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Dallas Schroeder Recorder, Elbert County, Co
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At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 23rd day of January 2019, there were present:

Christopher Richardson Chair

Grant Thayer

Vice Chair

Rick Pettitt

Commissioner

Rachel Buchanan

Deputy Clerk to the Board

When the following proceedings, among others were had and done, to wit:

APPROVE RESOLUTION 19- 05

AMENDMENT TO ELBERT COUNTY ZONING REGULATIONS PART I, SECTION 9 – REFERRAL PROCESS & SECTION 10 - PUBLIC NOTICE REQUIREMENTS FOR LAND USE APPLICATIONS.

WHEREAS, on March 28, 2018 the Elbert County Board of County Commissioners resolved to adopt the creation of a process for County Initiated Rezoning applications in the Elbert County Zoning Regulations; and

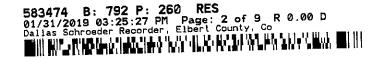
WHEREAS, on March 28, 2018 the Elbert County Board of County Commissioners resolved to adopt the Economic Development Zone (EDZ) Overlay District as a County Initiated Rezoning amendment to the Elbert County Zoning Regulations; and

WHEREAS, on August 8, 2018 the Elbert County Board of County Commissioners directed staff to propose certain amendments to Elbert County Zoning Regulations Part I, Section 9 – Referral Process & Section 10 - Public Notice Requirements For Land Use Applications; and

WHEREAS, the public has been duly notified by means of the County Initiated Rezoning process in the Elbert County Zoning Regulations of the Elbert County Board of County Commissioner's consideration of the Amendments to Elbert County Zoning Regulations Part I, Section 9 and 10: Referral & Public Notice Process For Land Use Applications; and

WHEREAS, the Community and Development Services Department and the Planning Commission recommend the following Findings related to the application:

1. The proposed amendment complies with the goals and policies of the Elbert County Comprehensive Plan Update.



- 2. The proposed amendment will allow the compatibility of surrounding land uses to be evaluated on a case by case basis at the time of application.
- 3. The proposed amendment will allow the impact upon provision of public services to be evaluated on a case by case basis at the time of application.
- 4. The proposed amendment will allow the impact to environmental factors to be evaluated on a case by case basis at the time of application.
- 5. The proposed amendment will allow the impact to transportation to be evaluated on a case by case basis at the time of application.
- 6. The proposed amendment will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendation of the Planning Commission, and having listened to all public comment, and being fully advised in the premise.

BE IT THEREFORE RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF ELBERT as follows:

That the Board of County Commissioners hereby approves the Amendments to Elbert County Zoning Regulations Part I, Section 9 – Referral Process & Section 10 - Public Notice Requirements For Land Use Applications.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

CHRISTOPHER RICHARDSON, CHAIR

GRANT THAMER, VICE CHAIR

RICK PETTITT, COMMISSIONER

ATTEST: RACHEL BUCHANAN

DEPUTY COUNTY CLERK

BY: Rachel abuehanan

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Deputy Clerk to the Board

PART I, SECTION 9 - REFERRAL PROCESS FOR LAND USE APPLICATIONS

A. Intent

 This section describes the referral notice procedure for land use applications and supersedes all language pertaining to these in previously adopted Elbert County Zoning Regulations and Elbert County Subdivision Regulations. At the time of land use application submittal, the Community and Development Services Department (CDS) will provide these requirements to the applicant. This section does not supersede applicable State or Federal requirements.

B. Applicability

- 1. Development proposals requiring referral notice include but are not limited to the following categories of land use applications:
 - Site Development Plans
 - Special Use by Review
 - Preliminary Plats
 - Final Plats
 - Minor Residential Developments
 - Minor Business/Commercial/Light Industrial Developments
 - Amendments & Adjustments to Approved Plats
 - Rezonings
 - Non-Administrative Variances
 - Vacations of Public Right-of-Way
 - At the time of Pre-Application the Director of CDS may determine that other processes require a referral notice.
- 2. Referral periods shall be fourteen (14) days. Referral periods may be more than 14 days if specified and required by written agreement with a referral agency.

C. Procedure

- 1. For proposed development applications requiring a referral notice, CDS shall require a referral notice be sent to the required and discretionary referral agencies via first class U.S. mail or by electronic delivery via email.
 - a. Required referral agencies are identified in each land use application's process requirements.
 - b. Other agencies may be sent referral notice at the discretion of CDS at the time of referral.
- 2. The referral notice shall include a request for comment, a comment form, and a copy of the relevant application materials for each review agency.
- 3. The CDS Director shall use best efforts to distribute referral notices. Failure of a referral agency to receive a referral notice shall not constitute inadequate notice, and shall not delay scheduling or conducting public hearings or administrative decisions.
- 4. A referral agency may comment on development proposals within the referral period. Upon written request, a referral agency may request a referral period extension.
- 5. A referral agency's failure to respond during the referral period implies that the

- agency has no objections to the proposal. The CDS Director will consider all non-responses as non-objections.
- 6. Referral agency comments will be summarized and provided to applicants by CDS after the end of each referral period and provided to the deciding body for their consideration in the disposition of the application.

PART I, SECTION 10 - PUBLIC NOTICE REQUIREMENTS FOR LAND USE APPLICATIONS

A. Intent

 This section describes the public hearing notification requirements for land use applications and supersedes all language pertaining to these in previously adopted Elbert County Zoning Regulations and Elbert County Subdivision Regulations. At the time of land use application submittal, the Community and Development Services Department (CDS) will provide these requirements to the applicant. This section does not supersede any applicable State or Federal requirements.

B. Applicability

 Notice of public hearing and administrative decisions is required for the land use applications identified in the table below. Notice may be required by newspaper publication, sign posting, and/or mailings. The day of the hearing or decision day shall be included in the number of days required in advance of the hearing or decision or postmark date on a mailing.

	Newspaper Publication	Sign Posting	Mailed Notice
Land Use Application	(days)	(days)	(distance, days)
Community Meeting	N/A	14	1320', 14 days
Owner Initiated Rezoning	14	14	1320', 14 days
County Initiated Rezoning	14 & once weekly for three consecutive weeks	N/A	N/A
Uses Permitted by Special Review	14	14	1320', 14 days
Notice of action for SUR for tower 75.01 to 120' above ground	N/A	N/A	1320', 14 days
Uses Not Itemized	14	N/A	N/A
Temporary Use Permit	N/A	14	1320', 14 days
Concept Plan	N/A	N/A	N/A
Preliminary Plat	14	14	1320', 14 days
Final Plat	14	14	1320', 14 days
Minor Residential Development	14	14	1320', 14 days
Minor Business/Commercial/Lt. Industrial Development	14	14	1320', 14 days
Plat amendments (splits, replats) see XVII ECSR	14	N/A	500', 14 days

Admin lot line adjustment or plat amendment see XVII ECSR	14	N/A	500', 14 days
Administrative Parcel Consolidation	N/A	N/A	N/A
Vacation of Right-of-Way	14	14	adjoining, 14 days
Variance (BOA)	14	14	1320', 14 days
Administrative variance	N/A	N/A	500', 14 days
Site Development Plan	N/A	N/A	500', 14 days
1041 Permit	See	1041 Regulation	ons

C. Newspaper Publication Procedure

- 1. When required, the applicant is responsible to ensure that a notice of public hearing shall be published in a weekly newspaper approved by CDS.
- 2. Once meeting, hearing or decision dates are confirmed, applicants shall submit draft notice language to CDS based on the Newspaper Publication Template.
- 3. Within five (5) days of receipt, CDS will approve the language for publication, and inform the applicant of the appropriate newspaper of record.
- 4. The Applicant shall submit the approved notice language to the newspaper of record for publication.
- 5. The Applicant must provide an affidavit of publication to CDS no later than noon (12:00 P.M.) on the Monday prior to the hearing in digital format. Published notice must read exactly as approved by CDS. Inaccurate language, or failure to provide completed affidavit of publication will result in rescheduling of hearings or decisions.

D. Sign Posting Procedure

- 1. When required, the applicant is responsible to ensure a notice of a meeting or public hearing shall be posted on a sign on the subject property or adjacent to the nearest public right-of-way.
- 2. Once meeting or hearing dates are confirmed, CDS staff shall create the notice sign(s). CDS staff shall determine the number of and posting location of the sign(s).
- 3. The applicant shall obtain the sign(s) from CDS and pay any applicable fees for said sign(s).
- 4. The Applicant shall post the approved sign(s) in the approved location(s) within the timeframes specified in the table above.
- The Applicant shall provide the affidavit of posting, with legible photo, to CDS no later than noon (12:00 pm) on the Monday prior to the hearing or decision. Failure to provide completed affidavit of posting will result in rescheduling of hearings or decision.
- 6. Signs shall be removed within two (2) weeks of the conclusion of all meetings, public

hearings or decisions.

7. Sign Specifications

- a. Each sign shall be no less than three feet (3') tall by four feet (4') wide erected on posts no lower than three feet (3') above natural grade and legible from the nearest public right-of-way.
- b. If the property is not adjacent to a public right-of-way, the sign shall be placed adjacent to the nearest public right-of-way at a location to be determined by CDS.

E. Newspaper Publication Template

1. Newspaper publication shall be based upon the following template:

NOTICE OF PUBLIC HEARING
FOR(Project Type)
(CASE NUMBER) NOTICE IS HEREBY GIVEN THAT THE (PROPERTY ADDRESS) PROPERTY SHALL BE CONSIDERED FOR A (TYPE OF CASE), PURSUANT TO ELBERT COUNTY REGULATIONS. FURTHER INFORMATION CONCERNING THIS PROPOSAL MAY BE OBTAINED BY CALLING THE CDS DEPARTMENT OFFICE AT (303) 621-3185.
THE HEARING IS TO BE HELD BEFORE THE PLANNING COMMISSION ON THE DAY OF (MONTH), (YEAR), IN THE ELBERT COUNTY BUILDING, COMMISSIONERS' BOARD ROOM, 215 COMANCHE STREET, KIOWA, COLORADO, AT A.M./P.M., OR AS SOON THEREAFTER AS POSSIBLE. - AND -
THE HEARING IS TO BE HELD BEFORE THE BOARD OF COUNTY COMMISSIONERS ON THEDAY OF (MONTH), (YEAR), IN THE ELBERT COUNTY BUILDING, COMMISSIONERS' BOARD ROOM, 215 COMANCHE STREET, KIOWA, COLORADO, AT A.M./P.M., OR AS SOON THEREAFTER AS POSSIBLE. CONTACT ELBERT COUNTY COMMUNITY DEVELOPMENT SERVICES FOR MORE INFORMATION: 303-621-3185

The newspaper notice shall be accompanied by a valid legal description of the property upon which the land use action is proposed.

F. Mailed Notice Procedure

- When required, the applicant is responsible to ensure a notice of public hearing is sent to adjacent and nearby residents and property owners, as specified in the table above.
- 2. At time of formal application submittal, applicants shall obtain a list and a map of surrounding property owners from the Elbert County Assessor's Office. The list and map shall include property owners per the distances identified in the table above.

However, CDS may expand the notification boundary as appropriate to ensure adequate notice.

- The list's title shall reference the name of the proposal and the application type, and shall include:
 - a. Names and mailing addresses of property owners.
 - b. Assessor's schedule numbers for each parcel.
- 4. Applicants shall submit the list, 11 by 17 inch map, and proposed notice language based on the Mailing Notice Template to CDS prior to the formal mailing.
- 5. Mailing Notice Template

NOTICE OF PUBLIC HEARING

(Date) (Addressee) (Case #)



Please be advised that on behalf of *(owners name)*, *(applicant)* has made application to Elbert County for a *(project type)* on the above referenced property.

(Description of the site and the uses proposed, in simple, concise language, without unexplained abbreviations.)

A public hearing will be conducted on the referenced application by the:

	Planning Commiss	ion on (Date:) at (Time:)	
	Board of County C	ommission	ers on (Date:) at (_	Time:)
	Location: Elbert Cour Kiowa, Colorado.	ity Building	, Board He	aring Roo	m, 215 Cor	nanche St	reet
a	As a neighboring land attend this public hea County CDS Departm	ring. To rev	riew the ful	I application	on, contact	the Elbert	
5	Sincerely, <i>(Name)</i>	(Repres	sentative (Capacity)			

- 6. Once the notice language is approved by CDS, applicants shall send the notice by First Class Mail to the identified property owners.
- Applicants shall submit a signed copy of the mailed letter to CDS no later than noon (12:00 pm) on the Thursday prior to the hearing. Mailing language must read exactly as approved by CDS. Inaccurate mailing language, or failure to provide notarized certification will result in rescheduling of hearings.
- 8. Applicants shall attach the following notarized certification to the copy of the letter submitted prior the hearing:

Notarized Certification:

(Day,	(Month),	<u>(Year),</u> as	described in the
nailing list included witi	h this application a	nd on file with th	e CDS Department.
			Signature

			Date
State of Colorado)			
) 	SS.		
rounty or			