

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 THAYER, VICE CHAIR



RICK PETTITT, COMMISSIONER

**ATTEST: RACHEL BUCHANAN
DEPUTY COUNTY CLERK**

BY: 





Deputy Clerk to the Board



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

A. Intent

1. 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

1. 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

1. 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.

Land Use Application	Newspaper Publication (days)	Sign Posting (days)	Mailed Notice (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 Regulations		

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.
5. 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:

<p>NOTICE OF PUBLIC HEARING</p> <p>FOR _____ (Project Type)</p> <p>(CASE NUMBER _____)</p> <p>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.</p> <p>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.</p> <p style="text-align: center;">- AND -</p> <p>THE HEARING IS TO BE HELD BEFORE THE BOARD OF COUNTY COMMISSIONERS 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. CONTACT ELBERT COUNTY COMMUNITY DEVELOPMENT SERVICES FOR MORE INFORMATION: 303-621-3185</p>

2. 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

1. 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.



Notarized Certification:

I hereby certify under oath that the attached letter was mailed to all property owners, postmarked no later than:

 (Day), (Month), (Year), as described in the mailing list included with this application and on file with the CDS Department.

Signature

Date

State of Colorado)
) ss.
County of _____)

Subscribed and sworn before me this _____ day of _____ 20__
_____ by _____.