density. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

Development within this district should provide road connections between developments allowing adequate response time for sheriff/fire protection, and medical support, and more efficient service delivery such as school busing. Extension of water resources may be extended to large-lot development in accordance with the County Comprehensive Master Plan, as amended.

The RR zone district is characterized by large-lot residential homesites and other accessory uses which enhance the basic elements of a balanced residential area, such as, schools, parks, neighborhood recreational facilities, and open space. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

502 Principal Uses

On lots of 4.5 acres or greater in area, the following uses shall be allowed by right: *(Lots smaller than 4.5 acres are limited to the principal ~~and accessory~~ uses allowed in the residential zone district to which the lot conforms in size.)* (Amended 5/14/03)

502.01 Community Uses:

- Church - maximum seating capacity of 350 in main worship area *(Site Improvement Plan required per Section 27)*
- Fire station - no on-site training *(Site Improvement Plan required per Section 27)*
- Library *(Site Improvement Plan required per Section 27)*
- Open space/trails
- Park/playground

- Recreation facility - neighborhood (*Site improvement plan required per Section 27*)
- Recreation facility - private (*Site improvement plan required per Section 27*) (*Amended 9/9/08*)
- School - public/private kindergarten thru 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)

502.02 Construction office - temporary

502.03 Residence

- Principal - 1 single-family dwelling or 1 group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
- Temporary (*refer to Section 22*)

502.04 Sales office - temporary (*refer to Section 22*)

502.05 Utility service facility (*Site Improvement Plan required per Section 27*)

503 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot:
(Lots smaller than 4.5 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.)

503.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar approval.

503.0~~2~~²¹ Accessory uses and buildings

503.0~~3~~³² Animals (*refer to Section 24*)

503.0~~4~~⁴³ Day-care home - small

503.0~~5~~⁵⁴ Garage - private:

- For lots less than 1 acre in size - a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size - a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(Amended 3/8/22)

503.0~~5~~ ~~Guest house~~

- 503.06 Home Occupation - Class 1 and Class 2 (*refer to Section 23*)
- 503.07 In-home elder care (*Amended 3/28/01*)
- 503.08 Satellite receiving dish
- 503.09 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week
- 503.10 Youth-oriented agricultural activity (*Amended 6/14/06*)

504 Uses Permitted By Special Review (*Amended 6/22/05*)

On lots of 4.5 acres or greater in area, the following uses are permitted, upon the approval of the Board, in accordance with Section 21. Use ~~by~~ By Special Review ~~and Section 27 Site Improvement Plan~~, herein. (*Lots smaller than 4.5 acres are limited to the uses by special review allowed in the residential zone district to which the lot conforms to in area.*)

- 504.01 Church - greater than 350 seating capacity in main worship area
- 504.02 Day-care center/preschool, or day-care home - large
- 504.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 (*Amended 2/12/19*)
- 504.04 Home occupation pursuant to Section 2310, herein. (*Amended 8/23/22*)
- 504.05 Horse boarding or training facility that exceeds the maximum number or horses permitted by right
- 504.06 Recreation facility - community
- 504.07 Residence
 - Bed and Breakfast
- 504.08 Utility - major facility
- 504.09 Veterinary hospital/clinic
- 504.10 Wind energy conversion system

505 Land Dedication

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.

506 Lot Area

To promote a design that is sensitive to the natural environment and adapts to the natural topography, flexibility in lot size is allowed. Lot size may be determined through a site analysis based on compatibility with adjacent land uses, health department requirements, the natural environment, water availability, soil suitability for septic, and the Douglas County Master Plan. The ability to keep animals may be affected by the lot size. *(Refer to Section 24)*

506.01 For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres.

506.02 For lots served by a central water system, the allowable minimum lot area is 1 acre.

506.03 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

506.04 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

507 Maximum Gross Density

The gross density shall not exceed 1 dwelling per 5 acres and may be less due to required infrastructure or dedication, or environmental constraints.

508 Minimum Setbacks

Lot Size	SETBACK FROM:			
	Street	Side Lot Line	Rear Line Lot	115+KV Power Line
LESS than 2.3	regional/maj. arterial: 100' other: 25'	15'*	25'* accessory: 15'	100'
2.3-4.49 ac.	regional/maj. arterial: 100' other: 25'	25'*	25'*	100'
4.5+ ac.	regional/maj. arterial: 100' other: 50'	25'*	25'*	100'

*Schools and buildings within recreation areas shall be set back 50'

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition section.) The setback from the POWER LINE is measured from the closest edge of the easement to the structure.

509 Encroachments

509.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.

SECTION 6 ER - ESTATE RESIDENTIAL DISTRICT

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601 Intent (Amended 8/11/09)

To provide areas for medium low-density residential homesites, on land that has minimal farming or ranching value, that create country living in a rural atmosphere while preserving the vegetation, significant geological features, wildlife habitat/corridors, views and privacy, and provide an appropriate transition from urban development to large-lot residential or agricultural areas. The density range is from one dwelling per 4.9 acres to one dwelling per 2.5 acres. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve these areas.

Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Medium low-density residential homesites may be appropriate when located outside the highway corridor viewsheds, depicted on the Douglas County Open Lands Opportunity Map, and when adjacent to residential development of similar or greater density. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

Development within this district should provide road connections, between developments, that provide adequate response time for sheriff/fire protection and medical support, and more efficient service delivery such as school busing.

The ER zone district is characterized by residential homesites and other accessory uses which enhance the basic elements of a balanced residential area, such as, schools, parks, neighborhood recreational facilities, and open space. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

602 Principal Uses

On lots of 2.3 acres or greater in area, the following uses shall be allowed by right: *(Lots smaller than 2.3 acres are limited to the principal ~~and accessory~~ uses allowed in the residential zone district to which the lot conforms in size.)* (Amended 5/14/03)

602.01 Community Uses:

- Church - maximum seating capacity of 350 in main worship area *(Site Improvement Plan required per Section 27)*
- Fire station - no on-site training *(Site Improvement Plan required per Section 27)*
- Library *(Site Improvement Plan required per Section 27)*
- Open space/trails
- Park/playground
- Recreation facility - neighborhood *(Site Improvement Plan required per Section 27)*

- Recreation facility - private (*Site Improvement Plan required per Section 27*) (*Amended 9/9/08*)
- School - public/private kindergarten through 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)

602.02 Construction office - temporary (*refer to Section 22*)

602.03 Residence

- Principal - 1 single-family dwelling or 1 group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
- Temporary (*refer to Section 22*)

602.04 Sales office - temporary (*refer to Section 22*)

602.05 Utility service facility (*Site Improvement Plan required per Section 27*)

602.06 Youth-oriented agricultural activity

603 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot.
(Lots smaller than 2.3 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.)

603.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval.

603.0~~2~~4 Accessory uses and buildings

603.0~~2~~3 Animals (*refer to Section 24*)

603.0~~3~~4 Day-care home - small

603.0~~4~~5 Garage - private:

- For lots less than 1 acre in size - a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size - a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(*Amended 3/8/22*)

603.0~~5~~6 Home occupation - Class 1 (*refer to Section 23*)

603.0~~6~~7 In-home elder care *(Amended 3/28/01)*

603.0~~7~~8 Satellite receiving dish

603.0~~8~~9 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

604 Uses Permitted By Special Review *(Amended 6/22/05)*

On lots 2.3 acres or greater in area, the following uses are permitted, upon the approval of the Board, in accordance with Section 21. Use ~~b~~By Special Review ~~and Section 27 Site Improvement Plan~~ of this Resolution. *(Lots smaller than 2.3 acres are limited to the uses by special review allowed in the residential zone district to which the lot conforms to in area.)*

604.01 Church - greater than 350 seating capacity in main worship area

604.02 Day-care center/preschool, or day-care home - large

604.03 Horse boarding or training facility that exceeds the maximum number of horses permitted by right

604.04 Recreation facility - community

604.05 Residence

- Bed and Breakfast

604.06 Utility - major facility

605 Land Dedication

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.

606 Lot Area

To promote a design that is sensitive to the natural land features and adapts to the natural topography, flexibility in lot size is allowed. Lot size may be determined through a site analysis based on compatibility with adjacent land uses, health department requirements, the natural environment, water availability, soil suitability for septic, and the Douglas County Master Plan. The ability to keep animals may be affected by the lot size. *(Refer to Section 24)*

606.01 For lots served by an individual septic system, the minimum allowable lot area is 1 acre.

606.02_ For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

606.03_ For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

607 Maximum Gross Density

The gross density shall not exceed 1 dwelling per 2.5 acres and may be less due to required infrastructure or dedication, or environmental constraints.

608 Minimum Setbacks

Parcel Size	SETBACK FROM:			
	Street	Side Lot Line	Rear Lot Line	115+KV Power Line
LESS than 2.3	regional/maj. arterial: 100' other: 25'	15'*	25'* accessory: 15'	100'
2.3+ ac.	regional/maj. arterial: 100' other: 25'	25'*	25'*	100'

*Schools and buildings within recreation areas shall be set back 50'

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line (See illustration in the Definition section.) The setback from the POWER LINE is measured from the closest edge of the easement to the structure.

609 Encroachments

609.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.

609.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*

609.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*

609.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.

609.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

610 Building Height

Maximum building height: 35 feet

SECTION 7 SR - SUBURBAN RESIDENTIAL DISTRICT

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- Sheriff substation – no training or detention (*Site Improvement Plan required per Section 27*)

702.02 Construction office - temporary (*refer to Section 22*)

702.03 Residence

- Principal - 1 single-family dwelling or 1 group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*)
- Temporary (*refer to Section 22*)

702.04 Sales office - temporary (*refer to Section 22*)

702.05 Utility service facility (*Site Improvement Plan required per Section 27*)

703 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot.

703.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval.

703.0~~24~~ Accessory uses and buildings

703.0~~23~~ Animals (*refer to Section 24*)

703.0~~34~~ Day-care home - small

703.0~~45~~ Garage - private:

- For lots less than 1 acre in size – a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size – a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.

(*Amended 3/8/22*)

703.0~~56~~ Home occupation - Class 1 (*refer to Section 23*)

703.0~~67~~ In-home elder care (*Amended 3/28/01*)

703.0~~78~~ Satellite receiving dish

704 Uses Permitted ~~b~~By Special Review (*Amended 6/22/05*)

The following uses are permitted, upon the approval of the Board, in accordance with Section 21. Use bBy Special Review ~~and Section 27 Site Improvement Plan~~ of this Resolution.

704.01 Church - greater than 350 seating capacity in main worship area

704.02 Day-care center/preschool, or day-care home - large

704.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 *(Amended 2/12/19)*

704.04 Recreation facility - community

704.05 Utility - major facility

705 Maximum Gross Density

The gross density shall not exceed 4.36 dwellings/acre and may be less due to required infrastructure or dedication, or environmental constraints.

706 Minimum Lot Area: 9,000 sq. ft.

Calculation of the minimum lot area is exclusive of open space, County-dedicated land or rights-of-way.

A minimum lot area of greater than 0.5 acres is required for a detached accessory dwelling unit (ADU).

707 Water and Sanitation

All uses shall be served by a central water and sanitation facility.

708 Utilities

All public utility distribution lines shall be placed underground.

709 Land Dedication

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.

710 Street Standards

Construction of paved streets in accordance with the Douglas County Roadway Design and Construction Standards, the Douglas County Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

3601 Rules of Construction

- 3601.01 The particular controls the general.
- 3601.02 In case of any difference of meaning or implication between the text of this Resolution and the captions for each section, the text shall control.
- 3601.03 The word "shall" is always mandatory and not directory. The word "may" is permissive.
- 3601.04 Words used in the present tense include the future, unless the context clearly indicates the contrary.
- 3601.05 Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- 3601.06 A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.
- 3601.07 The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

3602 Definitions

As used in this Resolution, the following words shall be interpreted and defined in accordance with the provisions set forth in this Section or by further modification by the Board of County Commissioners.

Abutting: Having a common border with, or separated from such a common border by a right-of-way, alley or easement.

Accessory Dwelling Unit (ADU): An attached or detached unit situated on one (1) lot with an established principal dwelling which shall not be held in ownership by other than the owner of the principal dwelling. The ADU shall be arranged, designed, or intended for occupancy by not more than one (1) family in compliance with the County building code.

Attached ADU – An ADU that is attached to the principal dwelling unit as either an addition to the dwelling or a conversion of existing space within the dwelling.

Detached ADU – An ADU that is detached from the principal dwelling unit.

Accessory Equipment: An enclosed structure, cabinet, shed or box that houses power boxes, electrical equipment, and other related equipment of a telecommunication or personal wireless communication facility.

Frontage: The length of a parcel/lot abutting a right-of-way.

Garage:

Private - A building, or portion thereof, including carports, in which only private or pleasure-type motor vehicles used by the owners or resident tenants of the land are stored or kept.

Public - A building, or portion thereof, other than a private garage, used for the parking of automobiles.

Golf Course: A recreational facility primarily used for the purpose of playing golf, including associated food service, retail sales areas, and staff offices, excluding residential and other non-golf recreational uses.

Grade: The elevation of the finished surface of the ground.

Greenhouse: A structure used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

Group Home: A residence that provides non-institutional housing for persons living as a single housekeeping unit as follows: *[Per 30-28-115 CRS]*

- A group of no more than 8 persons with developmental disabilities living in a state-licensed group home or community residential home; or
- A group of not more than 8 persons with a mental illness living in a state-licensed group home; or
- A group of not more than 8 persons 60 years of age or older who do not need nursing facilities; or
- Any other type of home allowed under the provisions of the Fair Housing Act, as amended, for any type of protected class, or pursuant to any other applicable law

Group Homes that do not meet the conditions listed shall be considered Group Residential Facilities for purposes of this resolution. *(Amended 5/10/16)*

Group Residential Facility: A residence, not qualifying as a group home, that provides a community living environment for individuals requiring custodial care, medical treatment, or specialized social services. This term includes, but is not limited to: specialized group child care home, facility or center; residential child care facility; residential treatment facility; shelters for the homeless; shelters from domestic violence; residential facilities for those living together as a result of criminal offenses; and homes for individuals that are HIV positive or afflicted with the AIDS virus. *(Amended 5/10/16)*

Guest House: A dwelling attached or unattached to the principal dwelling, used to house guests of the occupants of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling. A Guest House is an ADU.