

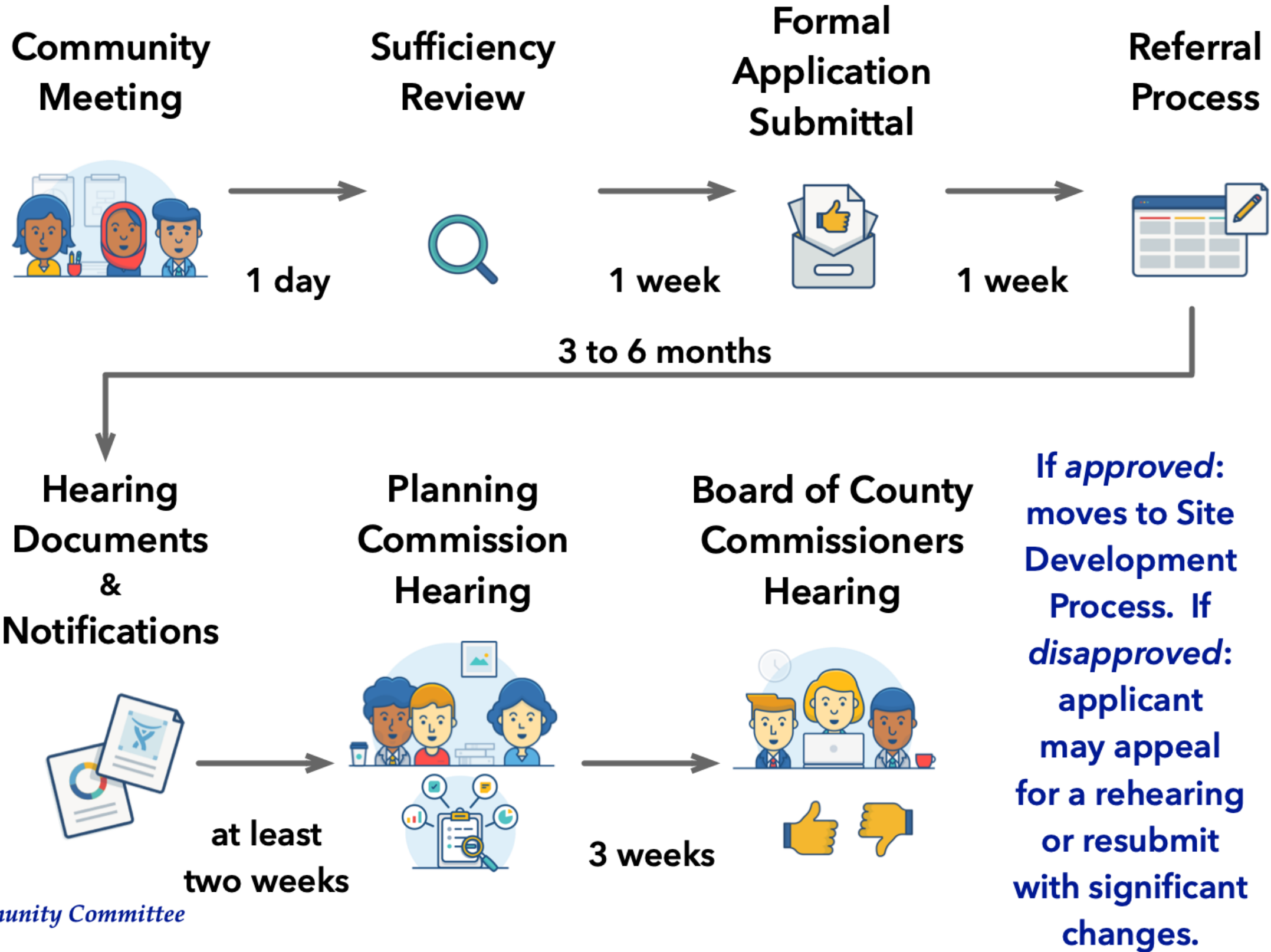
Jefferson County Planning & Zoning Division Land Development Process

Community Informational Meeting:

Shadow Mountain Bike Park Application for a Special Use Permit (SUP)

Land Development Process

Jefferson County Land Development Process



© C. Newby - Conifer & South Evergreen Community Committee
<https://cosecc.org> | cosecc.co@gmail.com

Community Meeting, Sufficiency Review, & Formal Application

Community Meeting: *"The purpose of the Community Meeting is to inform the public of a possible land use change..."*

Sufficiency Review: *"The applicant will submit one copy of each document required for the formal application. The assigned Case Manager will... determine if they are complete."*

Formal Application: The formal application with initial set of documents.

Referral Process, Hearing Documents, & Notifications

Referral Process: External agencies & County departments are asked to review / comment on the land-use application through a 1st & 2nd Referral.

Hearing Documents: The Case Manager & Staff prepare / post documents for the scheduled hearings first before the Planning Commission then before the Board of County Commissioners.

Notifications: The Case Manager notifies all interested parties of the scheduled hearings.

Planning Commission Hearing Process (1)

Hearing Process Outline:

- 1. Case Manager presents Staff's Case Analysis & Recommendations. [20min]**
- 2. Applicant presents case for proposed land-use. [20min]**
- 3. Planning Commissioners may ask questions of Staff or Applicant. [1 - 10min typical]**

Planning Commission Hearing Process (2)

Hearing Process Outline:

- 4. Public provides testimony for / against proposed land-use. [3min for citizens, 10min for a registered HOA / Community Organization]**
- 5. Based on public testimony, the Planning Commissioners may or may not ask Staff and / or the Applicant specific questions about the the proposed land-use.**

Planning Commission Hearing Process (3)

Hearing Process Outline:

- 6. Planning Commission Chairperson closes testimony then polls the Commissioners for their comments / impressions regarding the proposed land-use & the testimony they have heard. [< 1min]**
- 7. Planning Commissioners may or may not provide comments [1 - 10min]**
- 8. Planning Commission Chairperson calls for a Motion with respect to the proposed land-use [< 5min]**

Planning Commission Hearing Process (4)

Hearing Process Outline:

- 9. After receiving a 2nd for the Motion, the Planning Commission Chairperson calls for a vote on the Motion that would recommend to the Board of County Commissioners: Approval, Approval with Stipulations, or Denial. [< 5min typical]**
- 10. Planning Commission Clerk records the vote with possible Stipulations. [< 5min typical]**

Planning Commission Hearing Process (5)

Jefferson County Zoning Resolution Land-use Decision Criteria:*

- a. The compatibility with existing and allowable land uses in the surrounding area.
- b. The degree of conformance with applicable land use plans.
- c. The ability to mitigate negative impacts upon the surrounding area.
- d. The availability of infrastructure and services.
- e. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area.

* From Section 6 of the Jefferson County Zoning Resolution (ZR)

Board of County Commissioners

Hearing Process

Hearing Process Outline:

- 1. Essentially the same process as for the Planning Commission Hearing.**
- 2. The Land-use Decision Criteria (page 9) applies.**
- 3. County Commissioners can: Approve, Approve with Stipulations, or Deny the Application.**
- 4. Applicant can: Appeal for a Rehearing or, within 1 year, Resubmit Application with modifications.**

Land Development Process References & Call-to-Action

Reference Materials:

[Jefferson County Planning & Zoning Webpages](#)

[Jefferson County Zoning Resolution \(ZR\)](#)

[Jefferson County Land Development Regulation \(LDR\)](#)

[Jefferson County Comprehensive Master Plan \(CMP\)](#)

Get Involved by Visiting:

[Conifer & South Evergreen Community Committee](#)

[Stop The Bike Park](#)

Community Meeting Process Guide

JEFFERSON
COUNTY COLORADO
Planning and Zoning

100 Jefferson County Parkway, Suite 3550, Golden CO, 80419
303-271-8700 | planning.jeffco.us

This guide is intended to give applicants information about how to set up and conduct a Community Meeting for their development proposal.

Community Meeting Overview

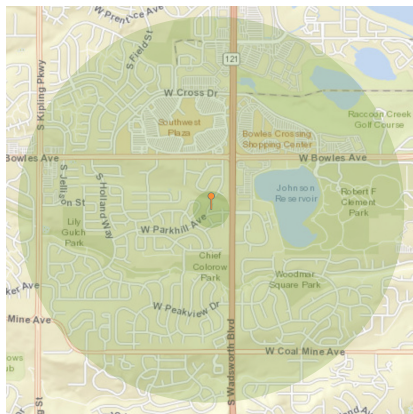
The purpose of the Community Meeting is to inform the public of a possible land use change before an application has been submitted to the County. The Community Meeting is a crucial component of Rezoning and Special Use development processes. This meeting provides the applicant the opportunity to answer any community concerns and to solicit input about the proposal to achieve the best possible results.

During the Community Meeting, the applicant, staff, and citizens each have a different role. The applicant organizes the meeting, delivers a presentation, listens to public feedback, and responds to community questions. A Planning and Zoning staff member, typically the Case Manager, will be present to explain the development process and to answer questions about County procedures and requirements. After an application is submitted, the Case Manager reviews the case for compliance with County policies and regulations and presents their findings at the public hearings. The Case manager is not an advocate for the application. Citizens attending the meeting listen to the applicant's proposal before offering feedback, sharing constructive criticism, voicing concerns, and asking questions. This meeting is an opportunity for the community to provide the applicant with a neighborhood perspective.

Meeting Notification

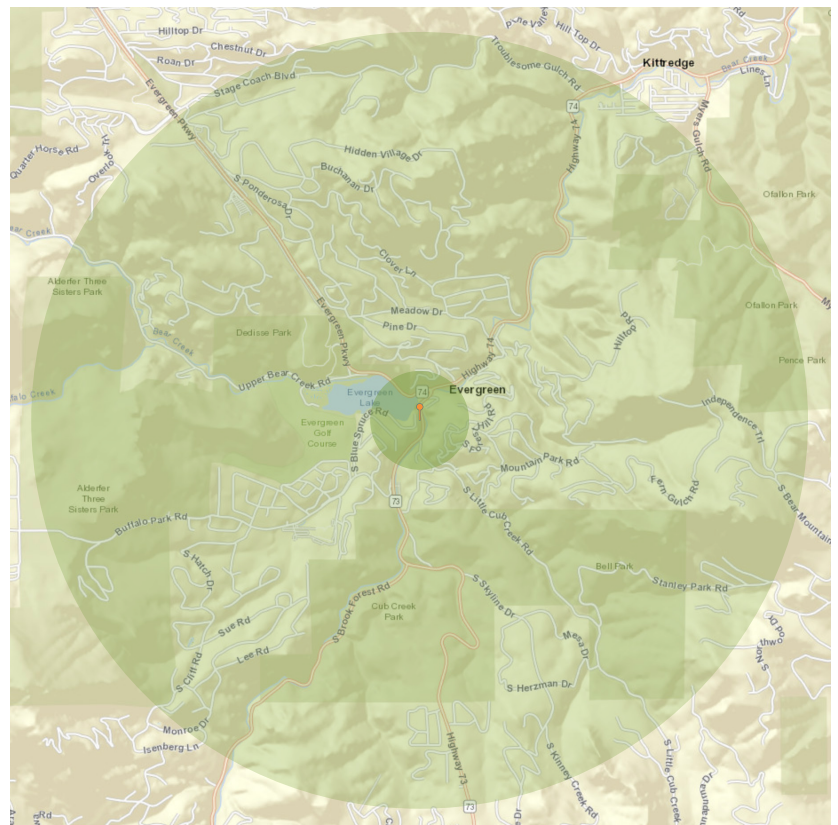
Although the applicant plans and carries out the Community Meeting, Planning and Zoning prepares and sends notification to property owners and homeowner's associations according to the requirements of the Zoning Resolution. For Rezoning and Special Use cases in the Plains, notice is sent to property owners within 500 feet of the proposed development while homeowner's associations within one mile are notified. In the Mountains (above 6,400 feet in elevation), property owners within a quarter mile and homeowner's groups within two miles are notified. Homeowner's associations (HOAs) and other community groups must be registered with Planning and Zoning to receive notification.

Rezoning and Special Use Cases in the Plains



● 500 feet ● one mile

Rezoning and Special Use Cases in the Mountains (above 6,400 feet in elevation)



● 1,320 feet ● two miles

Community Meeting Process Guide

Scheduling the Meeting

It is the applicant's responsibility to plan the Community Meeting, and several considerations must be made when scheduling to ensure an effective meeting takes place that meets County requirements.

1. The applicant must provide no less than three weeks advanced notice to the Case Manager of the scheduled meeting date and location. This allows adequate time to prepare and send notification to the public.
2. In-person Community Meeting should be held in the closest possible public meeting location to the subject property. If possible, do not choose a location more than two miles from the proposed development. The meeting location must meet Americans with Disabilities Act (ADA) accessibility requirements. For virtual Community Meetings, see section below.
3. Community Meetings must be scheduled on a Monday through Thursday and may begin between 5:30 and 7 p.m. Meetings will typically take one hour but may be longer if the case is controversial. Meeting dates may not be scheduled on a recognized holiday, and the applicant should not host a meeting close to holidays. Since many people travel around holidays, the meeting should be scheduled a few days on either side of a holiday to ensure the largest possible attendance.
4. The applicant is responsible for setting up the meeting room including tables and chairs in addition to providing appropriate audio/visual equipment or other visual aids. The Case Manager will provide sign in sheets for attendance.
5. The applicant must anticipate the community turnout for the meeting and reserve a space accordingly. Failure to supply adequate space for attendees may require rescheduling of the meeting and a delay in the development application process.

Virtual Meetings

If in-person meetings are prohibited due to a public health order or other circumstance, a virtual Community Meeting will be required. The virtual meeting must still have a date and time that meet the requirements of the Zoning Resolution (see item 3 above). The location of the meeting will be online using a tool such as WebEx, Teams, Zoom, etc. This platform must allow the expected number of interested individuals to join the meeting, since some limit the number of attendees. The tool must also provide a way to present information (in the form of video, Powerpoint, images, etc.), to join the meeting by computer or by phone, and to host a question and answer period. The applicant will choose the platform and organize the meeting no less than three weeks in advance. The Case Manager will approve the meeting plan before notifying the public. The applicant is also expected to prepare a presentation in advance that will be posted on the Planning and Zoning website no less than two weeks before the virtual Community Meeting.

Meeting Preparation

After scheduling the Community Meeting, the applicant must then prepare the format and content of the meeting. The applicant is tasked with choosing a meeting format that is most effective for the project after considering potential community turnout and presentation content. Each meeting style has advantages and disadvantages and may not be appropriate for some meetings. No matter which style is chosen, the applicant should work with their Case Manager to coordinate when the County development process will be discussed during the presentation. Practicing the presentation in advance can ensure a smooth delivery.

- 1 The traditional format of a Community Meeting is a town hall style where the applicant presents information at the front of the room before responding to citizens' questions one-by-one.



- 2 Another meeting style is a roundtable format which allows for a more discussion-based exchange of information. A roundtable meeting can be effective for small and large groups alike. A small group of up to ten people can have an organized, but more informal discussion at the same table. With enough facilitators, the applicant can divide a large turnout into groups of eight to 10 people to present information, respond to questions, and discuss concerns on a smaller scale. If this format is used, there should be time allocated at the end of the meeting for each table to report their main points to the larger group.



Meeting Styles continued on next page

3 Another meeting type is an open house. While rare for a Community Meeting, this format may be most effective for very large-scale developments with multiple proposed land uses. At an open house, the applicant organizes several tables or stations to provide information about the different components of the potential project. The applicant and their team would staff each station to provide information, discuss with the public, and note concerns.



Meeting Best Practices

The following techniques may be applied so that both large and small community meetings run smoothly.

Pre-meeting

If the project is anticipated to be controversial, the applicant may contact Homeowner's Associations prior to the County-required Community Meeting to get an idea of community concerns and how to address them.



Presentation

The applicant's presentation should address the proposed project, including type of uses, changes to existing property/structures, density (if applicable), building heights, infrastructure needs, and any other relevant issues. When preparing this information, the applicant should anticipate major concerns and questions that will be raised by the public during the meeting. If appropriate, the presentation should explain how the project intends to address each of the major concerns.



While content of the meeting is important, the applicant must also plan the structure of the meeting. A prepared agenda will assist with timing of the meeting while informing attendees of what to expect during the meeting. Be sure to note when attendees will have an opportunity to speak. At the beginning of the presentation, it is best to convey whether questions will be taken during the presentation or if they should be held until the end. If questions will be held to the end, it is good practice to provide pens and paper so people can write down their questions to save for later. It is often best to hold questions until the end as long as the presentation is succinct to ensure there is enough time for the presentation and questions. For a smaller project, a 5-10-minute presentation may be adequate. For more complex proposals, a 20-30-minute presentation may be more appropriate.



Question and Answer Period



The most common way for an applicant to receive questions is by a show of hands. This method is preferred for smaller groups, since large groups may have too many questions to easily monitor. If there are several hands, the applicant should choose one, then let the others know the order in which their questions will be taken. Keep to that order as this strategy will help maintain the structure of the question and answer period. If someone interrupts, the applicant should let them know their question will be taken after those who have already raised their hand. If a large turnout is anticipated, the applicant should plan for how to take questions. Let the group

know this plan before the question period, so they know everyone will have an opportunity to speak. Common methods include:

- For town hall style meetings, have a microphone in a designated spot for people to stand in line to ask their questions.
- Go around the room in a set order (e.g. from front to back or left to right) and ask attendees if they have comments or questions. Request that they only ask one question or give one comment at a time to allow everyone a chance to speak. If there is time, go around the room again. If there is not time, plan to stay a little later to speak to people individually after the formal meeting concludes.
- In some cases, attendees may have common concerns. If necessary, acknowledge concerns that have already been addressed and ask for comments that have not been raised.
- For a roundtable format, make it known that after small group discussions, there will be a time for each group to report to the larger group.

Misinformation

If incorrect information is being spread about the proposal, address it in the presentation so all attendees can hear the correct information before the question period.

If a citizen has a comment containing misinformation, correct the error tactfully. There is a difference between saying "You're wrong" and "I'm afraid you have some incorrect information".

Community Meeting Process Guide

During the question and answer period, it is strongly recommended that the applicant take notes. Notes visible to the entire audience are preferable for more controversial cases, so attendees can see that their question/concern is acknowledged. This can be accomplished through an easel pad or digital projection. If this is not possible, notes may be taken on a pad of paper, computer, tablet, or cell phone. If notes are taken on a tablet or cell phone, the applicant should let the attendees know that the device is being used for notes. Otherwise, it may be assumed the notetaker is doing something other than listening. While the Case Manager will take notes during the meeting, it is not their role to take notes for the applicant. The applicant should also take notes for their personal use.

Land use issues can elicit strong reactions from both the applicant and citizens. Owners and applicants should try to remain calm, even if individuals become hostile. The ground rules may be reiterated and if commentary becomes disrespectful, the applicant or Case Manager may call for a short break. The applicant may want to hire a consultant to run the meeting if they are concerned about remaining calm during the meeting. This will add a layer of objectivity between the applicant and attendees.

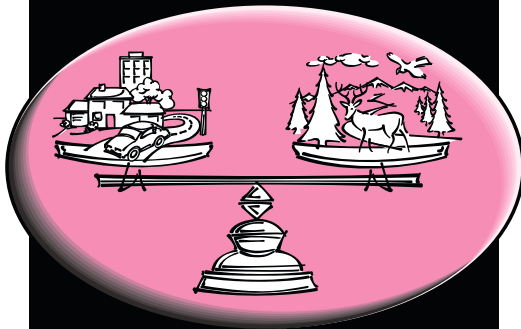
Post Meeting

The Case Manager will save their notes to the case file as a public document. The applicant may also make their notes available to the public by providing them to the Case Manager. Before submitting a formal development application, the applicant should follow up with the public or Case Manager about any outstanding issues or questions.



Jefferson County
Planning & Zoning

Special Use Process



This guide describes the Special Use Process (SUP). This guide should be used in conjunction with the Zoning Resolution.

Application Process GUIDES

100 Jefferson County Parkway, Suite 3550
Golden, Colorado 80419-3550
Phone (303) 271-8700 • Fax (303) 271-8744
<http://planning.jeffco.us>

This guide describes the highlighted process in the graphic below. Additional process guides are available for the other application types listed.

All properties within Jefferson County have a zoning designation. This zoning designation establishes the type and intensity of the uses allowed on the property. The standard zoning designations in the Zoning Resolution also identify additional uses that may be considered for properties called Special Uses. Special Uses are uses that could potentially occur depending on the impacts to and compatibly with the surrounding area. Consideration of how impacts to the surrounding area can be mitigated is also a part of the special use review. The parcel subject to the special use must conform to the minimum lot and building standards of the underlying zone district. The regulatory requirements for a Special Use application are located in the Zoning Resolution. Special Use applications are presented to both the Planning Commission and the Board of County Commissioners in public hearings.

Exemption from Subdivision

Residential Structure Exclusion
Exemption
Minor Adjustment
Multi-Family (see SDP)

Entitlement

Rezoning
Site Approvals
Special Use
Telecommunication Special Use
Certificate of Designation

A Special Use process is required when a land use desired by a property owner is listed as a Special Use within a standard zone district requirements within the Zoning Resolution.

Miscellaneous

Vacation
Special District Service Plan
Deeds

Subdivision

Preliminary and Final Plat
Preliminary Plat
Final Plat
Rural Cluster

Development

Site Development Plan (SDP)
Land Disturbance
Floodplain
Telecommunications Permit
Building Permit

Optional Pre-Application

The Pre-Application process was created to provide applicants with a quick review of development proposals based on limited information. The review is intended to provide information about the regulations and process that will assist an applicant in making key decisions about the development proposal prior to making a formal application. Refer to the Zoning Resolution and the Pre-Application Guide for additional details.

Submittal Requirements

The submittal documents required for an application will vary based on the specifics of each unique application. Prior to the Formal Application, the case manager will provide the applicant with information identifying the type and number of required documents for the application. A complete explanation of the submittal requirements can be found in the Submittal Requirement Section of the Zoning Resolution.

Special Use Process

The information provided below is intended to be a brief overview of the Special Use process. For a complete explanation of the Special Use requirements, please refer to the Zoning Resolution.

Step 1

Community Meeting

This meeting should be conducted in the general vicinity of the property involved in the rezoning application and is intended to be a forum for an information exchange between an applicant and community members. The Community Meeting must be held prior to making a Formal Application. (Refer to the Zoning Resolution and the Community Meeting Guide for additional details)

Step 2

Sufficiency Review

The applicant will submit one copy of each document required for the formal application. The assigned Case Manager will review the documents to determine if they are complete. The Case manager will then prepare a letter explaining any deficiencies in the submittal documents. The letter will include a referral matrix that identifies County divisions and other agencies that will receive submittal documents. The applicant shall revise the submittal information as may be required to comply with County standards.

Step 3

Formal Application Submittal

The applicant shall submit all documents identified in the Case Manager's response to the Sufficiency Review.

Step 4

Referral Process

The Zoning Resolution anticipates that an application will be sent out on two referrals before it is ready for the hearing process; however, at any time after the 1st Referral the Case Manager may decide that the application is in substantial conformance with all applicable regulations and is ready for hearing. Additional fees will be incurred for a third referral and any subsequent referral there after. The general referral steps are as follows:

The Case Manager will refer the application and supporting documents to County divisions and other agencies.

- 1. After the referral, the Case Manager will provide the applicant with a Staff response inclusive of referral agency responses, and will include a referral matrix for the next referral if applicable.*
- 2. The applicant will address, in writing, any issues identified by the Case Manager or any referral agency and resubmit revised documents for the next referral.*

Step 5

Hearing Documents

The hearing documents shall be identified by the Case Manager.

Step 6

Planning Commission

The application will be presented to the Planning Commission in a public hearing. The Planning Commission will make a recommendation on the application to the Board of County Commissioners.

Step 7

Board of County Commissioners Hearing

The application will be presented to the Board of County Commissioners in a public hearing. The Board of County Commissioners will approve or deny the application.

Step 8

Post Hearing Review

When the applicant complies with any approval conditions, and submits the executed mylar and other final documents, Staff will obtain the required County approval signatures and have the documents recorded.

Evaluation/Decision

A Special Use application is evaluated against the criteria listed below. The Special Use application is not reviewed against the recommendation of the Comprehensive Master Plan.

1. The impacts of the proposed use upon property in the surrounding area, including but not limited to:

- Traffic impacts, volume of trips, safety and access
- Fire Hazards
- Visual and aesthetic impact, including bulk, scale of buildings as they relate to the surrounding uses
- Solar Access
- Noise
- Geologic Hazards
- Drainage, erosion and flood hazards
- Radiation Hazards
- Community Character
- Adequate water quality and quantity and sewage disposal availability
- Availability of public facilities to serve the proposed use

2. The availability of methods to mitigate any negative impacts of the proposed use upon the surrounding area, including, but not limited to, construction of necessary public facilities.

3. The compatibility of the proposed use with existing and allowable land uses in the surrounding area.

4. The effects upon the health, safety and welfare of the residents in the surrounding area.

A Special Use application is presented to both the Planning Commission and the Board of County Commissioners at public hearings. The Planning Commission will review the request and Staff recommendation, receive testimony and evidence on the application, and will recommend approval, conditional approval, or denial of the request to the Board of County Commissioners. The Board of County Commissioners shall review the request, Staff recommendation and Planning Commission recommendation, receive testimony and evidence on the application, and will approve, conditionally approve, or deny the application.

Note: During the hearing process, the Planning Commission or the Board of County Commissioners may vote to continue the application to a subsequent public hearing. The most common reasons for a continuance are: 1) To provide for additional public testimony: 2) To allow for the applicant or Staff to address concerns related to an application: 3) At the request of the applicant.

Community Involvement

Keeping the public informed of development applications is a high priority in Jefferson County. Notification requirements for a Special Use application include community mailing, sign posting and newspaper publication. The following summarizes the notification required at different stages of the application, and the method by which the public may provide input:

- **Community Meeting** – The notification for a Community Meeting will be through community mailing and sign posting. The purpose of the Community Meeting is for the applicant to present their proposal to the community. The community will have an opportunity to ask questions and make suggestions on the proposal. The applicant may choose to amend the application request based on the comments received.
- **Formal Application** – The notification at the time of Formal Application is by community mailing. This mailing notifies

the public that an application has been submitted and that documents related to the application are available for review. Any comments submitted by the public will be provided to the applicant and will also be included as a part of the staff report prepared for the public hearing. Again, the applicant may choose to amend the application request based on the comments received.

- **Public Hearings** – Notification for Public Hearings will be through community mailing, sign posting and newspaper publication. Any member of the public may testify on an application in a Public Hearing. The public may also send in letters or comments to the case manager. All comments received throughout the application process will be included as a part of the staff report prepared for the Public Hearings.

Note: The notification requirements are explained in detail in the Zoning Resolution and the Notification Guide.

What role do public comments play in the process?

Applicant: The applicant may choose to amend the application request based on the comments received by the public.

Staff: Staff will review the comments and may provide suggestions to the applicant in order to address the public comments; however, the basis for a recommendation by Staff on the application is limited to the criteria identified above in the Evaluation/Decision section.

Planning Commission and Board of County Commissioners: The Planning Commission and the Board of County Commissioners will consider public comments, and may use those comments as a factor in their decision on an application.

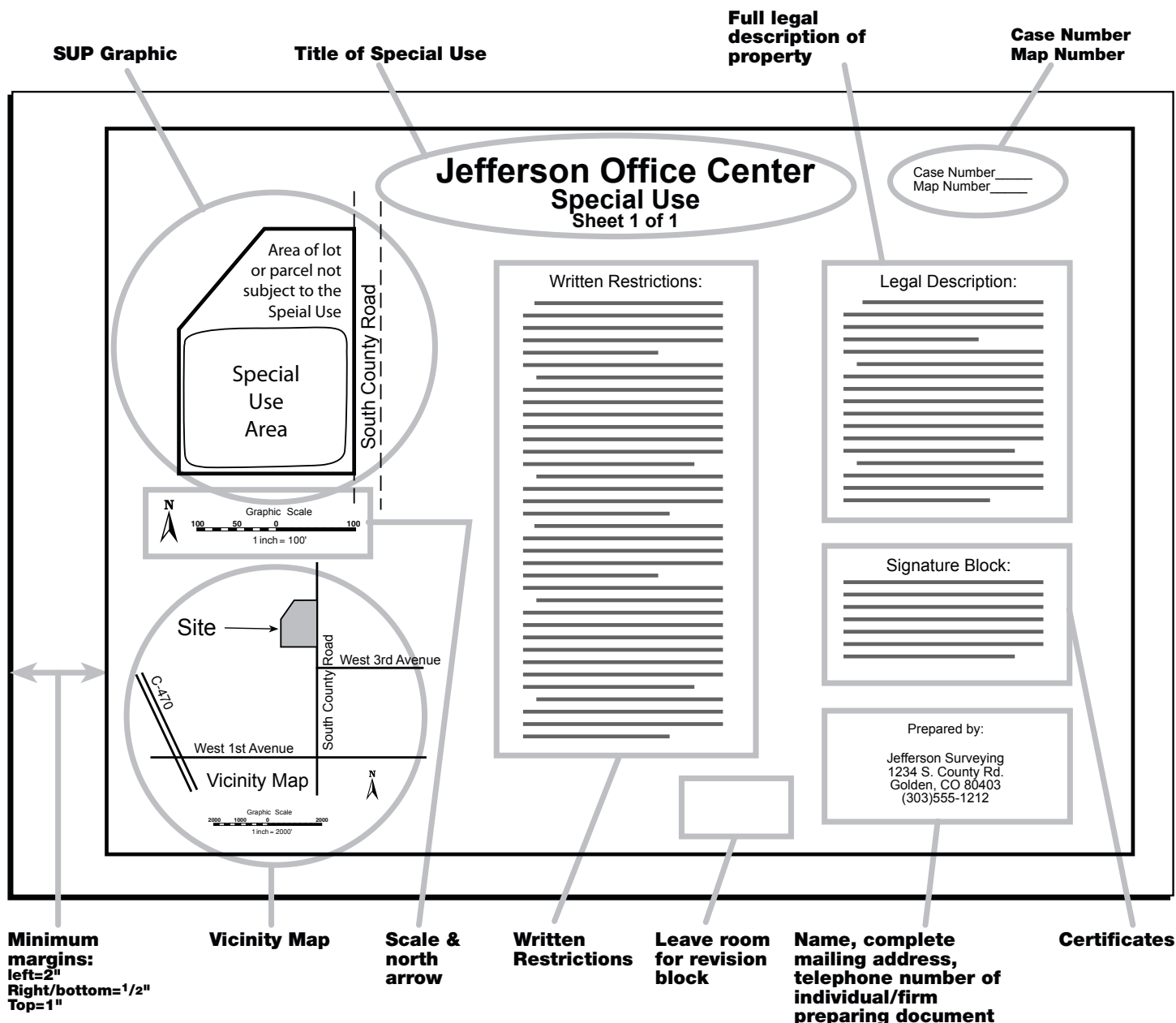
Special Use Format

The main component of a Special Use Document is the written restrictions that identify the uses and standards for the subject property. A graphic may also be required by Planning and Zoning to show the configuration of use areas and other features. The typical format for the Special Use Document (with a graphic) is a 24" X 36" size document; however, a smaller format may be allowed at the discretion of Planning and Zoning.

Written Restrictions: The written restrictions serve to establish the specific regulations and requirements for the lot or parcel. The written restrictions shall list permitted and accessory uses, and may include specific standards for signs, fences, lighting, parking, buildings, lots, architecture, open space and landscaping. The written restrictions may also address general provisions dealing with animals, pollution control, hours of operation, etc.

Graphic: When required, the graphic shall depict the layout of the parcel and proposed use areas, and may show other features such as the location of existing buildings, buildable and non-buildable areas, hazard areas; etc.

The graphic shown below indicates the preferred layout of a Special Use. This example is provided for general reference only and should not be duplicated. Refer to the Zoning Resolution for additional format requirements.



Section 6 - Rezoning and Special Use Process

(orig. 5-21-19)

A. Intent and Purpose

This process was created to move projects through the review and approval process as quickly as possible. The process outlines time frames and expectations that provide the applicant with a clear understanding of the steps involved prior to being scheduled for hearing before the Planning Commission and the Board of County Commissioners. The Director of Planning and Zoning may waive the time frames included in this process depending on Planning and Zoning staffing levels and the complexity of the proposal. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 12-21-10)

B. Application

1. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 5-20-08)
2. The following procedure, requirements and criteria shall apply to Rezoning applications. (orig. 10-25-05)
3. Notification is required in accordance with the Notification Section. (orig. 10-13-09)

C. Procedure

If the applicant complies with all given time frames, submits a complete application and complies with all requirements of the regulation, the estimated time to reach the public hearing phase of the process is 106 calendar days from the date of the 1st Referral. (orig. 10-25-05; am. 4-4-06; am. 5-20-08; am. 10-13-09; am. 07-17-18)

Process Steps	Processing Time Frames	
Optional Pre-Application Review Process or Meeting with Staff	Prior to Process	
Community Meeting		
Steps prior to 1st Referral		
Sufficiency Review and Referral Distribution or deficiency response	7 calendar days	
Resubmittal Sufficiency Review (if necessary)	5 calendar days	
Process from 1st Referral to Public Hearings		
1st Referral and Staff Response	28 calendar days (21 day referral, 7 days for Staff response)	106 Days to tentatively scheduled hearings if processing time frames are met.
Applicant's Response to 1 st Referral	Varies - 21 calendar days used for example timeframe	
Sufficiency Review and Referral Distribution	5 calendar days	
2 nd Referral and Staff Response	21 calendar days (14 day referral, 7 days for Staff response)	
Applicant submits Hearing Documents	10 calendar days	
Hearing Preparation	21 calendar days	
Public Hearings and Post Hearing Review		
Planning Commission Hearing	Time varies based on PC and BCC actions; and applicant meeting approval conditions	
Board of County Commissioners Hearing		
Post Hearing Review		

Note: Details regarding these processing timeframes are listed below.

Prior to submitting a development application, it is recommended that the applicant go through the Pre-Application Review Process, as identified in the pre-application provision of this section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the rezoning process and will help to establish the specific submittal requirements. The specific submittal requirements can also be established by obtaining an appointment with Staff to discuss the development proposal. (orig. 10-13-09; am. 07-17-18)

Community Meeting: The applicant shall hold a Community Meeting, pursuant to the Community Meeting Process, prior to submittal of the formal application and following the Pre-Application Review Meeting, if one was held. (orig. 2-22-00; am. 10-25-05)

Steps Prior to 1st Referral

1. Sufficiency Review and Referral Distribution (1st Referral):

The applicant shall electronically submit all documents as identified in the Submittal Requirements Section of this Regulation for review by Staff. (5-20-08; am. 07-17-18)

The Case Manager shall have 7 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents (including the appropriate referral fees). A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 07-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 07-17-18)

Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 10-13-09; reloc. 07-17-18)

2. Formal Application:

The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 5-20-08; am. 10-13-09)

The Case Manager shall have 5 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 4-4-06; am. 5-20-08; am. 07-17-18)

Process from 1st Referral to Public Hearings

3. 1st Referral and Staff Response:

The referral agencies shall have 21 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08)

The Case Manager shall have 7 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Hearing Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 07-17-18)

If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the Hearing Documents phase of the process. Under this circumstance, the application will be able to get to the hearing phase earlier than the date(s) tentatively scheduled at the time of the 1st Referral. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 07-17-18)

4. Applicant's Response to 1st Referral:

For the application to be processed in accordance with the example timeframe in the table above, the applicant shall have 21 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2nd referral. The applicant will be deemed to have consented to later hearing dates, than the tentatively scheduled hearing dates, if the resubmittal is not received within the 21 calendar day period. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 07-17-18)

Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his or her opinion, the delay in response is for good cause. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10; am. 07-17-18)

5. Sufficiency Review and Referral Distribution (2nd Referral):

The Case Manager shall have 5 calendar days to review the submittal and either send the application out

on referral or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not be sent out on referral. All resubmittal documents shall be submitted as a complete package and not sent in a fragmentary manner. (orig. 07-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 07-17-18)

6. 2nd Referral and Staff Response:

The referral agencies shall have 14 calendar days to respond in writing to the 2nd Referral. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08; am. 07-17-18)

The Case Manager shall have 7 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Hearing Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 07-17-18)

If the applicant has not consented to later hearing dates based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled hearings, the applicant shall submit the Hearing Documents as requested by the Case Manager in accordance with the Hearing Documents phase of the process. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08)

7. Applicant's Response to 2nd Referral:

The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10; am. 07-17-18)

8. Additional Referrals and Responses:

For the 3rd Referral, and for any subsequent referrals thereafter, the processing of the application shall follow the same steps identified above in the Sufficiency Review and Referral Distribution (2nd Referral) process, the 2nd Referral and Staff Response process and the Applicant's Response to 2nd Referral process. (orig. 5-20-08; am. 07-17-18)

The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08; am. 07-17-18)

9. Submittal of Hearing Documents:

The applicant shall electronically submit the Hearing Documents as identified in the Case Manager response to the last referral.. (orig. 5-20-08; am. 9-27-11; am. 07-17-18)

If the applicant has not consented to later hearing dates based on the time constraints of this process, the applicant shall have 10 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and submit the Hearing Documents for the tentatively scheduled hearings. The applicant will be deemed to have consented to later hearing dates if the Hearing Documents are not received within the 10 calendar day period. (orig. 2-22-00; am. 10-25-05; am. 5-20-08)

The applicant shall have a maximum of 180 calendar days to respond to the referral comments or to submit the Hearing Documents, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fee and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 10-13-09; am. 12-21-10; am. 07-17-18)

10. Hearings Scheduled:

a. Planning Commission Hearing: If the applicant has consented to later hearing dates based on the time frames of this Regulation, the Planning Commission hearing will be scheduled for the first available hearing date after 21 calendar days from the submittal of the Hearing Documents. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08)

b. Board of County Commissioners Hearing: The Board of County Commissioners hearing is typically

scheduled for the first available hearing date after 19 calendar days from the Planning Commission hearing; however, Staff may choose an alternative hearing date to accommodate case processing and scheduling needs. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 07-17-18)

11. Hearing Preparation

- a. Revisions to Documents Prior to Hearing: To ensure completeness and to allow adequate public review, no substantial revisions or additions, except in response to a Staff request or those specifically requested by the Planning Commission or the Board of County Commissioners, may be made to any application or supporting documents within 21 calendar days prior to any hearing. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08)
- b. Notification: Notification of the scheduled hearings is required in accordance with the notification provisions of this section. (orig. 10-13-09)

Public Hearings and Post Hearing Review

12. Planning Commission Hearing: The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and shall recommend approval, conditional approval, or denial of the request to the Board of County Commissioners. The Planning Commission may continue the request for no more than 40 calendar days without the consent of the applicant. The continuance of a request will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10)

13. Board of County Commissioners Hearing: The Board of County Commissioners shall review the request, Staff report, and the Planning Commission recommendation, receive testimony and evidence on the application, and shall approve, conditionally approve or deny the application. The Board of County Commissioners may continue the request for no more than 40 calendar days without the consent of the applicant. The continuance of a request will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 2-22-00; am. 10-25-05; am. 5-20-08; am. 12-21-10)

14. Post Hearing Review

- a. Official Development Plan (ODP) or Special Use Document (SUD): The applicant shall have 28 days after Board of County Commissioner's approval to submit a 'clean' copy of the approved red-marked ODP or SUD, and to pay the recordation fees. The Case Manager will have 7 days to review the submitted document. If the revisions have been made in accordance with the approval conditions, the Case Manger will affirm and record the document(s), as appropriate. If the submitted documents are not in conformance with the approved red-marked ODP or SUD, the red-marked document shall be recorded by the Case Manager. (orig. 5-21-19)
- b. Standard Zone District: The Board of County Commissioners resolution shall be recorded within 7 calendar days after approval. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08)
- c. If an application needs to return to hearing for a non-substantial change that does not materially affect the content of the approved application, then the Director of Planning and Zoning may allow the application to proceed directly to a hearing before the Board of County Commissioners without a hearing before the Planning Commission. (orig. 4-20-10; am. 12-21-10)

15. Rehearing of Rezoning and Special Use Cases

- a. Upon denial of a Rezoning application by the Board of County Commissioners, the applicant may petition the Board within 1 year of the Board's decision, requesting a rehearing of its application if there is a substantial change. Said petition shall be comprehensive in delineating all proposed changes. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-6-82; am. 12-17-02; am. 10-25-05)
- b. The Board of County Commissioners at its sole discretion may grant a petition for rehearing where it determines that a substantial change is being proposed that could significantly affect one or more of the reasons for denial of the original case. The Board may deny the petition solely upon the contents of the petition or when deemed advisable by the Board upon the petition and evidence presented. Discussion of such petition may occur at a regularly scheduled Board of County Commissioners briefing. Public testimony will not be allowed during such meeting. (orig. 7-21-81; am. 12-6-82; am. 7-1-03)
- c. If the Board of County Commissioners grants a rehearing petition, Planning and Zoning Staff will

determine any referrals that will be needed to allow the appropriate review of the proposed changes, and to establish the hearing schedule. Public notice of the hearings shall be given as set forth in the rezoning provisions. Planning and Zoning shall present the amended application to the Planning Commission and the Planning Commission shall review and make a recommendation thereon, prior to the date of the Board of County Commissioners rehearing. (orig. 7-21-81; am. 12-6-82; am. 12-17-02; am. 4-27-04; am. 5-20-08; am. 5-21-19)

- d. After conducting the rehearing, the Board of County Commissioners shall approve, conditionally approve or deny the Rezoning application as amended based upon the evidence submitted at the rehearing together with the relevant evidence received at the prior hearings on said application. (orig. 7-21-81; am. 10-25-05)
- e. No petition for rehearing may be granted where the decision of the Board of County Commissioners on the Rezoning application has been appealed or contested in any court of law or during the pendency of said court action. (orig. 7-21-81; am. 12-17-02; am. 10-25-05)

D. Criteria for Decisions for Rezoning and Special Use Applications

In reviewing proposed Rezoning and Special Use Applications, the Planning Commission and the Board of County Commissioners may consider the following criteria: (orig. 7-1-03; am. 5-21-19)

- 1. The compatibility with existing and allowable land uses in the surrounding area. (orig. 7-1-03; am. 5-21-19)
- 2. The degree of conformance with applicable land use plans. (orig. 7-1-03; am. 5-21-19)
- 3. The ability to mitigate negative impacts upon the surrounding area. (orig. 5-21-19)
- 4. The availability of infrastructure and services. (orig. 5-21-19)
- 5. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area. (orig. 7-1-03)

E. Criteria for Rezoning Open Space within the Planned Development Zone District

- 1. Except as set forth in paragraph b. below, requests to rezone all or any portion of a property designated in the Planned Development Zone District as open space, conservation, preservation, or other similar term to a classification that would permit development may be granted only if the applicant shows to the satisfaction of the Board of County Commissioners that the open space designation is not warranted because: (orig. 8-31-93)
 - a. The property has none of the following features: (orig. 8-31-93)
 - (1) Significant or desirable wildlife habitat or migration routes. (orig. 8-31-93)
 - (2) Rare or unusual vegetation or ecosystems. (orig. 8-31-93)
 - (3) Remarkable geologic features such as rock outcrops or formations. (orig. 8-31-93)
 - (4) Historic resources. (orig. 8-31-93)
 - (5) Significant views or view corridors. (orig. 8-31-93)
 - (6) Riparian and/or wetland areas. (orig. 8-31-93)
 - (7) Bodies of water, except those constructed for utilitarian purposes which are no longer needed for that purpose and which were not intended also to provide wildlife habitat. (orig. 8-31-93)
 - (8) Trail corridors, such as existing trails, trail easements, or trail connections shown on an ODP. (orig. 8-31-93)
 - b. The open space area was not set aside as an integral part of the overall development, rather than designated as "open space" because future development was unknown or unplanned at the time of zoning to Planned Development. (orig. 8-31-93)
 - c. The property is not being used for active or passive recreation by the surrounding community. (orig. 8-31-93)
 - d. The open space was not designated as the result of a density transfer or other adjustment to allow a higher density elsewhere. (orig. 8-31-93)
 - e. The open space was not part of a Rural Cluster development. (orig. 7-1-03)

2. Property not eligible for Rezoning under the Open Space Rezoning criteria may only be rezoned where all of the following exist. (orig. 8-31-93; am. 12-17-02)
 - a. The Rezoning request includes additional land in the same vicinity which land would replace the lost open space value set forth above with land that is superior in open space quality. (orig. 8-31-93)
 - b. The applicant has given notice of the Rezoning request by first class mail, return receipt requested, to property owners, registered associations, the Colorado State Division of Wildlife, local park and recreation district, and other referral agencies, as determined by Planning and Zoning. This provision does not supersede notice requirements set forth elsewhere in this Zoning Resolution. (orig. 8-31-93; am. 4-27-04; am. 5-20-08)
3. Nothing set forth above shall require the Board of County Commissioners to grant a Rezoning request which meets the criteria set forth above where the Board of County Commissioners determines that such request is not in the best interests of the present and future inhabitants of Jefferson County or is not in conformance with the Rezoning criteria set forth elsewhere in this Zoning Resolution. (orig. 8-31-93)

F. Limitations upon Rezoning Applications

1. Non-contiguous properties may not be rezoned to Planned Development within a single rezoning application. For the purposes of Rezoning Applications, contiguous shall be defined as a common or shared boundary or tract wide enough to provide sufficient access in accordance with the access requirements in the General Provisions Section. Properties on opposite sides of local, collector or arterial streets/roads shall not be considered contiguous. The Director of Planning and Zoning may allow non-contiguous parcels to be processed as a single Planned Development Application if in his or her opinion the processing of a single application would be appropriate. If the Director of Planning and Zoning makes such a determination, the applicant(s) will be required to pay the standard application fee for each non-contiguous parcel. (orig. 5-20-08; am. 10-13-09; am. 12-21-10)
2. The boundary of the area subject to Rezoning may not be drawn to result in contiguous property under the same ownership that does not conform to the zone district standards applicable to said contiguous parcel. (orig. 9-11-90; am. 10-25-05)
3. Except as provided in the "Rehearings of Rezoning Cases" portion of this section, no Rezoning application shall be accepted for a Rezoning to the same zone district for the same parcel of ground or portion thereof for which a previous application has been denied by the Board of County Commissioners within 1 year prior to the date of filing of said application. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 10-25-05)
4. A Rezoning application shall not be accepted for any lot, parcel, tract of land or portion thereof where a court action brought by the applicant is pending against the County contesting the existing zoning or any previous Rezoning decision of the Board of County Commissioners thereon. (orig. 7-24-72; am. 7-21-81; am. 7-1-03; am. 10-25-05)
5. A Rezoning application shall not be accepted by Planning and Zoning as long as there is a pending application for Rezoning or Special Use of said premises before the Planning Commission or the Board of County Commissioners. However, nothing herein shall prevent amendment of a pending application before the Planning Commission or the Board of County Commissioners by the applicant, except amendment to a new zone district or Special Use that is more restrictive than the original request will require that the pending application be withdrawn and a new application be submitted in accordance with the "Rezoning Procedures," portion of this section. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)

G. County-Initiated Rezoning

The Planning Commission and/or the Board of County Commissioners may, at any time, direct Planning and Zoning to initiate Rezoning for any parcel or parcels of land within the unincorporated area of Jefferson County. Notwithstanding any provisions of this section to the contrary, County Initiated Rezoning procedures shall be only in accordance with the provisions of Section 30-28-116, C.R.S. 1973, or as amended. (orig. 12-17-74; am. 7-21-81; am. 12-17-02; am. 4-27-04; am. 5-20-08)

H. Limitations upon Special Use Applications

1. The lot, parcel, or boundary area subject to the Special Use must conform to the minimum lot and building standards of the underlying zone district. (orig. 9-11-90; am. 10-25-05, am. 10-13-09; reloc. 07-17-18)
2. Except as provided in the "Rehearings of Rezoning and Special Use Cases" portion of this section, no Special Use application shall be accepted for the same Special Use for the same parcel of ground or

portion thereof for which a previous application has been denied by the Board of County Commissioners within 1 year prior to the date of filing of said application. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 10-25-05; reloc. 07-17-18)

3. A Special Use application shall not be accepted for any lot, parcel, tract of land or portion thereof where a court action brought by the applicant is pending against the County contesting the existing zoning or any previous Special Use decision of the Board of County Commissioners thereon. (orig. 7-24-72; am. 7-21-81; am. 7-1-03; am. 10-25-05; reloc. 07-17-18)
4. A Special Use application shall not be accepted by Planning and Zoning as long as there is a pending application for Rezoning or Special Use of said premises before the Planning Commission or the Board of County Commissioners. However, nothing herein shall prevent amendment of a pending application before the Planning Commission or the Board of County Commissioners by the applicant, except amendment to a new zone district or Special Use that is more restrictive than the original request will require that the pending application be withdrawn and a new application be submitted in accordance with the "Special Use Procedures," portion of this section. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08; reloc. 07-17-18)