

SECTION 21 USE BY SPECIAL REVIEW

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## 2101 Intent

To provide for uses in specific zone districts that shall require a public notice and hearing and the approval of the Board of County Commissioners subject to such conditions and safeguards as may be imposed by the Board, and to establish procedures for amending an approved use by special review based on the anticipated impact of the change.

## 2102 Approval Standards

A use by special review shall be approved only if the Board of County Commissioners finds that the proposed use:

- 2102.01 Complies with the minimum zoning requirements of the zone district in which the special use is to be located, as set forth in this Resolution.
- 2102.02 Complies with the requirements of this Section 21.
- 2102.03 Complies with the Douglas County Subdivision Resolution.
- 2102.04 Will be in harmony and compatible with the character of the surrounding areas and neighborhood.
- 2102.05 Will be consistent with the Douglas County Comprehensive Master Plan, as amended.
- 2102.06 Will not result in an over-intensive use of land.
- 2102.07 Will provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development.
- 2102.08 Will provide public facilities and services necessary to accommodate the proposed development concurrently with the impacts of such development.
- 2102.09 Will not cause significant air, water, or noise pollution.
- 2102.10 Will be adequately landscaped, buffered, and screened.
- 2102.11 Complies with the following standards regarding water supply:
  - 2102.11.1 If it is demonstrated that the use by special review will not generate any ongoing water demand, no proof of water supply shall be required and no other provisions of Section 18A, Water Supply - Overlay District, herein, shall be applicable. *(Amended 5/26/2015)*
  - 2102.11.2 If it is demonstrated that the use by special review, when located on a conforming parcel within the A-1 or LRR zone district, will generate

a water demand not to exceed three (3) acre-feet per year, and that the demand can be supplied by a groundwater well which has or is capable of receiving a permit from the Colorado Division of Water Resources for such use, this standard shall be met and no other provisions of Section 18A, Water Supply - Overlay District, herein, shall be applicable. Water demands shall be estimated in accordance with the Minimum Water Demand Standards defined in Section 18A, Water Supply – Overlay District, herein. *(Amended 5/26/2015)*

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

2102.12 Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

### 2103 Length of Approval

A use by special review shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The use by special review may transfer with the sale of the land.

### 2104 Annual Review

Each use by special review is subject to yearly review, or as often as the Board deems appropriate, to ensure compliance with the approval standards and conditions of approval.

### 2105 Amendment of An Approved Use by Special Review

An amendment to an approved use by special review may be considered in accordance with the procedures identified herein for either a use by special review amendment or an administrative use by special review amendment.

### 2106 General Provisions

2106.01 The Board may establish lesser setbacks than those required in this Section, and heights greater than those allowed in the underlying zone district, if the Board determines that adequate buffering is or will be provided to mitigate such concerns as noise, visual, dust, or other social or environmental impacts. The burden of proof is on the applicant to demonstrate such adequate mitigation measures.

2106.02 Outdoor storage areas shall be concealed by a solid wall or fence of an appropriate height unless otherwise provided for herein.

- 2106.03 A use by special review may be permitted on nonconforming parcels when such use is permitted, as a use by special review, in the zone district to which the parcel conforms in size.

2107 Allowed Uses by Special Review (Amended 8/28/18)

The Development Plan for a specific Planned Development District shall set forth the permitted uses by special review and any additional requirements therein.

The following uses are listed as uses by special review within the zone districts of this Resolution, and are subject to additional requirements as noted herein:

- 2107.01 Animals - nondomestic, exotic: A-1 and LRR zone districts provided that:
- a security fence surrounds the enclosures to prevent the animals from leaving the premises; and
  - the applicant shall contact the Denver Zoo Curator and State Division of Wildlife to determine the enclosure size needed and any special conditions for species on the site. Each enclosure shall have adequate water and drainage.
- 2107.02 Bar or Lounge: CMTY and MI zone districts
- 2107.03 Batch plant - concrete, asphalt or mortar: LI and GI zone districts
- 2107.04 Bed and Breakfast: A-1, LRR, RR, ER, and MI zone districts
- 2107.05 Campground: A-1 zone district provided that all uses and structures are located at least 100 feet from all property lines
- 2107.06 Cemetery: A-1 zone district
- 2107.07 Chemical/hazardous material storage, transfer, or disposal facility: GI zone district, provided such use complies with all State and federal regulations and is located at least 500 feet from all lot lines (Amended 3/28/01)
- 2107.08 Church with a seating capacity, in the main worship area, greater than 350: A-1, LRR, RR, ER, SR, MF and MH zone districts, provided that such uses are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.09 Club or Country Club: CMTY, D, and MI zone districts
- 2107.10 College or University extension office: CMTY and D zone districts
- 2107.11 Cultural facility: A-1 and LRR zone districts

- 2107.12 Day-care center, preschool, or day-care home - large: A-1, LRR, RR, ER, SR, MF, and MH zone districts provided that such uses shall be situated on a lot of not less than 10,000 square feet and that a solid fence or wall 6 feet in height shall completely enclose the yard used for playground purposes
- 2107.13 Dude ranch: A-1 zone district
- 2107.14 Event Center: CMTY and D zone districts, subject to the following additional requirement:
- 2107.14.1 A noise study shall be submitted demonstrating compliance with the limits established in Section 1703A of the Noise Overlay District.
- A-1 zone district, subject to the following additional requirements:
- 2107.14.2 Structures used for the event center shall be of a scale and design that is compatible with the surrounding rural environment.
- 2107.14.3 Structures, outdoor assembly areas, and parking lots used for the event center shall be setback a minimum of 200 feet from all adjacent property lines.
- 2107.14.4 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A.
- 2107.14.5 A noise study shall be submitted demonstrating compliance with the event center noise standard.
- 2107.14.6 In addition to the management plan components specified in Section 2112, operational limitations for the event center shall address the following:
- (1) Maximum number of event patrons.
  - (2) Frequency of events including times of day and days of week.
  - (3) The number of outdoor and indoor events.
  - (4) Specific mitigation measures to limit the impacts of any exterior lighting.
  - (5) Specific limitations or mitigation measures to ensure compliance with the noise standards consistent with the noise study.
- 2107.14.7 In addition to the information required for the project narrative specified in Section 2111, the event center narrative shall include a discussion of the following:
- (1) The ability of the existing or proposed structures to comply with building and fire code requirements for public assembly uses.

- (2) The ability to provide sanitation service for the proposed use by connection to a sanitary sewer or provision of on-site wastewater treatment.
- (3) The ability to connect to a central water provider or to obtain a well permit for the proposed use.

2107.15 Feed yard - confinement center: A-1 zone district, provided that such use is located at least 500 feet from all property lines, and that such use is approved by Tri-County Health Department

2107.16 Firing range - outdoor: A-1 and GI zone districts provided that the use is located at least 100 feet from all property lines; an indoor range may be permitted as an accessory use to an outdoor range in the A-1 zone district

2107.17 Golf course legally established as a Use by Special Review prior to June 22, 2005: A-1, LRR, RR, ER, and SR zone districts subject to the following:

- (1) Such use may be amended in accordance with the provisions established herein.
- (2) No amendment shall have the effect of changing the boundary of the area subject to the legally established Use by Special Review as it existed on June 22, 2005. *(Amended 2/12/19)*

2107.18 Greenhouse: A-1 zone district

The following may be restricted based upon compatibility with the surrounding land uses:

- Location, size, height and use of structures
- Number of vehicle trips
- Lighting and hours of operation
- Location and type of materials stored outside
- Retail sale of items
- Parking area setbacks

2107.19 Group Residential Facility: A-1, LRR, MF, MH, B, C, and LI zone districts provided that the Group Residential Facility does not include more than 1 registered sex offender over the age of 18 *(Amended 5/14/03)*

All requests shall be submitted to the Placement Alternative Commission as a referral.

2107.20 Group Home for registered sex offenders: A-1, B, C, LI zone districts, provided the facility is located a minimum of 1,500 feet from a school, park, playground, child-care facility, and youth camp

All requests shall be submitted to the Placement Alternative Commission as a referral.

2107.21 Heliport: B/C/LI/GI zone districts:

- The FAA shall be notified regarding approval of airspace
- A management plan shall be submitted with the application that addresses the following:
  - type and use of aircraft for which the facility is intended;
  - number of planes to be stationed on the site;
  - frequency of flights and diagram of flight patterns; and
  - hours of operation.

2107.22 Home occupation: A-1 zone district where the number of nonresident employees exceeds 2, or more than 1500 sq. ft. of an accessory structure is required - No outside storage shall be allowed.

2107.23 Horse boarding or training facility: A-1, LRR, RR, and ER zone districts where the number of boarded horses exceeds the maximum number of horses permitted by right or by administrative review, or the number of lessons for non-owned horses, or riders not related to the landowner or lessee, exceeds 14 per week

The applicant shall demonstrate a minimum water supply of 20 gallons per horse per day. The applicant must obtain the necessary well permits from the State Division of Water Resources.

On the Plan Exhibit, the applicant shall identify areas of allowable devegetation, pastures proposed for horse grazing, the pasture grazing schedule, manure storage areas, and the method and frequency of manure disposal.

2107.24 Horse rental stable: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

2107.25 Hotel: CMTY and D zone districts

2107.26 Hunting or fishing club: A-1 zone district; hunting clubs shall be located on a minimum of 160 acres

2107.27 Jail/correctional facility: GI zone district - Security for the facility may include barb, electric, or concertina wire when located a minimum of 6' 6" in height measured from the ground level outside the fence.

2107.28 Junk, scrap metal, or auto wrecking yard: GI zone district provided all such uses are completely concealed by a solid wall or fence at least 6 feet in height

2107.29 Kennel: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

2107.30 Landfill - public or private: A-1 and GI zone districts provided that such use is approved by the Tri-County District Health Department and is located 500 feet from all lot lines or 1,000 feet from any existing residential land use, whichever is greater

Prior to applying for a use by special review, the applicant must first receive a recommendation of approval for the certificate of designation from the Colorado Department of Health. Any proposal must be in compliance with the Douglas County Comprehensive Master Plan, as amended.

2107.31 Landing Field, Private: A private, non-commercial landing field or helipad for fixed or rotary wing craft is permitted as an accessory use in the A-1 and GI zone districts provided:

- Minimum lot/parcel area: 35 acres.
- Minimum setback for landing area: 200' from the sides of the landing strip, and 400' from the ends.
- The landing field shall be for the exclusive use of the landowner and guests.
- Any commercial use, flight training, ground school, or sales, are prohibited.
- Aircraft noise may not exceed 78 db(A) for more than 5 minutes in a 1-hour period.
- The FAA shall be notified regarding approval of airspace.
- The landing strip shall be oriented such that aircraft landing and takeoff do not pass directly over dwellings, schools, churches, or other places of public assembly.
- Minimum setback from existing residences (except landowner's): 1/2 mile from either end of the runway.
- A management plan shall be submitted with the application that addresses the following:
  - type and use of aircraft for which the facility is intended;
  - number of planes to be stationed on the site;
  - frequency of flights and diagram of flight patterns; and
  - hours of operation.

2107.32 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and GI zone districts, subject to the following:

2107.32.1 The use is judged by the twelve criteria for approval of a use by special review, and the goals and policies of the Douglas County Comprehensive Master Plan, as amended and its Mineral Extraction



element, and may be approved with conditions derived from the extraction plan submittals listed herein.

2107.32.2 Exemptions from these regulations may be approved by the Director of Community Development in accordance with an approved grading permit, for any one of the following:

- (1) Earthwork performed within public rights-of-way
- (2) Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat
- (3) Earthwork performed as part of construction per an approved building permit
- (4) Borrow site

2107.32.3 A narrative that addresses all items listed in Section 2111, herein, and the following:

- (1) a discussion of the quantity and quality of the deposit and its relationship to the supply and demand information contained in the Douglas County Master Plan for Mineral Extraction
- (2) a discussion of the positive and negative impacts of the operation

2107.32.4 A plan exhibit prepared in accordance with Section 2112, herein, and shows the following:

- (1) The relationship of the mine site to other uses/structures in the area
- (2) The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles
- (3) The limits of the mine site and the extent of areas to be disturbed
- (4) The location and dimension of buffers against noise and visual impact to be left in place or created
- (5) Identified aquifer recharge areas, wetland areas, lakes, rivers
- (6) Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife
- (7) Areas identified, through independent assessment, as having historic, archaeological, or paleontological resources
- (8) All Douglas County Comprehensive Master Plan designations

2107.32.5 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.
- (9) A transportation plan that:
  - designates transportation routes (*existing or proposed*) that avoid residential areas and limit the use of local roads;
  - gives traffic counts and the projected level of service along haul routes, at bridges and culverts, and at key intersections both at the start and at peak operation;
  - specifies the hours when material will be transported off site;
  - lists the improvements necessary for the transportation system to accommodate expected traffic;
  - addresses the construction of needed transportation improvements; and
  - lists the actions to be taken at the staging area to allow only safe, clean, and covered trucks onto the transportation system.
- (10) A blasting plan that:
  - Identifies noise and vibration-sensitive uses/structures/activities in the area;
  - includes a pre-blast inspection program for identified structures;
  - includes a program for initial seismic and noise monitoring during the first blast;
  - incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and

- specifies the times and the atmospheric conditions when blasting is permitted.
- (11) An end-state, land-use plan that shows:
- areas to be returned to a natural state;
  - areas to be restored for wildlife habitat, *if applicable*;
  - areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;
  - the site's final topography;
  - proposed post-mining land uses, consistent with the zoning of the land; and
  - site restoration phases.
- (12) A site evaluation including:
- wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;
  - independent assessment of the historic, archaeological, or paleontological value of the site;
  - drainage studies as required by the Public Works Department, including an erosion and sedimentation control plan, a Phase I drainage report at initial submittal, and a Phase III drainage report prior to each phase;
  - a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
  - a visual analysis that documents the visibility throughout the life of the operation; identifies visually sensitive areas and the expected impact at those locations; and lists visual impact mitigation measures; and
  - a copy of all information submitted to the Division of Minerals and Geology, Colorado Department of Natural Resources.

2107.33 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 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line
- 2107.36 Propane distribution/storage: GI zone district
- 2107.37 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
- 2107.38 Recreation facility - indoor: CMTY and D zone districts
- 2107.39 Recreation facility - neighborhood: CMTY and D zone districts
- 2107.40 Recreation facility - outdoor: CMTY and D zone districts
- 2107.41 Recreation facility - private: CMTY and D zone districts
- 2107.42 Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.
- 2107.43 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

- 2107.44 Religious retreat: A-1 zone district.
- 2107.45 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.
- 2107.45.1 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
- 2107.46 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.
- 2107.47 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:
- 2107.47.1 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.

- 2107.47.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.
- 2107.47.3 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.
- 2107.47.4 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.
- 2107.48 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.
- 2107.48.1 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
- 2107.48.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.
- 2107.48.3 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.

2107.48.4 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.

2107.49 Theatre - indoor or outdoor: CMTY and D zone districts

2107.50 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.

2107.51 Veterinary clinic or hospital: A-1, LRR, and RR zone districts, provided that such uses are located 100 feet from all lot lines

2107.52 Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.52.1 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

2107.52.2 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.

2107.52.3 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.

2107.52.4 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.

2107.53 Zoo: C zone district

## 2108 Submittal Prerequisite

The applicant shall attend a presubmittal meeting with the Planning Division to discuss the request and the submittal process and requirements for a new use by special review or an amendment to an approved use by special review.

A proposed amendment to an approved use by special review may be considered in accordance with the procedures identified herein. An amendment to a use by special review shall be considered through an administrative process when the Director determines that the change does not represent a substantial increase in the intensity of the use or impacts to the neighborhood. This type of amendment shall be referred to as an administrative use by special review amendment.

If the Director determines that the proposed amendment to an approved use by special review does represent a substantial increase in the intensity of the use or impacts to the neighborhood, the proposed amendment shall be subject to the same submittal and process requirements as required for a new use by special review application. This type of amendment shall be referred to as a use by special review amendment. When making the determination, the Director shall consider the proposed degree of change to the site improvements and management plan as reflected on the approved Plan Exhibit, with specific consideration for potential increased impacts to the surrounding community.

The applicant may appeal the Director's determination on the amendment process for an approved use by special review to the Board of Adjustment in accordance with Section 26A.

### 2109 Submittal Process

The following shall apply to a use by special review or a use by special review amendment. The application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. For a request for a use by special review or a use by special review amendment, the submittal is processed as follows:

- 2109.01 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 2109.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.
- 2109.03 The applicant shall also provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.
- 2109.04 If the referral agencies elect to comment, they shall comment within 21 calendar days from the date the referral packets were mailed or

electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. For projects that are critical to public safety, referral agencies shall comment within 10 days of receiving a referral packet.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall be given an opportunity to address the comments of all referral agencies - regulatory received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of all referral agencies – advisory and any comments received as a result of the courtesy notice.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by referral agencies - regulatory.

- 2109.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.
- 2109.06 The Planning Commission shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the use by special review request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.
- 2109.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion

agreement may be contingent on approval of the use by special review by the Board.

- 2109.09 The Board shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the use by special review request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.10 If denied by the Board, a resubmittal of a use by special review request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed use by special review.
- 2109.11 Following approval by the Board, the applicant shall submit a signed and notarized Plan Exhibit to the Planning Division. Staff shall verify that all conditions of approval have been met and all technical corrections have been made to the satisfaction of Douglas County, prior to the Director's execution of the approval certificate on behalf of the Board. The applicant shall submit the final signed Plan Exhibit no later than 90 days from the date of Board approval, unless the Board allows for a longer period of time as part of its approval of the use by special review. The Director may grant a one-time extension of no more than an additional 90 days. Further extensions shall be submitted for the Board's consideration.
- 2109.12 For applications that propose a water supply from a New Special District that will enter into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, herein, the applicant shall submit evidence of creation of the New Special District, evidence of execution of the intergovernmental agreement by both parties, and evidence of inclusion of the property into the New Special District prior to approval of the Plan Exhibit. *(Amended 5/26/2015)*
- 2109.13 For applications that propose a water supply from an Existing District or from a New Special District that has entered into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, herein, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Existing or Extraterritorial District, and/or that the water credits to serve the development have been purchased from the

Existing or Extraterritorial District, prior to approval of the Plan Exhibit.  
(Amended 5/26/2015)

### 2110 Withdrawal of an Application

A request to withdraw an application shall be submitted, in writing, to the Planning Division, staff planner. Withdrawal of the application shall preclude reactivation. The submittal of a new application and processing fee shall be required in order to pursue the proposed use by special review.

### 2111 Submittal Requirements

The following submittal requirements shall apply to a use by special review and use by special review amendment:

- 2111.01 Completed land-use application (*available from the Planning Office*)
- 2111.02 Application fee (*available from the Planning Office*)
- 2111.03 Proof of ownership that includes an updated or current title insurance policy or title commitment. or other acceptable form of title verification, no more than thirty days old from the date of application
- 2111.04 A notarized letter of authorization from the landowner permitting a representative to process the application
- 2111.05 Narrative to describe the following:
  - (1) General project concepts
  - (2) Zoning of the land and compliance with the zone district requirements and any additional requirements for the use by special review as defined in Section 2107
  - (3) Define overall impacts of the proposed use on the adjoining lands
  - (4) Compliance with the Douglas County Comprehensive Master Plan, as amended
  - (5) Compliance with appropriate agency regulations and any necessary permits
  - (6) Proof of water availability
  - (7) Method of wastewater treatment
  - (8) Type or method of fire protection
  - (9) Impacts to existing vegetation and wildlife
  - (10) Impacts on air and water quality
  - (11) Impacts on peace and quiet of neighborhood
  - (12) Provision of buffering, including additional landscaping
  - (13) A description of the availability and adequacy of public services and facilities.
  - (14) Other narrative details unique to the specific type of use by special review

2111.06 Plan Exhibit (*per 2112, herein*)

Plan Exhibit reductions (11"X17") may be required for public hearing packets for the Planning Commission and the Board.

2111.07 Development Reports, unless waived by Engineering Services:

- Phase III Drainage Report and Plan
- GESC Report and Plan
- Utility drawings(s)
- Off-site improvement plans, as required
- Engineering construction drawings
- Traffic Impact Study

An improvements agreement may be required to identify and financially secure the public and private improvements and other commitments required as part of the use by special review approval.

2111.08 Detailed technical studies, based upon the scale and impact of the application, as may be necessary to demonstrate compliance with the approval standards.

2111.09 Documentation of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein.

For properties in the A-1 and LRR zone districts as identified in Section 2102.11.2 a copy of any existing well permits issued for the property may be requested as part of the submittal, along with an estimate of water demands.

2111.10 An analysis of the capacity related to level-of-service for the public facilities and services within the impact area.

2111.10.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.

2111.10.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.

2111.10.3 For applications proposing additional residential uses, documentation of capacity from the school district in accordance with the school district capacity policy.

2112 Plan Exhibit

For a use by special review or use by special review amendment, a Plan Exhibit shall consist of both a site plan and management plan as required herein.

2112.01 The site plan shall be prepared in accordance with the subsections of Section 27, Site Improvement Plan of this Resolution listed below. All or portions of the required site plan elements may be waived by the Director if it is determined that the use by special review will occupy an existing structure or will not otherwise require significant public or private improvements:

- General Plan Requirements, except that title blocks and approval certificates shall follow Sections 2112.03 and 2112.04 herein.
- Site Plan
- Landscape Plan
- Grading and Drainage
- Building Elevations
- Lighting Plan

For Personal Wireless Communication Facilities, the Design Standards provided in Section 27A shall apply.

2112.02 The management plan shall be provided that addresses all aspects of the day-to-day operation of the use by special review. The degree of detail will depend upon the specific use. The following items shall be included in the plan. The management plan shall be appended to the Plan Exhibit prior to final approval.

2112.02.1 Number of clients/boarders/parishioners/animals

2112.02.2 Hours of operation - whether the use is seasonal and the number of days of the week

2112.02.3 Number of employees

2112.02.4 Required outside storage/parking/loading areas

2112.02.5 Permit requirements from other state, federal or local agencies

2112.02.6 Method of providing fire protection

2112.02.7 Other operational elements necessary to address the potential impacts for the specific special use

2112.03 Plan Exhibit Title

The exhibit title shall include the name and legal description of the proposed development, site acreage, and project file number. The business name shall not appear in the title, rather the title shall reference the legal description when subdivided or the street address as follows:

## Subdivided land:

SPRUCE SUMMIT, Filing No. 3, Lot 14  
 NW¼ Section 11, Township 8 South, Range 67 West  
 Permit Area – 1 acre Total Area 5 acres  
 USR Plan Exhibit – US2010-002

## Within a PD:

SPRUCE SUMMIT, Filing No. 3, Lot 14  
 NW¼ Section 11, Township 8 South, Range 67 West  
**Planning Area 63** – Permit Area – 1 acre Total Area - 5 acres  
 USR Plan Exhibit – US2010-002

## When unplatted:

**(STREET ADDRESS – Address available from County Addressing Specialist)**

NW¼ Section 11, Township 8 South, Range 67 West  
 Permit Area – 1 acre Total Area 5 acres  
 USR Plan Exhibit - US2010-002

## For a use by special review amendment:

SPRUCE SUMMIT, Filing No. 3, Lot 14 – **1st Amendment**  
 NW¼ Section 11, Township 8 South, Range 67 West  
 Permit Area – 1 acre Total Area – 5 acres  
 USR Amendment  
 US2010-002 (**Amendment to US2003-049**)

## 2112.04 Plan Exhibit Approval Certificate

Provide either a corporate/limited liability corporation (LLC) or individual approval certificate on the first sheet of the plan set, as follows.

**APPROVAL CERTIFICATE**

THE USE BY SPECIAL REVIEW AS DEPICTED HEREON WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON \_\_\_\_\_, 2 \_\_\_\_.

\_\_\_\_\_  
 Director of Community Development

- The use by special review is subject to yearly review, or as otherwise defined by the Board of County Commissioners as part of its approval of the use by special review, to ensure compliance with the approval standards and conditions of approval.
- Construction shall commence pursuant to the use by special review within 3 years from the date of approval, or within the extended effective approval period, or the use by special review shall terminate.
- The use by special review shall terminate when the use of the land changes or when the time period established by the Board of County Commissioners through the approval process expires. The owner shall notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes



that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.

- Acceptance of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits. Acceptance of site construction drawings expires three (3) years after the date of signature.
- Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with the Sign Standards section of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein hereby agree on behalf of itself, its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Plan Exhibit and the Douglas County Zoning Resolution.

(for Corporate of LLC owner)

(print corporation/LLC name)

By: \_\_\_\_\_ (signature)  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

ATTEST: (if corp.)

Secretary/Treasurer

STATE OF COLORADO            )  
   ) ss.  
 COUNTY OF \_\_\_\_\_)

Acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ and \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ corporation/LLC.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

(For Individual Owner)

(signature of owner(s))

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

An initial block is required on all subsequent Plan Exhibit sheets:

<b>Approval Certificate</b>	
Planning	_____
	Initials/Date
Owner	_____
	Initials/Date
Lessee (if applicable)	_____
	Initials/Date

### 2113 Public Notice Requirements

The following requirements shall apply to a use by special review and use by special review amendment. The applicant shall be responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings.

#### 2113.01 WRITTEN NOTICE

At least 14 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same, as the published notice also required by this section.

At least 7 days prior to the hearing, the applicant shall provide the following to the Planning Division:

- alphabetical list of the landowners;
- map showing their relationship to the site;
- copy of the notice sent to the landowners; and
- certificate of mailing.

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and addressed as follows:

(list of addresses)

\_\_\_\_\_  
(signature of person completing the mailing)

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

**2113.02 PUBLISHED NOTICE**

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

- publish a notice in at least 1 publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Division at least 7 days prior to the hearing. The notice shall read:

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

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for approval of a use by special review for a *(name the specific use, i.e., church)* in the \_\_\_\_\_ zone district. The subject land is located approximately *(distance and direction from nearest major intersection)*. For more information call Douglas County Planning, 303-660-7460  
File No./Name: \_\_\_\_\_

**2113.03 POSTED NOTICE**

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land for which the use is requested. The notice shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may

be required by the staff planner. Each sign shall measure not less than 3'X4'. Letter size shall be a minimum of three inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460." (Amended 11/6/2018). Such notice shall read:

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

This land shall be considered for a Use by Special Review for a (insert specific use) in the \_\_\_\_\_ zone district. The public hearing is (date), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, at (time). For more information call Douglas County Planning, 303-660-7460.  
 File No./Name: \_\_\_\_\_

2113.03.1 An affidavit of sign posting shall be submitted by the applicant for the file in the Planning Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

*(attach photo here)*  
*(sign lettering must be legible in photo)*

I, (applicant/representative/person posting sign), attest that the above sign was posted on (date) abutting (name of street).

\_\_\_\_\_ (signature) File No./Name: \_\_\_\_\_

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF \_\_\_\_\_)

Acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ as \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal

\_\_\_\_\_  
 Notary Public

2113.03.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board, withdrawal, or closure of the file by the Community Development Department.

2114 Termination of Use

2114.01 Construction pursuant to approval of a use by special review Plan Exhibit shall be commenced within three years from the date of approval, unless otherwise specified by the Board, or the approval shall terminate. The

Director may grant an extension of time, for good cause shown, upon a written request by the applicant.

- 2114.02 The Director may grant time extensions to the effective period of a Plan Exhibit, not to exceed a total of three years beyond the date of original approval, upon written request by the applicant. As necessary, the Director may include conditions with the time extension in order to ensure that the use by special review remains in compliance with approval standards. Site construction drawings that have expired may require re-approval by Douglas County Engineering.

Further time extensions may be requested by the applicant and considered for approval by the Board at a public meeting.

- 2114.03 Where a use by special review brings an existing use into compliance with applicable regulations, or is designed to correct a Notice of Violation, all improvements depicted on the use by special review Plan Exhibit shall be completed within six months of approval, unless otherwise approved by the Board.

- 2114.04 A use by special review shall terminate when the use of the land changes or when the time period established by the Board through the approval process expires, whichever occurs first. The owner shall notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.

- 2114.05 The termination notice is appealable, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution.

#### 2115 Inactive Files

Files that become inactive, because the applicant has not responded to staff's request for information or otherwise action in the submittal process, for a period of more than 6 months, shall become void and the resubmittal of a new application and fees shall be required to pursue the special use request. After 5 months of inactivity, staff shall notify the applicant in writing that the application will become void within 30 days. If the applicant fails to submit the required additional information or request a hearing date within 30 days, staff shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. The Director may grant an extension of time, of no more than 6 months, upon a written request by the applicant.

#### 2116 Post Denial Application

If denied by the Board, a resubmittal of the same or substantially same use by special review application shall not be accepted within 60 days from the date of denial by the

Board, or in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the Board showing that there has been a substantial change in physical conditions or circumstances, the Board may reconsider the use by special review. A new application and processing fee shall be required.

### 2117 Revocation

If noncompliance with the approved Plan Exhibit or conditions of approval is demonstrated, the Board may consider revocation of the use by special review at a public meeting. Written notice shall be provided to the landowner and/or lessee at least 14 days prior to the scheduled Board meeting.

### 2118 Administrative Use by Special Review Amendment

#### 2118.01 Submittal Prerequisite

Prior to submittal of an administrative amendment, a presubmittal meeting shall be held with the Planning Division to discuss the request, to determine if it is eligible for an administrative process, and to provide information on the required submittal items and process steps.

#### 2118.02 Approval Standards

Approval of an administrative use by special review amendment shall be in accordance with the approval standards in Section 2102.

#### 2118.03 Submittal Process

2118.03.1 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.

2118.03.2 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.

The applicant shall also provide stamped letter sized envelopes addressed to the abutting landowners, and other landowners as requested by staff. Staff shall mail a courtesy notice of an application in process and applicable contact information to the landowners, along with a copy to the applicant.

If the referral agencies elect to comment, they shall comment within the specified referral period, not to exceed 21 calendar days from the date the referral packets were mailed or electronically distributed.

- 2118.03.3 All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all referral agencies - regulatory in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to comments of all referral agencies – advisory and other public comments received.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by referral agencies - regulatory.

- 2118.03.4 Following Planning and Engineering's review of the response to referral comments and any resubmitted items, staff will prepare a project assessment report for the Director's review. The Director will make a final determination to approve, approve with conditions, or deny the administrative USR amendment request within five (5) calendar days of the receipt of the assessment report, based upon demonstrated compliance with the approval standards.

- 2118.03.5 If an improvements agreement is required, it shall be approved by the County Manager prior to the Director's approval of the administrative amendment.

- 2118.03.6 If the administrative amendment is denied, written findings shall be provided by staff to the applicant within three (3) calendar days of the denial.

#### 2118.04 Submittal Requirements

The applicant shall submit the following information to Planning Services. Incomplete applications shall not be accepted for processing.

- Completed land use application and fee
- Amended Plan Exhibit
- Updated development reports
- Updated technical studies, if applicable
- Current title commitment or other ownership verification as acceptable to staff





Acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ and \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ corporation/LLC.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

*(For Individual Owner)*

(signature of owner(s))

Acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

An initial block is required on all subsequent exhibit sheets:

<b>USR Administrative Amendment Approval Certificate</b>	
Planning	_____ Initials/Date
Owner	_____ Initials/Date
Lessee <i>(if applicable)</i>	_____ Initials/Date

2118.06 Notice of Final Action

The final status of an administrative use by special review amendment shall be set forth via the Notice of Action - Final Status using the following process:

- 2118.06.1 The date considered to be the final action on the administrative use by special review amendment shall be the date on the Notice of Action - Final Status.
- 2118.06.2 Should a discrepancy exist between the dates on the administrative use by special review amendment and Notice of Action - Final Status, the date of the Notice of Action - Final Status shall control.
- 2118.06.3 The Notice of Action - Final Status shall be mailed to the applicant, the abutting landowners who received courtesy notices, and any homeowner's associations that received courtesy notices, as

described herein. The Notice of Action - Final Status shall be mailed via first class mail, within three (3) calendar days of final determination.

- 2118.06.4 An appeal of the Director's determination regarding A Notice of Action – Final Status for an administrative use by special review amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.
- 2118.06.5 If an administrative use by special review amendment is denied, any new amendment request shall require submittal of a new application and processing fee.