

SECTION 32 LOCATION AND EXTENT

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3201 Intent (Amended 5/4/2010)

To provide procedures for the timely review of the location and extent of public facilities or uses as provided by Section 30-28-110, *et seq.*, of the Colorado Revised Statutes.

3202 General Requirements (Amended 5/4/2010)

The Planning Commission is required to, consistent with State statute, review and approve, conditionally approve, table for further study, or deny construction of, or plans for the construction of any road, park, or other public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned prior to the authorization or construction of any such areas or facilities. Minor routine extensions of public utility lines and minor modifications to existing uses or facilities shall not be subject to this procedure.

The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, or sale or lease of or acquisition of land for any road, park, or other public way, ground, place, property, or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled as described in Section 3204. [*§30-28-110(1)(d), C.R.S.*]

If the location and extent of any road, park, or any other public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned, is reviewed and approved by the Planning Commission at a public hearing (i.e. subdivision, planned development, or other similar process), a separate location and extent application shall not be required.

A Matters of State Interest (1041) Permit may be required in addition to the location and extent review and hearing. This determination shall be made at the time of the presubmittal meeting.

3203 Submittal Requirements (Amended 5/4/2010)

3203.01 The applicant shall submit the following to Planning Services:

3203.01.1 A completed land-use application form (*available from Planning Services*)

3203.01.2 A written narrative that provides the following information:

- Name of applicant
- Description of the request
- Purpose of the improvements
- Summary of the potential impacts and proposed mitigation measures
- Compliance with the Comprehensive Master Plan

- 3203.01.3 Application fee (*fee schedule available from Planning Services*)
- 3203.01.4 Location and extent plan exhibit (*per Section 3205, herein*)
- 3203.01.5 Location and extent report (*per Section 3206, herein*)
- 3203.01.6 Any additional information as requested by staff needed to thoroughly review the impacts of the location and extent application.

3204 General Procedure (*Amended 5/4/2010*)

The location and extent application should be submitted after the presubmittal meeting(s) has been completed. At the presubmittal meeting, staff will make a determination as to whether the entity with jurisdiction over the public facilities or uses will be requested to attend the location and extent hearing before the Planning Commission. Staff shall provide the written presubmittal comments to the applicant within five (5) business days. In addition to the presubmittal meeting, the applicant may be required to attend a pre-application meeting with the Board of County Commissioners. The pre-application meeting with the Board may not be required if the proposed public facility is included within the taxing and service area boundaries of the applicant district and is described in its service plan, or for a school submitted by or on behalf of the Douglas County School District.

- 3204.01 The submittal shall be reviewed for completeness and the applicant notified of any incomplete information. If the submittal is incomplete and cannot be scheduled for a Planning Commission hearing within the thirty (30) day timeframe established by statute, the hearing may be continued with the consent of the applicant.
- 3204.02 Once the submittal is determined to be complete, staff shall review the application and schedule a hearing before the Planning Commission within thirty (30) days, unless an extension of time is agreed to by the applicant. Staff shall notify the applicant of the date and time of the public hearing.
- 3204.03 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. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access, along with a copy to the owners of all parcels included in the location and extent application. The notice at a minimum shall include the narrative and the location and extent plan exhibit. The notice shall be sent within three (3) business days of receipt of a complete submittal. 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. (*Amended 4/13/2021*)

3204.04 The location and extent application shall be referred to those referral agencies as deemed necessary by staff. If the referral agencies elect to comment, they shall comment within fourteen (14) calendar days of the date referral packets were mailed or electronically distributed.

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 received within the fourteen (14) calendar day referral period, 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 any and/or all Referral Agencies – Advisory.

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.

3204.05 The Planning Commission shall evaluate the application, staff report and public testimony, and consistent with State statute, shall approve, conditionally approve, table for further study, or deny the location and extent of the use or facility.

3204.06 In the case of a charter school or public school, the Planning Commission may request a public hearing before the board of education on the proposed site location or site development plan. If the Planning Commission requests a hearing, the board of education must promptly schedule the hearing, publish at least one (1) notice in advance of the hearing and provide written notice of the hearing to the Planning Commission in accordance with Section 22-32-124, *et seq.*, C.R.S.

3204.07 In the case of a denial of a County funded application, the Planning Commission shall forward its findings and recommendation to the Board of County Commissioners. The Board may overrule such disapproval by a majority vote. The Board's decision shall be based on the evidence presented.

3204.08 If the public way, ground, space, building, structure, or utility is one the authorization or financing of which does not, under the law governing the same, fall within the province of the Board of County Commissioners or other county officials or Board, the submission to the Planning Commission shall be by the body or official having such jurisdiction, and the Planning Commission's disapproval may be overruled by said body by a vote of not less than a majority of its entire membership or by said official. In the case of a utility owned by an entity other than a political subdivision, the submission to the Planning Commission shall be by the utility and shall not be by the public utilities commission; however the Planning Commissions'

disapproval may be overruled by the public utilities commission by a vote of not less than a majority of its entire membership. [§30-28-110(1)(c) C.R.S.]

3205 Location and Extent Plan Exhibit (Amended 5/4/2010)

A location and extent plan exhibit shall be prepared on 24" X 36" paper at a scale of 1" = 50' or as approved by staff, which at a minimum addresses the following:

- 3205.01 Name of proposed use/facility
- 3205.02 Legal description (*land area*)
- 3205.03 Vicinity map with a one (1) mile radius superimposed on a Douglas County subdivision map maintaining the same scale
- 3205.04 Existing and proposed access to the site, surfacing and width of road - identify all easements and drainage ways, loading, parking and outdoor storage areas
- 3205.05 Existing and proposed topography shown at two (2) foot contour intervals, or another contour interval approved by staff (*show existing with dashed lines and proposed with solid lines*)
- 3205.06 The location and dimension of all existing and proposed structures, the use of structure, the building elevation (*ground floor*), and building height
- 3205.07 Source and availability of water, and method of waste disposal, as applicable
- 3205.08 An illustrative landscape plan, showing all proposed landscape - materials, fences, walls, planters, and any other landscape features
- 3205.09 Utility lines and appurtenances

3206 Location and Extent Report (Amended 5/4/2010)

The applicant shall submit a report with supporting materials and completely address the items listed below. The degree of detail required for analysis will depend upon the impact to the site and surrounding area. This report includes:

- 3206.01 A community impact report that describes potential impacts to private and public interests, and the project site, and how potential impacts are proposed to be mitigated.
- 3206.02 A Phase III Drainage Report in accordance with the requirements of the Douglas County Storm Drainage and Design and Technical Criteria Manual, as required, or as required by a condition of approval.

- 3206.03 A narrative or traffic study describing the transportation network establishing the availability and adequacy of the system in accordance with the Douglas County Roadway Design and Construction Standards, as required.
- 3206.04 A guarantee of public improvements, such as dedication of rights-of-way, sidewalk construction, and similar improvements, as required.
- 3206.05 Additional information may be requested by the staff as appropriate to the request, and information required above may be waived by the Planning Services Director, when deemed to be inappropriate.